

Enfranchising IDPs in Nepal

by Anita Ghimire

Nepal is emerging from conflict and discussing the timetable for elections. Maoist rebels have laid down their arms and joined a coalition government. But will the elections have any credibility if large numbers of displaced people are unable to vote? Can Nepal learn from experience elsewhere?

Nepal is emerging from conflict and discussing the timetable for elections. Maoist rebels have laid down their arms and joined a coalition government. But will the elections have any credibility if large numbers of displaced people are unable to vote? Can Nepal learn from experience elsewhere?

A decade of armed conflict has left around 200,000 people internally displaced in Nepal. According to article 8.1.11 of Nepal's recently introduced IDP policy, all IDPs are entitled by law to vote. However, the policy does not clarify whether IDPs have the right to stand as candidates or whether they should vote in their place of origin or place of current residence. It is unfortunate that in most districts of Nepal voter registration process has now been completed and only those who are permanent residents have been registered.

Elections are an important means by which IDPs can have a say in the political, economic and social decisions affecting their lives. As citizens of the country in which they are uprooted, IDPs are entitled to vote and participate in public affairs, a right which is affirmed in the Guiding Principles on Internal Displacement.¹

It is important that Nepal learns from the experience and expertise of the international community in conducting and supervising elections which involve IDP voters. From its own extensive experience, the Organisation for Security and Co-operation in Europe (OSCE)² has identified six sets of obstacles to IDP enfranchisement: lack of documentation; discriminatory practices; obsolete and restrictive residence requirements; inadequate voting arrangements; lack of timely, adequate and clear information; and

insecurity and acts of intimidation. All these are apparent in Nepal.

Many IDPs have lost documents or had them confiscated during displacement. In many areas the government itself has been displaced for many years, unable to provide documentation or proofs of citizenship to local residents who may have been displaced subsequently. There have recently been chaotic scenes in rural areas as people have jostled to receive formal entitlement to citizenship. Even if IDPs do have documents, they are prohibited from casting a vote except in their original place of residence. As most IDPs are of rural origin, and many are only semi-literate, they are discriminated against and face great difficulties in understanding and accessing formal bureaucratic procedures. Most IDPs will be unable to return home to vote. Further conflict between returnees and those who have occupied their land is likely. There are no concrete plans to remove the large numbers of landmines which prevent displaced families from returning home and resuming disrupted livelihoods.

To make matters worse, the Maoists are still exercising their own judiciary system parallel to the government in some places and setting their own rules on who can return and under what conditions. The Maoists have announced three categories of IDPs. One group is permanently prohibited from return and another given the right to do so only after paying a fine. The Maoists have announced they will only return a proportion of land confiscated from each IDP. The Maoists are now part of the government and should be required to follow national laws, not those imposed by themselves. Their actions are a clear violation of the Guiding Principles, on which Nepal's IDP policy is based, as well

as the Comprehensive Peace Accord under which the Maoists agreed to help in the restitution of property and facilitate return and reintegration.

One of the most important conditions for free and fair elections is that the electorate has access to timely and correct information regarding voting arrangements. Electoral officials should have clear and concise information to convey to all those entitled to vote. Care should be taken to ensure information is understandable by those with limited or no literacy. As Nepal's historic election day draws near, none of this has been done.

Conclusion

Disenfranchisement of IDPs calls into doubt the legitimacy of the forthcoming elections. It is vital that:

- experienced international organisations be involved in advising and supervising all phases of the election – voter registration, information dissemination, election organisation and vote counting
- Nepalese civil society be involved in all stages of IDP participation in the electoral process
- national and local authorities with responsibility for the administration of the election be sensitised to the challenges that IDPs and other vulnerable populations face in exercising their voting rights. They should receive training on best practices for addressing such problems.
- gaps in national electoral legislation be urgently filled to ensure it is in line with international human right standards and the Guiding Principles on Internal Displacement
- the requirement compelling IDPs to vote in their place of origin be abandoned

- procedures be devised to ensure IDPs can vote outside their original place of residence. This right should also be extended to those in hospitals, military barracks and prisons.
- IDPs – and particularly such marginalised groups as women and people with disabilities – be involved in designing procedures to ensure their democratic right to equal participation in the electoral process

- electoral information be transparent and user friendly, bearing in mind the low literacy levels and rural origin of most IDPs.

Nepal's electoral process could help in the urgent tasks of returning security and legitimising the government. Only by ensuring IDP involvement can the authorities send a clear message that they are committed to creation of a new Nepal.

Anita Ghimire (bhattaraianita@yahoo.com) is a PhD student at Kathmandu University undertaking research on the impacts of armed conflict on internal displacement in Nepal.

1. See Erin Mooney and Balkees Jarrah, FMR23 'Safeguarding IDP voting rights' www.fmreview.org/FMRpdfs/FMR23/FMR23brookings.pdf
2. www.osce.org