

**THE
CARTER CENTER**



**Monitoring Nepal's Peace Process and
Constitution Drafting**

Quarterly Report #5
October 1, 2010 – December 31, 2010
USAID Cooperative Agreement 367-A-09-00002

GENERAL PROJECT INFORMATION

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Project Title: Monitoring Nepal's Peace Process and Constitution Drafting

Project Goal: A consolidated post-conflict democracy in Nepal.

Project Duration: September 3, 2009 –December 31, 2010

Status of Report: Quarterly

Overall Project Budget: USD \$1,954,133

USAID Contribution: \$500,000

I. Overview of Planned Project Activities

As laid out in the “Project Overview” section of The Carter Center’s approved project proposal, the Center’s project activities include:

- Conduct regional and district observation to track implementation of key political agreements; progress of the peace process; effectiveness of local governance; and public engagement, awareness and attitudes toward the CA process.
- Issue regular public reports that provide impartial information at the central, regional, and local levels. These reports raise awareness about the topics monitored and highlight concerns for relevant domestic and international stakeholders.
- Conduct high-level meetings with key Nepali actors to discuss the Center’s findings and hold regular briefings for project donors and relevant international stakeholders.

II. Progress towards Stated Project Goal and Objectives

1. Conduct regional and district monitoring to track the peace process, implementation of key political agreements, public engagement with the CA at the local level, and the effectiveness of local governance.

- a. During this reporting period, TCC Nepal operated in a fully staffed structure until December 17 when most of our international observers departed for holiday leave. During the October 1 – December 17 period, 10 international observers were deployed and five national observers, which allowed the Center to maintain its nationwide presence. During the December 18 – December 31 period, one international observer and five national observers were deployed.
- b. At the end of this reporting period, TCC conducted an extensive recruitment process for additional observers and staff to fill all open positions.
- c. Progress on stated indicators for this output, during the reporting period of October 1, 2010 – December 31, 2010:
 - i. TCC observers were deployed for approximately 92 days, with staffing at moderately reduced levels as described above after December 17.
 - ii. The observer teams have visited 68 out of 75 districts in Nepal to date.
 - iii. Observers and staff held approximately 637 meetings with stakeholders at the central and local levels.
 - iv. LTOs and staff have not yet observed any public consultations because the project was not running during the first opinion collection period (February/March 2009) and the second opinion collection period has not yet taken place.
 - v. The Carter Center held two trainings for long-term observers to better inform their work in the field and share findings between Kathmandu HQ and the LTOs
 - vi. The scope of information sought by TCC observers during this period covered: 1) Constitutional process and issues; 2) Identity-based groups; 3) Peace process and 4) Political parties, and 5) Security environment. Each of these topics was further broken down into sub-categories, and covered on all LTO district reports. Additionally, LTOs were focused on overall local political trends (as covered in our November 2010 report), political dispute resolution at the local level (as covered in our

December 2010 report) and political party youth wings and Local Peace Committees, both of which will be covered in upcoming reports.

2. **Communicate national findings to local level.** Observers also share the national findings from TCC public reports in their deployment areas. They provide factual information on various parts of Nepal's transition as requested by interested groups.
 - a. Observers distributed TCC's public report on 2010 political trends in their deployment areas during the months of November and December 2010. They also met with groups and individuals to discuss the findings in person.
3. **Pair TCC monitors with Nepali partners.** In order to be more effective in their deployment areas and understand complicated local dynamics, international observers are paired with a Nepali national observer so they can maximize the combined strengths of national and international observers. Should there be any critical security concerns specific to Nepali national observers; the Center may re-evaluate this staffing arrangement in the relevant areas.
4. **Track CA and Government Activity.** The Center also lightly tracks the functioning of the Constituent Assembly and the government, watching especially for efforts to increase public participation and specifically that of historically marginalized groups such as Madhesis, Janajatis, Dalits and women.
5. **Issue regular private and public reports to raise awareness.**
 - a. One report and accompanying press statement titled "The Carter Center Urges Swift Resolution to Nepal's Political Deadlock, Issues Report on Local Political and Peace Process Trends" was released on November 23, 2010.
 - i. Report was delivered in hard copy to approximately 160 KTM contacts and by email to an additional 140 contacts
 - ii. The report was also delivered to all 601 CA members as well as members of the CA Secretariat
 - iii. The report generated coverage in The Himalayan Times (large story on second page), The Kathmandu Post (large story on third page), Republica, Kantipur, and Annapurna Post
 - iv. It also generated coverage on Kantipur FM radio
 - v. A representative from ICJ commented that the report was "excellent and informative". A representative from UNICEF provided positive comments overall on Carter Center reporting. The head of the BBC World Service Trust also gave positive feedback, as did a representative from OHCHR, and a journalist for the BBC news service.
 - vi. Advocacy Forum representatives emailed to thank TCC for sharing our report, saying "this report is very fruitful for us."
 - vii. A Commissioner at the NHRC emailed to commend TCC on the report.
 - viii. Professor Krishna Khanal, constitutional lawyer and new Director of the CCD, mentioned the Carter Center report positively at a CCD Coordination Meeting on November 25.
 - ix. Media coverage of report was summarized in US Embassy press clippings

- x. A local contractor in Saptari district said TCC's information on the poor security environment was exactly right and he was glad that national level leaders would read about it in our report.
- b. A second report titled "Brief Overview of Political Resolution at the Local Level in Nepal" was released on December 30, 2010.
 - i. The report was sent out by email to over 200 contacts. It will be distributed in hard-copy together with the Center's upcoming report on youth wings, which is tentatively scheduled to be published in February 2011.

Because this report was released at the very end of the reporting period and during the Western holiday season, the Center received minimal comments on it during the reporting period. The Australian Ambassador, ICJ, and DFID all noted the report's release.

6. Engagement with national and local political leaders to address political solutions, as appropriate.

- a. The Carter Center held multiple meetings with senior government and political party officials (Nepali Congress, CPN-UML, UCPN-Maoist, Sadbhawana Party, MoPR, Acting Chief Election Commissioner), Nepali civil society (journalists, Advocacy Forum) and members of the international community (UNMIN, UNDP, IOM, ICTJ, Australian Ambassador, IFES, ICG, and others) to discuss progress on the peace process and constitution drafting and share observer findings.
- b. During this mission and in regular meetings, some interlocutors have expressed positive feedback about TCC reports and have inquired about TCC LTO findings. They have also expressed a desire for continued Carter Center support to the peace process.
- c. One high-level Atlanta mission was conducted during this period from September 30 – October 10, 2010 to assess the progress of the peace process and constitution drafting at the central level, share findings from the observers in the field, and meet with high level political and civil society leaders as well as journalists.

7. Conduct regular briefing sessions held with international stakeholders.

- a. TCC held two briefing sessions during this quarter (in November and December) for project donors and international and national stakeholders, which have been well attended.
- b. Sessions have received positive feedback and continue to have high attendance, thus demonstrating that the participants find them to be useful. The Country Representative has also received numerous informal comments from participants indicating that they find the sessions useful for their own activities.
- c. Center staff attended six international coordination meeting during this quarter.

8. Ensure gender and social inclusiveness in the project activities, beneficiaries, and staff.

- a. Gender and social inclusiveness are carefully respected in all project activities. LTO teams have been explicitly instructed to speak to a diverse range of citizens when they are out in the field. While often meetings held at district headquarters

level are disproportionately attended by men (given that the majority of political party, government official, security official, and civil society representatives are male), observers attempt to address this balance by also meeting with women civil society members and discussing with groups of women at the village level. Additionally, observers make a special effort to meet with representatives of other marginalized groups (Madhesis, janajatis, Dalits, “backwards regions”, etc) in order to get their views, particularly as related to the issue of federalism – a major issue for these groups.

- b. Gender and social inclusiveness are also respected within the Carter Center’s staffing plan. During the reporting period, 57% (8 out of 14) of the Center’s national staff belong to a marginalized group (specifically, we have women, Janajati, Madhesi, and Muslim staff). Additionally, our international observers represent seven different nationalities and are 30% female.

III. Summary of Relevance and Effectiveness

A. During the reporting period, both national and international actors have communicated to the Carter Center that its presence in Nepal is relevant and effective. From their perspective, the two main contributions of the Carter Center are: a) keeping pressure on all key actors to move the peace process forward and draft the new constitution; and b) providing direct information from around the country about current dynamics and trends in the field, as well as possible early warning signs of conflict/violence. Specific indicators for the project’s relevance and effectiveness are below:

- a. Australian Ambassador thanked TCC for our November 2010 report and noted that she used it as part of her security environment assessment for her headquarters.
- b. The Ministry of Peace and Reconstruction invited TCC to attend a workshop on LPC brainstorming and specifically requested a TCC report on LPCs.
- c. DFID requested Carter Center input for a DFID internal document on the status of Nepal’s peace process and other issues. The DFID contact later told the Carter Center that our report had been highly useful and that she intended to cite it in her internal document to be sent to headquarters.
- d. A UNDP representative told a visiting researcher that Carter Center has very useful information on the peace process, prompting the researcher to contact the Center for a meeting
- e. A New York-based ICTJ representative commented specifically on the utility of the Carter Center’s land report at a coordination meeting of OHCHR, IOM, and other groups on Nov 16
- f. Gillian Melsop, Head of UNICEF, referenced the Carter Center report in a lunch meeting with the Australian Ambassador, Head of UNHCR, Finnish Charge, and others on Nov 11.
- g. UNDP, Chemonics, World Bank, DFID, USAID, and others made positive comments about our international stakeholders’ session on November 4 hosted by USAID.

- h. The RPP in Jajarkot district (Mid Western Region) thanked TCC for our good work on the ongoing peace process of Nepal. RPP also requested to convey the message from local level that they are not satisfied with the political deadlock at the Center.
- B. During the reporting period, the Center used its convening authority to bring together a small group of organizations working on interim relief to conflict victims. This initiative was begun at the request of a representative from the Ministry of Peace and Reconstruction. Following the request, the Center spoke individually with representatives from ICTJ, IOM, Advocacy Forum, OHCHR, and ICRC.
 - a. The Center hosted a joint meeting of all these groups together on November 16, 2010 to discuss the potential to coordinate efforts and better share information amongst group members and with MoPR and external donors.
 - b. A second joint meeting was then convened on December 14 by ICRC at which the World Bank presented to coordination group members about its plans and programs for conflict victims.
 - c. Coordination group members have also shared advance copies of reports on the interim relief process, allowing time for feedback and edits on both content and recommendations in order to ensure that our reports build on each other's findings.
 - d. Coordination group members have also shared copies of MoPR guidelines for a new skills training program for conflict victims in order to ensure that all organizations have the opportunity to comment on them.

IV. Summary of Lessons Learned

1. It continues to be useful to do significant future planning regarding possible report topics and creation of thematic specific reporting forms.
2. The addition of a Kathmandu-based Research, Planning, and Drafting (RPD) team has significantly increased our rate of report production.
3. The increasingly dynamic turns in the political and security situations in the Eastern and Central Tarai, as well as in the Eastern Hills, points to the need for increased attention to those regions. TCC hopes to establish another LTO team based in Janakpur district (Central Tarai).
4. Greater and more targeted outreach to Nepali civil society, non-print media, government officials and political leaders is required to ensure TCC findings and recommendations are used most effectively.
5. There are opportunities for the Carter Center to use its convening authority in areas where there are gaps in coordination (such as on interim relief to conflict victims) but the Center does not have the staff/resources to be the lead agency, as it is separate from our core project activity.

V. Summary of Staffing Resources and Organisational Issues

As noted in the previous quarterly report, the Center has created a Research, Planning, and Drafting (RPD) team to assist in researching reporting topics, planning and developing observation forms, processing field data, and drafting reports. This team consists of one international and Nepali researcher, and is intended to increase both the quality and quantity of Carter Center reports. The team was created and partially staffed as of mid October 2010, and it is expected that it will be fully staffed by late February 2011. The team will continue to function for the duration of the project.

Additionally, should cost extension proposals be approved, the Center intends to add one more field team based in Janakpur, in order to strengthen reporting from the Central and Eastern Tarai and increase the time available for the Eastern Region team to spend in the Eastern hill and mountain districts.

VI. Future Issues of Relevance

- a. Anticipated future problems, delays, or conditions or constraints that may adversely impact implementation of the program.
 1. The forthcoming May 28, 2011 constitutional deadline may have an effect on implementation of the program. Specifically, the Maoists have indicated they may launch a “revolution” on or around May 28 if the deadline is not met. Additionally, if there is no constitution promulgated then the CA may either be dissolved – leading to political uncertainty and potential instability – or be further extended. In all of these scenarios, the Center will have to evaluate the security environment in which LTO teams are operating as well as the best future course for the project.
- b. Information on security issues, especially as these affect program integrity and safety of cooperating and implementing partners.
 1. The LTO Project Coordinator) in our Kathmandu office is responsible for monitoring the security of our staff in the field.
 2. Other security concerns include the violent/aggressive activities of certain indigenous groups throughout the country or armed groups in the Tarai. However, in our assessment, none of these appear to be immediate security concerns. Should the security risk increase, we will employ a range of options the most severe of which would be pulling teams back to Kathmandu headquarters.
 3. The Carter Center does not work with implementing partners in Nepal so this is not a direct concern.
- c. Information on new opportunities for program expansion
 1. The Carter Center has been invited by the Election Commission to observe the ongoing voter registration process. This observation will be conducted using all of our existing staff and LTOs in the field as well as one additional consultant at certain points during the process.

d. Other pertinent information

1. Nothing to report at this time.