

**THE
CARTER CENTER**



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

**Quarterly Report #13
October 1, 2012 to December 31, 2012**

GENERAL PROJECT INFORMATION

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

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

Project Duration: September 3, 2009 – December 31, 2013

Status of Report: Quarterly

Overall Project Budget: USD \$4,560,603 (8-1-2011 – 12-31-2013)

USAID Contribution: \$1,599,921

I. Progress towards Stated Project Goal and Objectives

A. ACTIVITY 1: OBSERVE NEPAL'S PEACE PROCESS AND CONSTITUTION DRAFTING

- 1) Conduct regional and district observation to track the peace process, such as implementation of key political agreements, public engagement with the CA at the local level, and the effectiveness of local governance.**
 - a. Progress on stated indicators for this output, during the reporting period of October 1, 2012 to December 31, 2012:
 1. Observer teams deployed in October have visited all 75 districts in Nepal to date.
 2. Staff held approximately 380 meetings this quarter—? 32 Headquarters and 348 field team interviews
 3. LTOs and staff have not yet observed any official public consultations of the Constituent Assembly because the project was not running during the first opinion collection period (February/March 2009) and a second opinion collection period did not take place during the tenure of the CA.
 4. Two LTO training sessions were held between this quarter (October and December)..
 5. The scope of information sought by TCC observers and staff during this period covered: 1) the constitutional process and issues; 2) identity-based groups; 3) the peace process, 4) political parties, and 5) the security environment. Each of these topics was further broken down into various sub-categories, such as identity politics, return of PLA, the security environment, and citizen perceptions of constitutional issues and the national political process during this period. No regional reporting occurred during this period.
- 2) Team international and Nepali national observers together.** In order to be more effective in their deployment areas and understand complicated local dynamics, international and national observers are paired so they can maximize the combined strengths of national and international observers.
- 3) Track CA and Government Activity.** The Center also lightly tracked 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.
- 4) Issue regular private and public reports to raise awareness.**

The Carter Center did not release any public reports, briefings, or statements during this reporting period. However, it has prepared one private report summarizing findings from October-November which is available for select members of the national and international community.
- 5) Engage with national and local political leaders to address political solutions, as appropriate.**
 - a. The Carter Center held multiple meetings at the national and local levels with senior government and political party members (Nepali Congress, CPN-UML,

UCPN-Maoist, RPP, RJP, RPP-N, MJF-N, MJF-D, TMLP, Sadbhawana Party, MoPR, MoHA, Acting Chief Election Commissioner, CA Secretary, and others), Nepali civil society (journalists, INSEC, Advocacy Forum, NEOC, and others) and members of the international community (UNDP, IOM, ICTJ, IFES, ICG, NDI, TAF, UN RCHCO and others) to discuss progress on the peace process and constitution drafting and share findings from the observers.

- b. During this period and in regular meetings, 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.

6) Conduct regular briefing sessions with international stakeholders and coordinate closely with national stakeholders.

- a. TCC conducted one international stakeholders sessions during this reporting quarter.
- b. Carter Center staff attended two international coordination meetings during this period, both organized by the EU.
- c. TCC staff attended two also attended the Election Observation Coordination Meeting, which included the IFES, Asia Foundation, NDI, and other domestic observers. Participants discussed election observation challenges as well as the working group's next steps. The next meeting will occur after Tihar.
- d. TCC staff have continued the bi-monthly meetings with the US Government Peace and Democracy Implementers, including Ambassador Peter W. Bodde, new Political/Economic Office Chief Michael B. Goldman, Trish Mohoney, Deputy Chief of Mission, as well as the IFES, NDI, and TAF.
- e. TCC also held meetings with the French Ambassador, Jean Charles De Marquis, Australian Ambassador Susan Grace, UNDP, UNDP-ESP, Election Commission of Nepal, Danida and international NGOs (e.g. IDEA and Saferworld)
- f. TCC staff attended UN Day on November 2.

7) Communicate national findings to the local level. Observers 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.

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 meet with a diverse range of citizens. While often meetings held at district headquarters level are disproportionately attended by men (given that the majority of senior representatives of political parties, government agencies, security agencies, and civil society organizations are male), observers attempt to address this imbalance by also meeting with women civil society members and interviewing women at the village level. Additionally, observers make a special effort to meet with representatives of other marginalized groups (Madhesis, Janajatis, Dalits, "backwards groups," etc.) in order to get their views, particularly in relation to the issue of federalism.
- b. Gender and social inclusiveness are also respected within the Carter Center's staffing plan. During the reporting period, 56% (10 of 18) 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 six different nationalities and are 50% female.

B. ACTIVITY 2: CONDUCT OBSERVATION OF VOTER REGISTRATION

The Carter Center received a formal invitation from the Election Commission of Nepal (ECN) to observe the “Voter Register with Photograph Program.” Given the importance of an accurate voter list and a transparent and effective voter registration process, the Center is conducting a limited observation of the program.

- 1. Deploy existing observation teams to report on voter registration in their deployment locations.**
 - a. Teams visited multiple districts to assess the Election Commission’s new voter registration program. This entailed the deployment of mobile teams which included representatives from local government and the DEO, in order to register citizens to vote simultaneously with citizenship certificates (for those who did not have one).
 - b. Observers continued monitor the “display, claims, and objections” period and “Missed Voter Registration” exercise also focus was devoted to the targeted registration program.

- 2. Collaborate closely with the ECN, UNDP, IFES and domestic observer networks and civil society organizations engaged with the process.**
 - a. During the reporting period, the Carter Center met several times with the ECN, UNDP, IFES, NDI, and NEOC. All provided helpful consultation for our observation strategy as well as training and input for our LTO teams and observation documents.
 - b. In early August, the ECN had suggested that the government amend existing electoral laws in order to conduct an election on a new date. The existing electoral laws currently prevent this from happening. Elections have been announced to occur in April 2012 although no official date has been fixed.
 - c. TCC staff continue to meet regularly with the ECN. This included a tour of the commission’s new voter education facility in Kathmandu for LTOs at the December briefing week.

II. 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 three main contributions of the Carter Center are: a) keeping pressure on all key actors to move the peace process forward; 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; and c) providing an impartial review of and feedback on the ongoing voter registration program of the ECN.

- B. Comments/feedback on TCC project this quarter (April 1, 2012 – June 30, 2012). This section is divided into three areas: 1) feedback and reactions to the reports released during this period), 2) feedback and reactions that came in during this period to previous Carter Center reports, and 3) miscellaneous feedback.
 1. Feedback and Reactions on TCC project this quarter:
 - *Kathmandu Post* Editor: Very happy to see a news story about TCC land report in his newspaper, noted KTM post editorial on same subject. Said he received calls and

messages from some of his friends that the Carter Center also raised the issue of land reform, after KTM Post wrote about it. His contacts told him that they read TCC report on land issues and were happy to know TCC is also serious about this issue.

- Positive comments on the compiled field reports from Tim Trenkle and Jason Meeks (US Embassy), Anagha Neelakantan (ICG), Prashant Jha (journalist) and others.
- Thanks a lot, this is very useful and complements other reports in an excellent manner. – Martin Stuerzinger (Swiss Embassy)

1. Feedback and Reactions from the local level:

- I used information from the recent TCC report on Voter Registration in my training of VDC Secretaries and Municipality Ward Secretaries on the upcoming phases of Voter Registration where I read out 2-3 lines exactly the same from the report. I found it very useful. I emphasized TCC's important findings on Citizenship Card access and instructed the participants to pay attention to Citizenship Card issues because they are important. – CDO of Kanchanpur.

2. Miscellaneous Feedback

- Positive feedback on the overall status of the project from the US ambassador, who will visit the Kathmandu headquarters office in the upcoming quarter.
- UN Representatives, as well as the French and Australian Ambassadors, were also grateful for TCC's analysis and work in the field.

III. 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 increased our rate of report production and the quality of the reports we produce.
3. In an effort to reduce project costs after being prompted by donors, we decided to close down our office in Janakpur district (Central Tarai). While this addition had been useful, it appeared that dynamics in the Eastern/Central Tarai were consistent enough that this team could be eliminated if there are not sufficient funds to cover these costs when extending the project.
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. As such, TCC is in the process of completing a new local media outreach strategy to increase awareness of its work outside of Kathmandu.
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.
6. Lack of an organized way to track, access, search, and sort data has created a challenge for the project, given its unexpectedly long-term nature. We have now created a database where all information and reports can be stored and easily searched. This has proved to be a valuable asset to the project and has also contributed to increased report production. It has also facilitated an easier transition for external consultants – brought in on a short-

term basis to help with specific projects – who can access and process TCC field data more easily.

7. International community members have expressed a widespread desire for quantitative data on citizen perceptions of the peace process and elections in Nepal.

IV. Summary of Staffing Resources and Organisational Issues

- A. TCC is actively expanding efforts to boost capacity-building for its staff and Nepal public. This has included the appointment of Nepalis to Senior LTO positions, increasing public speaking opportunities beyond the international stakeholder session forum, and providing more formal trainings on chosen topic areas (such as one on security from the Risk Management Office) to increase professionalism and safety in the field.
- B. TCC has hired a Security Coordinator to revamp its security policies, including a new emergency evacuation policy in line with changing recommendations from the UN. The development of new policies is on-going.

V. Future Issues of Relevance

- A. Anticipated future problems, delays, or conditions or constraints that may adversely impact implementation of the program.
 1. The failure of the Constituent Assembly to promulgate a constitution by the May 27 deadline created greater uncertainty for democratic progress in Nepal. The future course of the constitutional process and peace process are unclear.
 2. The Election Commission remains restricted in planning or holding new elections until the Interim Constitution is amended and additional legal hurdles are removed. This situation has deteriorated since the previous quarter, and an election date is yet to be fixed.
 3. Skepticism from some portions of the civil service and political parties about the role of the international community in Nepal appears to be increasing.
 4. Local and national reaction to the upcoming release of the Center's Identity Report
- B. Information on security issues, especially as these affect program integrity and safety of cooperating and implementing partners.
 5. Possible security issues include low-level insecurity in the Tarai, the small number of underground or semi-underground groups throughout the country, and the potential for unrest, instability or violence around protests such as bandhs or protests regarding federalism. 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.
 6. The Carter Center does not work directly with implementing partners in Nepal.

C. Information on new opportunities for program expansion.

7. Nothing to report at this time.

D. Other pertinent information.

8. Nothing to report at this time