

**THE
CARTER CENTER**



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

Quarterly Report #16
July 1, 2013- September 30, 2013

GENERAL PROJECT INFORMATION

Organisation: The Carter Center

Contact person: David Hamilton
The Carter Center
House No. 608/50
Naxal-1, Hattisar
Kathmandu, Nepal
Tel: +977 1 444 5055/1446
Fax: +977 1 444 5055/1446 ext. 104

Tessa Stromdahl (Atlanta Headquarter Office)
Associate Director of Development, The Carter Center
453 Freedom Parkway
Atlanta, GA 30307
Tel: +1 404 420 5191
Email: trieger@emory.edu

Partner: N/A

Contact person: N/A

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

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

Project Duration: September 3, 2009 – June 30, 2014

Status of Report: Quarterly

Overall Project Budget: USD \$2,204,226

USAID Contribution: \$924,338 – newly obligated figure; total USAID funding for life of project - \$3,524,212

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 July 1-September 30, 2013:

1. Observer teams deployed in October have visited 74 of the 75 districts in Nepal to date.
2. Staff held approximately 260 Regional Team meetings this quarter
3. Two long-term observer (LTO) training sessions were held this quarter, the first in July to debrief outgoing observers and the second in September to train new LTOs when the mission became an EOM. The international LTOs for the EOM were deployed to their areas of responsibility on September 23.
4. The scope of information sought by Carter Center (TCC) observers and staff during the period up until the transition into an EOM cover the topics of the constitutional process and issues; voter registration; identity-based groups; the peace process; political parties and the security environment. Each of these topics was further broken down into various sub-categories, such as identity politics, return of PLA, and citizen perceptions of constitutional issues and the national political process during this period. After September 23, TCC observers have been gathering information on all aspects of the election process.

2) Track CA and Government Activity. The Center has tracked the functioning of the government, watching especially for efforts to increase public participation and specifically that of historically marginalized groups such as Madhesis, Janajatis, Dalits and women.

3) Engage with national and local political leaders to address political solutions, as appropriate.

- a. The Carter Center held multiple meetings at national and local levels with senior government and political party members (Nepali Congress, CPN-UML, UCPN-Maoist, CPN-M, 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.

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

- a. TCC conducted one international stakeholder session and five regional stakeholder sessions during this quarter.
 - b. Carter Center staff attended three international coordination meetings this period.
 - c. TCC staff have continued to attend 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 IFES, NDI, TAF and PACT.
 - d. TCC staff have also met Saferworld and Mercy Corps (new USAID implementing partners in Nepal) intermittently during the quarter.
- 5) **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.
- 6) **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 make a concerted effort to meet with a diverse range of citizens - while meetings held at district headquarters level are often 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, of the 12 international observers currently deployed, there are seven women and five men, representing eight different countries.

B. ACTIVITY 2: CONDUCT A LIMITED 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 conducted 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 “display, claims, and objections” period and “Missed Voter Registration” exercise.
 - b. Observers made follow-up enquiries with DEOs and other local government and election officials about voter registration, obstructions, and other potential election security risks.
 - c. The Center observed the claims and objection processes implemented after the original cut-off date on July 15, as well as the re-opened voter registration window from August 17-23.

- d. The Carter Center developed a spreadsheet of potential conflict areas ahead of the upcoming election, labelling them as highly sensitive, sensitive, or normal. This is a living document under constant updating.
2. **Deploy observation teams to report on local governance in their deployment locations.**
 - a. Teams visited multiple districts as part of its continued observation of local governance.
 - b. Observers visited a broad range of stakeholders (e.g. political parties, civil society groups, police, local government officials, media, and citizens) at both district and VDC-level to make their assessment on the topic.
 - c. They also made follow-up enquiries with DAOs and local government officials about specific issues related to local governance, including user group formation and ward citizen forums.
 - d. The Carter Center is finishing a final Local Governance report is to be published by the end of the year.
 3. **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, and NEOC. All provided helpful consultation for our observation strategy as well as training and input for our LTO teams and observation documents.
 - b. Election Observers Working Group: Participants (NDI, TAF, UNDP-ESP, NEOC, EOC-N) attended three roundtable coordination meetings hosted by NDI to discuss preparations for their respective observations of the next election. This information is stored by NDI in a project matrix. NEOC also provided a presentation of their voter education and training-of-trainers programs.
 - c. The Carter Center invited representatives from the EU, NDI, ANFREL, NEOC and DEW to give presentations on their projects in Nepal during the long-term observer briefing session in September.

C. ACTIVITY 3: INTERNATIONAL ELECTION OBSERVATION MISSION

Activity 3 marks The Carter Center's transition into international election observation. Many elements from Activity 1 have continued, and some additional elements have been added. The Carter Center was officially invited by the Election Commission of Nepal and Interim Election Council Chair Khil Raj Regmi to deploy international election observers to the November 19, 2013 constituent assembly elections. The Center recruited additional field staff including a Deputy Field Office Director, Security Analyst, and Legal Analyst. The Center also deployed 12 international long-term observers across Nepal in mid-September to gain first-hand knowledge of the activities of the election commission, political parties, civil society organizations, and the international community, as well as other domestic and international election observation missions.

1. **Deploy observation teams to provide an impartial assessment of the electoral process.**
 - a. The Carter Center recruited 12 long term observers and deployed them throughout the five development regions, as well as establishing a roaming team in the Tarai

- b. In mid-September, LTOs and staff began observing preparations for the Constituent Assembly election and holding meetings with regional stakeholders.
- c. The scope of information sought by TCC observers and staff during this period covered the overall electoral environment and its influence on conditions before voting; the Election Commission's impartiality in the performance of its functions; the security situation around the country; the implementation of the newly created voter register; development of domestic civil society election observation capacity and coordination between different observation efforts; voter education, political party campaigning and campaign financing, and means of communication between election officials and the public; party and candidate registration and potential for conflict.

2. Direct Interventions by President Carter and/or a former regional leader.

Continued Private and public interventions regarding the election preparations by President Carter and/or a former regional leader on an as-needed basis will serve to reinforce the democratization process in Nepal. These interventions could take the form of phone calls, letters, or visits as necessary. Reports from the field and close collaboration with key stakeholders will enable the Center to develop the most effective strategy for well-timed interventions utilizing President Carter and other leaders on the most critical occasions, as appropriate.

- a. During this reporting period, former Ambassador Peter Burleigh held high-level meetings with political leaders and officials in Nepal and India in mid-September to gain a better understanding of their expectations surrounding the Constituent Assembly election.

3. Short Term Election Observation Delegation for the Election.

In order to focus international attention, the Center will organize a delegation of short-term observers (STOs) to assess the Constituent Assembly election. The delegation will include:

- a. 44-50 STOs deployed for one week around Election Day along with the long-term observers already in Nepal, covering the five development regions and three ecological zones. President Carter and/or a former regional leader will lead the STO delegation.
- b. Additional Carter Center staff will provide support to the leadership team and observers, as well as add to any need for further conflict resolution and human rights expertise for 14 days around Election Day.

Preparations for STO deployment this reporting period include:

- c. Recruiting and inviting observers to be part of the observation delegation.
- d. Logistical preparation such as recruiting and interviewing interpreters, researching and renting cars for STO travel, finding lodging for observers in the field and developing a complete deployment plan for STOs, keeping in mind the need to cover all five development regions as well as all three ecological zones and coordinating with other IEOMs.
- e. Booking travel for STOs and Atlanta staff.

- 4. Issue regular private and public reports to raise awareness.** The Carter Center released one press release during this reporting period: "Carter Center Announces Election Observation Mission to Nepal" (September 25, 2013). The Center will continue to release periodic public reports in the time leading up to the election, where and when appropriate with recommendations, and will release a public statement after the observation on Election Day. In addition, the Center may also send private reports to relevant parties on Carter Center findings. A final observation statement will be issued before the field office is closed, and an overall final report will be produced within 4 months after the office is closed.

5. **Teams of international observers and Nepali regional coordinators.** In order to be more effective in their deployment areas and understand complicated local dynamics and security issues, international observers are paired with a regional coordinator who assists the observers by arranging logistical aspects of their deployment. This includes making travel arrangements within their areas of responsibility, writing security reports for Field Office staff, and preparing for short-term observers' arrivals. Additionally each international team has a Nepali coordinator functioning as interpreter.

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 (July 1, 2013 – September 30, 2013)

This section is divided into two areas: 1) feedback and reactions to regional stakeholder sessions, and 2) miscellaneous feedback.

1. Feedback and Reactions from the local level:

- Sindhupalchowk: TCC should hold interaction meetings. TCC replied that it meets stakeholders individually to protect their privacy and promote their confidence to speak freely.
- Khotang: Suggested that TCC also observes election in very remote places and not only places accessible by road. Observers replied that TCC does travel to remote places before and during the election when possible, even on foot, but that the suggestion would be forward to HQ in order to explore further possibilities of remote travel.
- Kailali: Thanked TCC for visiting and said he hopes TCC's reports will reach the authorities concerned.
- Surkhet: The Carter Center's observation and reports have raised the real situation on local level to the national level and international community in Nepal, "giving us a platform to share that Nepali are capable and are doing their best to develop and make changes in all aspects."
- Surkhet: The information TCC collects and shares has motivated their party to work for betterment.

2. Miscellaneous Feedback

- "You are one of the few organizations with a genuine grassroots presence in Nepal. We [at the embassy] have found your reporting to be invaluable."-Amb. Susan Grace, Australia

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. At the end of this quarter, with the transition into an EOM, The Carter Center opened an office in Birgunj, where a roaming Tarai team is based, to ensure that the observers are able to observe in as many districts as possible, as well as to ensure that the Tarai zone, where most potential problems during the election period are expected, will be sufficiently covered.
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.
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.

IV. Summary of Staffing Resources and Organisational Issues

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 created greater uncertainty for democratic progress in Nepal. However, the High Level Political Mechanism (HLPM) has pushed for an interim election government, which was met with mixed responses from Nepali and resulted in successful Bandhs throughout the country in the early spring. The future course of the constitutional process and peace process is unclear.
 2. The HLPM's Election Commission remains restricted in planning or holding a new election, with an original target date in early June that has now been pushed to November 19, 2013. Resistance by Nepal's major political parties, and those who continue to boycott the process, means the commission continues to face resistance when pushing ahead with electoral laws.
 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.

- b. Information on security issues, especially as these affect program integrity and safety of cooperating and implementing partners.
 - 1. 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. The CPN-Maoist party, together with 32 other smaller parties, announced that it would be boycotting and disrupting the election, but its leadership has lately announced that these protests should be peaceful. 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.
 - 2. The Carter Center does not work directly with implementing partners in Nepal.
- c. Information on new opportunities for program expansion.
 - 1. Nothing to report at this time.
- d. Other pertinent information.
 - i. Nothing to report at this time