

**THE  
CARTER CENTER**



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

**Quarterly Report #17**  
October 1, 2013- December 31, 2013

## **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 – June 30, 2014

**Status of Report:** Quarterly

**Overall Project Budget: USD \$1,638,419**

**USAID Contribution: \$999,953**

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## **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- December 31, 2013:
    1. Observer teams deployed in October have visited all 75 districts in Nepal to date.
    2. Staff held approximately 740 meetings this quarter.
    3. One long term observer (LTO) training session was held this quarter. Short term observer (STO) training took place in November and LTOs returned from their deployments to participate before re-deploying with their STOs for the short term mission.
    4. The scope of information sought by TCC observers and staff during this period covered: 1) the overall electoral environment and its influence on conditions before voting; 2) the Election Commission's impartiality in the performance of its functions; 3) the security situation around the country; 4) the implementation of the newly created voter register; 5) development of domestic civil society election observation capacity and coordination between different observation efforts; 6) voter education, political party campaigning and campaign financing, and means of communication between election officials and the public; 7) party and candidate registration; and 8) potential for conflict.
- 2) Track CA and Government Activity.** The Center lightly 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 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, Election Commission of Nepal, Media Representatives, Dalit Representatives, Nepali civil leaders, members of the international community (UNDP, IOM, ICTJ, IFES, ICG, NDI, TAF, UN RCHCO and others), as well as the Governments of US, UK and Norway 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. Due to the elections, TCC did not conduct an international stakeholder session or a regional stakeholder session during this quarter.
- b. Carter Center staff attended three international coordination meetings this period.
- c. TCC staff has continued the monthly meetings with the US Government Peace and Democracy Implementers, USAID Democracy and Governance Leadership, IFES, NDI, TAF and PACT.
- d. TCC staff also met with citizen observer groups on a monthly basis including DEW, NEOC, GEOC and EOC along with other international stakeholders to coordinate observation activities.
- e. TCC staff met with international election observers from the EU and Anfrel regularly during this timeframe to coordinate observation activities.
- f. TCC LTOs met with international stakeholders in the field in all base areas. This included meetings with US, DFID, EU and UN representatives.
- g. IFES conducted a mock polling station exercise for TCC staff, LTOs and STOs to train them on the basics of the upcoming election.

**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 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, of the 12 international observers currently deployed, there are seven women and five men who represent 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.
- 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 the 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 in 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 present about their engagement in Nepal during both the long term observer briefing session in September and the short term observer briefing session in November.
  - d. The Field Office Director met regularly with the EU delegation, the EU Election Observation Mission and Anfrel to consult about observation strategy.

### 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 expatriate field staff including a Deputy Field Office Director, Security Analyst, and Legal Analyst. The Center also deployed 12 international long-term observers across Nepal during the previous quarter to gain firsthand 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. Just before the November elections, The Carter Center deployed 54 short term observers from 28 countries to join the 12 long term observers in the five development regions and the Tarai.
- b. Observers met with key stakeholders in their areas of responsibility including election staff, civil society groups, and security forces.
- c. The scope of information sought by TCC observers and staff during this period covered: 1) the overall electoral environment and its influence on conditions before voting; 2) the Election Commission's impartiality in the performance of its functions; 3) the security situation around the country; 4) the implementation of the newly created voter register; 5) development of domestic civil society election observation capacity and coordination between different observation efforts; 6) voter education, political party campaigning and campaign financing, and means of communication between election officials and the public; 7) party and candidate registration; and 8) 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. This reporting period, President Carter travelled to Nepal with former deputy Prime Minister of Thailand Surakiart Sathirathai to lead the Center's short-term observer mission. They, along with former Ambassador Peter Burleigh and senior Carter Center staff, held high-level meetings with political leaders and officials in Nepal to gain a better understanding of their views and engagement with the process and climate surrounding the Constituent Assembly election. This included face-to-face meetings with individuals and political leaders in the run up to the elections and immediately following the elections.

**3. Short Term Election Observation Delegation for Elections.** In order to focus international attention, the Center organized a delegation of short-term observers (STOs) to assess the Constituent Assembly elections. The delegation included:

- a. 54 STOs deployed around the date of balloting along with the long term observers in sites around Nepal. Additional Carter Center staff provided support to the leadership team and observers, as well as adding to conflict resolution and human rights expertise for 14 days around the date of balloting.

Preparations for STO deployment this reporting period included:

- b. Recruiting and inviting observers to be part of the observation delegation.
- c. Logistical preparation such as recruiting and interviewing interpreters, researching and renting cars for STO travel, and finding lodging for observers in the field.
- d. Booking travel for STOs and Atlanta staff.
- e. Preparing materials such as observation handbooks and branded materials.

**4. Issue regular private and public reports to raise awareness.** The Carter Center released four statements during this reporting period: "[The Carter Center Applauds Nepal Election](#)

Commission's Efforts to Improve Voter Roll; Key Challenges Remain” (October 1, 2013); “Carter Center Notes Progress and Concerns Ahead of Nepal's Nov. 19 Election” (October 31 2013); “Carter Center Congratulates Nepal on Well-Conducted Election Process”(November 21 2013); “The Carter Center Finds Nepal's Counting Process and Election Results Credible” (December 19 2013). The Center will continue to release periodic public reports in the post-election period where appropriate. 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 in late February, and an overall final report to USAID 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 were paired with a regional coordinator who assisted the observers by arranging logistical and financial aspects of their deployment. This included making travel arrangements within their areas of responsibility, writing security reports for Field Office staff, and preparing for short term observers' arrivals.

## 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 was relevant and effective. From their perspective, the three main contributions of the Carter Center were: a) keeping pressure on all key actors to move the peace and elections processes 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 and electoral management by the ECN.
- B. Comments/feedback on TCC project this quarter (October 1, 2013 – December 31, 2013)

This section is divided into two areas: 1) feedback and reactions to October 1 Voter Registration Report, and 2) feedback and reactions to International Election Observation Mission

### 1. Feedback and Reactions from to October 1 Voter Registration Report:

- Media Coverage: Information about the Voter Registration report was covered positively in all major newspapers in Nepal and was broadcast throughout the country on FM radio stations.
- ECN Feedback: Both before and after the release of the report, ECN commissioners and staff indicated verbally that the information driving the report and the report was very helpful towards improving the voter registration program.
- TCC was the only independent organization observing and commenting on this crucial program.

### 2. Feedback and reactions to the International Election Observation Mission

- Media Coverage: TCC received widespread media coverage on TV, Radio and in print around the release of the October 31 pre-election report, at the press conference to release the preliminary report on the election on November 21 and when the post-election report was released on December 19.

- Regional Reaction: TCC long-term and short-term observers noted widespread knowledge among interlocutors about TCC and the international election observation mission.

### **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. This quarter, The Carter Center opened an office in Birgunj, where a roaming Tarai team was based, to ensure that the observers were able to observe in as many districts as possible given the higher probability for election related conflicts and issues in the 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.
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 Nepalis and resulted in successful bandhs throughout the country in the early spring. The future course of the constitutional process and peace process are unclear.
  2. The HLPM's Election Commission remains restricted in planning or holding new elections, 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 announced that it would be boycotting and disrupting the election, but its leadership has announced that its 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.
  - 1. Nothing to report at this time.