

**THE
CARTER CENTER**



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

**Annual Performance Report
September 2009 – September 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 –January 2, 2011

Status of Report: Annual

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 monitoring 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. 15 Carter Center observers were deployed throughout this reporting period in teams of three (2 international observers and 1 national observer in each team). Each team is based in their respective regional hub city (Biratnagar, Dhangadhi, Nepalganj, Pokhara, or Kathmandu) of the five development regions of Nepal. There were brief periods of moderately reduced staff presence, where approximately 8-10 international and national observers were deployed; these include from December 15, 2009 - January 29, 2010 and from July 2010 – September 12, 2010.
- b. Progress on stated indicators for this output, during the reporting period of September 2009 – September 2010:
 - i. Carter Center observers were deployed for approximately 395 days.
 - ii. The observer teams visited 66 (of 75) districts in Nepal to date.
 - iii. Observers and staff held approximately 2,500 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 seven 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 Carter Center observers during this period covered: 1) Constitutional process and issues; 2) Marginalized groups; 3) Peace process; 4) Security environment; 5) Land Return and Reform; 6) Local Peace Committees; 7) Federalism; 8) the pilot voter registration process; and 9) Discharge of the disqualified Maoist combatants. Many of these topics were further broken down into sub-categories, and covered on LTO district reports.

2. **Communicate national findings to local level.** Observers shared the national findings from TCC public reports in their deployment areas. They provided factual information on various parts of Nepal’s transition as requested by interested groups.
 - a. Observers distributed all of TCC’s public reports in their deployment areas. 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 were paired with a Nepali national observer to maximize the combined strengths of national and international observers. There was not any critical security concerns specific to Nepali national observers that required the Center to re-evaluate this staffing arrangement.

4. **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.

5. **Issue regular private and public reports to raise awareness.**

The following reports, white papers, and press statements are listed in chronological order by publication date. In total, three public reports were released (a fourth was released in August 2009, prior to the period covered in this annual report), three white papers were released, one open letter from former President Carter was published, and two press statements were released.

- a. One report was released on November 6, 2009 to the Ministry of Peace and Reconstruction on the challenges facing Local Peace Committees (LPCs) in 36 districts. This report was titled “Carter Center Observations on Local Peace Committees”
 - i. The report was then widely released to interested stakeholders (such as UNDP, the World Bank, and The Asia Foundation, all of whom work with or were considering to work with MoPR on LPCs), the international community, project donors, and interested national organizations.
 - ii. The Carter Center held a meeting with the Minister of Peace and Reconstruction on November 6 to discuss the report and the Center’s recommendations on how to improve LPC functioning.

- b. One public report and accompanying press statement was released on November 29, 2009. This report was titled “The Carter Center Nepal Second Interim Report” and was accompanied by a statement with the headline “Carter Center Notes Poor But Improved Tarai Security Environment”
 - i. The report was distributed in Nepali and English to all 601 Constituent Assembly members, all 25 parties in Parliament, approximately 150 Carter Center contacts at the national level.
 - ii. The report was distributed widely in Nepali by Carter Center observers at the district level during their district meetings, reaching at least 600 local level contacts during the reporting period.
 - iii. Carter Center headquarters staff met with editors from most of the major English and Nepali papers prior to the release of the report in

- order to brief them on its contents and generate increased, accurate press coverage.
- iv. The Center also met separately with a small number of journalists to brief them in more detail about security conditions on the ground in districts visited.
 - v. The report received press coverage in most major English and Nepali papers as well as on FM radio stations. The Kathmandu Post featured a story on the front page. The report was later referenced again in a Kathmandu Post editorial on January 24, 2010.
- c. An “Open Letter from Former U.S. President Jimmy Carter to the People of Nepal” was issued on February 4, 2010 encouraging progress in the peace process and constitution drafting. The letter received significant press coverage in nearly all English and Nepali newspapers as well as positive comments from CA members and senior political leaders.
- d. One public report and accompanying press statement was released on February 22, 2010. This report was titled “Federalism and Constitutional Issues in Nepal: Perspectives from the Local Level.” The report was distributed in Nepali and English to all 601 Constituent Assembly members, all 25 parties in Parliament, approximately 150 Carter Center contacts at the national level.
- i. The report was distributed widely in Nepali by Carter Center observers at the district level during their district meetings, reaching at least 600 local level contacts during the reporting period.
 - ii. Carter Center headquarters staff met with editors from most of the major English and Nepali papers prior to the release of the report in order to brief them on its contents and generate increased, accurate press coverage.
 - iii. The Center also met separately with a small number of journalists to brief them in more detail about security conditions on the ground in districts visited.
 - iv. The report received press coverage in most major English and Nepali papers as well as on FM radio stations.
- e. The Carter Center issued two press statements separate from the public reports during this period, both of which received coverage in the English and Nepali media:
- i. “Carter Center Condemns Attacks on Journalists in Nepal” issued March 5, 2010.
 - ii. “Statement by Former U.S. President Jimmy Carter on the passing of Girija Prasad Koirala” issued on March 22, 2010.
- f. One “white paper” on the pilot voter registration process was shared with the Election Commission of Nepal (ECN), international organizations providing technical assistance to ECN, and donors supporting the ECN on June 16, 2010. The paper was drafted in response to a request from ECN Acting Chief Election Commissioner Neel Kathna Uprety to observe the pilot voter registration exercise conducted in March and April 2010. The Carter Center

met with Commissioner Uprety on June 15 to present the Center's assessment and recommendations.

- g. One public report and accompanying press statement was released on June 22, 2010. This report was titled "Land Commitments in Nepal's Peace Process: What Has Been Achieved to Date?"
 - i. The report was distributed in Nepali and English to all 601 Constituent Assembly members, all 25 parties in Parliament, approximately 150 Carter Center contacts at the national level.
 - ii. The report was distributed widely in Nepali by Carter Center staff via email.
 - iii. Carter Center headquarters staff met with editors from most of the major English and Nepali papers prior to the release of the report in order to brief them on its contents and generate increased, accurate press coverage.
 - iv. The report received press coverage in most major English and Nepali papers as well as on FM radio stations.
- h. One "white paper" on the discharge of disqualified Maoist combatants on was released on July 23, 2010.
 - i. The white paper was distributed to project donors and members of the international community (such as UNMIN, OHCHR, UNDP, UNFPA, UNICEF, Saferworld, International Alert, European Commission, The Asia Foundation, the ICRC, ICG, and others). The intention of the white paper was to provide information to those agencies that either had provided financial or technical support on the rehabilitation process for the discharged or that might be involved in the future process with the verified Maoist combatants. The report was not distributed to government or political party officials due to concerns that the information contained within would be used in a politically damaging way, rather than a manner constructive for the peace process.

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

- a. The Carter Center has held regular meetings with senior government and political party officials (Home Ministry, Constituent Assembly Members, Foreign Ministry, Ministry of Peace and Reconstruction, Nepali Congress, CPN-UML, Maoists, MJF, TMDP, SP, RPP, RJP, RPP-N, and others), representatives of marginalized groups and/or ethnic communities (such as NEFIN, FDNF, FLSC, TASC, etc), and members of the international community (ICG, UNDP, UNMIN, TAF, International IDEA, NDI, etc) to hear about progress on the peace process and constitution drafting and share findings from the observers.
- b. Three high-level Atlanta missions were conducted during this period: October 6-17, 2009; January 9-17, 2010; and April 7-20, 2010. The purpose was 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. During the missions in April 2010 and Sept 2010, Carter Center representatives also travelled to New

- c. On September 27, external project consultant A. Peter Burleigh departed for India and Nepal for the start of a second high-level mission, the bulk of which will take place in the next reporting period.
- d. During these missions and in regular meetings, interlocutors have expressed positive feedback about the Carter Center reports and have inquired about Carter Center LTO findings. They have also expressed a desire for continued Carter Center support to the peace process.

7. Conduct regular briefing sessions held with international stakeholders.

- a. The Carter Center held seven briefing sessions during this period for international stakeholders, which have been well-attended (approximately 35 participants per session from a wide range of Embassies, donor organizations, and INGOs including NDI, TAF, ICRC, International IDEA, UNDP, UNMIN, and other organizations).
- 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 at least 23 international coordination meetings during this period.

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 (Madhesi, Janajatis, Dalits, citizens from remote areas, 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, approximately 60% 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 have been 30- 50% female over the course of the reporting period.

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 examples of the project's relevance and effectiveness are below:

1. TCC public reports on security, constitutional issues and federalism, and land issues have all received widespread news coverage in both the Nepali and English language press as well as positive feedback from Carter Center contacts and others.
2. Both international community organizations (ICG, UNDP, UNMIN, Saferworld, and others) and Nepali political leaders and civil society members (such as Nilambar Acharya, Chairman of the Constitutional Committee; Pradip Gyawali, UML leader; Upendra Yadav, Chairman of the Madhesi Janadhikar Forum; Ram Chandra Poudel, NC leader; Mahantha Thakur, TMDP leader; Subodh Pyakurel of INSEC, Aditya Adhikari and Prashant Jha, journalists, Ameet Dhakal and Akhilesh Upadhayay, Editors, and others) have made positive comments directly to the Carter Center about the Center's reports during this period.
3. CA Member and Nepali Congress leader Narihari Acharya wrote an editorial on October 11, 2009 in Kantipur, the most widely read Nepali language daily newspaper, in which he quoted the Carter Center's August 2009 report, referring specifically to the section on federalism and ethnic activism.
4. On January 24, 2010 The Kathmandu Post referenced the Carter Center's earlier security report in a staff editorial.
5. A senior Nepali Congress leader, Ram Chandra Poudel, called The Carter Center personally to express positive comments about the constitutional issues report.
6. A newspaper editor of a major English language paper also noted that the constitutional issues report had inspired him to send a reporter to the Eastern Region to do follow up stories on these issues.
7. A respected journalist, Gokul Pokharel, wrote an editorial in Nagarik Daily on March 4, 2010 directly referencing the Carter Center's constitutional report and summarizing the report's conclusions.
8. Following the release of the Center's land report in June 2010, Gunaraj Luitel, assistant editor at Nagarik daily, media personality Hari Phuyal, and Gopal Khanal, chief reporter at Kantipur daily each spoke of the high quality of the report. Phuyal noted that the land report was "excellent" while Khanal noted that the land report, as other TCC reports, was "well-researched and informative."
9. Joint secretary and advisor to Prime Minister MK Nepal, Madhu Regmi, wrote a thank you note to the Carter Center that said its report on land would "help [them] in framing appropriate policies and programs in relation to scientific land reform."
10. The head of the United Nations Mission in Nepal, Karin Landgren, sent a note to the Center referring to its land report as "excellent" and "a useful reference with sound recommendations."

11. Robert Piper, UN Resident Coordinator, sent a note to the Carter Center calling the land report “very useful”.

12. A retired former Nepal Army General sent positive feedback to the Carter Center on its land report calling it an “elaborate” report that “indicates the Center’s desire to re-establish peace in Nepal” and expressing thanks for the information.

13. Contacts at UNDP, UNFPA, and GTZ responded to the Center’s white paper on discharge of the disqualified Maoist combatants thanking the Carter Center for the information and expressing a desire to share it widely with colleagues within their office in order to help improve the rehabilitation process. Specifically, one UNDP representative noted that the white paper’s recommendations were “very helpful” and are being referenced in his proposals for the rehabilitation of PLA combatants who are presently in the cantonments. Meanwhile a UNFPA contact called the white paper “highly useful” for the agency’s work.

14. UNDP representatives commented on the utility of the Center’s white paper on the pilot voter registration process. Both IFES and UNDP actively encouraged the Carter Center during this period to formally observe the voter registration process, seeing added value in an impartial observation presence which could help point out key areas for improvement and key successes in the process.

15. Outgoing Head of OHCHR Richard Bennett noted to the Carter Center that he saw our field presence as very useful in facilitating the future work of OHCHR in Nepal. Following the closing of OHCHR’s field offices, he noted that he hoped OHCHR could draw on the Center’s field observations and information to help keep OHCHR updated on dynamics at the local level.

16. There has been positive feedback from international community members who have attended TCC briefing sessions (both informal, verbal positive feedback and positive feedback formally through anonymous evaluations of the sessions).

17. There is continued awareness at the local level of the international community’s support for the peace process and constitution drafting (as demonstrated by LTO team visits to 66 districts during the course of the project).

B. During the reporting period, the Carter Center commissioned an external independent evaluation of its project activities that was initially suggested by the project donors. Ms Tihana Bartulac-Blanc visited Nepal from July 6 – 17 and conducted 44 interviews with relevant stakeholders. The goal of the evaluation was to establish the qualitative impact of the project activities to date and to identify lessons learned and recommendations for the future. The evaluation was finalized in August 2010 and subsequently distributed to project donors along with a memo from the Carter Center explaining how the recommendations identified in the report would be incorporated into future project activities.

IV. Summary of Lessons Learned

Over the course of the reporting period, there have been many lessons learned. Some have already been acted upon while others have been more recently discovered and will be addressed for the future.

1. In the early phase of the project, we recognized that there was a need for increased support to LTOs based in the field, particularly in regards to logistics, operations, and planning. Subsequently in November 2009 an LTO Field Coordinator position was introduced which has substantially improved project functioning.
2. Additionally, feedback from target audiences indicated the Carter Center should move towards a “thematic” reporting format and this shift was implemented, leading to reports on security issues, constitutional issues and federalism, and land issues.
3. Also early on, it became clear that a more condensed reporting form was required so that LTOs focused only on essential facts and analysis. A new form was subsequently introduced.
4. Mid-way through the project, it became clear that in addition to a more condensed reporting form, LTO teams also needed a “supplemental observation form” (SOF) that targeted the thematic issues the Center was focusing on for future reports. Such SOFs were subsequently introduced and have been used consistently throughout the rest of the project.
5. The Center has also realized that the quality of our data was enhanced by adding public opinion polling statistics to the observation information collected by LTOs. This recommendation has been included in the Center’s cost-extension proposal submitted to all donors in September 2010. The Center has also learned which topics lend themselves most successfully to this type of observation methodology and which are more challenging for this methodology.
6. Another lesson learned is that significant future planning regarding possible report topics and creation of thematic specific reporting forms is required to ensure a high quality report. Preparing a calendar plan for several future reports help ensure the project remains efficient and effectively focused at all times, leading to less delay between reports.
7. Additionally, the Center has recognized that additional capacity to research, plan, and process field data is required to adequately address the complex nature of peace and constitutional process issues being observed. For this reason, the Center intends to create a research, planning, and drafting team which could increase quality, quantity, and transparency of Carter Center reporting. This team will be constituted (fully or partially) in the next reporting period in order to address this need.
8. 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, possibly through the establishment of another LTO team based in Janakpur.

9. Finally, greater and more targeted outreach to Nepali civil society, non-print media, government officials, and political leaders is required to ensure that Carter Center findings and recommendations are used most effectively.

V. Summary of Staffing Resources and Organisational Issues

- a. Following official approval from all project donors to continue project activities beyond the original planned end of August 31, 2010 through to January 31, 2011, the Center recruited six additional international LTOs to replace those who did not stay past June 30, 2010; observers deployed on September 13, 2010.

VI. Information on the status of finances, including expenditure data based on the budget, and accruals; and, when appropriate, analysis and explanation of cost overruns or high unit costs

- a. As indicated in the attached financial report, as of September 30, 2010 there was approximately \$170,304 in remaining funds. To date we have managed significant cost savings across project grants allowing for no-cost extensions of the Denmark, DFID, and Norway grants through January 2011. We anticipate all USAID funds to be spent out by the grant end date of January 2, 2011 while the three other grants' remaining funds will be spent out by January 31, 2011.

VII. Future Issues of Relevance

- a. Anticipated future problems, delays, or conditions or constraints that may adversely impact implementation of the program.
 - i. The constitution was not drafted by the May 28 deadline and the Constituent Assembly extended its deadline by one year to May 2011. At the time of writing this report, the Center has submitted cost-extension proposals and budgets to all current donors of the project to extend activities in Nepal through July 2011 and in Atlanta through October 2011. We are awaiting further discussion.
- b. Information on security issues, especially as these affect program integrity and safety of cooperating and implementing partners.
 - i. Throughout most of the reporting period, the Carter Center has had one full-time staff person (the Security Coordinator) in our Kathmandu office dedicated to monitoring the security of our staff in the field. As of July 2010, the Security Coordinator duties have been shared by the LTO Coordinator and the Logistics Coordinator due to a lack of high quality Security Coordinator candidates.
 - ii. The violent/aggressive activity of certain indigenous groups or armed groups in the Tarai is an ongoing security concern. 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.
 - iii. Other possible security problems could arise to due to the uncertain political environment currently in Nepal and the deadlock in the peace process. It

remains possible that renewed Maoist protest programs could take place, thus creating a more challenging security environment. However, it is our assessment that this is not an immediate security concern nor would it have a direct impact on the security of Carter Center staff.

- iv. 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

As indicated in the cost-extension proposal submitted to donors, the Center has explored areas for possible expansion, and should funding be available for such activities, we would intend to supplement our observation efforts in the following ways:

- Addition of a limited observation of the Election Commission’s voter registration exercise, pending formal invitation from the EC;
- Addition of one extra LTO team based in Janakpur to bolster observation coverage in the Eastern and Central Tarai, and to allow the current Eastern Region team to spend more time in the Eastern Hill districts and the Central Region team to focus greater attention on the Kathmandu valley;
- Strengthen report writing and outreach capacity in the Kathmandu headquarters office by creating a small “research team” to assist with data collation and report drafting;
- Addition of public opinion research efforts such as polling or focus groups to help substantiate LTO qualitative findings with quantitative data; and
- Greater efforts to reach out to and engage Nepali civil society, political leaders, and government officials, to the best of our ability.

d. Prospects for the next year’s performance

Should cost extension proposals be approved, the Center hopes to continue its current project activity with enhanced capacity as described in the section above. Thus, we would expect prospects for next year’s performance (the period from January – July 2011) to be similar to those summarized in this report.

e. Other pertinent information

Nothing to report at this time.