

**THE
CARTER CENTER**



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

**Annual Report
August 1, 2011 – December 31, 2011**

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 – October 31, 2012

Status of Report: Quarterly

Overall Project Budget: USD \$1,638,419 (August 1, 2011 – October 31, 2012)

DFID Contribution: 500,000£ (USD\$819,430)

I. Overview of Planned Project Activities

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

- Observe implementation of the peace process and constitution drafting with a focus on the local level;
- Conduct a limited observation of the Election Commission’s voter registration efforts;
- Issue regular public and private reports on the Center’s findings, including recommendations and policy suggestions;
- Conduct high-level meetings with Nepali political leaders and policymakers to discuss the Center’s findings; and
- Hold regular briefings for project donors and relevant international stakeholders, as well as regular meetings with Nepali political and civil society leaders.

II. 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. The Carter Center operated with a reduced staffed for the period of August 1, 2011 – September 11, 2011. From September 11 onwards, we trained and deployed new LTO teams and returned to full staffing.
- b. Progress on stated indicators for this output, during the reporting period of August 1, 2011 to December 31, 2011:
 - i. The Carter Center conducted three internal trainings for all LTO teams to better inform their work.
 - ii. During the reduced staffing period from August to Mid-September, national LTOs were deployed for 42 days. During the full staffing period from Mid-September to end December, LTO teams were deployed for 102 days. This means a total of 144 deployment days during the reporting period.
 - iii. The observer teams have visited 71 out of 75 districts in Nepal to date. Since Mid-September when teams were fully staffed, they have visited 26 districts.
 - iv. Observers and staff held approximately 635 meetings with stakeholders at the central and local levels.
 - v. The scope of information sought by TCC observers 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 sub-

categories, and covered in all LTO district reports. LTOs focused on the ongoing voter registration process, identity politics, political space, the security environment, local governance, and conflict-era land issues during this period.

- vi. 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. During this reporting period, national observers served as “Acting team leaders” while international Senior LTOs were away, providing an opportunity for capacity building.

2. 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.

3. Issue regular private and public reports to raise awareness.

The Carter Center released two public reports and published one editorial during the period of August 1 – December 31. Please note that due to our reduced summer staffing structure and the Nepali holidays of Dashain and Tihar, our project output was lower than normal reporting periods.

- a. One report titled “Political Space in Nepal: An Assessment of Recent Changes and Future Challenges” was released on August 4, 2011.
 1. The report was delivered to all 601 CA members as well as members of the CA Secretariat.
 2. The report was delivered in hard copy to 160 Kathmandu contacts and by email to an additional 200 contacts in the international community, 50 civil society contacts, and approximately 700 media contacts (national, regional, and local).
 3. Carter Center headquarters staff met with editors from 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.
 4. The report received press coverage in many major English and Nepali papers.
- b. A second report titled “Carter Center Observations on Political Parties in Local Bodies” was released on November 23, 2011.
 1. The report was delivered to all 601 CA members as well as members of the CA Secretariat.
 2. The report was delivered in hard copy to 160 Kathmandu contacts and by email to an additional 200 contacts in the international community, 50 civil society contacts, and approximately 700 media contacts (national, regional, and local).
 3. The report was emailed to editors of all major English and Nepali newspapers.
 4. The report received significant press coverage in many major English and Nepali papers as well as attention from the Ministry of Local Development and members of the international community such as the World Bank.
- c. An editorial summarizing the Carter Center report on political parties in local bodies was published in The Kathmandu Post on December 9, 2011.

- 4. 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, etc), Nepali civil society (journalists, INSEC, Advocacy Forum, etc) and members of the international community (UNDP, IOM, ICTJ, IFES, ICG, NDI, TAF 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.

- 5. Conduct regular briefing sessions with international stakeholders and coordinate closely with national stakeholders.**
 - a. TCC conducted two international stakeholders sessions during this period, which were attended by 20-30 people representing different international agencies.
 - b. Center staff attended 12 international coordination meetings this period.

- 6. Communicate national findings to 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.
 - a. Observers distributed TCC's public reports on Political Space and Local Bodies in their deployment areas; they also had a small number of meetings with groups and individuals to discuss the findings in person.

- 7. 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 political party, government official, security official, and civil society representatives 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 as related to the issue of federalism.
 - b. Gender and social inclusiveness are also respected within the Carter Center's staffing plan. During the reporting period, 50% (8 of 16) 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.
 - c. Two of our interpreters from marginalized groups were promoted to Junior National LTOs this period in order to promote capacity building.

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 is conducting a limited observation of the program.

- 1. Deploy existing observation teams to report on voter registration in their deployment locations.**
 - a. Following the deployment of new LTOs in Mid-September, teams have visited multiple districts to assess the ongoing phase of “continuous voter registration,” registration in “11 priority districts”, and the verification process.
- 2. Hire short-term expert consultants to assist in the design and implementation of the voter registration observer training and deployment, collection of field data, and drafting of public reports.**
 - a. In November 2011, one voter registration consultant travelled to Nepal and met with election commission officials as well as UNDP, IFES, project donors, and others to directly inform the Center’s observation strategy.
- 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. The Carter Center also observed to national NGO events on the voter registration process, one hosted by NEMA and the other by NEOC.

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 three 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; 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 from August 1 – December 31, 2011:

Please note, this section is divided into three areas: 1) Feedback and reactions to our most recently released report (Observations on the Role of Political Parties in Local Bodies), 2) Feedback and reactions that came in during this period to previous Carter Center reports, and 3) Miscellaneous feedback.

1. Feedback and Reactions to Nov. 23, 2011 local bodies report:

- Around one month after the report was published, the CIAA issued a directive to the government to dissolve the All Party Mechanisms (APMs), and the government implemented this decision one week later. There has also been an increased amount of news coverage about corruption problems in local governance. The government is also now thinking of holding local government elections within the next year. Although there were many factors that contributed to the government's decision to dissolve APMs and that lead to the new interest in local government elections, we believe that TCC's report played a role.
- Avenues TV thanked TCC for our good reporting on corruption in local governance in Nepal.
- Shekhar Koirala (NC leader): I read your op-ed on local bodies. It was very good. Carter Center should lobby for local elections, which are the only solution.
- Article by Anurag Acharya in Nepali Times on TCC's local bodies report was published on Dec 2
- Full page article on local governance in Kantipur was published on Dec 3 with reference to TCC local bodies report. (In private conversation with TCC on November 24 Sudhir Sharma (Editor, *Kantipur*) said: It's a very nice report. The TCC report highlighted financial anomalies taking place at the local level. We have asked our district reporters to collect information on the issue and may concentrate on it in the near future. We may publish an article and cite your report.)
- Positive feedback from Ben Powis of DFID and Richard Holloway of World Bank, as well as desire to organize follow up discussion on the issue.
- TCC report was referenced on a local FM radio station in Nepalgunj, Banke district
- Binod Bhattarai (senior journalist and researcher) told TCC: I am always interested to know about the management of the government budget at the local level. I may use the TCC report in my forthcoming column.
- Dhruvahari Adhikari (senior journalist): Thank you very much for preparing a report on local development issues. I am interested to write a column on it and may reference the TCC report.
- Nilambar Acharya (Chairman, Constitutional Committee) told TCC: Thank you very much for the report [on parties in local bodies]. I read the report.

2. Feedback and Reactions to previous TCC reports:

- Media coverage of TCC LPC report: quoted in op-ed in Kathmandu Post on 23 Sept.
- Media coverage of TCC land report: extensively quoted in Republica on 10 Sep.
- Prime Minister Baburam Bhattarai said "I have been following the reports you produce on various issues and find them quite useful."
- Tim Trenkle of U.S. Embassy said that he printed out the political space report and read it in its entirety, commenting that he doesn't usually do that for other reports.
- Sanjay Rana of DFID ESP said our political space report has been very useful context for their meetings with local party members.
- We received general positive feedback on Carter Center reports from Akhilesh Upadhyay, Editor of The Kathmandu Post
- We received positive feedback on political space report from Australian Ambassador Susan Grace and a question about why we did not focus more on the Youth Force
- We received a letter from Kamal Thapa, leader of the RPP-N party, thanking us for the political space report

- Former Chief Election Commissioner Bhoj Raj Pokharel quoted from our political space report and also asked for suggestions on how the voter registration process was going in order to share these informally with the ECN
- A Maoist contact speaking to a TCC representative at the party office in Kathmandu said “I’m reading your political space report along with several of my comrades”
- Maoist CA member Khimlal Devkota called our Field Office Representative directly to say thank you for the voter registration and political space reports. He said he would send further comments by email

3. Miscellaneous Feedback and Reactions

- A former Carter Center employee who now works for the UN reported to TCC that Carter Center reports are considered by UN staff to be some of the “best reports” on Nepal containing ground level research, and are neutral, informative and well written. He also said senior UN officials mentioned in a public setting that they prefer to read TCC and ICG reports to learn about the latest political developments in Nepal as these reports are dependable and high quality.
- Aimee Breslow (Department of State): Thanks for your continued updates. I forward your reports and statements so that others at the U.S. State Department are in the loop too.
- Kare Vollan (elections expert): The Carter Center is playing a very important and unique role in Nepal, and has access to all kinds of valuable information at the local level
- John Bevan (consultant to Nepal): Your reports are useful and I think the Carter Center is doing good work. TCC should certainly stay in Nepal through the next elections.
- Kiran Chapagain (journalist): “I was looking for sources to use for my article on land issues, and I remember the Carter Center’s previous land report. I googled it and I found it. There were no other sources that I could use, only the Carter Center had this information. So I referred to your report in my recent article (in September) on land issues.”
- The Indian Ambassador to Nepal indicated that Ambassador of Australia spoke very highly of The Carter Center in their recent meeting and encouraged him to read our reports. He asked specifically about TCC findings on land return and land reform.
- Charlotte Duncan of DFID sent thanks for the “very useful” response to her query on the quality of the voter roll.
- UCPN(M) in remote Baitadi VDC: Stated they really appreciate TCC visiting such remote areas and wants us to talk to regular citizens as well as political interlocutors.
- CDO in Kapilvastu had met TCC in Surkhet previously and appreciated our work.
- Received positive feedback from FJN, LDO, and TTPN about grassroots based approach in Far West

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 increased our rate of report production.

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.
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.

V. Summary of Staffing Resources and Organisational Issues

We have promoted two interpreters to Junior National LTO positions in order to promote capacity building within our staff.

VI. Future Issues of Relevance

- a. Anticipated future problems, delays, or conditions or constraints that may adversely impact implementation of the program.
 1. The November 30, 2011 constitutional deadline was extended until end May 2012. It remains unclear whether this deadline will be met.
 2. There is discussion about possible local level elections taking place in spring or fall 2012; however, it remains unclear whether these will actually take place.
 3. The Ministry of Foreign Affairs has imposed new rules regulating internationals meeting with Chief District Officers and Ministry-level officials. These new rules have made it more difficult for TCC teams to get information from district governance officials such as CDOs and others. TCC is in discussion with the Ministry of Home Affairs to see if we can receive special permission to meet CDOS.
- 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. 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.

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.