

**THE  
CARTER CENTER**



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

**Annual Performance Report**  
October 1, 2013- June 30, 2014

## **GENERAL PROJECT INFORMATION**

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**Project Title:** Monitoring Nepal's Peace Process, Constitution Drafting

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

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

**Status of Report:** Annual

**Project Budget:** \$3,524,212

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## ACRONYMS

CA	Constituent Assembly
CPN-UML	Communist Party of Nepal (Unified Marxist-Leninist)
ECN	Election Commission of Nepal
ICTJ	International Center for Transitional Justice
ICG	International Crisis Group
IEOM	International Election Observation Mission
IFES	International Foundation for Electoral Systems
IOM	International Organization for Migration
LTO	Long Term Observer
MJF-N	Madhesi Janadhikar Forum-Nepal
MJF-D	Madhesi Janaadhikar Forum-Democratic
NDI	National Democratic Institute
RJP	Rastriya Janashakti Party
RPP	Rastriya Prajatantra Party
RPP-N	Rastriya Prajatantra Party-Nepal
STO	Short Term Observer
TAF	The Asia Foundation
TCC	The Carter Center
TMLP	Tarai-Madhesh Loktantrik Party
UCPN-Maoist	United Communist Party of Nepal (Maoist)
USAID	United States Agency for International Development
UNDP	United Nations Development Program
UN RCHCO	United Nations Resident and Humanitarian Coordinator's Office

## **I. Progress towards Stated Project Goal and Objectives**

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

During this reporting period the focus of the project shifted rapidly to Activity 3: International Election Observation Mission (IEOM). TCC concluded observation of the peace process, constitution drafting, and voter registration process and deployed an IEOM for the November 19, 2013 Constituent Assembly (CA) elections. Several of the goals and objectives under Activities 1 and 2 were still relevant while implementing Activity 3. Achievement of these goals and objections is discussed below, where applicable.

#### **1. Conduct regional and district observation to track the peace process, such as implementation of key political agreements, public engagement with the Constituent Assembly (CA) at the local level, and the effectiveness of local governance.**

The project concluded observation of the peace process, constitution drafting and voter registration process during this period and focused on deploying an IEOM for the CA election.

#### **2. Track CA and Government activity.**

While the scope of project activities shifted from political monitoring to deploying an IEOM, TCC continued to track the functioning of the Government, observing principally for efforts to increase public participation, specifically that of historically marginalized groups such as Madhesis, Janajatis, Dalits and women.

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

Reports released during this period focused mainly on the activities of the IEOM deployed to observe the CA elections (see Section C. Activity 3: International Election Observation Mission for more details on these reports).

The Carter Center's report on the state of local governance across Nepal was released on February 28, 2014: "The Carter Center Reports That Public Perception of Local Governance in Nepal has Improved; Undue Influence of Political Parties Continues." Based on extensive observation conducted between October 2013 and October 2014, the Center waited to release this report until after the election period, when stakeholder interest had refocused on local-level issues, particularly the potential of local-level elections. The local governance report was released in English and Nepali and distributed to regional, national and international media outlets.

#### **4. Engage with national and local political leaders to address political solutions, as appropriate.**

TCC held multiple meetings at the national and local levels to discuss progress on the peace process and constitution drafting and to share findings from the IEOM. Interlocutors expressed positive feedback about TCC reports and inquired about TCC LTO findings. They also expressed a desire for continued TCC support to the peace process in a number of different capacities (see Section V. Future Issues of Relevance for more).

Meetings were held 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, etc.), as well as the Governments of the United States, United Kingdom and Norway.

**5. Conduct regular briefing sessions with international stakeholders and coordinate closely with national stakeholders.**

TCC did not conduct an international stakeholder session or a regional stakeholder session during this period due to the elections.

TCC staff attended six international coordination meetings during this period, and held meetings with the US Government peace and democracy implementers, USAID Democracy and Governance Leadership, the International Foundation of Electoral Systems, the National Democratic Institute, The Asia Foundation and PACT. TCC staff also briefed international partners, and coordinated with national partners regarding voter registration and the elections.

**6. Communicate national findings to local level.**

Given the focus on the IEOM, during this period, regional stakeholder sessions were not held to share peace process or constitution drafting related findings. Core team staff continued to distribute all peace process, constitution drafting, voter registration observation and IEOM findings through media and email contacts at the national and local levels.

**7. Ensure gender and social inclusiveness in the project activities, beneficiaries, and staff**

Gender and social inclusiveness were carefully considered during the planning of all project activities. LTO teams met with a diverse range of citizens at all stages of observation. While meetings held at district headquarters level in Nepal were often disproportionately attended by men (given that the majority of political party, government official, security official, and civil society representatives are male), observers attempted to address this imbalance by also meeting with women civil society members, and interviewing women at the village level when possible. Additionally, observers made a special effort to meet with representatives of other marginalized groups (Madhesis, Janajatis, Dalits, etc.) in order to gain their views, particularly as related to the issue of federalism.

Gender and social inclusiveness were also respected within TCC's staffing plan. During the reporting period, 56% (10 of 18) of the Center's national staff belonged to a marginalized group (women, Janajati, Madhesi, and Muslim). Additionally, of the 12 international observers deployed, seven were women.

**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, TCC conducted a

limited observation of the program from 2009 until the completion of observable aspects of the process in September 2013. The Center's final voter registration report was released on October 1, 2013.<sup>1</sup> This report was used to inform the Center's election observation and subsequent reports on conduct of the election.

### C. ACTIVITY 3: INTERNATIONAL ELECTION OBSERVATION MISSION

The Carter Center was officially invited by the ECN and Interim Election Council Chair Khil Raj Regmi to deploy international election observers to the November 19, 2013 CA elections. Upon confirmation of intention to observe, the Center concluded its peace process and constitution drafting observation to prepare for the rapidly approaching elections. Voter registration observation concluded in September 2013 when ECN registration activities ended.

To arrange for the increased level of project activity, the Center recruited additional expatriate field staff in September and October, including a Deputy Field Office Director, Security Analyst, and Legal Analyst. Long Term Observers (LTOs) with specific knowledge about elections were recruited from the pool of previous political and voter registration observers and also from the Center's international pool of election experts. In September, 12 LTOs were deployed in teams of two to the five development regions, with an additional team being deployed to monitor activities in the heavily populated Tarai region.

In addition to LTOs, 54 Short Term Observers (STOs) and a delegation led by President Carter were present in Nepal just before and during election day to focus international attention on the importance of the elections.

Immediately after the election, a post-election statement was released.<sup>2</sup> LTOs stayed in Nepal for several weeks after November 19<sup>th</sup> to monitor the post-election environment. TCC concluded its observation of the elections with the departure of all observers in December 2013. The field office in Kathmandu formally closed in February 2014, given that the IEOM and other project activities requiring a country field office were completed. The final election observation mission report was completed in May 2014.<sup>3</sup>

#### **1. Deploy observation teams to provide an impartial assessment of the electoral process.**

Additional staff members were added to the mission core team in September and October to prepare for the November elections. Twelve LTOs, representing eight different countries, arrived in September, with most being deployed through the end of November. LTOs travelled their region of assignment interviewing a wide variety of election stakeholders and reporting findings back to the core team in Kathmandu.

The scope of information sought by TCC observers 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

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<sup>1</sup> <http://www.cartercenter.org/news/pr/nepal-100113.html> and <https://dec.usaid.gov>

<sup>2</sup> <http://www.cartercenter.org/news/pr/nepal-112113.html> and <https://dec.usaid.gov>

<sup>3</sup> [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/nepal-2013-final.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/nepal-2013-final.pdf) and <https://dec.usaid.gov>

and campaign financing, and means of communication between election officials and the public; (7) party and candidate registration; and (8) potential for conflict.

In order to be more effective in their deployment areas, and to better understand complicated local dynamics, international and national observers were paired during observation of the constitution drafting, peace process and implementation of voter registration system so that TCC could maximize the combined strengths of national and international observers. When the project shifted scope to an IEOM, the mission was restructured so that those who had formerly been national observers became regional coordinators for the remainder of the project. Both national and international staff agreed that the paired structure increased the immediate knowledge of the group and the capacity of each partner in the group.

LTO teams that deployed in October visited all 75 districts in Nepal before departing at the end of the IEOM. TCC held approximately 790 meetings from October 2013 until February 2014.

## **2. Direct interventions by President Carter and/or a former regional leader.**

During this reporting period, President Carter travelled to Nepal with former deputy Prime Minister of Thailand Surakiart Sathirathai to lead TCC's STO mission. They, along with former Ambassador Peter Burleigh and senior TCC 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 the climate surrounding the CA election. This included face-to-face meetings with individuals and political leaders in the run up to the elections and immediately following the elections.

President Carter also penned an op-ed on TCC's involvement in Nepal over the last seven years. The op-ed was released in mid-February to local media and published in Nepali newspapers.

## **3. Short-term election observation delegation for elections.**

In order to focus international attention on the CA election, TCC organized a delegation of STOs to assess the elections. The delegation included 54 STOs from 28 countries. Additional TCC staff provided support to the leadership team and observers, as well as adding to the existing conflict resolution and human rights expertise for 14 days around the date of balloting.

Preparations for STO deployment included:

- Recruiting and fielding observers to be part of the observation delegation;
- Logistical preparation such as recruiting and interviewing interpreters, renting cars for STO travel, and identifying lodging for observers in the field;
- Making air travel arrangements for STOs and Atlanta staff;
- Preparing the Center's Electronic Monitoring (ELMO) software and hardware for use during observer deployment; and
- Preparing materials such as observation handbooks, checklists for observations and identification materials.

Several days before the election, the 54 STOs joined the 12 LTOs in the five development regions. Observers met with key stakeholders in their areas of responsibility including election staff, civil society groups, and security forces. STOs were responsible for

collecting quantitative data concerning election day processes, and reporting this information to core team staff via checklists.

#### **4. 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 STO arrivals. The regional coordinators were former Nepali LTOs who had extensive experience working as observers with TCC during the peace process, constitution drafting, and voter registration observation components of the project.

#### **5. Election observation statements and reports.**

The Center continued to issue regular private and public reports to raise awareness during this period. TCC released five election-specific statements during this activity<sup>4</sup>:

- “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);
- “Final Report: Observing Nepal’s 2013 Constituent Assembly Election” (May 16, 2014).

#### **6. Post-election assessment.**

The Carter Center conducted a post-election assessment of the political landscape at the end of May. The assessment led to a public Carter Center report identifying key challenges in Nepal’s ongoing constitutional process and suggesting possible compromises: “Carter Center Praises Spirit of Compromise In Nepal But Calls For Renewed Political Support for Constituent Assembly” (June 30, 2014).<sup>5</sup> This statement was written in English, translated into Nepali, and distributed in Nepal and internationally.

### **D. ACTIVITY 4: CAPACITY BUILDING AND SUSTAINABILITY INITIATIVE**

TCC assured retention of knowledge acquired during its multiple year observation by transferring research collected to a domestic organization in the form of the TCC’s research database. Additionally, TCC is holding conversations about supporting a citizen observation group that is interested in continuing the transition monitoring activities that TCC concluded after the IEOM to the CA elections (see Section V. Future Issues of Relevance for more details).

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<sup>4</sup> All of these reports can be found on the Carter Center’s website at this link:

[http://www.cartercenter.org/news/publications/election\\_reports.html#nepal](http://www.cartercenter.org/news/publications/election_reports.html#nepal) and <https://dec.usaid.gov>

<sup>5</sup> The full post-election assessment can be found here: <http://www.cartercenter.org/news/pr/nepal-063014.html> and <https://dec.usaid.gov>

## **1. Transfer of Carter Center observation database to local organization.**

TCC's long-term observation presence in Nepal and almost continuous monitoring of the political process during that time resulted in TCC having a rich database of accumulated information on political developments. The database contains all observer data, including transcripts of interviews, meetings and weekly reports, from June 2009 to June 2013.

TCC identified a Nepali organization, Social Science Baha (SSB), to assume ownership of the database. TCC built a good working relationship with SSB during the political transition observation, which helped facilitate the handover of the database. Importantly, SSB has the capacity as an organization to store and manage the database. Additionally, SSB has a reputation as a fair and rigorous social sciences organization, and because of this attracts serious students and scholars who will utilize the database. SSB will host and provide database access to researchers and scholars.

In accordance with the key outputs of the activity and in preparation for the transfer, staff in Nepal cleaned and redacted the database in August 2013 in order to protect individual identities and any information deemed too sensitive for a public domain. In May 2014, TCC signed a memorandum of understanding with Social Science Baha regarding data ownership, transfer of the database, and management/upkeep of the database.

In June 2014, TCC provided training and user manuals to SSB on use and maintenance of the database. TCC is holding discussions with SSB about holding a press conference in September 2014 to announce the availability of this important resource at SSB.

## **II. Summary of Relevance and Effectiveness**

During the reporting period, both national and international actors communicated to TCC that its presence in Nepal was relevant and effective. From their perspective, the four main contributions of TCC were:

- Keeping pressure on all key actors to move the peace process forward and draft the new constitution;
- 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;
- Providing an impartial review of and feedback on the voter registration program, electoral management of the ECN, and general election process;
- Providing an assessment of the election process and its relevancy to future processes, including the drafting of the new constitution under the second CA.

### **A. COMMENTS AND FEEDBACK REGARDING THE RELEVANCE AND EFFECTIVENESS OF TCC'S ACTIVITIES**

This section is divided into four areas: (1) feedback and reactions to October 1, 2013 voter registration report; (2) feedback and reactions to the IEOM; (3) feedback and reactions to the post-election assessment; and (4) summary findings from the Final Evaluation.

#### **1. Feedback and reactions to the October 1, 2013 voter registration report.**

TCC was the only independent organization observing and commenting on this crucial program.

- *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.

## **2. Feedback and reactions to the IEOM and related reports.**

- *Media coverage:* TCC received widespread media coverage on TV, radio and in print around the release of the October 31<sup>st</sup> pre-election report, at the press conference to release the preliminary report on the election on November 21<sup>st</sup> and when the post-election report was released on December 19<sup>th</sup>.
- *Regional reaction:* TCC long-term and short-term observers noted widespread knowledge among interlocutors about TCC and the IEOM.

## **3. Feedback and reactions to the post-election assessment.**

TCC was the only independent organization to observe and comment on the relevancy of the election to the post-election process

- *Media coverage:* TCC received English and Nepali media coverage of the post-election statement, including a prominent article in the English daily *Republica*.

## **4. Summary findings from the Final Evaluation.**

As part of its M&E process, TCC hired an external consultant to evaluate TCC's work in Nepal between 2009 and 2014. On the whole, the evaluation was positive about TCC's political and election observation activities in Nepal. This report was shared with USAID and other donors. With this evaluation, TCC plans to hold an internal lessons learned session in order to prepare for future transition monitoring projects. Below is a summary of some of the main findings. Relevant lessons learned from the evaluation are listed under Section III.

### High level political engagement by President Carter

- All interlocutors, without exception, were aware of the support and interest given by President Carter to the process of political transition in Nepal.
- The predominant reaction among Nepali interlocutors to the work of TCC in all project areas was strongly positive, and engagement of TCC (as distinct from that of President Carter) was known to a majority, but was not universal.
- Many interlocutors referred to the significance of President Carter's visits to Nepal during 2013, and in particular to the impact of his discussions with UCPN-M leaders as the results of the CA elections began to emerge. It is reasonable to assume that this would have been more difficult to achieve had a continuing high-level relationship with top Nepali leaders not been maintained by the project.

### Political transition, voter registration and election observation project components

- The TCC Nepal experience shows that there is real potential value in political transition monitoring, even though specific and directly attributable policy change in the national context may be limited.
- The observation of voter registration across Nepal by TCC was agreed to and welcomed by the ECN. The ECN regarded TCC reports and suggestions as supportive and positive and actively responded to some of the recommendations made, taking both pre-emptive and corrective actions.

- The consistent message from interlocutors across the spectrum was that TCC's 2013 EOM was well implemented, took lead role in international observer coordination, was forthcoming and transparent in coordinating with domestic observers, and was the quality product that had been expected in advance as a result of TCC's overall reputation. It was also noted that the EOM benefited from the in depth knowledge from across Nepal that had been generated by the political transition monitoring.

#### Staffing

- All former staff member interlocutors who commented regarded their time spent with the project as having been a highly positive experience.
- TCC showed commendable openness to and steadily increased its reliance on national staff during the political transition monitoring phase.
- The effort made to seek gender balance within the project team was largely successful and should be specifically acknowledged.
- Several external interlocutors specifically commented on the positive effort made by the project to be open and transparent and to engage in coordination processes in an active and positive spirit.

#### Reporting and analysis

- The topics chosen for political monitoring reports were seen by the evaluation interlocutors as broadly relevant and comprehensive.
- All interlocutors who expressed a view saw the process of data gathering and research as fair and independent.
- All interlocutors who expressed a view regarded the analysis contained in the reports as having integrity and being independent, reliable and thorough, although very well informed insiders noted occasional (probably inevitable) inaccuracies.
- TCC political transition monitoring reports were seen by the majority of those interlocutors who were aware of them as having been wholly, or primarily, an exercise in information and analysis.

#### International community briefing and engagement

- Briefings prepared for the international community were universally appreciated and regarded as effective by those who attended, serving as a key source for example for donors' internal analysis of political environment and of risk.

### **III. Summary of Lessons Learned**

TCC captured lessons learned in TCC's political transition monitoring retrospective report, covering overall project goals, achievements, challenges and lessons learned while working in Nepal between 2009 and 2013. This report will serve TCC during any future work in Nepal as well as on other political transition-related projects. The report is in final layout stage and will be sent to USAID once completed. Additional lessons were captured in TCC's final project evaluation. A summary of the lessons learned is provided below.

- Through conversations with multiple stakeholders at the closure of the USAID grant and TCC' final evaluation, TCC found there was value in conducting political transition monitoring in Nepal, and potentially in other countries. Additionally, a Nepali citizen observation group has reached out to TCC for assistance in setting up and managing a transition monitoring project. The group has identified value in continued monitoring of the transition process and expressed interest in using the TCC methodology to do this. These examples serve to reassert the relevance of transition monitoring during critical

moments during a country's democratic development, and will lead the Center to explore similar missions in the future.

- TCC received significant positive feedback on the conduct and relevancy of its voter registration and IEOM efforts. This motivates TCC to continue employing its current methodologies, while working to improve them and the other operational aspects that impact the success of a mission.
- Several long-term staff members left the project during this reporting period. In the future, a more consistent and better handover policy will be put into place at TCC to mitigate problems that can arise from staff departure.
- Project closeout activities for a multi-year grant require significant follow up at the headquarters office and in the field office. TCC will ensure that there is clear and consistent communication between headquarters, representatives in the field, donors and other stakeholders throughout the entirety of any project, including the closeout period.

#### **IV. Summary of Staffing Resources and Organizational Issues**

Using internal funds, TCC continues to maintain one financial and one logistics person on staff in Nepal to help finalize TCC operations. All staffing, organizational and resource issues related to this grant were resolved before June 30, 2014 and TCC is currently drafting final programmatic and financial reports to deliver to USAID within 90 days of grant closure.

#### **V. Future Issues of Relevance**

##### **1. Anticipated future problems, delays, or conditions or constraints that may adversely impact implementation of the program.**

Not applicable at this time.

##### **2. Information on security issues, especially as these affect program integrity and safety of cooperating and implementing partners.**

Not applicable at this time.

##### **3. Information on new opportunities for program expansion.**

A Nepali citizen observation group, the Democracy Resource Center (DRC), has recently reached out to TCC for assistance in setting up and managing a transition monitoring project. The group consists of several former Nepali Carter Center LTOs who have identified value in continued monitoring of the transition process.

TCC is strongly supportive of building the capacity of citizen observation groups and is considering an assessment mission to Nepal in September to meet with DRC and discuss a potential partnership.

TCC support to the group could include providing expertise on the methodological and administrative facets of observing a peace process and constitution drafting, as well as other factors relevant to the ongoing transition in Nepal.

##### **4. Other pertinent information.**

Not applicable at this time.