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DRG Learning, Evaluation, and Research Activity:

Final Performance Evaluation of the Monitoring Nepal's Peace Process and Constitution Drafting Process Project

Final Report

August 15, 2014

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FINAL PERFORMANCE EVALUATION OF THE MONITORING NEPAL'S PEACE PROCESS AND CONSTITUTION DRAFTING PROCESS PROJECT

Final Report

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ACRONYMS

ANFREL	Asian Network for Free Elections
CA	Constituent Assembly
CHD	Centre for Humanitarian Dialogue
CPA	Comprehensive Peace Agreement
CPN-Maoist	Communist Party of Nepal-Maoist
CPN-UML	Communist Party of Nepal—Unified Marxist-Leninist
CSO	Civil society organization
DFID	United Kingdom Department for International Development
DDO	District Development Officer
DRG	Democracy, Rights and Governance
ECN	Election Commission of Nepal
FEDO	Feminist Dalit Organization
GON	Government of Nepal
HLPC	High Level Peace Committee
ICG	International Crisis Group
IFES	International Foundation for Electoral Systems
INGO	International Non-governmental Organization
INSEC	Informal Sector Service Center
KII	Key Informant Interview
LER	Learning, Evaluation and Research
LTO	Long-Term Observers
MNPPCDP	Monitoring Nepal’s Peace Process and Constitution Drafting Process
MPR	Ministry of Peace and Reconstruction
MSI	Management Systems International
NC	Nepali Congress
NDI	National Democratic Institute
NEFIN	Nepal Federation of Indigenous Nationalities
NEOC	National Election Observation Committee
NORC	National Opinion Research Center at the University of Chicago
OHCHR	Office of United Nations High Commissioner for Human Rights

PLA	People's Liberation Army
QR	Quarterly Report
RAW	Research and Analysis Wing (India)
SPCBN	Support to Participatory Constitution Building in Nepal
UNDP	United Nations Development Programme
UNMIN	United Nations Mission in Nepal
VDO	Village Development Officer

I. EXECUTIVE SUMMARY

This report presents the findings of the final performance evaluation of the Monitoring Nepal's Peace Process and Constitution Drafting Process (MNPPCDP) project, implemented by The Carter Center (TCC) and funded by USAID, DFID and Norway. The purpose of this evaluation is two-fold. First, it evaluates the performance and impact of selected aspects of the Carter Center's long-term political and election monitoring project. Second, given the somewhat novel nature of TCC's long-term political and voter registration monitoring, USAID also seeks to better understand what the Center's experience in Nepal suggests about the value – and challenges – of long-term political monitoring as a model that could be adopted in other countries.

The MNPPCDP project initially conducted district-based monitoring of selected aspects of the political transition in Nepal, and then grew to include monitoring of voter registration in advance of the November 2013 Constituent Assembly (CA) elections and fielding an international mission to observe the CA elections. Over the span of the project, the Center issued a total of 28 reports (two reports on overall trends in the peace and constitutional processes, 9 “thematic” reports on key transitional issues, 11 reports on voter registration and electoral issues, 5 short thematic background papers, and a post-election assessment) as well as 5 situation monitoring reports, 9 public statements and several opinion pieces. President Carter visited Nepal 3 times.

The project was initiated as a short term project – USAID's original Cooperative Agreement provided funding of \$500,000 over 16 months – but because of the multiple extensions the Constitutional Assembly, followed by the CA's eventual expiration in May 2012 and subsequent elections for a new CA in November 2013, the project was extended over 4.5 years, involving 5 modifications. Over its life, the project received funding totaling approximately \$7 million: approximately \$3.5 million from USAID, \$2 million (GBP 1.25 million) from DFID, and \$1.5 million (NOK 8.8 million) from Norway.

The impact of TCC political reports on decision making: Most of the Nepali and international stakeholders interviewed in the course of this evaluation considered TCC reports as valuable – principally because they provided detailed and credible information about how key aspects of the peace/political process were playing out at the local level across the country. Therefore, in Kathmandu there was widespread appreciation for information and analysis from outside the Kathmandu valley, but that information was somewhat less valuable to stakeholders outside of Kathmandu. It is very difficult to identify examples of how the TCC's reports directly or exclusively influenced decision making, but there is anecdotal evidence that a number of TCC reports may have had an influence on decision making in one or more of the following ways: 1) reports were read and discussed by key stakeholders; 2) certain reports appear to have contributed to – and possibly triggered – public debate; 3) certain reports appear to have been the impetus for some sort of verbal response on the part of one or more key stakeholders; and/or 4) certain reports preceded and may have served as an impetus for policy change or change in the behavior of key political actors.

The impact of TCC monitoring of the voter registration process. Unlike with TCC's political monitoring, the Center's monitoring of the voter registration process had a fairly narrow focus (voter registration) and a fairly clear hierarchy of key actors and consumers of their reports (first and foremost the Election Commission of Nepal (ECN), followed by political parties and donors). As a result, while a direct link still cannot be made between TCC reports and the decisions made by the ECN, there are multiple examples of the ECN acting on the findings and recommendations contained in TCC reports. These include:

- In general, the importance placed in TCC reporting on the inclusion of marginalized and remote voters seems to have influenced the ECN.

- The ECN established continuous registration sites outside district HQs.
- The ECN initiated mobile citizen and voter registration.
- The ECN conducted a follow up voter registration campaign in workplaces to allow migrant workers to register.
- TCC, along with other donors, put pressure on the ECN regarding domestic monitoring qualifications, which were eventually relaxed.

TCC as a conveyor of the voices of marginalized groups. TCC was principally concerned with monitoring the changing political and security environment outside of Kathmandu to better inform Nepali and international stakeholders in Kathmandu in the hope that this would help to advance and consolidate the peace process. As such, TCC reporting tended to focus on issues related to the implementation of the CPA and subsequent agreements that had relatively immediate political significance at both the local and national levels. Reflecting this, TCC's Results Framework does not make reference to a specific focus on marginalized groups, nor does it require any disaggregation by identity group, caste or gender. Given the explosion of political activity by, and in the name of, marginalized groups in Nepal, TCC monitoring and reporting needed to be, and was attuned to, the emerging voices and interests of marginalized groups. But TCC didn't see its mission as including helping to amplify the voices of marginalized groups beyond what TCC long term observers (LTOs) were observing at the local level. Moreover, doing so might have jeopardized the credibility of TCC reports.

TCC hired a diverse staff of Nepalis and when conducting interviews, TCC LTOs were required to speak with representative samples of women and marginalized groups. TCC staff and President Carter regularly consulted with leaders and organizations claiming to represent marginalized Nepalis. TCC reports did not focus exclusively on the status of or issues facing marginalized groups (e.g., no reports specifically on Dalits or women). One TCC report, on "identity-based political activity and mobilization" (released in March 2013) focused on identity-based politics as practiced by identity-based parties and groups, most of which claimed to represent marginalized groups. As noted above, TCC's voter registration monitoring placed a heavy emphasis on the inclusion of marginalized populations.

Capacity building and sustainability. At its inception, because of its presumed short lifespan, TCC's project was not envisaged as a capacity building program. In the 2012 modification, "local capacity building and sustainability" was added as a new project activity, apparently reflecting a desire on the part of USAID and DFID to see the three-year old project do more to transfer skills and capacity to Nepali organizations. The language in modification focused almost exclusively on the transfer of the Center's database to a Nepali organization.

It appears TCC never engaged in discussions with donors to identify options for capacity building and enhancing sustainability. Instead, TCC focused exclusively on transferring the Center's date base to a Nepali organization. A scoping mission was never carried out, perhaps because only Social Science Baha expressed an interest in housing the database. It appears that TCC did not consult with USAID or DFID once the handover to Social Science Baha began. Moreover, it also appears that the transfer of the database to Social Science Baha involved a level of support from the TCC significantly lower than what was envisioned in the 2012 modification. Social Science Baha is pleased to be the home of the database, but has limited resources to publicize it or to support wider access to it.

Project management, administration and monitoring. Although the Scope of Work (SOW) for this evaluation did not include an assessment of the management, administration and monitoring of the project, in interviews with USAID, DFID, Norway and other organizations a number of observations were made that warrant mention. First, TCC is credited with having generally excellent expatriate and Nepali staff. Second, TCC deserves credit for learning and adapting, both as it undertook a new type of activity (political transition monitoring) and as the "short term" project evolved into a longer term

program eventually including voter registration monitoring and finally election observation. Third, TCC suffered from weak financial management and, at times, an apparent unfamiliarity with USAID procedures and requirement. Finally, TCC's monitoring of its activities was weak and seemed to assume that their political monitoring was inherently valuable and therefore didn't need a serious effort to ascertain impact. This shortcoming reflects the larger challenge faced by a project like TCC – demonstrating the use and impact of their reports.

Observations and recommendations regarding future long-term political observation efforts. TCC's access and influence in Nepal were in large measure due to: 1) a particular set of conditions that existed in Nepal during 2008-2013; 2) President Carter's stature and convening power; and 3) President Carter's demonstrated commitment to, and personal involvement in, Nepal over an extended period of time. It seems unlikely that many countries will have the basic conditions necessary to allow for successful international political monitoring. It also will be difficult for TCC and other International Non-governmental Organizations (INGOs) to replicate the influence TCC has enjoyed in Nepal.

That said, in complex transitional situations like Nepal's – that is, those involving a peace process that is dependent upon a series of fundamental political changes – it may be beneficial to have regular monitoring and analysis of the key elements of the transition. This can be useful to national and international stakeholders to gauge progress made and to identify and assess future needs and challenges. If done well, it also can provide a common reference point for national and international stakeholders. In transitional situations characterized by both extreme fluidity and intense politicization, this type of reporting can help to focus national and international attention on issues that are key to the success of the transition.

Based on this examination of TCC's experience in Nepal, it is possible to identify several conditions needed for political monitoring to be undertaken: 1) the security situation, involving both state and non-state armed actors – must allow for unimpeded monitoring; 2) there needs to be general public acceptance of international involvement and particularly international monitoring; 3) all or most key political actors must see value in – or at least not be opposed to – international monitoring; 4) key political actors must view the INGO doing the monitoring as neutral, trustworthy and influential; and 5) there needs to be a generally free media and/or other mechanisms for widely disseminating the information and analysis produced by the monitoring organization.

TCC's experience in Nepal suggests there may be trade-offs or tensions involved when an organization both monitors a transition and seeks to play a role in securing the success of the transition. Engagement, in the form of advocacy or mediation, runs the risk of undermining the detachment and neutrality central to credible monitoring. A potential trade-off may emerge when balancing the need to have access to key political actors (both to learn their thinking and to influence their decision-making) and the goal of reporting honestly about the decisions and behavior of those key actors. A third potential trade off exists between the need for a monitoring organization to preserve its neutrality and the benefits that might derive from collaborating with local organizations.

Other lessons and recommendations:

- First, most peace agreements and many political transitions have been based on pacts (formal or informal agreements) arrived at by key political elites, rather than through broad participatory processes. Therefore, it is important to have a realistic view of which groups and individuals matter most, which is to say who can deliver on key elements of a peace agreement or constitutional drafting process and who can block or undermine progress.
- Second, if an effort is being made to inform or influence decision making, it is critical that it be

based on a deep understanding of decision making processes so that it can then design a strategy for trying to inform and influence decision making. By understanding patterns of decision making – which may vary across political parties and within government bodies – a project can better tailor and adjust as needed its information dissemination strategy.

- Third, in the event that political monitoring is undertaken, ways to enhance its robustness and usefulness should be explored. Reporting and analysis based on field-level monitoring might be enhanced by incorporating the insights of experts with broader comparative expertise on issues like political transitions, federalism, etc. Also, the robustness of analysis based on field-based monitoring would be increased if it were linked to public opinion surveying.
- Finally, as with many politically-sensitive Democracy, Rights and Governance (DRG) or conflict programs, multi-donor funding can diminish the appearance that the United States is promoting a particular agenda or set of political actors.

2. EVALUATION PURPOSE, QUESTIONS AND LIMITATIONS

2.1 EVALUATION PURPOSE

USAID Nepal, using the DRG Learning, Evaluation, and Research (DRG-LER) IQC, contracted NORC to design and implement the final performance evaluation of the Monitoring Nepal’s Peace Process and Constitution Drafting Process (MNPPCDP) project, implemented by the Carter Center (TCC) and funded by USAID, DFID and Norway.¹ This 4.5year project initially conducted district-based monitoring of the political and security environment in Nepal, and then grew to include monitoring of voter registration in advance of the November 2013 Constituent Assembly (CA) elections and fielding an international mission to observe the CA elections. The total cost of TCC’s activities between 2009 and June 2014 was approximately \$7 million, of which USAID funded approximately \$3.5 million.

The design of this evaluation was developed through consultations among USAID, NORC, and Management Systems International (MSI), a subcontractor to NORC who assembled the evaluation team and led the field work in Nepal.

The purpose of this evaluation is two-fold:

1. To evaluate the performance and impact of selected aspects of TCC’s long-term political and election monitoring project; and
2. Given the somewhat novel nature of TCC’s long-term political and voter registration monitoring, to provide USAID with better understand what TCC’s experience in Nepal suggests about the value – and challenges – of long-term political monitoring as a model that could be adopted in other countries.

This evaluation was conducted by a 3 person team consisting of David Timberman, MSI (Team Leader), Professor Krishna Hacchethu, and Pankaj Adhikari, both of Tribhuvan University. The team conducted interviews and meetings in Nepal from June 23 to July 11, 2014, principally in Kathmandu, but also in

¹ For the sake of brevity, throughout this report the “MNPPCDP” will be referred to simply as “the Carter Center project” or the “long-term monitoring project.”

Nepalgunj (July 1-3) and Surkhet (July 4-5). Additionally, Mr. Timberman conducted telephone interviews with selected expatriate Carter Center staff, both before the fieldwork in Nepal and following it.

2.2 EVALUATION QUESTIONS

The Development Hypothesis associated with this project is as follows:

If Nepali citizens are provided with accurate, current, and impartial information about the key aspects of the peace process, constitution drafting process, voter registration program, and national electoral process, they can effectively participate, influence, and contribute to the democratic process of Nepal. If the policy makers, key political leaders, and civil society leaders are made aware of the peoples' concerns and the realities on the ground, it is most likely that they will take those into account in their decision making and peace and constitution drafting process.

Based on program documents, however, it does not appear that this hypothesis was ever explicitly posited by TCC. Rather, it appears to have been attached to the project at some later time. Also, it should be noted that the statement in fact includes two hypotheses: the first pertains to the impact of information on effective citizen participation; the second to the impact of information on decision-making by political and civil society leaders. The Evaluation Team's review of program documents associated with this project makes it clear that the project was much more concerned with generating information to inform elite ("key stakeholder") decision-making than with the wide dissemination of information to "Nepali citizens." Therefore, this evaluation seeks to assess the veracity of the following inter-connected hypotheses:

1. *Information generated by TCC's monitoring reached and was consumed by the intended "key stakeholders" (and perhaps also citizens more generally); and*
2. *TCC-generated information, analysis and suasion influenced the decision-making of key stakeholders in ways that contributed to sustaining the peace process.*

More specifically, the main research questions, as stated SOW provided by USAID include:

1. *How effective was the program in engaging women, youth, dalits, differently abled and other marginalized groups during the monitoring of peace and constitution drafting processes and in bringing their issues to influence these processes? Do citizens feel that their voices have been heard through this program?*
2. *How have the findings of TCC's analytical work such as field visit reports and press releases contributed to policy level decisions and to help shape programs and strategies of stakeholders such as CSOs, USAID projects, ECN, GoN and donor communities? What other information would have been more helpful for the stakeholders?*
3. *In what ways have the report on "limited observation of the Election Commission of Nepal's voter registration program" contributed to strengthening Election Commission's voter registration process? What recommendations from TCC's 2013 CA election observation report and/or other reports are being implemented for the June 2014 by-election and future local elections?*
4. *What are further opportunities and challenges for making the long-term observation process more efficient and effective?*

Additionally, during the Evaluation Team's in-brief with USAID/Nepal, the issue of the extent to which TCC contributed to building the capacity of Nepali organizations to continue and/or otherwise benefit from the Center's project was identified as another important question to be addressed by the evaluation.

2.3 EVALUATION METHODS AND LIMITATIONS

This evaluation relies primarily on qualitative data collection and analysis, namely:

- Review of materials related to TCC project, including the original SOW, a major modification made in 2012, TCC's logical framework and Performance Management Plan (PMP), quarterly reports submitted to USAID, TCC press releases and reports disseminated to key stakeholders, and other materials produced by TCC. Additionally, this evaluation benefitted from a recent “internal” evaluation of the project conducted for TCC by Andrew Ellis.
- More than 50 key informant interviews (KIIs) with TCC's Nepali and expatriate former staff; donors (USAID, DFID, Norway and the EU); key “stakeholders” including Government of Nepal (GoN) representatives, political party leaders at the national and district levels, Constituent Assembly (CA) members, Election Commission of Nepal (ECN) members, representatives of organizations representing marginalized groups, think tanks and the media at the national and local level.

The Evaluation Team used a semi-structured, open-ended interview guide for the KIIs that was modified as additional information was acquired in the field. A list of interview questions is attached as Annex III. In almost all cases two, and sometimes all three, members of the Evaluation Team participated in interviews. In Kathmandu the large majority of interviews were conducted in English (sometimes with some use of Nepali); in Nepalgunj and Surkhet, the majority of interviews required translation. The Evaluation Team met regularly to discuss the information received from the interviews. This included contextualizing the information, checking for possible misunderstandings and, where possible, increasing the credibility of the information through triangulation of sources. Upon completion of interviewing, the Evaluation Team held 2 one-half day meetings during which key findings were identified, discussed and synthesized.

LIMITATIONS

It is important to identify several limitations inherent to the design of this evaluation:

- **KII selection bias.** The Evaluation Team intentionally interviewed individuals and groups that we knew had engaged with TCC or that we thought TCC should have engaged. Therefore, our interviews were limited to key political actors, CSO leaders, journalists, etc., and did not include ordinary citizens. Similarly, to address the issue of the extent to which TCC conveyed the voices of marginalized Nepalis, the Evaluation Team interviewed the leaders of organizations claiming to represent marginalized groups, but not ordinary members of those groups.
- **Recall bias:** Since a number of questions raised during the interviews addressed issues that took place in the past, recall bias may have affected responses. Given TCC's high profile and long presence in Nepal, it was not difficult to find interlocutors with personal experience with TCC and/or strong views about the role of the Center – not only in Kathmandu and Nepalgunj, but also in Surkhet. Many individuals and groups were interviewed by TCC's long-term observers (LTOs), and quite a few were involved in some sort of TCC consultation, including those involving President Carter. Many also recalled receiving TCC reports. However, the universe of KIIs who remembered the details of or recommendations contained in specific TCC reports was considerably smaller. And, the universe of KIIs who could identify ways that TCC reports or consultations influenced decision making was smaller still.
- **Counterfactuals and causality:** This evaluation is not able to answer the question of what would have occurred in the absence of TCC's project, as it cannot test for counterfactuals (as would be done in an impact evaluation). While this evaluation seeks to identify likely results of the project, in most cases it cannot definitely attribute causality to the project.

- **The challenge of measuring and assigning value to intangible impacts.** In the course of the Evaluation Team’s interviews, KIIs identified a number of intangible benefits derived from TCC’s presence and activities. The intangible benefits most frequently cited included: 1) information, which was used for triangulation, validation, influence, etc.; 2) having the presence of international monitors; 3) President Carter and TCC were viewed as trustworthy, neutral actors in an environment characterized by low trust and extreme partisanship; and 4) President Carter was seen as validating and encouraging the efforts of individuals and groups to participate in the political process.

We believe that these are important benefits of the TCC presence and project, in part because they were cited frequently in KIIs and in part because they are consistent with what would be expected in a post-conflict, transitional setting like Nepal’s. However, it was beyond the scope of this evaluation to do more than note these intangibles and to suggest that their importance not be ignored or under-valued.

3. COUNTRY CONTEXT AND PROJECT BACKGROUND

It is important to place TCC’s long-term monitoring project in the context in which it was designed and implemented. Three key contextual considerations are: 1) the multiple uncertainties associated with Nepal’s complex “peace process”; 2) the role of international actors in supporting – and some Nepalis would say, influencing – the peace process; and 3) TCC’s involvement in Nepal prior to the 2009. These are briefly described below.

3.1 COUNTRY CONTEXT

NEPAL 2006-2013

- The Comprehensive Peace Agreement (CPA) was signed in November 2006. The CPA committed the major parties that signed it to finalizing the interim constitution, forming an interim assembly and government in which the Maoists would take part, holding elections for a Constituent Assembly (CA) that would be both the parliament and body responsible for drafting and adopting the new constitution, and determining the fate of the monarchy in the first meetings of the CA.²
- An Interim Constitution was finalized in January 2007. The CPA was annexed to the interim Constitution, so it had and continues to have the status of constitutional provisions. This period also witnessed an explosion of Madeshi militancy in the Terai and increased Janajati activism, much of it focused on ensuring that the new constitution would adopt a federal form of government.
- After several delays the CA election was finally held in April 2008. CPN- Maoists emerged as the largest party in the CA. The CA became the most inclusive legislative body in Nepal’s history. The monarchy was abolished and Nepal became a republic.
- From 2008 to 2013 national level politics and governance suffered from unstable leadership and coalitions: the Prime Minister changed five times, including the formation of no-party

² Because all most of the elements of the CPA involve political changes (such as drafting a new constitution), throughout this report the phrases “peace process” and “political transition” are used interchangeably.

government for the 2013 CA election.

- During most of this time the Maoist army, the People's Liberation Army (PLA) were in confined to UN supervised cantonments – they were not disarmed. Progress on PLA integration and rehabilitation was slow and halting. The transfer of Maoist arms did not occur until September 2011 and it was not until November 2011 that agreement was reached on integration and rehabilitation. The process dragged on until April 2013.
- This period was also characterized by intense regional and identity politics, the persistence of Kathmandu-centered elite politics, and high level of partisanship and low levels of trust.
- The CA was extended four times, until a Supreme Court decision banned additional extensions. The CA expired in May 2012 without having produced a draft constitution.
- Elections for the new CA/parliament (CA-II) were held in November 2013. Nepali Congress (NC) won the most seats, UML placed second and the Maoists won only 13 percent of the seats.

INTERNATIONAL COMMUNITY AND AGENDAS

- **UNMIN**, the UN Mission in Nepal, was established in January 2007, primarily to monitor the implementation of the military-security aspects of the CPA. UNMIN was seen by the Maoists, the Army and established political parties as legitimating the PLA. UNMIN continued until January 2011, but UNMIN's Civil Affairs Office, which focused on political rather than military affairs, was downsized in 2008.
- **The UN's Office of the High Commissioner for Human Rights (OHCHR)** established a presence in Nepal in 2005. The OHCHR mission had "one of the most robust mandates ever seen for a UN human rights field operation." OHCHR issued numerous reports on human rights violations. "Over time political opposition to OHCHR's broad mandate developed as it focused increasingly on emblematic cases implicating senior military personnel and Maoist leaders, as well as on controversial issues such as caste discrimination."³ In 2010 OHCHR's term was extended only after the High Commissioner agreed to close all field offices in the Terai – a concession apparently made to India.
- **India**, particularly through its intelligence service, the Research and Analysis Wing (RAW), can have a major influence on Nepali politics, primarily in the form of providing incentives and disincentives to get Nepali political actors to act in ways India prefers. But there isn't always consensus within the Indian government on its Nepal policy, Indian analysts and operatives haven't always read Nepali political trends correctly, and Nepali political actors have not always followed India's bidding.
- **Other donors.** Numerous donors, including UNDP, DFID, Norway, and USAID provided support for the peace process and especially for the CA and the constitution drafting process (see box).
- **ICG**, the International Crisis Group, had a well-respected analyst based in Kathmandu. ICG produced 10 reports between February 2009 and August 2012.

³ See "A Comprehensive Peace? Lessons from Human Rights Monitoring in Nepal" by Rawski and Sharma, in *Nepal in Transition: From People's War to Fragile Peace*.(2012), pg. 193.

INTERNATIONAL ASSISTANCE TO THE CONSTITUENT ASSEMBLY

The Constituent Assembly (CA) served and serves as both Nepal's legislature and the body responsible for drafting and passing the constitution. The first CA was the most inclusive political body in Nepal's history. For these reasons, multiple donors provided support to the CA. Donors like DFID, NORAD, and DANIDA provided substantial financial support to a number of projects run by international organizations (i.e. UNDP, International IDEA, NDI, The Asia Foundation, etc.) and to lead national organizations (i.e. Bar Association, Law Society, NEFIN, NGO Federation, FEDO, NEMAF etc.). Taking into account the centrality of identity, ethnicity and inclusion in the post April 2006 transitional politics, and following the MOU made with the government that mandated to go ahead with inclusive agendas, most international donors gave preference to the concerns of the excluded groups, i.e. Dalit, women, Janajati. This generated some concerns on the part of the traditional political parties, the NC and UML in particular.

The most visibly active program was UNDP's Support to Participatory Constitution Building in Nepal (SPCBN) project, which provided assistance to constitution making in several ways: i.e. 1) logistic and material support to secretariat of the CA; 2) training to the CA members (particularly those belonging to excluded groups, i.e. Dalit, Women, Janajati and Madheshi); 3) technical/expert support to the CA members and thematic committees of the CA; 4) facilitation for dialogues (among the CA members representing different political parties, between civil society and the CA, and among public, party and ethnic organizations); and 5) public participation through outreach programs (federalism dialogue in the 14 proposed provinces and dialogue with ordinary people in all 240 parliamentary constituencies). In addition to SPCBN, another active organization has been International IDEA which provided assistance to constitution making mainly in three areas: 1) procedural part of the CA business; 2) production of dummy draft constitution; and 3) conducting interparty dialogues aiming to narrow down differences on contentious issues of the constitution.

TCC'S PRIOR INVOLVEMENT IN NEPAL

To understand some of the characteristics of TCC's long-term monitoring project, it is important to remember that the Center was active in Nepal, though without a formal in-country presence, for five years preceding the USAID-funded project. Its earlier activities, funded primarily by DFID and Norway, gave TCC knowledge of and standing with key political actors, including the Maoists. Three noteworthy dimensions to TCC's earlier involvement include:

- Even though the Maoists had been on the US government's "terrorism exclusion list" in 2003, beginning in 2004 TCC's Conflict Resolution Program engaged in "Track 2" (unofficial) efforts to facilitate dialogue among the key actors in the conflict. TCC was just one of multiple actors in what has been called the "masala peacemaking" process, which also included CHD, the UN and the Swiss government. TCC sent two missions to Nepal in 2004 and invited the High Level Peace Committee (HLPC) to meet with President Carter in Atlanta in November. Telephone contact between TCC and Maoist leader Baburam Bhattarai was first established in early 2005. But India was wary of TCC, so HDC and the Swiss government became the preferred facilitators of talks.
- It appears that TCC may also have conducted human/political rights monitoring in Nepal during 2005-06, but the Evaluation Team was not able to confirm this with the Center.
- In anticipation of the first CA elections, TCC established an election observation presence in Nepal in January 2007 and deployed teams of long-term observers who visited all of Nepal's 75 districts. President Carter visited Nepal twice in 2007. During one of his visits he is credited with helping to get the major political parties to agree on a mixed electoral

system for the CA election. He led an international observer mission when the CA election was finally held in April 2008. Mid-afternoon on election day he commented that it appeared the election would be peaceful and fair. This statement became increasingly controversial once it became clear that the vote was strongly in favor of the Maoists.

As a result of the above, by 2009 TCC, through its “Track 2” efforts, had some familiarity with the complexities of the peace process and had relationships with the major political parties, including the Maoists; but it was also viewed somewhat warily by the NC and UML because of what they saw as President Carter’s “premature legitimization” of the 2008 CA election.

3.2 OVERVIEW OF THE CARTER CENTER LONG-TERM MONITORING PROJECT (2009-2014)

TCC long-term monitoring project falls under the Priority Assistance Goal I of USAID/Nepal’s Country Assistance Strategy (2009-2013): “Successful Transition Completed toward an Effective, Responsive and Democratic Constitutional Government.” Under Goal I, the Center’s project supports the objective to “monitor the political transition and improve public understanding of it” that includes supporting organizations and civil society in monitoring: the constitutional drafting process; adherence by all parties to human rights and democratic principles; preparation for elections; and the status of local governance.

TCC project was initiated as a short term project – the original Cooperative Agreement provided funding of \$500,000 over 16 months – but because of the multiple extensions, the Constituent Assembly, the CA’s eventual expiration in May 2012 and subsequent elections for a new CA in November 2013, the project was extended over 4.5 years, involving 5 modifications. Over its life, the long-term monitoring project received funding totaling approximately \$7 million: approximately \$3.5 million from USAID, \$2 million (GBP 1.25 million) from DFID, and \$1.5 million (NOK 8.8 million) from Norway.

The overall goal of the Center’s long-term monitoring project was to contribute to a “consolidated post-conflict democracy in Nepal.” TCC identified the need to be met by the project as follows:

Nepal...remains in a fragile and transitional state. To consolidate the gains made thus far, it is necessary for the international community to continue to effectively support the peace process and constitution drafting. Two years into the process it is now possible to identify some of its weaknesses and to attempt to fill these gaps. Some of the most prominent weaknesses thus far have been the failure to implement previously signed agreements and the significant disconnect between Kathmandu politics and the rest of Nepal. A continued, impartial international monitoring presence at the grassroots level could help to address both of these concerns.

However, the presence of international monitors in Nepal – and particularly outside of Kathmandu – is shrinking. Both the European Union and the Asian Network for Free Elections (ANFREL) removed their monitors from Nepal following the CA election. Additionally, the UN Mission in Nepal (UNMIN) has significantly drawn down its field presence, and OHCHR is reportedly planning to make cuts to its field presence in mid-2009. Additionally, neither OCHA nor OHCHR have a mandate that includes comprehensive political monitoring of the peace process and its implementation. Thus, there is a gap that no other organization is yet planning to fill for country-wide monitoring of the peace process and

*the constituent assembly process, culminating in regular public reports.*⁴

In response to this need, initially the scope of the project included the following:

- 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 will 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.

A major modification in October 2012 increased funding by \$1.6 million to support three new elements:

- Monitoring of voter registration in advance of the 2013 CA election;
- Deployment of an international election observation mission for the 2013 CA election; and
- Transfer of the TCC database to a Nepali organization.

Over the span of the project, the Center issued a total of 28 reports (two reports on overall trends in the peace and constitutional processes, 9 “thematic” reports on key transitional issues, 11 reports on voter registration and electoral issues, 5 short thematic background papers, and a post-election assessment) as well as 5 situation monitoring reports, nine public statements and several opinion pieces.

It is important to bear in mind that TCC project was a short-term project that incrementally stretched into a long-term program. Indeed, TCC remained a “Mission” – it was never registered in Nepal as an INGO.

Finally, it is useful to view the Center’s project as having three somewhat distinct but overlapping components: first, monitoring and reporting on key aspects of the peace process (2009-2014); second, monitoring and reporting on the voter registration process, done with the ECN and NEOC (2012-2013); and, third, fielding an international election observation mission (2013). All three of these components involved and benefitted from TCC’s Nepali and international LTOs. Of the three, the reporting and monitoring of the peace process and of voter registration were new undertakings for TCC whereas the international election observation mission was a standard activity for the Center.

4. FINDINGS

In this section, we present key findings regarding the following:

1. Impact of TCC reports and consultations on decision-making
2. Impact of TCC monitoring on the voter registration process
3. TCC as a conveyor of the voices of marginalized groups
4. TCC’s efforts to build Nepali capacity and ensure sustainability
5. Project management, administration and monitoring

⁴ 2009 Program Description, pg 16.

According to TCC, the “value-added” of its long-term monitoring and reporting is as follows:

The added value of long-term monitoring by a trusted organization is that this single activity can have multiple positive results on a number of targeted groups. It is clear from the election observation mission that the Center’s reports are read and debated within political parties and by the international community, thus helping to inform and influence ongoing policy debates and choices. The reports also serve to educate and update the wider Nepali public about the political environment around the country. The published monitoring reports also allow individual citizens to communicate their own ideas and opinions to the Center and have them broadcast to major actors – thus making these individuals more active players in their nation’s transition process. Overall, the reports serve to inform local and national leaders about the concerns of the general public and to highlight those areas of the peace process where progress still needs to be made. Furthermore, the mere presence of international monitors in the field can have a positive effect on local dynamics and also communicate the international community’s continued interest and support to Nepal’s peace process.

TCC is also able to access national political leaders to communicate key findings from the reports, and, where appropriate, to make interventions in national political debate through private communications, public statements, liaison with project staff, high level delegations and President Carter’s personal involvement. International diplomatic missions will also benefit from the Center’s findings to be shared through regular briefings and other interactions.⁵

Finally, it should be noted that in both of the two principal project documents (the original 2009 Program Description and the 2012 modified Program Description) an additional justification made for TCC monitoring was that it would serve as an “early warning system” that would identify potential risks to the peace process while they were still nascent.

The breakdown of reports and statements issued by the Carter Center over the life of the project is presented in the table below.

Year	Political transition monitoring reports	Statements, op-eds and open letters by President Carter	Voter registration monitoring reports	International election observation reports and statements
2009	4			
2010	4			
2011	6		2	
2012	1	2	2	
2013	1	1	3	3
2014	1	1		1
Total	17	4	7	4

Given the preponderance of TCC reporting on the political transition and voter registration, the following two sections focus on the impact of this reporting.

⁵ 2009 Program Description, pg 17.

4.1 IMPACT OF THE TCC POLITICAL REPORTS AND CONSULTATIONS ON DECISION-MAKING

WHAT TCC DID:

TCC deployed teams of international and Nepali LTOs in each of Nepal's five development regions. These teams, over the life of the project, visited and conducted interviews in most if not all of Nepal's districts. The information collected by these teams was sent to TCC's office in Kathmandu, where it was then used to produce a series of reports, some of which were thematic and some of which more general reports on recent developments.

TCC produced 17 reports (public and private) on the peace process/political transition. TCC distributed the public reports in hard copy and electronically to key stakeholders in Kathmandu, including all 601 CA members. TCC's LTOs also distributed hard copies of the reports in their regions. The reports were also used as the basis for group briefings with the international community and for journalists as well as for private consultations with key stakeholders including political parties, the Nepali Army, the UN and foreign embassies including the Indian embassy.

TCC field monitoring and reporting both informed and was amplified by the roughly quarterly visits of TCC senior staff from Atlanta and the project's Senior Political Advisor. Similarly, the long-term monitoring and reporting both informed and was amplified by President Carter's periodic statements, phone calls and visits.

WHAT WE HEARD:

- Most of the KIs familiar with TCC reports – including Nepali and international stakeholders – considered the reports as valuable principally because they provided detailed and credible information about how key aspects of the peace/political process were playing out at the local level across the country. Therefore, in Kathmandu there was widespread appreciation for information and analysis from outside the Kathmandu valley, but that information was somewhat less valuable to people outside of Kathmandu.
- Some political parties used TCC reports to cross check their information and strategies. For example, TCC reports were useful to Maoist strategists who sought to better understand what people didn't like about the Maoists and what other parties were doing.
- The release of TCC reports generally were treated as newsworthy events, as were, of course, visits by President Carter. Editors and journalists regularly came to TCC briefings and some TCC reports stimulated editorials and opinion pieces. According to TCC, a newspaper editor of a major English language paper said that TCC's constitutional and federalism reports had led him to decide to change the way he was covering these issues in his paper and to send a reporter to the Eastern Region to do follow up stories based on citizen interviews in the style of TCC's reports.
- Senior officers in the Nepali Army read the reports; but the extent to which they informed NA decision-making is unknown.
- People in the Districts who received and read TCC reports usually were mostly interested in whether or not the report accurately captured the situation in their area. They were not as concerned with national level findings and recommendations.
- TCC reports filled a gap after UNMIN and OHCHR scaled back their reporting. Embassies, aid agencies and INGOs highly valued the information provided in TCC reports. (multiple interviews).
- TCC visits and consultations with key actors were valued by political parties, the Army, ECN,

and the international community.

- Reports were of varying quality, in part because the data was collected by monitors, not trained researchers.
- Most TCC LTOs saw their principal job as to monitor and report on the situation in their region. In most cases, information dissemination to people and groups in their region was secondary to information gathering.

PRINCIPAL EXAMPLES OF PLAUSIBLE IMPACT:

In almost all cases, it is not possible for the Evaluation Team to establish direct causality between TCC reports (and associated briefings and consultations) and subsequent decisions made by key stakeholders. However, it does seem both reasonable and useful to identify examples of how TCC reports and consultations appear to have had some impact – that is, how it appears they indirectly or directly contributed to public discussion of key issues and/or influenced the thinking and behavior of key stakeholders. We consider a TCC report to have had “plausible impact” if at least one of the following occurred: 1) KII recalled the report being discussed by key stakeholders; 2) the report appears to have contributed to – and possibly triggered – public debate; 3) the report may have been the impetus for some sort of verbal response or reaction on the part of one or more key stakeholders; and/or 4) the report preceded and may have served as an impetus for some sort of change in the behavior of a key stakeholder. Using these criteria, the following are examples of the plausible impact of TCC reports:

- **Local Peace Committees report:** The Center’s report was the first survey of the functioning of Local Peace Committees (LPC) across the country. It was the first and only analysis of the LPCs available to the Ministry of Peace and Reconciliation (MOPR), which was responsible for overseeing and supporting the LPCs. The MOPR on its own initiative shared the report with all of its district-level LPCs. The Ministry requested TCC to prepare a follow on report on LPCs in 2009 and an updated report in 2011. (The Center responded to both requests and produced two reports on LPCs.) According to TCC, a UNDP staff member told them that his department had decided against providing additional funding to LPCs based in part on the Carter Center’s reports about the LPCs.
- **Federalism and constitutional issues report:** The report highlighted the widespread ignorance of federalism and concerns that federalism would amplify identity-based rivalries.
- **Land redistribution report:** The land report was the first reporting done in Nepal on this issue. It stimulated a debate on the status of land seized during insurgency.
- **Political party youth wings report:** The youth wings report contributed to pressure on Maoists to rein in YCL intimidation and fund raising. Dr. Ram Sharan Mahat, a senior Nepali Congress leader, raised the report in a speech in the CA and called for the government to address the problems raised in the report.
- **Political space report:** Contributed to pressure on the Maoists to permit other parties to be active in Maoist dominated areas. According to one KII, TCC discussed the report with Maoist leader Prachanda, who then called his cadre in the problem areas and told them to allow the activities of other parties.
- **Local bodies report:** About one month after the local bodies report was published, the CIAA issued a directive to the government to dissolve the All Party Mechanisms (APMs). The government implemented this directive one week later. According to TCC the report triggered increased media attention to corruption in local governance and also may have stimulated discussion of the need for holding local government elections.

SHORTCOMINGS:

- The impact of TCC reports was reduced by the Center's conventional and cautious approach to dissemination. In particular, it appears TCC considered using radio for dissemination, but decided it would be too high-profile.
- To improve dissemination of information, in early 2012 TCC held a series of regional stakeholder dialogues regarding voter registration. These meetings were well attended and well received, but they were initiated as TCC's political reporting was winding down and ultimately no other regional meetings were held.
- No TCC reporting on transitional justice issues, dalits, women or the backlash by Brahmin/Chhetri groups.
- It appears some leading academics did not receive TCC reports. Likewise, a leading business association in Nepalgunj claims it never received TCC reports even though the TCC met with them.

4.2 IMPACT OF TCC MONITORING OF THE VOTER REGISTRATION PROCESS

THE VOTER REGISTRATION CHALLENGE AND PROCESS

There are perhaps 2 million unregistered Nepalis. The principal problem is that registration required proof of citizenship, and there are many Nepalis who did not have documentary proof. So voter registration becomes tangled up with the issue of Nepali citizenship, which is particularly sensitive in the Terai. Access to citizenship documents is particularly a problem for Nepalis living in remote areas, Nepalis illegally working abroad, and, to a limited extent, lower caste women. The ECN could only do so much, as the issue of citizen documentation rests with Home Affairs and the extent to which Village Development Officers (VDOs) and District Development Officers (DDOs) encouraged people to acquire citizenship papers.

The Supreme Court's decision in February 2011 that a citizenship certificate is the only official document acceptable for the purpose of registering to vote created political tensions in many parts of the country. Madhesh-based political parties and some regional-ethnic parties created disturbances in various parts of the country during voter registration programs. Their major concern centered around the argument that the children of individuals who received citizen certificates during the 2006-2008 distribution drive would be ineligible to vote in 2013 due to the court's ruling.

An 11-point political agreement signed on March 13, 2013 by the leaders of 4 major political parties opened the way for the formation of an interim government to oversee the elections. After the March 13 agreement, the president approved a 25-point ordinance which created the legal setup for registering children of those who received citizenship under special provision in 2006-07 and for those who were on the 2008 voter roll but did not have citizenship certificates.

The ECN conducted the voter registration program in multiple phases alongside voter education campaigns. The first phase was the municipalities phase in which voters meeting the eligibility criteria were registered in 58 municipalities in 43 districts (September – December 2010). The second phase, called a bridging phase, registered voters in areas nearby municipalities in 43 districts (December 2010 – March 2011). From March 2011 through mid-July 2011, a nationwide phase was launched to register the voters living in the remaining parts of the country. Mobile registration teams were mobilized during this phase to reach out in the VDCs.

In June 2011, the ECN launched out-of-district (ODR) registration so that people living outside their

home district could enroll their names in the voters' roll. Even after the completion of the nationwide phase, ECN continued registration at District Election Offices all over Nepal. In some districts, “enhanced continuous registration” was conducted on a temporary basis at district administration offices and area administration office locations (July 2011- February 2012). Also, mobile voter registration was conducted at municipality and VDC level in 11 priority districts during November 2011 to January 2012.

In October 2012, the ECN launched the Mobile Voter Registration Program Based on Targeted Marginalized Communities in cooperation with the Ministry of Home Affairs. The Voter List Collection and Update Program conducted in March 2013 was followed by a Joint Citizenship Certificate Distribution and Voter Registration Program in mid-April 2013, after new political agreements due to obstructions at number of places by different political parties. An additional program related to Voter Roll Data Collection and Update targeted at areas missed during the two previous programs was also conducted. Voter registration was discontinued on July 15, 2013 for the Constituent Assembly election on November 19, 2013. Even after announcing the claims and objections period in the first week in August, the ECN reopened the voter registration for a week as a window period in August 17-24, 2013, only at district election offices, providing people the final opportunity to enroll their names in the voters' roll before the second CA election.

According to the ECN, voter turnout for the CA election was 78 percent for the first-past-the-post races. Post-election survey data indicates that on election day voter registration was not a major impediment for most Nepalis wishing to cast their ballot. According to a nationwide public opinion survey carried out in February 2014 by Interdisciplinary Analysts (IDA) with support from Internews and the National Democratic Institute (NDI), around 81 percent of respondents said they were registered as a voter in the November CA elections, while 19 percent said they were not. Of the people who had registered, some 92 percent believed the voter registration process was clear and understandable and 89 believed they had adequate information about registering to vote. Of those who did not register to vote, 43 percent said they did not have a citizenship card, 22 percent said they did not have the time to register and 17 percent said they were out of the country during the registration period.⁶

WHAT THE TCC DID:

TCC's LTOs monitored voter registration, with a particular focus on inclusiveness and therefore the issue of citizenship documentation. TCC issued seven public reports assessing the voter registration process, each included recommendations to key stakeholders. Typically TCC briefed the ECN in advance of the release of its reports, to give the ECN an opportunity to respond. In early 2012, TCC organized stakeholder dialogues on voter registration in each of the five regions.

In its pre-election reports, the Center recommended a variety of ways the ECN and GoN could increase voter registration among marginalized and difficult-to-reach groups, including: creating continuous registration locations outside district headquarters; conducting specialized voter registration programs for marginalized groups; conducting a “mobile citizenship distribution and voter registration campaign”; launching a “missed voters” registration campaign; and, revising the ECN's voter registration target and strategies to reflect the addition of 2.3 million potential voters per the 2011 census data.

In its final report on the 2013 CA election, TCC concluded the following:

⁶ *Summary of Findings of Nationwide Opinion Survey Wave II*, Interdisciplinary Analysts, March 20, 2014.

The voter registration program took important steps toward meeting Nepal's international obligations. The new biometric voter register was a major improvement over the 2008 election, as stakeholders had confidence that those on the voter lists were eligible to vote and that voters could be properly identified on election day. This confidence was reinforced by providing access to parties and others who wished to check the accuracy of the register.

However, several issues must be addressed regarding voter registration before it can be said to fully meet international obligations. The voter register has fewer voters than what the ECN initially expected to register and even less than the potential number of eligible voters as suggested by the 2011 census. No audit was conducted to determine the extent of non-registration among residents in Nepal to assess the reasons for not registering, and to check the technical accuracy of the register. Eligibility requirements make it difficult for some married women and disadvantaged people without documents to prove citizenship. Citizens residing temporarily outside Nepal are unable to register, and citizens who have migrated within Nepal often find it difficult to register in the place where they actually live. Finally, citizenship rules leave a considerable number of people living in Nepal unable to prove citizenship. Therefore, they are ineligible to register.

The Carter Center recommends that the government, the constituent assembly, and the election commission take the steps necessary to provide for a fully inclusive voter register. This includes conducting an audit of the voter register, steps to expand voter registration to include all adult citizens, and proactive measures to ensure that necessary ID documentation is available to those lacking such documents, especially married women and people lacking proof of citizenship.⁷

WHAT WE HEARD:

- TCC monitoring of voter registration was valued by ECN, parties and the international community.
- TCC worked well with the ECN, other GoN bodies, UNDP, IFES and NEOF.
- The regional dialogues on voter registration were very useful.
- The DEO in Nepalgunj had extensive and useful engagement with TCC LTOs in the run up to the 2013 election.

PRINCIPAL EXAMPLES OF PLAUSIBLE IMPACT:

Unlike with TCC's political monitoring, the Center's monitoring of the voter registration process had both a fairly narrow focus (voter registration) and a fairly clear hierarchy of key actors and consumers of their reports (first and foremost the ECN, followed by political parties and donors). As a result, while a direct link still cannot be made between TCC reports and the decisions made by the ECN, there are multiple examples of the ECN acting on the findings and recommendation contained in TCC reports including:

- In general, the importance placed in TCC reporting on the inclusion of marginalized and remote voters seems to have influenced the ECN.
- The ECN established continuous registration sites outside district HQs.
- The ECN initiated mobile citizen and voter registration.
- The ECN conducted a follow up voter registration campaign in workplaces to allow migrant

⁷ *Observing Nepal's 2013 Constituent Assembly Election: Final Report, The Carter Center, pgs. 63-64.*

workers to register.

- TCC, along with other donors, put pressure on the ECN regarding domestic monitoring qualifications, which were eventually relaxed.

4.3 TCC AS A CONVEYOR OF THE VOICES OF MARGINALIZED GROUPS

Evaluating TCC's engagement with and focus on "marginalized" groups is problematic for two reasons:

- First, TCC's Results Framework does not make reference to a specific focus on marginalized groups – nor does it require any disaggregation by identity group, caste or gender. TCC was principally concerned with monitoring the changing political and security environment outside of Kathmandu to better inform Nepali and international stakeholders in Kathmandu in the hope that this would help to advance and consolidate the peace process. As such, TCC reporting tended to focus on issues related to the implementation of the CPA and subsequent agreements that had relatively immediate political significance at both the local and national levels. Given the explosion of political activity by and in the name of marginalized groups in Nepal, TCC monitoring and reporting needed to be and was attuned to the emerging voices and interests of marginalized groups. But TCC didn't see its mission as including helping to amplify the voices of marginalized groups beyond what TCC LTOs were observing at the local level. Moreover, doing so might have jeopardized the credibility of TCC reports.
- Second, as noted earlier, the Evaluation Team interviewed the leaders of politically-active organizations that claim to represent marginalized groups. It did not interview "ordinary" citizens from marginalized groups. Most of these leaders felt that TCC was supportive of their efforts to attain greater influence. But it was beyond the scope of this evaluation to determine the views of a broader swath of Nepalis.

WHAT TCC DID:

TCC began by hiring a diverse staff of Nepalis. TCC's Nepali LTOs included Madeshis, Muslims, lower caste Nepalis and several women. When conducting interviews, TCC LTOs were required to speak with representative samples of women and marginalized groups.

Other TCC efforts to emphasize the importance of inclusion included:

- TCC staff and President Carter regularly consulted with leaders and organizations claiming to represent marginalized Nepalis.
- One TCC report, on "identity-based political activity and mobilization" (released in March 2013) focused on identity-based politics as practiced by identity-based parties and groups, most of which claimed to represent marginalized groups.
- As noted above, the Center's voter registration monitoring placed a heavy emphasis on the inclusion of marginalized populations.
- In its final report on the 2013 CA election, the Center observed: "The legal minimum representation quotas for women, ethnic minorities, and other groups are positive steps toward promoting inclusive political representation, partially fulfilling Nepal's international obligation to ensure the ability of all citizens to participate in public affairs. Nevertheless, the decline since 2008 in the representation of women and members of marginalized groups among both candidates and winners in the first-past-the-post races underlines the continuing need for temporary special measures as well as a democratization of internal party structures in order to achieve the goal of social inclusion." The Center went on to recommend that, "Proactive

measures should be taken to strengthen the participation of women, Dalits, and members of other marginalized groups in decision-making processes within political parties. The drafting of the new constitution is an opportunity to further develop inclusion policies, and consideration should be given to ensuring parity of women and men in elected councils at all levels.⁸

- Finally, TCC’s final, post-election report in June 2014 recommended that the Council of Ministers “swiftly appoint” the remaining 26 members of the CA” from underrepresented indigenous communities in accordance with the interim constitution and the May 12 decision of the Supreme Court.

WHAT WE HEARD:

- A senior Madeshi leader viewed President Carter’s promotion of democratic values as being beneficial to Madeshis.
- Some leaders of identity-based political organizations were critical of TCC reporting which suggested that there was considerably less support for identity-based politics than the leaders of those organizations claimed.
- TCC lobbied political parties to adopt more inclusive policies which created an environment supportive of inclusiveness.
- NEFIN leaders met with TCC and President Carter. They were critical of TCC for supporting the upper caste “establishment.” They also think TCC didn’t do enough to push for a liberal/inclusive approach to voter registration.

EVIDENCE OF IMPACT:

- TCC reports conveyed the ground level situation, including the relevant actions and views of marginalized groups.
- The leaders of organizations representing marginalized groups tended to see TCC and President Carter as advocates for their interests.
- TCC reports on voter registration emphasized the need for the ECN and GoN to initiate voter registration activities targeted to marginalized and difficult-to-reach groups.

SHORTCOMINGS:

- TCC reports did not focus exclusively on the status of or issues facing marginalized groups (e.g., no reports specifically on Dalits or women).

4.4 CAPACITY BUILDING AND SUSTAINABILITY

At its inception, because of its presumed short lifespan, TCC’s project was not envisaged as a capacity building program. In the 2012 modification “local capacity building and sustainability” was added as a new project activity, apparently reflecting a desire on the part of USAID and DFID to see the three-year old project do more to transfer skills and capacity to Nepali organizations. The language in modification focused almost exclusively on the transfer of the Center’s database to a Nepali organization. TCC proposed undertaking a “scoping mission” to select the best recipient and to plan the modalities for the handover. It was anticipated that this would include cleaning the data of all sensitive information,

⁸ *Observing Nepal’s 2013 Constituent Assembly Election: Final Report*, The Carter Center, pg. 12.

creating a training package, online module and written handbook, and possibly conducting information sessions.

WHAT TCC DID:

It appears TCC never engaged in discussions with donors to identify options for capacity building and enhancing sustainability. Instead, TCC focused exclusively on transferring the Center's data base to a Nepali organization. The two likely candidates were Martin Chautari and Social Science Baha, both independent and respected social science research organizations. Apparently Tribhuvan University wasn't considered an option because of concerns with the politics and bureaucracy within the university. Nor was storing a set of the data in the National Archives of Nepal considered.

As it turned out, the scoping mission was never carried out, perhaps because only Social Science Baha expressed an interest in housing the database. It appears that TCC did not consult with USAID or DFID once the handover to Social Science Baha began. Moreover, it also appears that the transfer of the database to Social Science Baha involved a level of support from the TCC significantly lower than what was envisioned in the 2012 modification.

WHAT WE HEARD:

- Both USAID and DFID expressed frustration that following the 2012 modification, TCC did not make a more robust effort to support sustainability and capacity building.
- USAID believes that TCC's partner institution, Emory University, by not opting to house the Center's reports and database, missed an opportunity to make the information more broadly available to researchers and students.
- TCC staff noted that the addition of "local capacity building and sustainability" as a project activity came relatively late in the life of the project, and at a time that the project was transitioning from political monitoring to a greater concern with monitoring the CA elections. TCC staff also pointed out the Carter Center, as an organization, has little experience with capacity building and therefore wasn't well placed to think creatively about it. Finally, TCC staff also acknowledged that transferal of the database was viewed as a lesser priority and one that could be addressed following the 2013 CA election.
- Social Science Baha is pleased to be the home of the database but has limited resources to publicize it or to support wider access to it.

Finally, it bears noting that one small but not insignificant legacy of TCC's project is its skilled and experienced Nepali staff, most of whom have gone on to work for Nepali and international organizations, including the GoN, the UN and the World Bank. The Evaluation Team was informed that several of them are exploring the possibility of creating an NGO that would continue to do political monitoring.

4.5 PROJECT MANAGEMENT, ADMINISTRATION AND MONITORING

Although the Scope of Work for this evaluation did not include an assessment of the management, administration and monitoring of the project, in interviews with USAID, DFID, Norway and other organizations a number of observations were made that warrant mention.

OBSERVATIONS

First, TCC is credited with having generally excellent expatriate and Nepali staff. In particular, the original Field Program Director was widely and uniformly praised by international and Nepali interlocutors. TCC Senior Advisor and former Ambassador to Nepal, Peter Burleigh appears highly regarded by most Nepali leaders and provided great access to the project. TCC also was viewed by many as having topflight Nepali staff – a perception that was validated in the interviews we conducted with eight Nepali former staff members.

Second, TCC claims to have provided rigorous training on monitoring and reporting to their LTOs, both upon joining the organization and during the regular gatherings of LTOs in Kathmandu. But few of the Nepali LTOs we interviewed remembered receiving any training – perhaps because it was conducted in an informal fashion.

Third, TCC deserves credit for learning and adapting, both as it undertook a new type of activity (political transition monitoring) and as the “short term” project evolved into a longer term program eventually including voter registration monitoring and finally election observation. TCC’s Quarterly Reports indicate that they frequently assessed and sought to improve their approach to reporting, they developed a database when it became clear that they needed a better way to manage the voluminous data they were generating, and they considered (but for the most part did not implement) additional ways to improve information dissemination.

Fourth, TCC suffered from weak financial management and, at times, an apparent unfamiliarity with USAID procedures and requirement. Apparently TCC did not maintain a consolidated budget which tracked what expenses were financed by which donor.⁹ While TCC – and especially the home office in Atlanta – is principally to blame for the poor financial management, it should also be noted that DFID and the Embassy of Norway acknowledge that their grants management systems were not as rigorous as they should have been.

Finally, TCC’s monitoring of its activities was weak and seemed to assume that their political monitoring was inherently valuable and therefore didn’t need a serious effort to ascertain impact. The problem began, perhaps, with the project’s Results Framework (RF), which mixes up activities, results and means of verification. Additionally, the Results Framework contains no mention of a focus on “marginalized groups;” nor does it require disaggregation of data by gender, caste or identity group. TCC’s quarterly reports appear forthright and appear to provide an accurate picture of their accomplishments and challenges. But in many of the quarterly reports TCC listed (and sometimes repeated) multiple expressions of appreciation for their reports and briefings rather than attempting to show the reports’ impact. This shortcoming reflects the larger challenge faced by a project like TCC – demonstrating the use and impact of their reports. We will return to this topic in the conclusion.

5.0 CONCLUSIONS

Given the political context in Nepal circa 2009–2013, a case can be made that long-term monitoring of the peace process by the Carter Center was valuable for the following reasons:

⁹ However, TCC says that their proposals to donors included budgets that indicated who was paying for what.

- It addressed the lack of credible information coming from the regions.
- Given the multi-faceted nature of the peace process, there was value in having a single organization that could deal holistically with all the elements of the peace process: local level peace and security, the constitutional process and the electoral process.
- There was an openness – perhaps even a desire – on the part of most key political actors to have a neutral international actor that could, in the name of the CPA, help to resolve political impasses and also help keep any one group from behaving in ways that would cause the peace process to collapse.
- President Carter had experience and credibility with most key actors – and wasn’t too threatening to the Indian government;

TCC in Nepal was not just another INGO. President Carter built relationships with both NC leader GP Koirala and Maoist leader Prachanda. According to one KII, “Carter played an important role at critical moments...he gave advice to political leaders that enabled the peace process to continue.” In multiple interviews the Evaluation Team pushed those they interviewed to explain what influence TCC had as “just an INGO” – not a government or a donor. Time and time again people would ascribe influence to TCC because it was headed by a former US president. The assumption seemed to be that President Carter would have some sway over Nepali leaders and foreign governments. In addition to the importance of President Carter’s stature, people also pointed to his long involvement in Nepal, which they thought indicated a genuine concern for the country and its people.

TCC also deserves credit for what did not happen. That is, over the course of 4.5 years of reporting on a variety of politically sensitive topics – and offering recommendations for what should be done – TCC never took a serious misstep that might have caused it to be discredited or dismissed. It appears they learned from both President Carter’s misstep in 2008 and the criticism levied at the UNMIN. (During their tenures both UNMIN and the UN’s OHCHR faced criticism regarding their mandates and priorities – but this may also reflect the greater influence the UN entities had relative to TCC.)

With that as preface, the Evaluation Team offers the following conclusions regarding the evaluation questions identified in the Scope:

1. How effective was the program in engaging women, youth, dalits, differently abled and other marginalized groups during the monitoring of peace and constitution drafting processes and in bringing their issues to influence these processes? Do citizens feel that their voices have been heard through this program?

TCC monitoring and reporting dealt with the most politically significant issues, which included youth wings, identity politics, etc. So, TCC met with many marginalized groups, and the roles and concerns of marginalized groups were reported, but in the context of the issues TCC was addressing.

TCC essentially opted not to try to directly influence the constitution drafting process, so it had no impact on conveying marginalized voices to the CA. Given both the large number of other donor-funded initiatives focused on the CA and the CA’s structural and political dysfunctions, TCC’s decision not to actively and robustly engage the CA was a wise one.

Most of KI interviewees who are leaders of politically active groups and political parties that claim to represent marginalized groups expressed the view that TCC and President Carter were supportive of their agendas. The Evaluation Team is unable to determine if citizens feel their voices were communicated by TCC.

TCC could usefully have done more focused reporting on dalit/caste issues and the status of issues of importance to women.

2. How have the findings of The Carter Center’s analytical work such as field visit reports and press releases contributed to policy level decisions and to help shape programs and strategies of stakeholders such as CSOs, USAID projects, ECN, GoN and donor communities? What other information would have been more helpful for the stakeholders?

In answering these questions it is important to be realistic about the limits of foreign – at least non-Indian – influence in Nepal. Consider, for example, the limited impact of UN OHCHR, which had a robust mandate and the weight of the UN behind it. According to one recent assessment:

In the end, fulfilling the promises made in the human rights provisions of the CPA proved easier said than done. Political leaders responded to public demands for accountability with vague promises that transitional justice institutions such as the promised Truth and Reconciliation Commission and Commission of Inquiry on Disappearances would address their concerns. As for the international community, its efforts served largely to illustrate the dearth of influence that the UN and Western countries retained in post-CPA Nepal.¹⁰

Also, a second important reality was that governments in Nepal have been weak interim and coalition governments, none of which have had the political clout or willingness to make important changes to the status quo.

As an INGO, TCC basically had two means for influencing decision making: 1) the credibility of its reports and associated briefings (information); and 2) President Carter’s influence (suasion). The assumptions regarding the reports were that: 1) they would have a high degree of credibility because they were based on district-level monitoring – and were produced by TCC; 2) therefore they would be read by or somehow communicated to key decision-makers; and 3) that by highlighting issues and problems, the reports would stimulate efforts to address those issues or problems. While the first assumption appears to have been valid, the second and third assumptions were valid much less of the time.

The problem TCC faced is a fundamental one: the highly personalized, tactical, and short-term nature of Nepali political decision-making. The institutional and cultural dimensions include the highly factionalized nature of political parties and hierarchical decision-making. This inherent problem was amplified by the extremely fluid political situation where individual leaders, factions and parties were regularly making and ignoring agreements, shifting coalitions, and changing positions depending on the situation at any given moment and expectations of what would happen next. This also held true for the CA, which was an essentially party-driven process, and became more so over time. So, neither the basic operational mode of Nepali political parties nor the situation in which they were operating (and continue to operate) were very receptive to TCC reports, however good they may have been. Note however, that this does not apply for the VR reports, which had the ECN as TCC’s principal audience.

¹⁰ “A Comprehensive Peace? Lessons from Human Rights Monitoring in Nepal,” by Rawski and Sharma, in *Nepal in Transition: From People’s War to Fragile Peace*. (2012): pg. 191.

Also, TCC and any other organization seeking to influence public policy – or at least public opinion – faces a media that is dominated by a small number of elite families. That said, there is limited evidence that media coverage has a significant impact on the behavior of political leaders.

In conclusion:

- First, TCC sought to keep the focus of their monitoring and reporting on 1) issues central to the implementation of the CPA and 2) developments and trends that had tangible elements to them that allowed for objective monitoring (such as the functioning of APCs and LPCs, land returns, progress with voter registration, etc.) as opposed to more subjective analysis. TCC also avoided reporting on topics – such as human rights and transitional justice issues – that were being addressed by other organizations with more specialized expertise. As a result, TCC reports covered a number of important transitional issues, but did not address every issue. TCC reports were of varying quality, in part because the data was collected by monitors, not trained researchers.
- Second, TCC reports filled a gap after UNMIN and OHCHR scaled back their reporting. TCC reports were valuable principally because they provided information about how key aspects of the peace/political process were playing out at the local level. Therefore, in Kathmandu there was widespread appreciation for information and analysis from outside Kathmandu, but that information was less valuable to people outside of Kathmandu. TCC political monitoring and reporting was also valued and used by political parties, the Army, some in GoN, and the media. Embassies, aid agencies and INGOs highly valued the information provided in TCC reports.
- Third, although the project viewed the CA as an important consumer of TCC reports, it appears that in practice TCC opted to prioritize engaging with influential party leaders inside and outside the CA rather than making a concerted effort to engage the CA as an institution. Given the efforts of other donors and INGOs to engage with the CA as well as TCC's limited resources, with was a sensible decision.
- Fourth, it appears that the impact of TCC reporting on the media was mixed, although it is important to note that the evaluation team did not do a survey of media coverage of TCC reports, so conclusions about the media are necessarily impressionistic. The release of TCC reports generally were treated as newsworthy events, as were, of course, visits by President Carter. Editors and journalists regularly came to TCC briefings and some TCC reports stimulated editorials and opinion pieces. Although TCC cites an example of one newspaper editor who told them that their constitutional and federalism reports led him to change the way he was covering these issues, it does not appear that TCC reports stimulated significantly new or different media coverage of the issues they addressed. Additionally, TCC never made a concerted effort to use local radio, either to disseminate information or to garner public reactions to their reports.
- Fifth, the impact of TCC reports was reduced by the Center's conventional and cautious approach to dissemination. The Center remained wed to producing lengthy, data-rich reports and didn't seriously explore other ways of communicating their findings and recommendations. In particular, it appears TCC considered using radio for dissemination, but decided it would be too high-profile.
- Finally, in both the original project document and the 2012 modification it was suggested that TCC monitoring would serve as "an 'early warning' mechanism to identify potential conflicts or high-risk areas based on monitoring information." While the exact meaning of this wasn't elaborated on in either document, presumably it meant that the Center's district-based monitors, individually and collectively, would be able to identify nascent conflicts or problems at the district level so that they could be addressed, presumably by other actors, before they became too large or intractable. There is little evidence that TCC's LTOs played this role in an

overt or systematic way – except when they reported on pre-election violence in the run up to the 2013 election. This isn't a deficiency per se; rather it reflects the principal focus of the LTOs, which was to contribute information for the thematic reports – and not to search out and focus on nascent local-level conflicts. However, it does highlight that a distinction needs to be drawn between political monitoring as done by TCC and having an “early warning mechanism able to identify potential conflicts or high-risk areas.”

3. In what ways have the report on “limited observation of the Election Commission of Nepal’s voter registration program” contributed to strengthening Election Commission’s voter registration process? What recommendations from TCC’s 2013 CA election observation report and/or other reports are being implemented for the June 2014 by-election and future local elections?

Examples of the impact of TCC reports and recommendations pertaining to voter registration include:

- In general, the importance placed in TCC reporting on the inclusion of marginalized and remote voters seems to have influenced the ECN.
- The ECN established continuous registration sites outside district HQs.
- The ECN initiated mobile citizen and voter registration.
- The ECN conducted a follow up voter registration campaign in workplaces to allow migrant workers to register.
- TCC, along with other donors, put pressure on the ECN regarding domestic monitoring qualifications, which were eventually relaxed.

TCC’s long-term monitoring of voter registration had more tangible impact than its political monitoring because: 1) TCC had a specific interlocutor, the ECN, which was moderately receptive to TCC’s findings and recommendations; 2) while voter registration was “political,” it also had many technical and procedural aspects that were less likely to be driven by purely political considerations; 3) extended monitoring of the situation allowed for TCC to track progress and repeatedly highlight shortcomings and needs; and 4) TCC was working in tandem with UNDP, IFES and NEOF.

It is the Evaluation Team’s understanding that the June 2014 by-election was treated as a continuation of the November 2013 CA election. Therefore, we are not aware of any changes in the way the by-election was implemented.

Finally, while TCC reports paid considerable attention to issues pertaining to local governance, the Center paid much less attention to the issue of local elections.¹¹ This is understandable given that most Nepali political actors have been focused on national-level political issues and the CA elections. However, the Center did address the issue of local elections, but not the election law, in its final report, issued in June 2014. In its report TCC noted the prevailing sentiment that local elections will not take place prior to the promulgation of a new constitution as well as the implications of further delays:

Many interlocutors suggested to The Carter Center that holding local government elections prior to the drafting of a new constitution would delay the constitutional process and would not be constructive. However,

¹¹ The Local Self-Governance Act, 2055 (1999) provides for elected bodies at the district, municipality, and village levels. However, local body elections have not been held since 1997, and their functions are currently being substituted for by interim structures headed by civil servants.

*the need to return to elected local governance in a reasonable timeframe also was widely recognized, as was the fact that delaying elections until after implementation of federalism, as demanded by some advocates of identity-based federalism, could mean another several years without elected local bodies.*¹²

TCC recommended that “party leaders and civil society representatives should discuss options for a timely return to elected local government... Interim local bodies may be one option for discussion, but a range of alternatives may also be feasible.” TCC further observed, “given sufficient political will, compromise on this question is possible, and that with the right mandate, local bodies have potential to facilitate rather than impede the implementation of state restructuring and other reforms under the new constitution.”¹³

4. Did TCC make a robust effort to transfer skills, capacity and information to Nepalis?

The TCC program was never envisaged as a long-term capacity building program – “local capacity building and sustainability” was added in the 2012 modification. The timing was unfortunate because by 2012 TCC was reorienting its program to focus more on VR monitoring and international election observation, both of which offered fewer prospects for “local capacity building and sustainability” than offered by the earlier political monitoring.

Even though “local capacity building and sustainability” became an element of the program in 2012, it appears to have remained more of an afterthought for TCC. Transferring the data base to Social Science Baha may be the best of the limited options available.

TCC never gave any serious thought to how it might build the capacity of local organizations. TCC never engaged in discussions with donors to identify options for leaving some sort of legacy (other than the data base and reports). There was no consideration of storing one set of the data base in National Archive of Nepal or at Emory University in Atlanta, where TCC is co-located. The transfer of the database to Social Science Baha was not a priority for the TCC, with little done to maximize its future use.

5. What are further opportunities and challenges for making the long-term observation process more efficient and effective?

The Evaluation Team concludes with our observations on what the TCC experience in Nepal suggests about the value of long-term political monitoring, under what circumstances it may be useful, and recommendations for how it can be improved upon.

Under what circumstances might long-term political monitoring make sense? TCC’s access and influence in Nepal were in large measure due to: 1) a particular set of conditions that existed in Nepal during 2008-13; 2) President Carter’s stature and convening power; and 3) his demonstrated commitment to and personal involvement in Nepal over an extended period of time. As noted above, looking ahead, it seems unlikely that many countries will have the basic conditions necessary to allow for successful international political monitoring. It also will be difficult for TCC and other INGOs to replicate the influence TCC has enjoyed in Nepal.

That said, in complex transitional situations like Nepal’s – that is, those involving a peace process that is dependent upon a series of fundamental political changes – it may be beneficial to have regular

¹² “Nepal After the 2013 Constituent Assembly Elections,” Carter Center, June 26, 2014, pg. 6.

¹³ Ibid, pg. 8.

monitoring and analysis of the key elements of the transition. This can be useful to national and international stakeholders to gauge progress made and to identify and assess future needs and challenges. If done well, it also can provide a common reference point for national and international stakeholders. In transitional situations characterized by both extreme fluidity and intense politicization, this type of reporting can help to focus national and international attention on issues that are key to the success of the transition.

In a complex “post-conflict” political transition there may be benefits to having one organization that can bridge peace-building, constitution-making and election support. In some cases the UN plays this multi-faceted role, but there also are situations when the UN is unwilling or unable to do so. And, even in situations where the UN does play a wide-ranging role, an argument can be made that it becomes too deeply involved in the transition (as an adviser and a donor) to objectively monitor the situation. Therefore, a case can be made that an INGO should conduct political monitoring. But for this to be effective the organization needs to have stature, it needs to have expertise across the multiple transitional arenas, and it needs to be trusted by the key actors.

Basic conditions required for political monitoring. Based on this examination of TCC’s experience in Nepal, it is possible to identify several conditions needed for political monitoring to be undertaken. These are:

- **The security situation, involving both state and non-state armed actors – must to allow for unimpeded monitoring.** This was largely the case in Nepal following the CPA; but the security situation in other “post conflict” countries may not be as conducive.
- **There needs to be general public acceptance of international involvement** and particularly international monitoring and the issuance of reports that may be implicitly or explicitly critical of specific groups, actions or policies. In many countries the tolerance for this may be lower than was the case in Nepal in 2008-2013.
- **All or most key political actors must see value in – or at least not be opposed to – international monitoring** and must at least nominally embrace international standards for elections, human rights, etc. In Nepal, all the key political actors saw some benefit to monitoring by the UN and TCC, and for differing reasons all thought that their political prospects would be improved by international involvement. In many other countries this situation may not exist.
- **Key political actors must view the INGO doing the monitoring as being neutral, trustworthy and influential.** In Nepal the neutrality of TCC was sometimes questioned, but in general it was viewed as being balanced, trustworthy and influential – in large part because of the stature of President Carter and the personal relationships he built with senior Nepali political leaders. In many countries it may be difficult for an INGO to attain this status.
- **There needs to be a generally free media and/or other mechanisms for widely disseminating the information and analysis produced by the monitoring organization.** The impact of TCC’s reporting was amplified by Nepal’s free and robust media. The value of monitoring would be significantly reduced in countries with limited media freedom.

The trade-offs involved in monitoring and engagement. TCC’s experience in Nepal suggests that here may be trade-offs or tensions involved when an organization both monitors a transition and seeks to play a role in securing the success of the transition. While these potential trade-offs shouldn’t be over-stated, neither should they be ignored.

The line between monitoring and engagement can be a tricky one. Monitoring seeks to track and assess changes over time, identify progress and problems, and recommend ways to accelerate progress and/or address problems. Engagement may involve advocacy of certain actions or policies or efforts to avoid or

resolve political impasses or conflicts through formal or informal facilitation or mediation. Engagement in the form of advocacy involves a closer association with a set of preferred actions or policies and it creates a different relationship with the key political actors. Engagement in the form of conflict resolution makes the “third party” an active participant in a process. Therefore, engagement runs the risk of undermining the detachment and neutrality central to credible monitoring.

A second potential trade-off or tension may emerge when balancing the need to have access to key political actors (both to learn their thinking and to influence their decision-making) and the goal of reporting honestly about the decisions and behavior of those key actors. In Nepal, TCC appears to have placed a premium on maintaining its access to senior political leaders across the political spectrum. Reflecting this, TCC’s public reports were respectful and diplomatic and avoided criticizing specific individuals or groups. But in some situations, for monitoring to maintain its integrity, it may be necessary to highlight the misdeeds of particular individuals or groups.

A third potential trade off exists between the need for a monitoring organization to preserve its neutrality and the benefits that might derive from collaborating with local organizations. In Nepal almost all NGOs are perceived to be aligned with or sympathetic to one political party or another. Therefore, even if TCC had been more inclined to explore partnerships with Nepali NGOs, say to enhance the dissemination and public discussion of their reports, the opportunities to do so were limited and the potential risks were significant.

Other lessons and recommendations:

- **Who matters most? Defining and targeting “key stakeholders” and “key actors.”**
Throughout the project, TCC and USAID used a broad definition of “key stakeholders” that included political leaders, government officials, NGOs, the media and the international community. This was warranted in the case of Nepal; but it needs to be pointed out that reaching *more* people is not necessarily better (as in more efficacious) than targeting a smaller universe of key actors. As proponents of democracy we tend to assume that more participation is better than less participation. Given the high level of exclusion that has existed in Nepal, this assumption was warranted; but this may not always be the case. In fact, most peace agreements and many political transitions (and particularly constitution drafting processes) have been based on pacts (formal or informal agreements) arrived at by key political elites rather than through broad participatory processes. This is not to suggest that elite pacts should be encouraged at the expense of public participation. But it is important to have a realistic view of which groups and individuals matter most, which is to say who can deliver on key elements of a peace agreement or constitutional drafting process and who can block or undermine progress.
- **Who decides and how?** If a project seeks to inform and influence decision-making it is critical that it develop a deep understanding of decision making processes so that it can then design a strategy for trying to inform and influence decision making. There should not be an *a priori* assumption that a certain approach will work because it works in the US or elsewhere. In the case of Nepal, as in many developing countries, decision making within political parties and the government is very top-down, personalized and factionalized. And it appears very few key decision makers have the staff or the inclination to undertake formal, inclusive, evidence-based decision making processes. Therefore, as informative as TCC reports were, it probably is the case that they rarely fed into formal decision making processes. Instead, most of the information and recommendations contained in the reports probably were conveyed informally, through personal channels. By understanding patterns of decision making – which may vary across political parties and within government bodies – a project can better tailor and adjust as needed its information dissemination strategy.

- **Enhancing field-based political monitoring.** In the event that political monitoring is undertaken, ways to enhance its robustness and usefulness should be explored. Reporting and analysis based on field-level monitoring might be enhanced by incorporating the insights of experts with broader comparative expertise on issues like political transitions, federalism, etc. Also, the robustness of analysis based on field-based monitoring would be increased if it were linked to public opinion surveying.
- **The desirability of multi-donor funding.** As with many politically-sensitive DRG or conflict programs, multi-donor funding can diminish the appearance that the US is promoting a particular agenda or set of political actors.

6.0 ANNEXES

ANNEX I – EVALUATION STATEMENT OF WORK

INTRODUCTION

USAID/Nepal seeks to contract professional services to conduct a final evaluation on the Monitoring Nepal’s Peace process and Constitution Drafting Process (MNPPCDP) Project.

This evaluation will focus on activities implemented during the life of the project of the current Cooperative Agreement (September 2009–June 2014). The MNPPCDP program does not have any sub-partners and coordinates with other donors, namely Norway and the Department of International Development (DFID), who have been its supporters since the beginning. The program will be concluded in Nepal on February 2014 and final close out will take place in Atlanta, USA. The principal objectives of the program are as follows:

- Observe implementation of the peace process and constitution drafting process 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 ongoing obstacles in the peace and constitutional processes;
- Hold regular briefings for project donors and relevant international stakeholders as well as regular meetings with Nepali political and civil society leaders;
- Observe Nepal’s next national elections which may take place in November 2013 or April 2014;
- Transfer the aspects of The Carter Center’s observation expertise and data to Nepali stakeholders prior to departure.

BACKGROUND

After eleven years of armed insurgency, a window of opportunity for peace and reconciliation in Nepal opened in November 2006 with the signing of the Comprehensive Peace Agreement (CPA) between the Government of Nepal and the Maoists. Following the 2006 CPA, The Carter Center received letters of invitation from the government, major party leaders, and the Election Commission to observe Nepal’s

Constitution Assembly (CA) election in 2008. Following the CA election this program supported the constitution drafting process by creating public awareness of the process and by updating the progress.

Since 2009, The Carter Center has implemented MNPPCDP in each of Nepal's five development regions with the objective of monitoring the country's progress toward a consolidated post-conflict democracy. The Center deployed teams of international and Nepali long-term observers to meet regularly with citizens, political parties, government officials, civil society, marginalized groups, and others in order to understand concerns at the local level. The observers share their findings with political leaders, former CA members, and other stakeholders, including the international donor community, and the media. The observers focus on key elements of the peace process, including implementation of past agreements, public participation, and perceptions of the constitutional process. The observers observe the Election Commission of Nepal's election programs and its components i.e. voter registration, election programs.

On Nov. 19, 2013, Nepal held its second constituent assembly election since the end of the armed conflict in November 2006. Following a written invitation from the Election Commission of Nepal (ECN) and Chairman of the Council of Ministers Khil Raj Regmi, The Carter Center launched its election observation mission on Sept. 25, 2013. Former U.S. President Jimmy Carter and former Deputy Prime Minister of Thailand Dr. Surakiart Sathirathai led the Carter Center's mission.. The mission was teamed up with long-term observers and short term observers in different districts of Nepal.

The Center has developed a deep network of political contacts across the entire country, having visited all 75 districts since 2007, most of them on multiple occasions, and retained access to the highest levels of political decision-makers.

PROJECT BACKGROUND, DEVELOPMENT HYPOTHESIS & ACTIVITIES

With the contributions of two other donors, USAID co-funded MNPPCDP after receiving an unsolicited application on September 3, 2009. The program formally started on June 2009 through the assistance of DFID and Norway. The activity supports the US Mission to Nepal's Country Assistance Strategy (2009-2013) USG Priority Assistance Goal I: Successful Transition Completed toward an Effective, Responsive and Democratic Constitutional Government. Under Goal I, the MNPPCDP supports the assistance approach to "Monitor the political transition and improve public understanding of it" that includes supporting organizations and civil society in monitoring: the constitutional drafting process; adherence by all parties to human rights and democratic principles; preparations for elections; and the status of local governance.

The project is based on the development hypothesis that if the citizens are provided with accurate, current and impartial information about the key aspects of the peace process, constitution drafting process, voter registration program, and national electoral process, they can effectively participate, influences, and contribute to the democratic process of Nepal. If the policy makers, key political leaders, and civil society leaders are made aware of the peoples' concerns and the ground realities, it is most likely that they will take those into account in their decision making and peace process and constitution drafting process.

The MNPPCDP has four main Activities:

Activity 1: Observe Nepal's Peace Process and Constitution Drafting

Activity 2: Conduct a limited observation of the voter registration process

Activity 3: Conduct an international election observation mission if national elections are called.

Activity 4: Local capacity building and sustainability.

THE EVALUATION: PURPOSE, AUDIENCE & USE

The evaluation will answer the key evaluation questions below:

1. How effective was the program in engaging women, youth, dalits, differently abled and other marginalized groups during the monitoring of peace and constitution drafting processes and in bringing their issues to influence these processes? Do citizens feel that their voices have been heard through this program?
2. How have the findings of Carter Centre’s analytical work such as field visit reports, press releases contributed to policy level decisions and to help shape programs and strategies of stakeholders such as CSOs, USAID projects, ECN, GON and donor communities? What other information would have been more helpful for the stakeholders?
3. In what ways the report on “limited observation of the Election Commission of Nepal’s (ECN) voter registration program” contributed to strengthening Election Commission’s voter registration process? What are the impacts of the CA election 2013 and about local election?
4. What are further opportunities and challenges for making the long-term observation process more efficient and effective?

ANNEX II – EVALUATION METHODS AND LIMITATIONS

This evaluation relies primarily on qualitative data collection and analysis, including the following:

- Review of materials related to TCC project, including the original SOW, a major modification made in 2012, TCC’s logical framework and Performance Management Plan (PMP), quarterly reports submitted to USAID, TCC press releases and reports disseminated to key stakeholders, and other materials produced by TCC. Additionally, the evaluation has benefitted from a recent “internal” evaluation of the project conducted for TCC by Andrew Ellis.
- More than 50 key informant interviews (KIIs) with TCC’s Nepali and expatriate former staff; donors (USAID, DFID, Norway and the EU); key “stakeholders” including Government of Nepal (GoN) representatives, political party leaders at the national and district levels, Constituent Assembly (CA) members, Election Commission of Nepal (ECN) members, representatives of organizations representing marginalized groups, think tanks and the media at the national and local level.

The evaluation has used a semi-structured, open-ended interview guide for the KIIs that was modified as additional information was acquired in the field. A list of interview questions is attached as Annex III. In almost all cases two, and sometimes all three, members of the team participated in interviews. In Kathmandu the large majority of interviews were conducted in English (sometimes with some use of Nepali); in Nepalgunj and Surkhet, the majority of interviews required translation. The team met regularly to discuss the information received from the interviews. This included contextualizing the information, checking for possible misunderstandings and, where possible, increasing the credibility of the information through triangulation of sources. Upon completion of interviewing, the team held two one-half day meetings during which key findings were identified, discussed and synthesized.

LIMITATIONS

It is important to identify several limitations inherent to the design of this evaluation:

- **KII selection bias.** We intentionally interviewed individuals and groups that we knew had engaged with TCC or that we thought TCC should have engaged. Therefore, our interviews were limited to key political actors, CSO leaders, journalists, etc., and did not include ordinary citizens. Similarly, to address the issue of the extent to which TCC conveyed the voices of marginalized Nepalis, we interviewed the leaders of organizations claiming to represent marginalized groups, but not ordinary members of those groups.
- **Recall bias:** Since a number of questions raised during the interviews addressed issues that took place in the past, recall bias may have affected responses. Given The Carter Center’s high profile and long presence in Nepal, it was not difficult to find interlocutors with personal experience with TCC and/or strong views about the role of the Center – not only in Kathmandu and Nepalgunj, but also in Surkhet. Many individuals and groups were interviewed by TCC’s long-term observers (LTOs), and quite a few were involved in some sort of TCC consultation, including those involving President Carter. Many also recalled receiving TCC reports. However, the universe of KIIs who remembered the details of or recommendations contained in specific TCC reports was considerably smaller. And the universe of KIIs who could identify ways that TCC reports or consultations influenced decision making was smaller still.
- **Counterfactuals and causality:** This evaluation is not able to answer the question of what would have occurred in the absence of The Carter Center project, as it cannot test for counterfactuals (as would be done in an impact evaluation). While this evaluation seeks to identify likely results of the project, in most cases it cannot definitely attribute causality to the project.
- **The challenge of measuring and assigning value to intangible impacts.** In the course of our interviews KIIs identified a number of intangible benefits derived from TCC’s presence and activities. The intangible benefits most frequently cited included: 1) information, which was used for triangulation, validation, influence, etc.; 2) having the presence of international monitors; 3) President Carter and TCC were viewed as trustworthy, neutral actors in an environment characterized by low trust and extreme partisanship; and 4) President Carter was seen as validating and encouraging the efforts of individuals and groups to participate in the political process.

ANNEX III – DATA COLLECTION INSTRUMENTS

Interview Questions

Carter Center staff:

- What was the CC strategy for identifying and engaging key decision makers? What were their assumptions and intended results?
- Did the strategy change over time? If so, how and why?
- How was data collected, aggregated and analyzed (e.g. sources, tools, protocols)?
- What kinds of training did LT monitors receive?
- How did TCC seek to insert its analytical work into policy processes? Which channels were used? To whom were the findings distributed, why and how?

- In what ways and to what extent was President Carter’s stature an important element of TCC’s strategy and activities? What are examples of the impact of President Carter’s role?
- What was the CC strategy for engaging marginalized groups? Did it change over time? How?
 - How were groups prioritized?
 - What activities did the project undertake to engage these marginalized groups? Were they implemented as planned? If not, why not?
 - How did the project collect information on these groups’ issues and share it with decision makers?
- What is the status of the project objective of transferring data and expertise to local stakeholders? What steps have been taken to date? Do these appear to be sustainable?
- What activities were felt to be particularly effective, and what were the circumstances that contributed to these “successes”?
- What activities did not achieve the intended results and why?
- Was there a constructive relationship between TCC and USAID, the Embassy and other donors on these aspects of the project? What, if any, constraints were placed on TCC’s activities by USAID and other donors? If so, why and with what effect?
- What lessons learned from and about LT monitoring?

Nepalese stakeholders/decision-makers:

- How would you describe TCC’s role in Nepal?
- How would you characterize TCC’s (and President Carter’s) influence in Nepal?
- Was TCC analysis timely? Relevant? Accurate? Unbiased? Useful?
- How did you use TCC reports? Any specific examples of use and usefulness?
- Did TCC seek feedback on usefulness?
- Were there any important gaps in TCC reporting?
- Did the Carter Center advocate for specific policies and/or political outcomes? If so, was this appropriate? Did it have any impact?
- How would you characterize the impact of TCC monitoring in Nepal? What impact did TCC monitoring/reporting have on:
 - the peace process?
 - the constitution drafting process?
 - voter registration?
- What is your view of the role played by President Carter? Was it needed? Appropriate? Useful?

- Do you view TCC as an independent NGO or as an extension of the US government?
- Is there a continuing need for political monitoring? What is the capacity of Nepali organizations to conduct monitoring and reporting?

Representatives of marginalized groups:

Above questions, plus:

- What was the extent and nature of your/your group's engagement with TCC?
- Did TCC reports accurately reflect the views of marginalized people, IPs, etc?
- How and in what ways did TCC report back to you/your group? Was this useful?
- Did the TCC and/or President Carter support you/your group's aspirations? If so, how did they help?
- Could TCC done more to project the views of marginalized groups, IPs etc?

USAID/US Embassy:

- What did you hope the TCC project would accomplish?
- What was the value of the project to the Embassy/USAID?
- What aspects of the project were most useful/impactful? Why?
- Which aspects of the project were least useful/impactful? Why?
- What was the extent and nature of your interaction with TCC? Was this adequate and satisfactory?
- For USAID: To what extent was TCC responsive to USAID's financial management and reporting requirements?
- For USAID: What steps did TCC take to comply with the 2012 modification's requirement that an effort be made to enhance capacity building and sustainability?

Other donors and INGOs:

- Was TCC analysis timely? Relevant? Accurate and unbiased? Credible? Useful?
- Where there any significant gaps in TCC's reporting? How did you use TCC reports? Any specific examples of usefulness?
- Did TCC seek your feedback on the usefulness of its reports and briefings?
- What impact did TCC monitoring have on the peace process? On voter registration?
- How important was the role played by President Carter?
- What does the Carter Center experience in Nepal offer in terms of lessons and suggestions for future long-term political monitoring?

ANNEX IV – SOURCES OF INFORMATION

A. LIST OF INDIVIDUALS INTERVIEWED

Key	
W	Women
D	Dalits
J	Janajatis
M	Madhesis

Kathmandu

1. Nilambar Acharya, Chair, Constitutional Committee, CA-I
2. Laxmi Basnet^W, Ministry of Peace and Reconstruction
3. Bhoj Raj Pokharel, Ex. Chief Election Commissioner
4. Ayodhi Prasad Yadav^M, Commissioner, ECN
5. Gen. Balananda Sharma, Chair, Technical Committee on Army Integration
6. Khimlal Devkota, UCPN (Maoist)
7. Pradip Gyawali, UML
8. Laxman Lal Karna^M, Sadbhavana Party
9. Shekhar Koirala, NC
10. Sapana Pradhan Malla^W, UML Lawmaker in CA-I & women's rights activist
11. Nagendra Kumal J & Jyoti Danuwar^J, NEFIN
12. Tula Narayan Shah^M, NEMAF
13. Durga Sob^{DW}, Dalit activist & FEDO
14. Gopal Shibakoti, NEOC
15. Min Basnet, Alliance for Election Observation Nepal (AEON)
16. Deepak Thapa, Social Sciences Baha
17. Siera Tamang^W & Pratyoush Onta, Martin Chautari
18. Santosh Ghimire, *Republica*
19. Kopila Adhikari^W, Advocacy Forum

Nepalguni/Surkhet

1. Basanta Gautam, Advocacy Forum, Nepalgunj
2. Shiva Khakurel & Narayan Subedi, INSEC, Nepalgunj
3. Akal B. Rana (Rabindra), Parshu Narayan Tharu^J & Kisna KC 'Namuna'^W, UCPN (Maoist)
4. Hiralal Launiya^M, Coordinator- Local Peace Committee & Madeshi Janaadhikar Forum, Banke
5. Ishwori BK^D, Krishna B. BK^D & Shiv K. Sunar^D, Dalit Welfare Organization

6. Prakash Upadhyay, HIMRights
7. Lok B. Rana, District Election Office
8. Mohammadi Saddiqui^W, Maimoona Siddiqui^W & Sadaf Iqbal^W, Fatima Foundation
9. Krishna Shrestha & Kapil Adhikari, Nepalgunj Chamber of Commerce and Industry
10. Tilak Rijal, District Election Office
11. Upendra Thapa & Kamal Raj Regmi, NC, Surkhet
12. Nar Bahadur Bista, UCPN (M), Surkhet
13. Nagendra Upadhyay, Journalist, *Hamro Akhbar Dainik*, Surkhet
14. Tila Bhandari^W, Editor, *Hamro Akhbar Dainik* & Correspondent, *Nepal Samacharpatra*, Surkhet

Current and former Carter Center Staff

1. David Carroll, Democracy Program Director
2. Amb. Peter Burleigh, former Senior Political Advisor
3. Sarah Levitt-Shore, former Field Office Director
4. David Hamilton, former Field Office Director
5. Oliver Housden, former LTO and Deputy Field Office Director
6. Aditya Adhikari, former Political Analyst
7. Sudip Pokharel, former LTO
8. Ghanashyam Ojha, former Political advisor
9. Ram Kumar Khadka, former LTO
10. Dinesh Pathak, former LTO
11. Anubhav Ajeet^M, former LTO
12. Safiq Iraqi^M, former LTO
13. Peshal Rai, former LTO
14. James Sharrock, former LTO

Donors and INGOs

1. Michael Goldman, US Embassy
2. Sumitra Manandhar, USAID
3. Marenne Enora, European Union
4. Asbjorn Lovbraek, Norwegian Embassy
5. Bishnu Adhikari, DFID
6. Jacob Rinck, former ICG
7. Kenza Aqertit and John Lovdal, NDI
8. Elizabeth Cole and Nilu Basnyat, IFES
9. Alan Wall, former IFES country director

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The Carter Center's Long-Term Observation in Nepal Indicates That Identity-Based Political Activity Has Decreased – March 13, 2013

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