THE
CARTER CENTER

Monitoring Nepal's Peace Process and Constitution Drafting

Final Performance Report

September 3, 2009- June 30, 2014

GENERAL PROJECT INFORMATION

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I. Background and Overview of the Project

The Carter Center's involvement in Nepal began in 2003 and focused on developing trusted relationships with key leaders across the political spectrum. Following the Nepali government's request for assistance in ending the Maoist conflict in 2004, and an equivalent request from the Maoists in 2005, the Center initiated a small conflict resolution project which included training for senior political party leaders on negotiation and conflict resolution. Following the 2006 people's movement, the Center then received letters of invitation from the government, major party leaders, and the Election Commission to observe Nepali's Constituent Assembly (CA) election.

The Carter Center (TCC) observed Nepal's CA election process from January 2007 – May 2008, including the deployment of an election observation delegation led by President and Mrs. Carter and former Deputy Prime Minister of Thailand, Dr. Surakiart Sathirathai, in April 2008. The election process was largely peaceful, and resulted in greater capacity for the future for election officials and domestic observers. In early 2009, the Carter Center was formally invited by Nepal's major political parties (the UCPN (M), the Nepali congress, the CPN-UML, and the Madhesi Janadhikar Forum) to continue to observe the country's ongoing peace process and the ongoing voter registration process. The Center had 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.

In 2009, USAID awarded TCC the five year Monitoring Nepal's Peace Process and Constitution Drafting project with the goal of a consolidated post-conflict democracy in Nepal. The purpose of this project was to provide key Nepali and international stakeholders with accurate and impartial information on key aspects of the peace process, constitution drafting process, voter registration program, and any future national electoral process, which could then inform their understanding of the quality of these processes. The project's scope of work identified four outputs:

1. Continuously provide impartial assessments of the peace process and constitution drafting process with key Nepali and international stakeholders regularly informed of the findings. The Center's observation would focus on: implementation of key peace process agreements; public views on the constitutional process and federalism; identity group activities; local peace committees; land issues; political party activities including the activities of political party youth wings; political space; and the security environment. Additional topics to be considered in consultation with project donors and other stakeholders.
2. Demonstrate international support for the peace process and constitution drafting process, as well as for public participation and representation in the democratic process.
3. Undertake a limited observation of the Election Commission's voter registration efforts to support the process and offer recommendations for how the process could be strengthened.
4. Deploy an international election observation mission and provide an impartial assessment of the electoral process, assuming national elections were called during the time period covered by the grant agreement.

To secure these outputs, the Center focused on the four scope of work activities detailed below.

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

Activity 1 was implemented from September 2009 through September 2013, when the second CA elections were announced and project priority shifted to Activity 3: Conduct International Election Observation Mission. Activity 1 subtasks included of the following:

- Conduct regional and district observation to track the peace process, constitutional drafting, security environment, political party activities, and other related issues using teams of international and Nepali national observers.
- Track the constitutional process and government activity.
- Issue regular reports to increase access to accurate information about key peace process and constitutional developments at the local level.
- Engage with national and local political leaders to address political challenges, as appropriate.
- Conduct regular briefing sessions with international stakeholders and coordinate closely with national stakeholders.
- Communicate national findings to the local level.

Activity 2: Conduct a Limited Observation of Voter Registration Process
In conjunction with Activity 1, and in expectation of Activity 3, TCC conducted a limited observation of the process from 2009 until the completion of observable aspects of the process in September 2013. Activity 2 subtasks consisted of the following:

- Deploy existing observation teams to focus their efforts on voter registration in their regions of deployment at several points in time.
- Hire short-term expert consultants to assist in the design and implementation of the voter registration observer training and deployment, collection of field data, and drafting of public reports.
- Collaborate closely with the Election Commission, UNDP Electoral Support Program, IFES and domestic observer networks and civil society organizations engaged with the process.

Activity 3: Conduct an International Election Observation Mission if National Elections are called
Activity 3 was implemented at the onset of the second CA elections, with principal activity beginning in September 2013. Activity 3 subtasks consisted of the following:

- Long-term Observation.
- Pre- and Post-Election Assessment Missions.
- Direct Interventions by President Carter and/or a Former Regional Leader.
- Short-term Observation Delegation for Elections.
- Issuance of Periodic Reports.

Activity 4: Local Capacity Building and Sustainability
Activity 4 was completed between August 2013 and June 2014 and focused primarily on the transfer of TCC's database to a national university or organization. Key activity components in the transfer of the database consisted of:

- "Cleaning" the data so that it did not reveal individual identities or compromising information.
- Creating a training package and written handbook.
- Expanding users of the database.

In addition, as an element of the project design described above, the Center continued to employ a significant number of Nepalis as interpreters and long term observers during the peace and constitutional drafting process observation, providing them with skills development in conducting research, interviewing, agenda planning, report writing and public presentation. During the international election observation mission, the Center made every effort to retain Nepalis in key positions, at times converting Nepali Long Term Observers (LTOs) to political analysts and coordinators assigned to assist several teams of observers.

II. Project Methodology and Implementation Timeline

Project Methodology

Consistent with its purpose to produce impartial reporting based on field observation, the project adopted the modified structure of an international election observation mission, with five field teams of long-term observers and one Kathmandu-based headquarters office. The size of the field teams (four project staff per team), the designation of a Senior Long-Term Observer (SLTO) as team manager, and the inclusion of a host country national observer distinguished the field team structure from those of most international election observation missions.

One of the most unique aspects of the project was the combination of national and international observers. Recognizing the long-term and more contextually-sensitive nature of the Nepal political transition monitoring project, the Center decided this would be the most effective staff structure. Hiring international observers allowed the Center to recruit from a global pool of candidates with substantial comparative experience, familiarity with the protocols of international missions, advanced skills in English writing and, when possible, substantial prior experience in Nepal. Inclusion of Nepali observers as equal team members improved the project's ability to understand complex local dynamics and build long-term relationships with local stakeholders. National and international staff alike were sensitive to the need to maintain impartiality and operated to high standards of professionalism. The inclusion of national observers proved highly effective. Additionally, TCC made certain to ensure gender and social inclusiveness in project activities, beneficiaries, and staff.

The Center used four basic criteria for choosing topics for observation. Topics were chosen based on whether they were:

1. Within TCC's broad mandate to observe Nepal's peace and constitutional processes, with a focus on the local level;
2. Observable by field teams;
3. Insufficiently documented, such that TCC reporting could fill a gap in information;
4. In demand – such that there would be an interested target audience and reason to believe that TCC reporting on the topic would be useful.

TCC reporting attempted to strike a balance between being broad enough to capture important dynamics in their context and focused enough to be able to credibly and persuasively document key findings, including reflecting nuance such as variation across districts and regions. Observer teams were given a uniform set of reporting instructions and forms on which to record their findings. Forms contained a mix of open-ended questions, often designed to gather general information about a district or issue, more narrowly focused questions designed to provide in depth information, and a limited number of quantitative questions, often based on short interviews with randomly selected local residents. The mixture of questions shifted toward more focused qualitative questions as TCC developed baseline data over the course of the project.

Between June 2009 and February 2014, Carter Center observers gathered information on a wide range of topics related to Nepal's political transition process. Some findings were relatively constant throughout the project while other dynamics changed over time. Information gathered by observers can be categorized into six broad subject areas:

- Constitutional process and identity movements;
- Security, political space, and political party youth wings;
- Land return and reform;
- Interim relief and local peace committees;
- Local governance; and
- Voter registration and election observation.

Headquarters staff reviewed all team reports, looking for substantive and methodological trends. The Center then compiled its findings and shared them via public reports and background papers, briefings for key stakeholders in Kathmandu, and regional briefing sessions. 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, nine thematic reports, eleven reports on voter registration and electoral issues, five short thematic background papers, and a post-election assessment) as well as five situation monitoring reports and nine public statements. The reports contained national trends, notable regional dynamics, and case studies to illuminate how the trends and dynamics operated in practice. In most cases, the reports were issued simultaneously in English and Nepali.

Implementation Timeline

In April 2009, the Center initiated preparations for what was anticipated to be a one-year observation effort, from June 2009 through the scheduled promulgation of a new constitution in May 2010. Teams of long-term observers were recruited, trained, and deployed to each of Nepal's five development regions to begin observation of local constitutional, peace process, and political dynamics. Observation of Nepal's peace process and constitution drafting began in June 2009, with the TCC deploying international and Nepali observers to Nepal's five development regions. During the first year of the project, it became clear that the new constitution would not be drafted within the initially agreed timeframe and that there remained a need for the project beyond the initial one year timeframe.

USAID began funding the project in September 2009. During the first year of USAID funding and reporting – September 2009 to September 2010 – TCC implemented Activity 1, monitoring the peace process and constitution drafting with teams of LTOs deployed to the five development regions. Between October 2010 and June 2011, TCC continued observation across Nepal with between 15 and 18 Nepali and international LTOs located in the five development regions, and a sixth Tarai region focused office, travelling to all 75 districts of Nepal.

During July and August 2011, the mission scaled down as project initiatives were readdressed and internal documents were modified for future funding. The mission again deployed 15 Nepali and international observers across the country between September 2011 and September 2012. In October 2012, the project scope with USAID expanded beyond Activity 1 (monitoring of the constitution drafting and peace process) to Activity 2 (voter registration observation), and operated with expectation of Activity 3 (a second CA election) occurring in 2013. Project staff also began exploring possibilities for accomplishing Activity 4 (transfer of project lessons learned to a local Nepali organization).

In September and October 2013, the focus of the project shifted rapidly from Activity 1 and Activity 2 to Activity 3: International Election Observation Mission (IEOM). TCC concluded observation of the peace process, constitution drafting, and voter registration process and deployed an IEOM for the November 19, 2013 Constituent Assembly elections.

After elections in November 2013, the project finalized work under Activities 1-4, including conducting final project reports, project evaluations, a post-election assessment, transferring the TCC research database to the Social Science Baha, and office closeout. The project concluded in June 2014 at the end of the Center's contract with USAID.

III. Project Achievements, Challenges and Sustainability

Project Achievements

Throughout TCC's time in Nepal, project staff sought ways to assess the impact of the Center's political transition observation work (this including voter registration observation), and to a lesser extent election observation impact, this due to the Center's extensive experience in observing

elections. Assessing impact was seen as relevant not only to evaluate the Center's ability to support Nepal's transition but also because the project was new and experimental and could inform similar efforts in other contexts. However, measuring impact, particularly in the sphere of democracy, governance, and peace support, is rarely simple or straightforward. More work is needed in this regard for the sector as a whole in order to ensure high quality, effective support during political transitions. Nonetheless, it remains important to attempt such analysis, using as many tools as may be available, and to continually return to this critical underlying question.

The Center's overarching goal for its efforts in Nepal was to support the development of a consolidated post-conflict democracy. Specific to the political transition observation efforts, the Center's means of contributing toward this goal was to increase the amount of impartial information available on key topics in the peace and constitution drafting process that could affect Nepal's overall progress towards sustainable peace and inclusive democracy. The underlying premise was that increasing the amount of information available on sensitive and important issues would allow domestic and international stakeholders to have better informed discussions, and potentially make better informed decisions, on key issues. By focusing on views and observations from the district and village levels, it would also create a means for civil society, political parties, government, media, and citizens at the local level to have their voices included in these discussions and decisions. Finally, the observation findings and recommendations could also serve as advocacy tools for anyone wishing to use them, as well as provide detailed records of this period in Nepal's political history.

Helping to reduce the risk of conflict

The Carter Center sought to contribute to reducing the risk or level of conflict in Nepal in the following ways using its public reports:

- By identifying specific issues and triggers that had the potential to lead to greater tension or conflict, such as the activities of the YCL, or the potential for conflict on land issues in the Mid and Far Western Tarai, and widely publicizing this information.
- By seeking to counteract misinformation, for example about citizen views on ethnic federalism or on the amount of land seized and returned by the Maoists.
- Contributing to accountability by bringing attention to activities that were illicit or that risked undermining the peace process and Nepal's democratic transition.
- Finally and most directly, in a small number of cases the physical presence of Carter Center observers on the ground reduced the risk and level of conflict. For example, one Carter Center team observed a School Management Committee election in Pyuthan and were told that if they had not been present, there would have been a serious risk of violence during the election.

Other objectives of the Center's observation efforts were to visibly demonstrate the continued support of the international community for Nepal's political transition, as well as for public participation and representation in all aspects of the process. Additionally, in 2010 another objective was added: to conduct a limited assessment of the biometric voter registration process as a way to contribute to continued democratic and electoral strengthening, in line with a key recommendation from TCC's 2008 election observation mission to improve the quality of the voter list.

To measure its success in meeting these objectives, the Center relied on a number of quantitative and qualitative indicators.

Quantitative Indicators

Over the period of 2009 – 2014, TCC held over 6,000 meetings. The vast majority of these meetings took place between Carter Center observers and district or village level stakeholders

such as government officials, political party members, civil society representatives, identity group activists, security forces, media, the business community, and citizens. During the course of its work, the Center's observers visited all 75 of Nepal's districts, most of them multiple times. On the basis of these visits, the Center published 28 reports.[1] The Center conducted 12 high level missions to meet and discuss with senior Nepali leaders including two visits by President Carter in March 2013 and November 2013, held ten regional stakeholder sessions, and conducted over 20 briefings for the international community. The Center also distributed thousands of copies of the reports in electronic and hard copy form, at the national, district, and village levels.

These quantitative indicators go some way towards demonstrating the Center's progress in meeting its objectives. For example, the meetings that were held supported the objective of gathering local level voices and opinions, while the public reports were the vehicle for bringing these voices to decision makers in Kathmandu, and for increasing the amount of impartial information available on key topics in the peace and constitution drafting processes. The meetings can also be used to indicate the degree to which the Center was able to visibly demonstrate the continued presence and support of the international community for Nepal's transition process. However, qualitative indicators are also an important part of the story.

Qualitative indicators

Throughout the project period, both national and international actors communicated to the Center that its presence in Nepal was viewed as relevant and effective. From their perspective, the two main contributions of the Center were: a) keeping pressure on all key actors to move the peace process forward and draft the new constitution; and b) providing direct impartial information from around the country about current dynamics and trends, as well as possible early warning signs of conflict or violence.

The sources of evidence for these views include: two external assessments of the Center's work, completed in summer 2010 and mid 2014; comments received from national political leaders, Nepali civil society, diplomatic and donor agencies, and international NGOs; media coverage of the Center's reports; the awareness level regarding the Center and its reports; and the use of information in the reports by journalists, analysts, politicians and others to inform editorials, write news stories, and lobby the government. A selection of examples is listed below:

- The clearest demonstrations of the Center's reports being read and used were when they received media coverage. Typically Carter Center reports were covered by at least one or more of the large Nepali or English language newspapers in the days immediately following their release, such as Kantipur, The Kathmandu Post, The Himalayan Times, Republica, and Nagarik.
- Additionally, the reports were also occasionally referenced in opinion pieces and editorials. For example, CA Member and Nepali Congress leader Narihari Acharya wrote an editorial in 2009 in Kantipur in which he quoted The Carter Center report findings on identity-based federalism, while a staff editorial published by the Kathmandu Post in 2010 made reference to a Carter Center report on the security environment to support its argument.
- In rare cases, it was also possible to see the reports used as advocacy tools. For example, in 2011, Dr. Ram Sharan Mahat, a senior Nepali Congress leader, referenced The Carter Center report on political party youth wings on the floor of the Legislature-Parliament.
- However, more common than public recognition of the reports was private feedback received. Nepali political leaders across the political spectrum, government and security officials, civil society members, media representatives, as well as international

[1] All reports and statements are also available on The Carter Center website at: https://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html.

community representatives, made regular private comments to the Center about information published in the Center's reports. This took the form of unsolicited phone calls, emails, and letters, as well as comments made during meetings and interactions. Occasionally the Center would also hear from external sources about a meeting in which a Carter Center report had been referenced but at which the Center was not present.

- Additionally, on multiple occasions, Carter Center staff were told by international community representatives about ways in which the reports influenced decisions taken at their offices, including funding decisions, strategic and policy decisions, and advocacy efforts and campaigns – on issues ranging from Local Peace Committees to the role of the YCL and to the discharge process for former combatants. The fact that the international community continued to participate in large numbers in the Carter Center's briefings also indicated that the information provided was valuable.
- Several journalists and media editors commented that Carter Center reports had influenced their own reporting decisions, either inspiring them to investigate or follow up on a particular issue, or to send reporting staff to cover a topic from a particular angle.
- Finally, due in part to its experience as an election observation organization, TCC had a particular impact via its voter registration observation reports. These reports served to inform the Election Commission of Nepal (ECN), first and foremost, of areas in which the process was going well and areas where there were challenges remaining. Numerous private briefings and meetings were held at all levels with the Commission to discuss the Center's findings. The reports also served to help other stakeholders, including international donors, to track the process and its roll-out at the local level and to build confidence where warranted.

As noted above, in addition to collecting its own data on the project's impact, the Center also commissioned two external evaluations. The first evaluation report was issued in August 2010, and the second evaluation was issued June 2014. The 2010 evaluation found:

- "The view of the Carter Center's role and work in Nepal [at that time was] overwhelmingly positive. There [was] consensus among the stakeholders that the project has been very useful in terms of providing information and analysis from the five development regions of Nepal. The most useful aspect of the project is the field presence in the regions…The most significant impact TCC work has had in Nepal revolves around the information collected from the field and the use of that information by various stakeholders."
- "The information collected by the field monitors [was] considered extremely valuable with no other organization considered to be able to provide similar level of information detail from the regions and the districts."
- "Stakeholders almost unanimously describe finding the greatest value of the project in the reports because they provide them with [an] objective and accurate picture about the developments outside of Kathmandu."

Major findings of the 2014 evaluation included:

- "All interlocutors who expressed a view regarded the analysis contained in the reports as having integrity and being independent, reliable and thorough, although very well informed insiders noted occasional (probably inevitable) inaccuracies. The reports were taken seriously by a variety of readers, including senior bureaucrats and also including the Nepal Army, which commented that while they were interesting rather than influential, they were one of the very few outside sources they thought was worth reading."
- "TCC political transition monitoring reports were seen by the majority of those interlocutors who were aware of them as having been wholly or primarily an exercise in information and analysis… Even those who recognized implicit advocacy in the reports and recommendations did not regard them as an external source 'telling us what to do.'"

- "There was however evident difficulty in getting wide readership of any document of any length, and of anything not related to the short term news agenda. Political parties, and in particular most of their top leaders, were a particularly difficult audience to reach."

The evaluation reports also noted ways for the Center to improve its effectiveness, including by increasing the frequency of reports when possible, seeking different – and potentially more effective – ways to engage all stakeholders such as via radio and television, and consulting more broadly and transparently on report topics.

The 2014 evaluation further included major findings on the implementation of the voter registration observation and 2013 election observation mission. These both being more standard activities conducted by the Center, it was easier for TCC to determine how to assess impact of these activities during implementation. Major findings of the 2014 evaluation included:

- The observation of voter registration across Nepal by TCC was agreed to and welcomed by the ECN. The ECN regarded TCC reports and suggestions as supportive and positive and actively responded to some of the recommendations made, taking both pre-emptive and corrective actions.
- The consistent message from interlocutors across the spectrum was that TCC's 2013 EOM was well implemented, took lead role in international observer coordination, was forthcoming and transparent in coordinating with domestic observers, and was the quality product that had been expected in advance as a result of TCC's overall reputation. It was also noted that the EOM benefited from the in depth knowledge from across Nepal that had been generated by the political transition monitoring.

A final set of project achievements was the development of tools and institutional knowledge to support future observation of political transitions and other non-electoral political processes. Innovations such as the enhanced role of national staff, development of a qualitative database, and adaptation of an election observation structure to a political monitoring role were all significant steps for the Center. The lessons learned and questions for future consideration noted later in this report reflect the interest of the Center in ensuring that its unique experience in Nepal is well-documented so that other organizations can draw upon this project to inform their own work.

Challenges

While the Center's work overall was valued as filling a critical information gap, there were three main challenges that the project faced: first, generating high quality, relevant, and credible observation findings; second, the ability to ensure the information produced was circulated in a widespread manner and reached the intended target audiences, and third, the degree to which that information had an impact on the decisions of key actors. For example, the Center published two reports on land return and reform, but this did not result in a corresponding attempt by the government or other stakeholders to follow the report's recommendations and address these issues. Some reasons for this challenge were: limited political will, lack of accountability of senior political leaders, and lack of attention at the national level to addressing local level concerns. While Carter Center reports likely did put some additional pressure on key stakeholders at various points, in most cases it remained difficult to draw a direct link to immediate policy changes. This same challenge is present for other organizations who attempt, by publishing reports, to influence positive change.

To address the first challenge, the Center continued to refine its reporting forms, observation methodology, and training for observers over time and to learn from its experience implementing the project. The Center also tried to meet regularly with key stakeholders at the national level to ensure the report topics would be considered relevant and valuable. To address the second

challenge, the Center took several steps to increase the circulation of its information. This resulted in, for example, the creation of regional stakeholder sessions and a stronger emphasis on national and local level media strategy. However, there was more that could have been done in this regard. On the third challenge, the Center assessed that its main added value was to serve as an information source rather than an advocacy organization. Although this stance had drawbacks, the 2014 independent evaluation noted that the project's commitment to its informational role helped the Center retain its reputation as an impartial source of credible observation and analysis. This was particularly salient as the environment for international organizations and NGOs engaged in peacebuilding, human rights, and social development became more difficult over the course of the project. Both areas merit further consideration for any organizations considering similar work in the future.

As noted above, TCC's political monitoring activities in Nepal – like the Center's work on election observation – has a limited sphere of influence over its own impact, in that the Center could not control whether the reports and assessments it produced were actually utilized and acted upon by other key actors with more direct roles.

Sustainability

One of the key questions regarding international support to political transition processes is its sustainability – i.e., what is left behind after the project. In this regard, there are at least three achievements to mention. First, The Carter Center reports remain in the public record for the future and can be used by anyone interested to access them. They present an impartial view of Nepal's main challenges during this historic transition period and offer a baseline on relevant peace and constitutional issues such as land return and reform. Many of these issues had not been previously documented in a systematic way, making the Center's reports a unique resource. The reports may also be relevant as reference documents for individuals and organizations working to support political transitions in other country contexts.

Second, by involving Nepali nationals in the substantive observation work of the Center, the project has produced a cohort of highly skilled analysts deeply familiar with the political challenges facing their country. They will continue to use these skills to contribute to Nepal in the future. Moreover, a group of former Carter Center national staff have registered to form their own organization to continue tracking the progress of their country's transition process, potentially drawing on the methodology developed over the course of the 2009-2014 observation period. This is an exciting development and one that The Carter Center hopes to continue to support where possible.

Finally, TCC kept a database of its observation findings during the project period. The database contains all observer data, including transcripts of interviews, meetings and weekly reports, from June 2009 to June 2013. Because these findings may be relevant and useful to Nepali and international students, researchers, scholars, journalists, think tanks, and political leaders in the future, the Center handed over the database to a Nepali organization, Social Science Baha (SSB) to assume ownership of the database. TCC built a good working relationship with SSB during the political transition observation, which helped facilitate the handover of the database. Importantly, SSB has the capacity as an organization to store and manage the database. Additionally, SSB has a reputation as a fair and rigorous social sciences organization, and because of this attracts serious students and scholars who will utilize the database. SSB will host and provide database access to researchers and scholars.

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

regarding data ownership, transfer of the database, and management/upkeep of the database. In June 2014, TCC provided training and user manuals to SSB on use and maintenance of the database.

Using its own funds, TCC held a press conference and formal handover of the database with SSB in September 2014. During this program TCC formally announced the availability of this important resource at SSB. The transfer of the database received coverage in the Kathmandu Post, Republica and Himalayan Times newspapers.

IV. Lessons Learned

The Carter Center's experience with political transition observation in Nepal, as well as in a limited number of other country contexts including Tunisia, Egypt, and Sudan, provides a number of lessons that can be drawn, as well as an equal if not larger number of questions that have emerged for discussion and exploration.

1. **Observation of political transitions, including constitution drafting, peace processes, and transitions to democracy, are likely to require a much longer-term presence than is the case for a typical election observation mission.**

Transitions are often contentious processes, the pace and timing of which are difficult to predict. They frequently require more time than initially envisioned in a country's political roadmap. This means that the corresponding project calendar will also be unpredictable and may require multiple extensions of the project period. This has implications for strategic planning, project funding, staffing, contracts and other operational considerations, as well as monitoring and evaluation. In particular, political developments do not necessarily coincide with donor funding cycles. Prolonged transitions may also lead to donor fatigue. Regardless of the transition period initially prescribed at the national political level, it may be prudent to anticipate in project planning documents the possibility of delays and extensions and to discuss scenarios openly with donors in advance.

Additionally, although a long-term observation presence has benefits in building deeper institutional knowledge and seasoned observers, it also introduces new challenges as more comprehensive policies and procedures are required to accommodate the needs of a longer-term mission. It increases the importance of ensuring healthy team dynamics (management becomes a more important skill at all levels), increases the expectation of professional development, staff evaluation, reasonable compensation and benefit packages, and promotion opportunities. The long-term presence means the mission cannot always be run at the breakneck pace of an election observation mission, and that the mission must be able to continue to produce useful outputs even during periods when the political process is stalled, both to ensure project relevance and added value and to support staff retention and morale.

2. **Although some aspects of political transitions (such as formal public consultations on a draft constitution) may be a relatively good match for the observation methodology typically associated with election observation missions, other aspects may not be.**

There are many aspects of an electoral process that make it "observable," such as clearly defined electoral laws and regulations, trainings and guidelines for electoral staff, a specific electoral management body responsible for preparing the electoral process, recognized international standards for evaluating elections, and the broad similarity in the design of electoral processes across countries. Above all, an election is logistically intensive – with voter registration, campaign activities, polling, counting, and result tabulation taking place in multiple locations

across the country – and requires for its very legitimacy that the process at each step and in each location be transparent and conducted in reasonable accordance with democratic norms.

Many of these are often missing from at least some aspects of political transitions. For example, in Nepal there was a Comprehensive Peace Agreement to guide the transition process but it contained few concrete regulations or guidelines about how its components should be implemented, and some key terms were left undefined. In other political transition contexts, there may be no authoritative guiding document at all. This makes it more difficult to design a consistent, standardized observation effort across the country and the tools (such as checklists and reporting forms) to guide such an effort. Increased resources are therefore required for staff training, research and analysis to inform the selection of observation priorities, development and refinement of methodology, data management, and data processing.

Similarly, in many cases there may not be a body equivalent to an election commission that can actively make use of the observation findings and recommendations. It is therefore critical to think carefully about the target audiences for the information to be gathered and to design information dissemination and advocacy strategies carefully given this reality.

3. The diversity of transitional processes means there may be many "special cases" that make applying an easily portable, highly standardized observation methodology either difficult or inappropriate.

A clear-headed assessment of the political context, the information resources that presently exist, the potential added value of political transition observation, and the most appropriate audience for such information is critical. All of these features may differ from one country context to another, and it is therefore unlikely that a political transition observation effort in one country will be identical in structure and focus to that in another. Project outputs, observation methodology, local partners, the scope of observation and reporting, and the extent to which a project engages in policy advocacy will rightly vary according to context. The diversity of transitional contexts creates a need for monitoring organizations to devote sufficient resources to understanding the country in which they propose to work and ensuring that this understanding shapes project design and implementation.

4. The Carter Center is not aware of an agreed set of international standards for political transitions or constitutional processes that could be used by observation missions.

Over time, international election observation organizations have become increasingly focused on using international and regional standards drawn from international public law as the basis for their assessment of electoral processes. Building on the success of the "Declaration of Principles for International Election Observation" and the accompanying "Code of Conduct for International Election Observers," The Carter Center together with other peer organizations has launched a multi-year collaborative effort to articulate criteria for assessing democratic elections based on public international law. This effort includes creating practical tools for observers based on those criteria and fostering dialogue in the international election observation community regarding the need for consistent criteria to assess elections. This work is in process, but significant progress has been made.[2]

[2] See The Carter Center's Database of Obligations for Democratic Elections. https://www.cartercenter.org/des-search/des/Introduction.aspx. See also Avery Davis-Roberts and David J. Carroll, "Using International Law to Assess Elections," *Democratization* 17, no. 3 (2010), pp. 416-441 and David J. Carroll and Avery Davis-Roberts, "The Carter Center and Election Observation: An Obligations-Based Approach for Assessing Elections," *Election Law Journal* 12, no. 1 (2013), pp. 87-93.

Although widely-recognized standards for democratic governance[3] have clear implications for the general conduct of politics, including transitional processes, there does not presently exist an agreed set of detailed, specific, and internationally recognized norms and standards governing constitution-making or democratic transitions. This means it is harder for observer organizations to ground their findings in a recognized set of agreed international principles and assess progress against those principles. Nonetheless, it may be feasible to draw upon public international law and widely-recognized standards of democratic governance to begin generating such a resource. At present, this remains both an opportunity and a challenge for political transition observation.

5. Recruitment and staffing for political transition observation missions should differ from an election observation mission.

International staff and observers who are appropriate for and effective at electoral observation will not necessarily be suitable for political observation. The diversity and complexity of transitional processes means that learning on-the-job with sensitivity to context, is a fundamental requirement for observers to be effective. This is much more so than is the case with electoral processes, as no two transitions are alike, and the subject matter of observation must be learned anew each time.

Both for the core team and for field staff, staff numbers, roles, and selection criteria should be revisited to correspond to the needs of the mission. In particular, candidates with expertise in the country or region of observation or with a background in political analysis, democratization, good governance, or human rights may be more successful than candidates who bring only previous election observation experience. In Nepal it became clear that it was easier to train staff with relevant country or thematic expertise on observation methodology than to train election observers to understand and research Nepali politics. At the same time, candidates who have extensive experience in a particular country need to be carefully screened to ensure that they are politically impartial and open-minded and that they have not built relationships over time that would lead them to be perceived as biased in favor of one political faction or another.

6. Employing well-trained, impartial national staff in substantive observation and analysis roles can strengthen project outputs, contribute significantly to the overall success of the mission, and promote to project sustainability by building local capacity.

The value of Nepali national observers in The Carter Center's political transition observation effort cannot be overstated. Nepal is a complex country in which caste, ethnicity, regional background, religion, language, culture, and many other factors play a significant role in human interactions. While international observers may be able to learn about many of these practices over time, national observers often have a much more developed understanding of how these dynamics affect the political process under observation. While this does not mean that a national staff member's analysis should always be privileged over that of an international's, it does mean that the two combined have potential to offer a more powerful and accurate assessment than either individually. On the basis of the Center's experience in Nepal, it was clear that any potential drawbacks of employing national staff in substantive observation roles (such as the possibility of bias or political partiality) were not present in practice. Furthermore, national staff were often able to sustain much longer professional commitments to the project, promoting institutional memory and the development of significant regional and subject matter expertise. Finally, it would also be possible to conduct a political transition observation effort together with a local partner organization.

[3] Democracy Reporting International and The Carter Center, "Overview of State Obligations Relevant to Democratic Governance and Democratic Elections," Sept. 2012.

Questions for Future Consideration

In addition to the useful lessons learned during The Carter Center's political transition observation work in Nepal, there are also a significant number of questions that deserve future consideration by any organization considering similar work.

1. **Standards?** What standards should be used to assess constitutional and political transitional processes, especially in cases where there is no peace agreement or detailed guiding document for the process? To this end, it would be useful to engage in a process of identifying and building upon pre-existing international standards present in public international law (similar to the Democratic Election Standards work TCC is pursuing) as a basis for assessing the conduct of constitutional and political transitional processes. A key question will be the degree to which specific international standards can be identified, given the diversity of transitional processes and their contexts.

2. **Comprehensive or Targeted?** In general, will the political transition observation that is being undertaken attempt to assess a constitutional/transitional process as a whole, or instead focus on documenting specific, field-observable aspects? If different approaches are pursued in different countries, what contextual factors should affect this decision? From the perspective of domestic actors and the international community, what would be most useful, who is already conducting such work, and where are the current gaps?

3. **Process or Content?** To what extent and in what contexts should political transition observation comment on both the processes as well as the content of a constitution or political outcome? While questions of content are critically important, there may be contexts where assessing content issues is ill-advised or problematic. What expertise is required for such assessments?

4. **National Impact?** How can political observation projects increase their national impact, particularly in regards to shaping public knowledge of and confidence in the democratic transition process? What is a reasonable and appropriate impact to expect at the national level during periods of political transition, and who should be the main targets or beneficiaries? How can an organization effectively assess whether the political transition observation effort is achieving its goals or not?

5. **Local Impact?** What is the added value at the subnational level of political transition observation? Particularly when long-term observers are used as part of observation efforts and are thus drawing on local level resources and analysis in their work, how can the project "give back" at the local level? What additional project components could or should be added on to ensure there that local stakeholders also perceive a value from the project? What should be the relationship between international political transition observation efforts and local civil society organizations?

6. **Institutional Capacity?** Prior to initiating political transition observation efforts, any organization wishing to engage in such work should thoughtfully assess what, if any, organizational changes need to take place in order to more effectively implement and support longer-term, more complex transitional observation work in the field. For example, to what extent is it necessary to invest in building in-house expertise in constitutional and transitional processes, associated observation methodology, and detailed country and regional knowledge?