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MID-TERM INTERNAL EVALUATION

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## SUMMARY

This is a mid-term evaluation of a three-year (April 1993 - April 1996), \$1,590,000, United States Agency for International Development funded project for strengthening democratic institutions in Nepal. The primary government institutions this project is assisting are the National Parliament and the Supreme Court. There is also a range of non-governmental with which the Foundation is working on this project: the media, policy research organizations interested in public awareness regarding the work of the parliament, law groups, universities, and community mediation organizations.

The purpose of this evaluation, as noted in the scope of work for this mid-term evaluation, is "to assess the progress made on the expected program outputs and goals, and to evaluate their continued relevance to the current programming environment."

The November elections in Nepal and the activities that led to the call for elections greatly affected this project's ability to move forward. Everyone consulted, Nepali and American, said that the election adversely affected the ability of the Nepali government to function properly.

In the case of the Parliament, since a new parliament would be formed and members were out campaigning, decisions that needed to be made (such as on the Speakers Forum or orientation programs for new members) could not be made until a new Speaker was elected and a sense of his priorities could be articulated. Issues, such as computer training and library development, did continue to the extent that staff attention was not consumed by the elections. Additionally, the parliament umbrella agreement took about one year to be signed. When it became clear that the signing of the agreement could not easily be resolved, The Foundation went ahead and signed individual project agreements, but programming delays could not be avoided.

In terms of the law programs, some key court personnel were "deputized" to the election commission; at the Parliament Secretariat, some computers were moved to the commission for the elections. They were returned after a two month absence. This meant that staff were not present to continue projects since they were in the field setting up and implementing the elections. Those who remained in their jobs did not have the authority to move projects along, or, in the case of computer related projects, did not have computers to use. As a result, progress in the law programs and certain areas of the Parliament Secretariat programming slowed down considerably.

### Findings:

The Parliament Secretariat is functioning more efficiently and effectively as a result of this project, which builds upon a previous USAID funded TAF project. Examples of this include the ability of the Parliament to serve increased numbers of Parliamentarians with the same number of Secretariat staff; the provision of substantive materials on issues facing the parliament; and a notable increase in the use of the library and computer facilities.

Based on discussions with the Secretariat staff, parliamentarians, and others, the project is meeting the needs of the parliament. A professional and efficient Secretariat, research facility and resources, and Parliamentarian education and training are all key factors of an efficient and responsive parliament.

Members of the parliament are benefitting from the project as well. While this evaluation was conducted before the new session of parliament began, there is a demand for orientation programs, particularly from new members. There is also a demand for research services, increased knowledge and ideas on the role of the parliament, such as oversight responsibilities (hearings), and the role of the parliament in the budget process.

Senior officials in the Secretariat all expressed without reservation their appreciation and desire for the continuation of The Foundation's parliamentary projects. Though there was acknowledgement of rough spots in the relationship associated with the signing of the umbrella agreement with TAF, there is also a commitment to continue the relationship, without reservation on the part of the Secretariat.

The media project with the Nepal Press Institute for the publication of Media Watch is not focussed directly on public awareness regarding the legislature and its members. It will help the public evaluate the Parliament, however, by pointing out discrepancies in government supported media coverage of Parliament, and serving as the "media watchdog" for a previously unwatched media. Media Watch is an interesting project that directly educates the media about its coverage, and lack of coverage, of the legislature and its members. Through the education of journalists in print, radio and T.V., it aims to provide the public with critical evaluation of the public information available on the activities of the legislature and its members, which in turn will help the public evaluate Parliament.

The Nepali and English publication comes out once a month for the domestic and international media, and reaches about 201 Nepali outlets and 30 international outlets. It is too early to assess the project impact since only two publications have been issued. However, in the third issue, an evaluation questionnaire will be included which will be reviewed by TAF.

There is no evidence that this project bring journalists into contact with Members of Parliament, but as media coverage of the activities of Parliament increases, there should be in more direct contact.

TAF must keep in mind how hard it is for a bureaucracy to change. This holds true for Parliament, but it is far more evident at the Supreme Court. Certainly, the forward thinking, highly respected Supreme Court Chief Justice keeps the project on track and keeps the Supreme Court staff thinking about the project. However, the nature of bureaucracies and the complexity of change this project is trying to address makes for slow progress. As the consultants from the New Jersey State Courts said, "It took the New Jersey State Courts over forty years to make the same changes they recommended to the Nepali Supreme Court".

Though this evaluation was conducted over a ten day period, it was clear that the staff of the Supreme Court is committed to the principal of change and appreciates the need for such change. However, they will need guidance, pushing, reminding, and intervention if concrete changes are to be made by the end of the project. The groundwork has been laid with the two consultancies on court management and resource needs, but actual implementation will be much harder.

It does not appear that much has happened in terms of William Cooper's recommendations to improve legal research. TAF should work with the staff to determine which recommendations can be implemented.

It was not possible to look sufficiently at the community mediation project as the first step in this project was completed about a week before the evaluator's arrival. However, plans were underway for the designing of the community mediation pilot projects.

## Individual Project Evaluations:

### PARLIAMENTARY DEVELOPMENT

The Parliamentary development portion of the SDI consists of seven distinct projects. Together these seven projects were designed to achieve three objectives: to professionalize parliamentary membership as responsible leaders and legislators; improve the management capacity of the Secretariat to serve Members, process legislation, and be accountable to the public; and to increase public awareness and the ability to evaluate Parliament.

#### Project 1: Establishment of a Parliamentary Service Internship Program.

In two one-year sessions, 18 students from Tribhuvan University have participated in the internship program. Discussions about the internships were held with a number of personnel in the Parliament Secretariat, one intern who returned to the Parliament as a Senior Fellow, and one former Member of Parliament. Everyone was unanimous in their support for the project.

Changes in the internships were made after the first year to improve the program. For example, in the second year interns were assigned directly to Committees rather than to the Secretariat. There was an increase in demand for assistance from the interns after the first year. The kind of work the interns were asked to do improved after the first year. In the first year, interns served more as administrative help. One major project, for example, was developing documents that outlined the legislative history of specific pieces of legislation.

In the second year the interns were asked to continue with administrative work, such as compiling the rulings of the Committees and of the Speaker but they were also asked to research issues relevant to the substantive work of the Committees. This includes writing reports on inflation in Nepal, privatization, the health policies of India and Bangladesh as they relate to employment of physicians, and financial aspects of the Nepali government.

Additionally, two people in the Secretariat reported that they had recently met with newly elected members of Parliament who have expressed interest in using the interns in the next session. The program has moved in a relatively short period of time from a situation where there was not much MP interested in the interns to specific requests for

their assistance. The Foundation has been asked to add four more interns to accommodate this demand.

There were some problems regarding the role of the Advisor and the quality of some of the interns. These problems have been resolved with the input of all concerned.

A number of the former interns have moved on to new position. One woman works for an NGO and received training on women's issues in the United Kingdom; one is a reporter for the Kathmandu Post; another opened a computer training institute; one recently received an appointment to teach at the law school; and one has been appointed as a civil servant working with the Ministry of Law, Justice and Parliamentary Affairs.

Given that some of the former interns have moved to NGOs and newspapers, the impact this project can have is much greater than initially intended. For example, an NGO that has a former Parliament will be in a better position to affect the policy-making process in its areas of interest, and a journalist will be in a better position to educate the paper's readers on the work of politicians and parliament.

Project 2: Parliament Secretariat: Library, Reference, and Research Service Development, Legislative Information Management System (LIMS)

Limited time were spent on the issue of the computer network and software, as this part of the grant has experienced some delays. However, installation of the computer network is expected to be completed soon.

The Secretariat introduced TAF to the person who will be maintaining the computer system. Though the Secretariat has agreed to maintain the system as part of the project, there is some concern about the maintenance expenses. The Secretariat staff stressed that though expensive, the computers will save money in time and efficiency in the long run and the Secretariat is prepared to commit the needed funds. It remains to be seen what priority maintenance will be given, but an important first step has been taken.

The Secretariat was very pleased with the library and called it an "important and tangible achievement." Through the sign in/check out policy, the library has noted a substantial increase in the use. The staff attribute this to the growing quality of the library. They have also been able to track regular readership from a small number of parliamentarians. They hope that as new and seasoned members of Parliament learn more about the advantages of the

library, usage will continue to increase. There is a general reading room plus a reading room for parliamentarians only.

### 3. Project 3: Parliament Secretariat: Management Training, Workshops, Internships and Consultancies.

The Secretary General spoke very highly of the consultant who made recommendations on the legislative information management system. There are eighteen computers in place and training classes are underway in the parliament.

Computerization has enabled the Secretariat staff to provide needed information to a larger parliament (from 140 to 265 members) without an increase in staff (due to a hiring freeze). The Secretariat staff stated that during the three years that the parliament has had computers, there has been a visible increase in efficiency. This includes the production of materials, retrieval of materials, and improved quality of work. They hope that eventually everyone in the Secretariat will have computers, including the Secretary General. The SDI grant has been able to contribute to the long term viability of computers in the parliament which began under a previous grant.

In addition to the Secretariat, a small number of computers are available for use by Members of the Parliament. However, to date less than five MPs know how to use a computer.

Research services has not progressed as well as planned. A government-wide hiring freeze has affected this project. There has been some progress recently in that the government has approved the hiring of one chief researcher and three research officers. The Public Service Commission has advertised for the positions, but it is estimated that it would take about four months before the hiring process be completed.

To date management training for senior staff has not occurred. Though there is agreement that it is needed, parliament does not want general management training, but training that is tailored to the needs of the parliament. TAF has offered to provide a consultant to help assess the needs of the parliament. This in turn will help the government Staff College develop a training program that meets the specific needs of parliament.

There is not much interest in internships with other Asian Parliaments. However, the Section Chief for the Public Accounts Committee undertook a Fellowship in the Iowa State

Legislature under the TAF managed State Legislative Fellowship program. The gentleman focussed on the process and practices of committees. He returned well versed in the way that the Iowa State Legislature works and has a number of ideas on how the Nepali Parliament could improve. He is also realistic about what is possible and has already discussed options with the new Chair of the Publics Accounts Committee. Some of the issues he hopes to address are: access to copies of legislation by the public; public hearings; and referral of all bills to Committees for thorough discussion.

Project 4: Parliament: Leadership Development Training for Members of Parliament and Development of Speaker's Forum.

The main focus in this project is the Speaker's Forum and orientation programs for new members of Parliament. The Speaker's Forum was inaugurated in June 1994 with a two-day seminar on parliamentary procedures and the budget process. Due to the political situation in Nepal and the call for elections, the Forum did not have additional session beyond the inaugural one.

The two day forum used experts from within the parliament, two Nepali resource people, and two outside resource people -, a member of the New Hampshire State Legislature and the former Secretary General of the Sri Lankan Parliament. An encouraging outcome of the forum is the institutionalization of educating new Members of Parliament on parliamentary procedures, and responsibilities. In addition, the open and often heated dedate on the role of Members particularly in the budget process, indicates that Members are seeking ways to participate more actively in the parliamentary process.

The New Hampshire State legislator's participation sparked a real interest among parliamentarians to play a greater role in the budget process. In addition to his participation in the Forum, he also discussed the role of the media in covering the New Hampshire State budget to Nepali journalists. This led to a series of interesting articles on the national budget in major newspapers. If this type of reporting continues, there will be outside pressure on parliament to be more transparent and honest about the budget.

There was some frustration about getting an orientation program for the new session. Part of the problem is the the Secretariat's inability to make commitments before a new Speaker is elected. However, the Secretariat seems committed to the project and new members have asked him about the orientation.

Project 5: Parliament Membership: Observation Tours to Other Asian and New Democracies; and a series of seminars on Comparative Legislatures.

Five key members of the Public Accounts Committee participated in the SAARC Parliaments' Public Accounts Committees Observation Tour. Through first hand experience, members were to gain a comparative perspective on how other public accounts committees operate. The tour seems to have had a great impact on the Public Accounts Committee. Upon the members' return, it became the most active and probing committee. Their work included some high profile activities such as inviting the Prime Minister to testify before the Committee. Some felt that the work of the Public Accounts Committee contributed to the call for mid-term elections by underlining the extent to which government corruption was endemic in the previous administration.

Project 6: Ministry of Law, Justice, and Parliamentary Affairs: Training in Legislative Drafting

This project seems to be lost in a bureaucratic black hole. Though the need for good drafters was acknowledged, there seems to be only one or two people who are considered good in the field. The opportunity to send staff to respected programs in the US has been met with little motivation and interest. No one seems to want to take responsibility for identifying candidates with the appropriate level of English language skills. Alternative ideas are being discussed to modify this project, such as in-country training.

Project 7: Increased Public Awareness of Parliament through Research, Seminars and Publications.

The Nepal Press Institute, an organization of senior Nepali journalists, is the recipient of the only grant under this project. The grant enables the NPI to look at the activities of the media, the state of media in Nepal, and issues of importance to the media. Fundings will be reported in a monthly publication Media Watch. This project has a great chance of sustaining itself with support from money-making activities of The Nepal Press Institute.

For example, during the election, Media Watch monitored the coverage of the elections by newspapers, radio and television in an effort to analyze how the election was covered and the quality of the coverage. Media Watch provided its readers with a quick reference guide on where the six main parties stood on 20 issues, such as violations of the Code of Conduct that was issued by the Elections

Commissions. The audience for this project are all media outlets throughout the country, policymakers, professional institutions and foreign institutions. The Nepali language version is sent to 130 media outlets, policy makers and organizations in Nepal. About 71 foreign media outlets and professional organizations receive the English language version.

It's too early to evaluate the impact of this project, but with the third issue of Media Watch a questionnaire will be sent out to its readers asking for feedback on the relevance of the publication.

## LEGAL AND JUDICIAL DEVELOPMENT

The Legal and Judicial Development project consists of seven distinct projects. These seven projects were designed to meet three objectives: to increase substantive accessibility to the law; to open institutional accessibility to the law; and to provide community level accessibility to the law.

### Project 1: Supreme Court: New Procedural Code and Research Survey

This project has not started.

### Project 2: Supreme Court: Research and Planning Cell

The Foundation provided a consultant who looked at two issues: 1) The status of Nepali legal publications and 2) the legal research system and its accessibility to the bar and bench. A comprehensive report was prepared by the consultant. However, key players at the Supreme Court have yet to thoroughly review the report and determine what is feasible and how the court will proceed. A review of the recommendations has not gone forward because staff must continue with their regular workload and fit this in where possible. Additionally, during the elections, the court personnel were "deputized" to help conduct the election and therefore did not work at the court.

In meeting with Deputy Registrar, Bishal Khanal, who attended a court and case management program at the University of California, Davis, it was not clear what he accomplished and learned. He did say, however, that he has a better understanding of court management issues and needs, and this has helped him since he returned. Additionally, he indicated that it is too early to fully know how much impact the training had until the court itself moves further along in improving case and court management.

The MIS consultant is currently training 22 court personnel on computers for the case tracking system.

### Project 3: Supreme Court: Judicial Education

The Scholarship Fund in this project has been revised to internships that will be modeled after the Internship Program at the National Parliament. There was almost no interest in the offer for law degree programs.

It was not possible to to meet with the Supreme Court Justice as he was attending the LAWASIA Chief Justice conference.

Project 4: Supreme Court: Management Training, Participation in Court Management Programs, Observations Tours, Case System

Two court management consultants from the New Jersey State Courts prepared a comprehensive report on the case load management and case flow management needs of the Nepali Supreme Court and made recommendations for improvement in both areas. The court does not have a permanent bench, that is, a set group of judges who follow one case from beginning to end. This has made case management very difficult. The court does not have a permanent bench because it has found that this is critical to avoiding corruption.

However, the court sees as its most important task the development of a case management system. As a result of the consultancy, the Court is in the process of developing a case tracking system as a first step. This first required convincing key senior staff about the importance and value of computerization since senior staff had never used computers before. To the credit of the Foundation, not only did the senior staff turned around on this issue, but the key person under went computer training as well. Two computers are in the process of clearing customs, which will have the capacity to store the necessary information for case tracking. Computer training has already begun.

Many of the changes that need to take place to improve case load and case flow management require the acceptance of others, such as lawyers. For that reason, there is discussion about bringing the bar association into the program.

Another issue under discussion is the development of a Court Administration Office that can focus on the management needs of the court. No decision has been made on this subject, but the establishment of such an office could give the project the focus and decision making ability needed for the project to go forward more quickly and systematically.

Project 5: Nepal Legal NGOs/Tribhuvan University: Private Sector and University Contributions to Research System.

This project is tied to Project 2, the development of research tools. The Foundation has given grants to two NGOs for the publication of a Law Bulletin and a compendium of

Nepali statutes and regulations. The Nepal Law Society publishes the Law Bulletin, which is a forum for judges, lawyers and academics to read law articles, learn what is going on around the country in the area of law, keep informed about current pending legislation and new laws, and keeping abreast of recent Supreme Court judgments. The Center for Legal Research and Services (CLRS) is writing the compendium of statutes which is not yet finished.

Project 6: Supreme Court: Dissemination of Opinions, Desktop Publishing and Benchbooks Publication.

The Dissemination of Opinions and the Benchbooks Series was incorporated into Project 2.

The upgrading of desktop publishing capabilities is currently in progress. Training is being done along with training for the case tracking system. The Supreme Court will publish the Supreme Court Bulletin, Supreme Court Digest, and the Annual Report of the Supreme Court. The Foundation and the Supreme Court are coordinating these efforts with DANIDA, which will donate an off-set press system. This project will enable the Court to produce its publications more efficiently. Due to computerization it will also be able to publish more cases.

Project 7: Study of Current Status and Feasibility of Nepal Community Mediation; Draft New Community Mediation Legislation; Establish Pilot Community Mediation Project.

It is too early to evaluate this project. A study of the current status and feasibility of Nepal Community Mediation was conducted and a report was submitted to The Asia Foundation on December 4, 1995. Due to the timing of this evaluation, it was not feasible to meet with the consultant in charge of this evaluation.

## RECOMMENDATIONS

### Parliamentary Development:

1. TAF should think about ways to build upon the experience of the Parliament Interns when they leave the internship. These individuals are moving on to the media, business, NGOs, etc., and could use the skills they've acquired in their new jobs to "increase public awareness and the ability to evaluate parliament."

2. TAF should consider whether the Speaker's Forum should be revised into shorter seminars rather than a program that lasts several days. There seems to be some difficulty with members devoting several days to the seminar. If members have time, it appears that they prefer to return to their constituencies. Would a series of short seminars, each focusing on a key issue facing the parliament, draw more MP participation and be more effective?

3. The offer to send personnel to be trained in legislative drafting needs to be revised and the Foundation is already in the process of doing this. There is a need for this kind of training, but there are personnel and language issues that may be beyond the Foundation's ability to resolve. In-country training should be considered.

4. TAF has only one project with the Nepal Press Institute that addresses efforts to increase public awareness and the public's ability to evaluate parliament. It might want to consider reaching out to other organizations such as women's organizations, environmental groups, public policy think tanks, or watchdog groups to strengthen this component.

### Law & Judicial Development:

1. TAF should work with Supreme Court staff to develop working groups to review and determine how much of the Conti/Lipscher recommendations are appropriate for the Supreme Court and how these recommendations can be implemented. The report is good, but the enormity of the recommendations seems to have overwhelmed the staff and left them at a loss on where to start.

2. Given the complexity of the court management issues, TAF should consider bringing other key players into the project, such as lawyers and the bar association. It is clear that cooperation is needed at several levels for any of the recommendations to be successful.

3. The Cooper recommendations could also use a working group (see #5 above) to determine where to begin in the development of improved research systems. The case tracking system is off to a good start, but staff appear at a loss on where to start on this report.

4. Communication among TAF, the Supreme Court staff and the Chief Justice could be improved to avoid past misunderstandings. TAF should take the lead in making sure the Supreme Court Chief Justice is fully briefed on programming ideas and changes.

5. The Supreme Court Chief Justice has expressed interest in alternative mediation facilities, similar to the Court Annex project he visited in the United States. Given the limited time left in the SDI project and the difficulty in moving forward on the recommendations of the Conti/Lipscher and Cooper recommendations, the Foundation may want to look at whether funds would be available to pursue an alternative mediation mechanism.

6. One of the issues facing access to legal research materials is the location of the Law Library. While this library is now funded through TAF's general grant money, presumably the development of the Supreme Court Digest and other legal materials should be accessible in the library. Not only is it inconvenient to its current host institution, but the Supreme Court and lawyers find its present home out of the way. Consequently they do not use it as much as they might. TAF expressed its willingness to help with the relocation of the library and to the extent possible should do so.

7. TAF should consider whether a Court Administration Office is worth pursuing. There is probably not enough time for one to be established, functioning, and pursue the recommendations in the Conti/Lipscher and Cooper reports. However, over the long term, it would be an effective tool for helping assure the courts run efficiently.