

# Political Transition Monitoring in Nepal, 2009-2014

Final Report

# Nepal

THE  
CARTER CENTER



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## FOREWORD

I am pleased to share this report on the Carter Center's work to support Nepal's political transition process. Since our first visit to Nepal in 1985, Rosalynn and I have followed the country's development closely. It has been our privilege to observe Nepal's efforts toward sustainable peace and inclusive democracy and to encourage continued progress.

This transition has created a significant opportunity for the country's future peace and prosperity and raised hopes among the Nepali public. While there have been many important achievements, much remains to be done. There have been two successful elections, in 2008 and 2013, both of which were followed by peaceful transfers of power. The ceasefire agreement signed in May 2006 was largely respected, and after several years in which the Nepal Army was confined to its barracks and Maoist forces to cantonments, the majority of former Maoist combatants appear to have retired while a smaller number were integrated into the national armed forces per the Comprehensive Peace Agreement. Political violence has decreased from the initial postconflict period of 2006–2009.

At the same time, there are many outstanding commitments in the Comprehensive Peace Agreement and subsequent agreements that have yet to be completed, such as the drafting of a new constitution, continued security sector reform, transitional justice, and land return and reform. The country's political leaders have struggled to reach broadly acceptable compromises on key constitutional issues, leading to lengthy periods of deadlock, a constitutional crisis in May 2012, and a restarting of the process in early 2014. The constitution drafting, originally envisioned to last only two years, is now in its sixth year. It is understandable that issues such as federalism and the structure of the government, both of which will deeply influence Nepal's future course, should be handled thoughtfully and compromises not rushed for the sake of political expediency. It took the United States over a decade and two attempts to arrive at the constitution we now hold dear.

Nonetheless, Nepal's political leaders now should be prepared to work in a dedicated manner to resolve these issues and reach settlements that will best serve the public interest. It is my hope that they will be able to deliver a new democratic constitution within a reasonable time frame, reaching sustainable compromises around inclusion and governance. Nepal's leaders should think about the long-term implications of their choices and seek to put Nepal forward as an example for the region and the world.

As Nepal moves forward, I hope that there will be renewed emphasis on economic development and equitable growth in order to increase the resources and opportunities available for all Nepali citizens. At the same time, Nepal needs to put in place systems that promote government accountability to consolidate the gains achieved during the democratic transition. One additional key step will be the holding of local elections, which have not taken place in over 15 years.

The Carter Center has supported Nepal's transition process continuously since 2004. Our work began with a small effort intended to support peaceful resolution of the conflict between the Maoists and the state. We then were invited in 2007 to observe the constituent assembly election process, culminating in elections in April 2008.

Following the 2008 election, The Carter Center continued to monitor and report on Nepal's transition with a focus on implementation of key peace process commitments and the progress of the constitution drafting process. Observers tracked the efforts of the Election Commission of Nepal to create a new, biometric voter register in response to concerns from The Carter Center and other organizations about the 2008 voter list.

These efforts marked new ground for The Carter Center. Our continued presence in Nepal allowed us to present to senior political, government, and civil society leaders an impartial reporting of views from the local level about key issues of concern in the peace and constitution-drafting processes and to share this information with the international community. In doing so, we learned important lessons that we hope to bring to our work in other countries. Chief among these is the value of long-term, local-level observation in order to deeply understand conflict dynamics and triggers and to provide information to policy makers at the national level on sensitive issues.

All of these lessons are explored more deeply throughout this report, which also presents a thorough accounting of our project methodology, our main findings, and the challenges we faced as well as areas to focus on in the future. It is my hope that this document will serve as a useful tool not only for the Carter Center's future activities but also for other organizations, civil society members, researchers, policy makers, and others interested in learning more about the project.

Our work in Nepal would not have been possible without generous support from the United States Agency for International Development, the United Kingdom's Department for International Development, and the governments of Norway and Denmark. Rosalynn, I, and our staff in Atlanta and Nepal extend our deepest thanks for this assistance.

In early 2014, The Carter Center closed its offices in Nepal. Although there remain difficult issues to address, I am confident that Nepal will handle these challenges through discussion and compromise.

I am proud of the work we have done and grateful for the support we have received from the many Nepalis who have welcomed and worked with us over the years. We will continue to follow developments in Nepal closely and will try, where possible, to support future progress. It is my firm belief that the citizens of Nepal will have their aspirations for a peaceful, inclusive, democratic, and prosperous society fulfilled.

Former U.S. President Jimmy Carter  
Founder, The Carter Center

## EXECUTIVE SUMMARY

This report provides an overview of the Carter Center’s activities in Nepal, focused specifically on the period 2009–2014. The report seeks to achieve three goals:

- To summarize the key political and electoral findings observed by The Carter Center, laid out in a series of detailed public reports for those seeking to better understand Nepal’s political landscape during its transition period
- To explain briefly the history and context of Nepal’s political transition process for those who may wish to compare it to other country contexts
- To describe in-depth the Center’s efforts to design and implement a political transition observation project and to explain the methodology, achievements, lessons learned, and relevant questions for future consideration for those who may be interested to pursue similar work in the future.

Accordingly, the report is organized into three main sections. The first section reviews the historical background and timeline of key political events in the country’s transition process—to provide relevant context for the reader. The second section describes the development and implementation of the Carter Center’s political observation methodology in Nepal. Finally, the report provides a summary of the Carter Center’s main substantive findings and observations on Nepal’s political transition.

### POLITICAL HISTORY

Nepal is a mid-sized South Asian nation neighboring India and China. It is an immensely diverse country by all measures, including geography, ethnicity, language, religion, and caste. For most of its history, Nepal was governed by a series of hereditary rulers. In 1990, a popular uprising known as the *Jana Andolan* (People’s Movement) ushered in a new period of political freedom. However, constant infighting and factionalism between and within political parties led to political instability and weak governance.

In 1996, a small leftist party, the Communist Party of Nepal (Maoist), began an armed rebellion against the government. Over the next decade, the insurgency expanded across the country, attacking police posts and other government bases. In total, more than 13,000 people were killed during the decade-long conflict. In February 2005, citing the elected government’s inability to end the insurgency, the then-king took over absolute power in a coup supported by the army. This created a triangular conflict between the “democratic” political parties, the Maoists, and the military-backed monarchy.

Just over a year later, a second mass uprising, led by a joint alliance of the democratic parties and the Maoists and known as the *Jana Andolan II*, forced the king to relinquish direct rule. This triggered the initiation of a peace process among the mainstream parties and the Maoists, with a ceasefire agreement signed in May 2006 and a Comprehensive Peace Agreement signed in November of the same year. An interim government was created and the Parliament temporarily reinstated until new elections could be held. A United Nations Mission in Nepal (UNMIN) was deployed to support the transition process.

At the same time as the peace process was unfolding, historically marginalized groups around the country increasingly pressed for their rights and for inclusion in politics and in government institutions. Issues related to identity; dignity; and social, cultural, and language rights would go on to play a significant role in the country’s political transition process.

Initially planned for 2007, the constituent assembly election was postponed twice due to disputes among the major political parties. In April 2008, a 601-member body that would be charged with drafting a new constitution was elected. On May 28, Nepal's constituent assembly met for the first time and voted to abolish the monarchy, declaring Nepal a federal democratic republic.

Following the election, hopes were high that Nepal's new political leaders would address outstanding commitments in the peace process, such as those relating to former Maoist combatants and security sector reform, the drafting of an inclusive and democratic new constitution, implementation of the commitments made to historically marginalized groups, promotion of economic development and growth, and strengthening of the security environment and rule of law. However, at least at the national level, the election proved to be the end of the "politics of consensus" that had facilitated progress up to that point, and instead initiated a period of zero-sum politicking. Thus, while moving the country forward to a new phase of the transition process, the constituent assembly election also had a number of significant, and unfortunately negative, effects on the process.

The Maoists emerged as the largest party in the elections, but their tenure as leaders of the new government was short-lived due to a series of controversial decisions, culminating in a failed attempt to unseat the then-chief of army staff. This triggered the rise and fall of a number of unsuccessful governing coalitions, none of which had the political buy-in required to move forward on the peace process. Despite the enduring political deadlock, the constituent assembly was able to make some headway during this period and reached agreement on most major issues. However, the debate over federalism became a point of major contention. Meanwhile, constitution drafting and the peace process proved to be interdependent, and the inability to reach agreement on the fate of former Maoist combatants—who were still in cantonments across the country—prevented further progress on outstanding constitutional issues.

A new political agreement in November 2011 helped get the peace process back on track. The result was a settlement that provided large cash payouts to former combatants who chose to "retire" or provided a limited option to integrate into the national army or to receive alternative professional training. By October 2012, all of the Maoist cantonments had been emptied and closed, and a small cohort of former fighters were in the process of being integrated into the army.

By early 2012, the constituent assembly's tenure had been extended four times. The most difficult among the remaining issues was federalism. A series of protest programs was launched by activists across the country, both in favor of and against identity-based federalism, leading to prolonged strikes. The days leading up to the May 28 deadline to finalize a new constitution were extremely tense and polarized, with real fears that significant violence could break out in multiple areas. Ultimately, the constitutional deadline was crossed with no new charter promulgated, and the country entered a prolonged period of constitutional crisis and bitter political infighting.

From mid-2012 through early 2013 Nepal suffered nine months of political deadlock before its leaders finally reached agreement to appoint an interim election council (IEC) headed by a "nonpolitical" prime minister, as they could not agree among themselves on a political coalition to govern. The IEC successfully led the country to a second constituent assembly election that took place in November 2013. The election results proved a significant change from 2008: The Maoists and identity-based parties did poorly compared to their previous showing, while traditional parties were resurgent. In January 2014, the first sitting of Nepal's second constituent assembly took place.

## TRANSITION-MONITORING PROJECT<sup>1</sup>

The Carter Center began its engagement in Nepal with a small project in 2004 aimed at supporting conflict resolution and political negotiations. Because of the relationships that were built during the course of this work, the Center was invited to observe the constituent assembly election, initially planned for 2007 and finally held in 2008. Former U.S. President Jimmy Carter visited Nepal three times during this period. Typically, international election observation organizations depart the country in the weeks or months following elections. However, in the case of Nepal, it was clear that the country's political transition process was far from over: Nepal army soldiers and Maoist combatants remained confined in barracks and cantonments, respectively, and numerous other commitments from the CPA remained unimplemented. The rule of law and the reach of the state were limited in many areas, and a critical new phase of the process—constitution drafting—was yet to begin.

The Carter Center, Nepali political leaders, Nepali analysts, and the broader international community made an assessment that Nepal's transition remained fragile and that the risk of reversal was real. In order to support consolidation of the gains that had been made and mitigate future risks to the process, The Carter Center saw reason to continue its support to Nepal. Of particular concern were the failure of Nepal's political leaders to fully implement previously signed agreements as well as the significant disconnect between Kathmandu politics and the rest of Nepal. Therefore, it was suggested that a continued, impartial international monitoring presence at the grass-roots level could help to address both of these concerns. International monitors could encourage and report on peace process implementation while providing local-level information to encourage context-sensitive policy.

The Carter Center began work to design an observation effort to support the peace process and constitution drafting process that would utilize its expertise in impartial field-level reporting. The goals of the project were the following:

- Report credible and impartial observation findings and citizen perceptions from the village and district levels to policy makers, civil society, the media, and the international community in Kathmandu to support better-informed decisions and debates on key issues in the peace and constitution-drafting processes
- Encourage national attention to outstanding aspects of the peace process that had the potential to reopen conflict and provide an impartial, third-party assessment of the extent of implementation, challenges, and recommendations for moving forward
- To the extent possible, serve as a deterrent at the local level to negative or destabilizing activities via the continued physical presence of observers
- Tangibly demonstrate the continued support of the international community to Nepal, particularly to citizens at the village and district level, as well as to show support for public participation and representation in the democratic process

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<sup>1</sup> Note on terminology: In this report and in other similar Carter Center projects assessing political transitions, the Center uses the terms “political transition-monitoring” and “political transition-observation” interchangeably. While we are aware of the technical distinctions often drawn between “observation” and “monitoring” in the realms of election observation and the deployment of various other international missions, the Center uses both these terms to refer to its project activities in Nepal and elsewhere that consist of field work to assess and report on key issues and developments, without any direct formally authorized role to play in the processes at hand.

- Assist the international community in better understanding Nepal’s complicated context at the local level in order to support better-informed policy decisions and advocacy efforts

Recognizing that the Center’s international election observation experience would be relevant but not sufficient to guide this new effort, The Carter Center worked to develop an adapted methodology for the long-term political observation effort.

## **OVERVIEW OF 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 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. Based on its experience in Nepal, the Center found that the inclusion of national observers proved highly effective.

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

1. Within the Center’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 Carter Center reporting could fill a gap in information
4. In demand, such that there would be an interested target audience and reason to believe that the Center’s reporting on the topic would be useful

Center reporting attempted to strike a balance between being broad enough to capture important dynamics in its context and focused enough to be able to credibly and persuasively document key findings, including reflecting nuance such as variations 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 the Center developed baseline data over the course of the project. Samples of each of these forms are included in the Appendix.

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; 11 reports on voter registration and electoral issues; five short, thematic, background papers; and a postelection 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.

Over time, the project developed by pursuing a more focused scope of inquiry; adding new outputs; adding a headquarters-level research, planning, and drafting team; creating a database of team reports; significantly enhancing the role of Nepali staff; and creating formalized personnel policies. Additional changes that were considered but not implemented included further expanding project outputs, commissioning survey data, increasing local stakeholders briefings, and holding group briefing sessions for national civil society.

The following were the most significant challenges experienced during the course of the project:

- **Data challenges**, including the lack of “observability” of some parts of the transition process, the difficulty of obtaining consistent and comparable data across teams, the desire to generate generalizable national findings based on local data, the significant volume of data generated, avoiding bias in data interpretation, and maintaining access to information
- **Output challenges**, including targeting project outputs to the appropriate audience, the accessibility of outputs, assessing the project impact, and maintaining the perception of impartiality
- **Project structure challenges**, including hiring and training qualified staff, providing professional development opportunities, managing international staff turnover amid national staff continuity, and mitigating the unpredictability of funding due to repeated political delays and corresponding project extensions

Throughout the Carter Center’s time in Nepal, project staff sought ways to assess the impact of the political transition observation work. This assessment 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 and remains an area where more work is needed. Nonetheless, on the basis of both quantitative and qualitative indicators, the project was able to regularly assess its progress toward meeting its goals. Overall, 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.

### *Main Areas of Observation*

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. Selected findings and notable trends are briefly summarized in the relevant section of this report and are 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
- Voter registration and election observation

Readers interested in more detail on Carter Center findings are invited to consult the relevant Carter Center reports listed in the Appendix.

### *Lessons Learned and Questions for Future Consideration*

Based on 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—there are a number of lessons that can be drawn and an equal if not larger number of questions that have emerged for discussion and exploration. These include:

1. Observation of political transitions—including constitution drafting, peace processes, and transitions to democracy—are likely to require a much longer-term presence than a typical election observation mission.
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.
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.
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.
5. Recruitment and staffing for political transition observation missions should differ from an election observation mission.
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 project sustainability by building local capacity.

In addition to the useful lessons learned during the 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?
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?
3. **Process or content?** To what extent and in what contexts should political transition observation comment on the content of a constitution or political outcome rather than only the process used?
4. **National impact?** How can political observation projects increase their national impact?

5. **Local impact?** What is the added value at the subnational level of political transition observation?
6. **Institutional capacity?** 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?

### *Conclusions and Recommendations for Nepal*

Nepal's political transition process is ongoing. This report provides an opportunity to take stock of the process to date and to reflect upon the broader lessons that can be learned thus far.

- First and foremost is the importance of recognizing that political transition processes take time and that their progress is rarely linear and steady. It is critical for all stakeholders—domestic and international—to be aware of this reality, to expect back-steps and deadlock, to be cognizant of the risks of reversal at various points and, nonetheless, to continue to support progress and plan accordingly for the future. At the same time, the costs of an extended transition are real.
- Second, it is important to recognize the achievements of Nepal's transition process to date, including the end of a decadelong conflict. Although it is easy to forget or gloss over these achievements, particularly at times of deadlock or tension in the process, it is valuable to remember that each was hard-won and none was guaranteed.
- Third, it is equally important to focus on what remains undone and the failings of the process to date in order to consolidate the gains achieved, to avoid the resumption of conflict, and to ensure that the lessons of this period are recognized and integrated. From this perspective, much remains to be done.
- Fourth, another lesson learned from Nepal's recent experience—and echoed by recent transitions in the Arab world—is the difficulty of changing a political culture.

There are a number of challenges that Nepal will face over the coming years. Primary among these is the successful completion of the constitution-drafting process. It is likely that the most contentious issue at stake in this process will be reaching a broadly acceptable compromise on the question of state restructuring and federalism.

The 2013 election resulted in a significantly different political landscape than that of 2008. Many have speculated that the results are partly due to fears associated with identity-based federalism. It is beyond the scope of this report to prove that assertion true or false, but based on the Center's long-term observation and interviews with citizens about identity politics and federalism, there were indeed public concerns and misunderstandings regarding the way such a system would work and its potential consequences for Nepal. One lesson, therefore, for any parties or groups seeking to influence the public debate on state restructuring is the need to communicate effectively to the public about what is being proposed, how it will benefit them in their daily lives, and how potential negative consequences can be addressed or minimized.

At the same time, the Nepali Congress, the Communist Party of Nepal (Unified Marxist–Leninist) (CPM–UML), and more conservative forces should be wary of interpreting the election results as a vote in favor of the status quo. It is worth remembering that the exclusive nature of the Nepali state was one of

underlying causes of the 10-year conflict, and over the long run the marginalization of certain groups will continue to provide fertile ground for mass mobilization and conflict until adequately addressed.

Given this context, there is a need to balance competing agendas and to ensure broad discussion, with a focus on seeking ways to avoid identity-based polarization while creating a new social contract that guarantees respect for Nepal's rich diversity and access to opportunity regardless of geography, caste, language, and religion. These are difficult issues to resolve, and Nepal has an opportunity to serve as an example for the region and the world by addressing them thoughtfully and in a broadly acceptable and sustainable way in the new constitution.

### ***Recommendations for Consideration***

- 1) Nepal's political leaders should focus on economic development and growth in parallel to their efforts to move their country's political transition process forward. Basic needs—access to food, clean water, jobs, and health care—remain higher priorities for many Nepali citizens than political developments, including constitution drafting. Economic growth that is broad-based and expands opportunities for all Nepalis is an important part of ensuring peace, development, and inclusive democracy for Nepal.
- 2) Nepal's democratic institutions remain weak and allow a culture of political impunity and patronage to continue to thrive. Nepali and international stakeholders should seek to support the building of accountable institutions and a political system in which there are positive incentives to deliver good governance, ensuring that good behavior is rewarded rather than penalized.
- 3) A key area of building strong institutions is political party reform. At present, most parties have limited internal democracy and are beset by internal divisions and personality struggles. As well, Nepal is highly politicized, with political parties playing outsized roles in nearly all aspects of interaction with the state at the local level.
- 4) Nepal's constituent assembly should seek ways to ensure dignity, respect, inclusion, and equal opportunity for all Nepalis and to agree on a broadly acceptable state structure that will achieve these goals. It should also seek to engage with the public during the constitution drafting process and to instill a sense of ownership over the final document and, ultimately, the process of its implementation.
- 5) Outstanding commitments in the Comprehensive Peace Agreement related to continued security sector reform, rule of law, land return and reform, transitional justice, rights for historically marginalized groups, and other key issues should be fully implemented. If left unaddressed, they pose long-term risks to the Nepali state and the prospects for equitable development.
- 6) The question of state restructuring, in particular, is extremely sensitive. The Carter Center is confident that it is possible to reach a broadly accepted agreement that meets the aspirations of Nepal's diverse people and establishes a foundation for continued peace and development. However, this will require statesmanship and a continued spirit of compromise and inclusive discussion.
- 7) Local elections are essential to restore democratic legitimacy and accountability to local governance. The appropriate timing of these elections is not obvious, nor is their relation to future federal structures. However, there appears to be room for compromise on these questions, and Nepal's political parties and other stakeholders should work to build consensus on a framework for a timely return to elected local government.

## ***Report Outline***

This report is divided into three main sections. First, the report provides a detailed overview of Nepal's historical background as well as a timeline of key events, focusing particularly on the period from 2006–2014. The political context provided is intended to be sufficient for those readers not familiar with Nepal's transition process to understand its main contours and challenges in order to better understand Nepal's own history and to compare it to other countries in transition.

The report then provides a description of the Carter Center's efforts to create a political transition observation project in Nepal. The goals and project development are laid out, followed by a summary of the methodology developed and the challenges faced by project staff. This section may be of particular use for any individual or organization considering embarking on similar work in the future. The report then attempts to lay out the achievements of the Center's project in Nepal and discusses several lessons learned as well as questions for future consideration. This section of the report provides a comprehensive description of the Center's efforts in Nepal and areas for future exploration. Readers who are more interested in the substance of the Center's findings and less interested in the design, structure, and operation of the mission could skim this section and move on to the next.

The third section delves into the content of the Center's observation findings. Although much of the value of the observation reports comes in the detailed descriptions and analysis provided in the full reports, this section attempts to summarize the main points observed. It may be of use to those seeking a better understanding of the local political dynamics during Nepal's transition period as well as those seeking to learn more about how Nepal arrived at the point it has presently reached. Observation findings are broken down into two main categories—political findings and electoral findings.

The report concludes with several reflections and recommendations for consideration by Nepali and international stakeholders. Finally, there are a number of shorter reference materials and other documents in the Appendix. This includes a summary of the Center's 2008 election observation findings, a list of all Carter Center Nepal staff, the letters of invitation issued to The Carter Center, a comprehensive list of all reports and statements published, and several sample observation forms.

The Center wishes to thank once more the Nepali officials, political party members, civic activists, journalists, and citizens in all of Nepal's 75 districts who generously offered their time and energy to facilitate the Center's work in Nepal and the staff of the Carter Center's Nepal project who worked with dedication and professionalism to carry out their responsibilities.

## POLITICAL CONTEXT

### HISTORICAL BACKGROUND

Nepal is a South Asian nation of approximately 26.5 million people<sup>2</sup> occupying a horizontal strip of land between two giant neighbors, India and China. It is an immensely diverse country by all measures, including geography, ethnicity, language, religion, and caste. Nepal as a nation was born in 1768 when Prithvi Narayan Shah conquered the city of Kathmandu and its surrounding territory and declared the land a unified state. Shah's descendants ruled as hereditary monarchs until 1846, when another family, the Ranas, took over absolute power and ruled as hereditary prime ministers for more than a century. Throughout its history, Nepal was never colonized by an external power.

A constituent assembly election to draft a permanent constitution for the people of Nepal was first proposed after the Rana oligarchy was toppled in 1950 by a movement led by the Nepali Congress party and supported by then-King Tribhuvan. However, amid political turmoil and instability between 1950 and 1959, the election was not held. A constitution was finally drafted by a group handpicked by the late King Tribhuvan's son, King Mahendra, and a general election was held in 1959. Although the Nepali Congress won a majority in this election, King Mahendra staged a coup soon thereafter and took direct control of the government in 1960. The system of governance by the monarch and a number of advisory councils was called the Panchayat and continued until 1990. All political parties were outlawed during this period.

In 1990, a mass popular uprising (*Jana Andolan*) against the Panchayat regime took place. This uprising was led by the Nepali Congress and a coalition of parties called the United Left Front, all of which had been underground during the previous three decades. The protesting parties succeeded in reaching an agreement with King Birendra (son of Mahendra) to dismantle the Panchayat system and install a system of governance based on the British model. The king would remain as a constitutional monarch, while the government would be elected every five years. A new constitution was drafted by individuals selected by the king and the leaders of the political parties. Although the leaders of the small left parties protested at the manner in which the constitution was drafted and renewed demands for a constituent assembly, they were ignored.

General elections were held in 1991, 1994, and 1999. For most of this decade, the Nepali Congress led the government and the Communist Party of Nepal (Unified Marxist–Leninist) was the main political opposition. The Rastriya Prajantantra Party (RPP), made up of former Panchayat-era politicians, was also represented. Constant squabbling and factionalism between and within parties led to political instability, numerous changes in government, and the formation of unwieldy temporary coalitions. As governments were in power only for short periods of time, few long-term policies were formulated or implemented, leading to a high degree of disillusionment among the Nepali public toward their new democratic leaders.

In 1996, a small leftist party, the Communist Party of Nepal (Maoist), began an armed rebellion against the government in the western hills of Nepal. Over the next decade, the insurgency expanded across the country, attacking police posts and other government bases. At the same time, in 2001 the palace was struck by tragedy when the crown prince killed his father (King Birendra), mother, several other members of the royal family, and himself in a violent massacre. The dead king's brother, Gyanendra, was swiftly installed as the new king. However, his public legitimacy suffered due to conspiracy theories surrounding the palace deaths.

In 2002, King Gyanendra took his first step toward reclaiming absolute power for the monarchy when he

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<sup>2</sup> National Population and Housing Census, 2011. Report available at [http://unstats.un.org/unsd/demographic/sources/census/2010\\_phc/Nepal/Nepal-Census-2011-Vol1.pdf](http://unstats.un.org/unsd/demographic/sources/census/2010_phc/Nepal/Nepal-Census-2011-Vol1.pdf).

dismissed Prime Minister Sher Bahadur Deuba, ostensibly for Deuba's failure to hold an election. The king then declared a state of emergency and mobilized the army to crush the Maoist rebellion. After appointing and disbanding a number of governments, in February 2005 King Gyanendra staged a carefully planned coup with the help of the army, put many political leaders from the mainstream parliamentary parties under house arrest, and assumed direct rule. He justified his actions by arguing that he had been forced to take over power due to the political leaderships' incompetence in controlling the Maoist uprising and promised to restore democracy within three years. Military action against the Maoists intensified. In total, more than 13,000 people were killed during the decadelong conflict.

## **THE PEACE PROCESS AND THE 2008 CONSTITUENT ASSEMBLY ELECTION**

Peace talks were held between the government and the Maoists in 2001 and 2003, but both attempts at a negotiated solution to the conflict failed. However, in November 2005, nine months after King Gyanendra's takeover, a group of parliamentary parties called the Seven-Party Alliance (SPA) signed a 12-point memorandum of understanding with the Maoists in which they pledged to create a nationwide democratic movement against the "autocratic monarchy." The agreement was signed in India with the support of the Indian government, and a crucial component was both sides' commitment to a constituent assembly election to draft a new constitution for the country.

Thus, the parties put mounting pressure on the king, and after a 19-day mass uprising in April 2006 known as the *Jana Andolan II*, the king formally relinquished direct rule and reinstated the 1999 House of Representatives. Negotiations between the Maoists and the SPA continued, with a ceasefire agreement signed in May 2006 and a Comprehensive Peace Agreement (CPA) signed in November the same year. The House of Representatives was dissolved and replaced by an interim Legislature–Parliament that included the Maoists in January 2007 and, in another landmark step in April 2007, the Maoists joined the interim government. The United Nations Mission in Nepal (UNMIN) was created in January 2007 following invitations from all parties for assistance with monitoring of the arms management process and the provision of technical assistance to the Election Commission of Nepal (ECN) in preparation for the planned constituent assembly election.

UNMIN monitored the registration and storage of weapons from both the Maoist People's Liberation Army (PLA) and the Nepal Army as well as supervised the registration of Maoist army personnel and their placement in seven cantonments (and 21 subcantonments) across Nepal. The cantonments and subcantonments were located in Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli, and Ilam districts and monitored 24 hours a day by UNMIN.

At the same time as the peace process between the SPA and the Maoists was unfolding, historically marginalized groups around the country, particularly the Madhesi people living in the southern plains region called the Tarai, increasingly began to press for their rights and for inclusion in political and government institutions. During their "people's war," the Maoists had raised the consciousness of these groups regarding their exclusion from power, but upon the party's entry into government, many felt that the Maoists were unable or unwilling to deliver effectively upon their promises. Subsequently, many of these groups, including Madhesis, Adivasis and Janajatis (indigenous peoples), women, and Dalits ("untouchables"), protested against the government and demanded changes to state structures and the election system and increased representation in government bodies.

In January 2007, mass demonstrations in the Tarai took place, with residents protesting discrimination by the government against Madhesis, leading to more than 30 deaths. This is generally considered the start of the Madhesi people's movement, or *Madhesi Andolan*. Unrest in the Tarai continued through to the 2008 elections, with strikes, shutdowns (*bandhs*), bouts of violence, and the proliferation of armed groups.

The constituent assembly election was initially scheduled for June 2007. However, a lack of preparation by the political parties and insufficient political will on all sides, as well as the ongoing turmoil in the Tarai, led to the election's postponement. The government went on to sign several agreements with leading Madhesi and Janajati groups, promising to meet key demands for greater inclusion in the political and electoral process, including instituting a federal system of governance. Additionally, after months of wrangling, the political parties finally reached an agreement in December 2007 to amend the election law and to abolish the monarchy at the first sitting of the constituent assembly. The Maoists, who had previously pulled out of government and stalled the electoral process, rejoined government, and a new election date was declared.

On April 10, 2008, Nepalis across the country voted in their nation's first-ever constituent assembly election. While the pre-election campaign period was marred by serious violence, election day itself was regarded as relatively peaceful.<sup>3</sup> The election was held under a mixed electoral system combining a first-past-the-post system and a proportional representation system to allow for both geographical and party-based representation. To the surprise of many analysts, the Maoists performed more strongly than predicted, securing their place as the largest party with 38.2 percent of the total elected seats. The Maoists were followed by the Nepali Congress with 19.1 percent, the CPM-UML with 18.1 percent, and the Madhesi People's Rights Forum with 8.8 percent. On May 28, Nepal's constituent assembly met for the first time and voted to abolish the monarchy, transforming Nepal into a federal democratic republic.

## **THE CONSTITUTION-DRAFTING PROCESS AND THE 2013 CONSTITUENT ASSEMBLY ELECTION**

Following the constituent assembly election, hopes were high that Nepal's new political leaders would continue moving forward on the significant challenges ahead of them—addressing outstanding commitments in the peace process (most critically those relating to former Maoist combatants and security sector reform), drafting an inclusive and democratic new constitution, implementing the commitments made to historically marginalized groups, generating economic development and growth, and strengthening of the security environment and rule of law.

However, the election proved to be the death of the “politics of consensus” that had at least partially characterized the pre-election period and facilitated progress up to that point. With the hard reality of the election results facing them, political leaders could no longer operate under the assumption of rough political equivalence among the major forces. The Nepali Congress and the CPM-UML saw that their future access to power was under threat and accused the Maoists of stealing the election through violence and fraud. The Maoists, for their part, saw the results as giving their party an absolute mandate, even though they had won less than 40 percent of the public's vote. The Maoists' refusal to support G.P. Koirala, the senior Nepali Congress leader and their counterpart in the peace process, as the first president of Nepal, further contributed to the souring of relations between the major parties.

Thus, while moving the country forward to the next phase of the transition process, the constituent assembly election also had a number of significant, and negative, effects on the political dynamics of the country. This included the breakdown of the politics of consensus, the increasing internal fragmentation of political parties, leading in some cases to party splits, the development of a zero-sum approach and highly polarized political environment, and the rise of long periods of deadlock overseen by a series of weak governments.

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<sup>3</sup> For a detailed discussion of the 2008 election process, see The Carter Center, “Observing the 2008 Nepal Constituent Assembly Election” available at [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportNepal2008.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf).



Following several months of delay as the election results were fully digested, the Maoists formed a coalition government in August 2008 with Prachanda as prime minister.<sup>4</sup> However, his tenure was short-lived. A series of controversial decisions culminated with his move in May 2009 to sack the sitting Chief of Army Staff Gen. Rookmangud Katawal and replace him with another candidate, viewed as more sympathetic to the Maoists and willing to negotiate a better deal on integration of former Maoist combatants into the Nepal Army. Newly elected President Ram Baran Yadav, only several months in office and with an ambiguously defined role in the interim constitution, overturned the prime minister's decision at the urging of a coalition of non-Maoist political parties and with alleged support from India. Prachanda resigned in protest at the president's move, and the Maoist party left the government, leading to an extended period of political polarization. An effectively "anti-Maoist" governing coalition of 22 political parties, with new Prime Minister Madhav Kumar Nepal at the helm and perceived backing from India, took power while the Maoists went into active opposition, launching a multiphased series of protest programs both in the Legislature–Parliament and on the streets.

For over a year, the new coalition government presided over nearly complete political deadlock. Without the Maoists, it was not possible to move forward on key peace process issues such as the integration and rehabilitation of former Maoist combatants, nor was it possible to negotiate agreement on key constitutional issues. The initial two-year deadline for the drafting of a new constitution passed in May 2010 and was extended in the first of a series of such moves. In June 2010, Prime Minister M.K. Nepal was forced to resign but ended up staying on as a caretaker for an additional seven months due to the political parties' inability to agree on a new prime minister or for either side to achieve sufficient electoral results in the Legislature–Parliament to install a replacement. This problem was exacerbated by factionalism within the parties, creating divisions that could be exploited by other parties. It was this dynamic that led, in August 2011, to Jhala Nath Khanal replacing Madhav Kumar Nepal as prime minister though they were from the same party.

Despite the enduring political deadlock, the constituent assembly was able to make some headway during this period. Following its inception, 11 thematic committees and three procedural committees were created to facilitate its work. Many of these committees met regularly, and some of them took their work quite seriously, producing long reports covering their areas of responsibility. Issues upon which committees could not reach agreement were then forwarded to a high-level dispute resolution sub-committee of senior political leaders that was expected to make a final decision, indicating that the real power still lay with high-level leaders rather than in the constituent assembly itself. The most contentious issues were quickly identified as federalism and state restructuring, government structure, the electoral system, and issues related to fundamental rights. The assembly was also weak in its public outreach. One poorly planned and executed round of public consultations took place, and little information was systematically shared with the public about the constituent assembly's work and achievements.<sup>5</sup>

The period was also characterized by a rise in identity-based political activism. Nepal's constituent assembly election had produced the most diverse elected body in the country's history, due in part to an elaborate quota system imposed on the proportional representative seats. The move toward inclusion was also reflected in the election of Ram Baran Yadav as the first president of Nepal and Paramananda Jha as the vice president—both men of Madhesi origin, a development that would have been hard to imagine previously. However, the high expectations held by Nepalis belonging to marginalized groups such as Madhesis, Janajatais, women, and Dalits went unmet, both by the state and by the existing political

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<sup>4</sup> In January 2009, the Communist Party of Nepal (Maoist) united with the Communist Party of Nepal (Unity Center–Masal) to form the Unified Communist Party of Nepal (Maoist) or UCPN(M). Thus, prior to January 2009 the party is referred to by the acronym CPN(M), while after that date it is referred to as the UCPN(M).

<sup>5</sup> For more on Nepal's constituent assembly process, see excellent reporting by Martin Chautari and the International Crisis Group, available at, respectively: <http://www.martinchautari.org.np/2012-08-27-08-45-41/policy-briefs.html> and <http://www.crisisgroup.org/en/regions/asia/south-asia/nepal.aspx>.

parties. Madhesi parties in the Tarai underwent a series of damaging personality-based splits following the election and were not able to recover the united spirit the *Madhesi Andolan* had unleashed. In this context, the issue of federalism and whether the new states should be formed along “ethnic” lines or “geographic” lines became a point of major contention. A state restructuring commission (called for in the Comprehensive Peace Agreement) was created in 2011 to help resolve the issue, but the commission itself was divided, issuing a narrowly won majority report in favor of identity-based federalism and a minority report against.

Following the series of government transitions, a new political agreement was reached in November 2011 that helped get the transition process back on track. A coalition government was formed under Maoist leader Dr. Baburam Bhattarai that had both the capacity and the political will to address key unresolved peace process issues. Primary among these was the much debated army integration process. Despite initial hopes by the Maoists that a significant number of former combatants would be integrated into the Nepal Army, this was not to be. A combination of intensive and sustained opposition to the integration, as well as the leak in 2009 of damaging video footage from January 2008 in which Prachanda claimed to have “tricked” the United Nations into certifying a much larger number of soldiers than the Maoists actually had during the war and to have sent the “real” soldiers into the Young Communist League (YCL), both played against the Maoists. The former combatants, who had served for much of the transition as a useful negotiating tool for their political leadership, were also increasingly disgruntled after five years in poorly equipped camps.

The Maoists were therefore forced to negotiate their former combatants’ futures from a position of relative weakness. The result of this was an agreement that provided large cash payouts of 500,000 to 800,000 rupees (approximately \$5,960 to \$9,500) to former combatants who chose to “retire,” much to the consternation of the international community, who favored an emphasis on skills or vocational training. Combatants were also given options for “rehabilitation” and vocational training or integration into the Nepal Army for those who met a number of strict criteria. Under the deal, up to 6,500 former Maoist combatants could be integrated into the army. All in all, around 7,000 combatants initially chose the retirement funds, 9,000 opted for integration into the Army, and a meager six combatants chose rehabilitation and training.<sup>6</sup> In subsequent rounds of the process, however, the number of former combatants opting for integration dropped dramatically (in part due to challenges in meeting entry requirements), and the number seeking rehabilitation and training increased. Ultimately, a total of 1,462 former combatants joined the Nepal Army. Combatants who had been designated as minors (i.e., those recruited before the age of 18) or “late recruits” (i.e., those who joined the PLA after May 28, 2006) did not have access to either the cash or integration options and were released first from the cantonments, in early 2010. With the Maoists struggling to retain command and control over the remaining former combatants, responsibility for the cantonments was given to the state, and by October 2012 all the cantonments had been emptied and closed. Serious concerns were raised over whether the short-term nature of the cash payouts as well as the dissatisfaction of the former combatants might lead to a rise in violence, but to date this appears to have been limited.

By early 2012, the constituent assembly’s tenure had been extended four times and the Supreme Court had ruled any further extensions unconstitutional. Thus, the May 28, 2012, final deadline began to loom large over the political process. Efforts were put in place to shortcut the numerous legal requirements to promulgate a new constitution and to address outstanding disputed issues. The most difficult among these remained federalism. After years of blustering, the major political parties attempted to reach agreement on the new federal structure for Nepal. However, identity-based activists saw the deadline as their final opportunity to achieve their rights. Thus a series of protest programs were launched, both in favor of and against identity-based federalism, leading to prolonged strikes across the country, particularly in the Far

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<sup>6</sup> International Crisis Group, “Nepal’s Peace Process: The Endgame Nears,” Dec. 13, 2011, p. 4.

Western region, which was effectively shut down for over a month. A May 15 agreement between political leaders proved too little, too late. There had been insufficient efforts to prepare the public for the agreement reached or to ensure that protesting groups would accept it. It was, therefore, almost immediately rejected by activists on the street, leading the Maoist and Madhesi parties that had signed it to quickly withdraw their support.

The days leading up to the constitutional deadline were extremely tense and polarized, with real fears that significant violence could break out in multiple areas across the country. Against this backdrop, senior political leaders were unable to reach to a final compromise, and hopes of a last-minute constitution, or even a draft document, were dashed. The deadline was crossed with no new constitution promulgated, and the country entered a prolonged period of constitutional crisis and bitter political infighting. As soon as the pressure that the deadline had created was removed, the identity-based protests around the country quieted down. Positively, little violence had taken place, though the protests left in their wake increased inter-communal tensions in some parts of the country as well as concerns about what might take place in the future around renewed negotiations on state restructuring.

In the period following the dissolution of the constituent assembly, divisions between and within some of the major political parties increased. The growing divisions within the Maoist party led to a formal split, with Mohan Baidya forming a new harder-line Maoist party and claiming the UCPN(M) had been drawn off course. Nepal suffered nine months of political deadlock before political leaders finally reached agreement to get the transition process back on track and appointed an Interim Election Council (IEC) headed by a “nonpolitical” prime minister, as they could not agree among themselves on a political coalition to govern. Chief Justice Khil Raj Regmi was sworn in as prime minister in March 2013, a move that provoked controversy given that he chose not to formally resign from his post as Chief Justice of the Supreme Court. Although the initial plans for a June 2013 election proved untenable, the IEC successfully led the country toward a second constituent assembly election that took place in November 2013. The election results proved a significant change from 2008: The Maoists and identity-based parties did poorly as compared to their previous showing, while the NC and CPM–UML were resurgent. The Rastriya Prajatantra Party–Nepal, the only party to take an explicit stance in favor of reversing many of the core decisions of Nepal’s political transition (most prominently the abolition of the monarchy) also increased its vote share significantly.

In January 2014, the first sitting of the new constituent assembly took place, and one month later Sushil Koirala of the Nepali Congress became the new prime minister of Nepal. The constituent assembly has begun its work to resume the constitution drafting process and is intended to promulgate a new constitution in January 2015.

*Source notes: The portion of this historical background covering the period up to the 2008 constituent assembly elections has been adapted from the Carter Center’s final report: “Observing the 2008 Nepal Constituent Assembly Election.”*

## **Timeline of Key Events**

**1768**

King Prithvi Narayan Shah of Gorkha conquers Kathmandu after conquering numerous other small kingdoms at the base of the Himalayas. The foundation of modern Nepal is formed.

**1846**

Jung Bahadur Rana wrests power from the Shah kings. Nepal is ruled by the Rana family for the next century.

**1950**

The Nepali Congress and other Nepali parties based in India form an alliance with the ceremonial Shah king to overthrow the Rana regime.

**1951**

The Rana family is overthrown. Negotiations lead to a political arrangement where a coalition of Nepali Congress and Rana family members form a government. A series of unstable coalition governments follow.

**1959**

King Mahendra promulgates a new constitution and a general election is held. The Nepali Congress forms a government after winning a majority.

**1960**

King Mahendra stages a coup, dismisses the Nepali Congress government, and takes over direct power.

**1962**

A new constitution formalizing direct rule by the king is drafted. The new regime is known as the Panchayat system.

**1990**

A people's movement (*Jana Andolan*) against the Panchayat regime is led by the Nepali Congress and the United Left Front. King Birendra agrees to dismantle the Panchayat system, and a new democratic constitution is drafted. The new constitution eliminates most of the king's direct powers but retains his constitutional status.

**1991**

The Nepali Congress party wins the general election. Girija Prasad Koirala becomes prime minister.

**1996**

The Communist Party of Nepal–Maoist begins an armed rebellion against the government.

**2001**

King Birendra and his family are killed by Crown Prince Dipendra, who then shoots and kills himself. Gyanendra, brother of Birendra, is crowned king.

**2002**

King Gyanendra dissolves Parliament and dismisses Prime Minister Sher Bahadur Deuba for his inability to hold an election. A series of governments led by prime ministers handpicked by the king follow.

**2005, February**

King Gyanendra stages a coup, takes over direct power, and declares an emergency and his intention to militarily crush the Maoists.

**2005, November**

The Maoists and the major parliamentary parties sign an agreement aimed at staging a people's movement to end direct rule by King Gyanendra.

**2006, April**

The second people's movement (*Jana Andolan II*) under the leadership of the political parties and the Maoists takes place. Massive street protests force King Gyanendra to step down. Girija Prasad Koirala of the Nepali Congress is appointed prime minister.

**2006, May**

The new government signs a ceasefire with the Maoists and begins negotiations on a broader peace agreement.

**2006, November**

The government and the Maoists sign a comprehensive peace agreement, bringing an

end to the decadelong “people’s war.”

**2007, January**

An interim Legislature–Parliament is formed with the participation of the Maoists. Protests against the government by Madhesis take place in the Tarai (Southern Plains region). Madhesis demand regional autonomy and increased representation in state structures.

**2007, April**

The Maoists join the interim government led by Prime Minister Koirala.

**2007, May**

The scheduled June 2007 constituent assembly election is postponed to November due to lack of preparation and political will.

**2007, September**

The Maoists quit the interim government and agitate for immediate abolition of the monarchy and changes to the electoral law.

**2007, October**

The scheduled November 2007 election is postponed as the Maoists refuse to participate without their demands being addressed.

**2007, December**

The government reaches a compromise with the Maoists, and the Maoists rejoin the government.

**2008, February**

Madhesi groups begin a general strike in the Tarai, demanding commitment to regional autonomy by the government and changes to the election law. They reach an agreement with the government in late February.

**2008, April**

Nepal’s first constituent assembly election takes place. The Maoists win the largest percentage of seats (38.2 percent) followed by the Nepali Congress (19.1 percent), the CPM–UML (18.1 percent), and the Madhesi People’s Rights Forum (8.8 percent).

**2008, May**

First meeting of the constituent assembly. Nepal becomes a federal, democratic republic.

**2008, July**

Ram Baran Yadav becomes Nepal's first president, and Paramananda Jha becomes Nepal’s first vice president. Both are of Madhesi origin.

**2008, August**

Maoist leader Prachanda forms a coalition government, with the Nepali Congress going into the opposition.

**2009, May**

Prime Minister Prachanda resigns in a row with President Yadav over the prime minister’s failed attempt to fire then-Army Chief Gen. Rookmangud Katawal, reportedly due to his opposition to integrating former Maoist combatants into the national army. Madhav Kumar Nepal is named the new prime minister, leading a 22-party coalition government. The Maoists go into opposition and launch a series of protest programs.

**2009, December**

Four people are killed in clashes triggered by land grabs in the Far Western region, supported by the Maoist party, giving rise to fears for the peace process.

**2010, May**

The governing coalition and the Maoist opposition agree to extend the deadline for drafting of the new constitution to May 2011.

**2010, June**

Prime Minister Madhav Kumar Nepal resigns under Maoist pressure but continues to serve as a caretaker prime minister for seven months due to lack of sufficient agreement to elect a replacement.

**2011, January**

The U.N. Mission in Nepal ends.

**2011, February**

Jhala Nath Khanal is elected prime minister, ending the seven-month stalemate.

**2011, May**

The constituent assembly fails to meet the deadline for drawing up a new constitution. The

deadline is extended for three months despite a prior Supreme Court ruling that the first extension in 2010 was unconstitutional.

### **2011, August**

Prime Minister Jhala Nath Khanal resigns after the government fails to reach a compromise with the opposition on a new constitution and the fate of former Maoist fighters. The Legislature–Parliament elects the Maoist party's Baburam Bhattari as prime minister. The constituent assembly deadline is extended for a third time, until November 2011.

### **2011, November**

Nepal's major political parties sign a seven-point agreement to conclude the peace process. The agreement includes formation of a multiparty consensus government; completion of the constitution-drafting process; integration of former fighters into the national army; provision of cash settlements to former fighters who do not enter the national armed forces; and commitments related to forming a Truth and Reconciliation Commission, returning conflict-era land with compensation to owners and dismantling of the Maoist Young Communist League.

The Supreme Court rules that the constituent assembly can extend its term for one last time for a maximum duration of six months. The Legislature–Parliament extends the constituent assembly's tenure for six months until May 27, 2012.

### **2012, January**

The State Restructuring Commission, charged with finding a broadly acceptable compromise on the sensitive issue of the future federal structure of governance, submits its report to the government. The majority proposes an 11-state identity-based federal model, while a minority of the Commission submits a dissenting report with a six state model.

### **2012, March**

Political parties agree to shorten the constitution-drafting process and bypass procedures so as to endorse new constitutional clauses by the May deadline. The Supreme

Court refuses to revisit its decision to cap extensions of the constituent assembly term, leaving no legal alternative to meeting the deadline on May.27.

The Special Committee for Supervision, Integration and Rehabilitation of Maoist combatants hands control of cantonments containing some 3,100 Maoist combatants to the Nepal Army and Armed Police Force.

A faction of the Maoist party led by hard-liner Mohan Baidhya, also known as “Kiran,” launches protests and a “national independence” movement against the ruling Unified Communist Party of Nepal (Maoist).

### **2012, April**

The Nepali Army takes charge of the cantonments, including containers of weapons handed over by fighters after the 2006 peace deal.

### **2012, May**

Political disputes and constitutional delays spark continuous days of *bandhs* (strikes) in 48 districts, shutting down roads, customs offices and businesses, and resulting in increasing tensions across the country. The Far Western region sees the greatest degree of violence and confrontation.

The UCPN (Maoist), Nepali Congress, CPN-UML, and the United Democratic Madhesi Front (a major coalition of four parties from the southern plains of Nepal along the Indian border) agree to an 11-state model, saying they have settled all disputed constitutional issues such as state restructuring, the electoral system, and forms of governance. The agreement swiftly sparks renewed rounds of protests throughout the country, and results in backtracking by some of the signatories.

The final constituent assembly deadline passes without promulgation of a new constitution or even production of a draft. Prime Minister Bhattarai dissolves the Legislature–Parliament and calls elections for November. Dr. Bhattarai remains in charge of a disputed caretaker government.

**2012, June**

The Maoist ruling party splits. Hard-line members form the Nepal Communist Party, (Maoist), claiming that the ruling party has strayed from “revolutionary” ideals in agreeing to a parliamentary system and integration of the army.

**2013, March**

After nine months of deadlock, Chief Justice Khil Raj Regmi is appointed head of an interim unity government.

**2013, April**

The Supreme Court suspends government plans to set up a Truth and Reconciliation Commission to investigate crimes committed during the civil war, citing concerns it could allow amnesties for serious crimes.

**2013, November**

An election for a new constituent assembly that will resume the constitution-drafting process takes place. The election is largely regarded as peaceful and an improvement on the 2008 electoral process, although the Maoists dispute the results once it is clear that they have not performed as well as in the previous election. The Nepali Congress wins 26 percent of seats, the CPM–UML 24 percent, the Maoists 15 percent, and the RPP–Nepal 7 percent.

**2014, January**

The first sitting of the new constituent assembly takes place.

**2014, February**

Sushil Koirala is elected as the new prime minister.

*Source: Adapted from the BBC and IRIN News*

## POLITICAL TRANSITION MONITORING IN NEPAL

### GOALS AND PROJECT DEVELOPMENT

Following the April 2008 constituent assembly election, it was clear that the country's political transition process was far from over. Nepal Army soldiers and Maoist combatants remained confined in barracks and cantonments, respectively, with no operational plan to address the situation or move forward on the broader commitment of "security sector reform." Numerous other outstanding commitments from the CPA also remained unimplemented, such as land return and reform, compensation to conflict-affected people, formation of commissions, and normalization of the political environment. The rule of law and the reach of the state was limited in many areas, armed group violence in the Tarai was rampant, fear of the Maoists and their sister organizations remained high, marginalized groups were suspicious that the government would abandon its promises of inclusion, and a critical new phase of the process—constitution drafting—was yet to begin.

The Carter Center, Nepali political leaders, Nepali analysts, and the broader international community assessed that Nepal's transition remained fragile and that the risk of reversal was real. In a round of senior-level meetings with the Center in June 2008, most interlocutors expressed concern that the difficult challenges ahead had the potential to obstruct or derail the peace process and harm Nepal's future progress. The most important challenges included reaching agreement on federalism and state restructuring; addressing issues related to former armed combatants and the Nepal Army; the poor economic situation (compounded by regional and global economic problems); Maoist and Young Communist League activity in the countryside; weak governance at the local and national levels; and the gap between the Nepali people and their representatives in the constituent assembly, among others.

To consolidate gains that had been made and mitigate future risks to the process, The Carter Center saw value in continuing to support Nepal, specifically regarding the peace process and constitution drafting. Of particular concern to domestic and international analysts were the failure of Nepal's political leaders to fully implement previously signed agreements and the significant disconnect between Kathmandu politics and the rest of Nepal. It was, therefore, suggested that continuing an impartial international monitoring presence at the grassroots level could help address both of these concerns. International monitors could encourage and report on peace process implementation while providing local-level information to encourage context-sensitive policy. However, the presence of international monitors in Nepal, particularly outside of Kathmandu, was shrinking. This gap created an opportunity for The Carter Center, especially given its previous experience of long-term observation in Nepal as well its continued welcome from domestic political and civil society leaders at the national and local levels.

In sum, the following contextual factors indicated that long-term political observation in Nepal could be appropriate and of value:

- **The 2008 election was clearly not the end point of Nepal's political transition process.** Following the 2008 constituent assembly election, it was clear that Nepal's peace process was not over. There were still two standing armed forces, multiple outstanding peace process commitments unimplemented, and a new constitution to be drafted.
- **Possibility of reversal.** Following the election, serious challenges to the peace and democratization process, such as a weak security environment and multiple demands on the state from numerous dissatisfied groups, continued to exist and were significant enough possibly to destabilize or reverse the transition.



- **Reduced international presence.** The international community presence shrank drastically after the election, especially outside Kathmandu.
- **Lack of credible, regular, and contextualized information on implementation of peace process commitments and political environment outside of Kathmandu.** Kathmandu continued to operate in a “bubble,” with limited engagement regarding dynamics around the country. It was difficult to access accurate, credible information about political developments at the village and district level in Kathmandu.
- **Norm of long-term engagement already established.** The Carter Center had already had a long-term engagement in Nepal (January 2007–May 2008) to observe the constituent assembly election process. This also meant that the Center had a relatively good understanding of the political dynamics in Nepal at both the national and local levels.
- **The Carter Center welcomed and largely trusted.** Center support continued to be welcomed in Nepal by all major parties, despite unhappiness and in some cases a perception of bias toward the Maoists from the NC and CPM–UML due to views about The Carter Center and President Carter’s 2008 election observation statements.
- **Internal and external support for continued assistance to Nepal’s transition process.** Institutionally, The Carter Center was willing to support a pilot effort for long-term political transition observation. Additionally, international donors recognized the need to maintain sufficient funding to facilitate a successful conclusion to Nepal’s political transition process.

### *Goals of Long-Term Political Observation in Nepal*

Given the above context, The Carter Center began work to design an observation effort to support the peace process and constitution-drafting process that would utilize its expertise in impartial field-level reporting. The Center’s goals were the following:

- Report credible and impartial observation findings and citizen perceptions from the village and district levels to policy makers, civil society, the media, and the international community in Kathmandu in order to support better informed decisions and debates on key issues in the peace and constitution-drafting processes. This included issues such as implementation of previously signed agreements, rule of law, local governance, land reform, press freedom, inclusion of marginalized groups, and constitutional issues
- Encourage national attention to outstanding aspects of the peace process that had the potential to reopen conflict and provide an impartial, third-party assessment of the extent of implementation, challenges, and recommendations for moving forward
- To the extent possible, serve as a deterrent at the local level to negative or destabilizing activities via the continued physical presence of observers
- Tangibly demonstrate the continued support of the international community to Nepal, particularly to citizens at the village and district level, as well as support for public participation and representation in the democratic process
- Assist the international community in better understanding Nepal’s complicated context at the local level in order to support better-informed policy decisions and advocacy efforts

Long-term observation was intended to make multiple contributions for a number of target groups. It would communicate relevant and trustworthy information to the government, political parties, civil society, and the international community, thus helping to inform and influence ongoing policy debates. The reports could also serve to educate and update the wider Nepali public about the political environment around the country and serve as a vehicle for citizens to communicate their own ideas and opinions to national actors, thus making these individuals more active players in their nation's transition process. Overall, the reports were intended 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 needed to be made. Finally, it was hoped that the presence of international observers traveling throughout the country could have a positive effect on local dynamics, even if limited given the small number of observers.

### ***Project Development and Anticipated Challenges***

Recognizing that the Carter Center's international election observation experience would be relevant but not sufficient to guide this new effort, the Center worked to develop an adapted methodology for the long-term political observation effort. It was developed by drawing on resources ranging from the Center's own election observation methods in Nepal; previous experiences elsewhere, such as Carter Center observation of the constitution-drafting process in East Timor in 2001–2002; advice and materials shared by former staff from UNMIN Civil Affairs, and resources developed by the National Democratic Institute and International IDEA, among others. In addition, the project was designed to complement rather than duplicate existing national and international reporting and monitoring capacities. The Center, therefore, stayed in close contact with other organizations such as the International Crisis Group; the U.N. Resident Coordinator's Office, which was exploring the possibility of opening regional humanitarian and coordination offices throughout Nepal; International IDEA; and local civil society organizations such as Advocacy Forum and the Informal Sector Service Center (INSEC).

From the outset, a number of risks and challenges were anticipated. These are listed here, and their actual impact on the project is covered in more detail in the following section of this report.

Anticipated challenges for the long-term observation project included:

- Maintaining high observation quality and staff morale in a purely monitoring role when little might change on the ground during the course of observation
- Determining the appropriate focus for observers and the allocation of resources between information and reporting versus more traditional support activities such as dialogues, town hall meetings, and opening of resource centers
- Maximizing coverage given geographical diversity and limited staff and finances
- The potential resumption of armed conflict or an increase in insecurity, which could limit access for observers
- Resentment, lack of cooperation, or accusations of bias by groups or individuals that did not agree with the Center's election observation reports or did not agree with our continued activities and reports
- Lack of interest by targeted Nepali and international stakeholders in the Carter Center's reports and recommendations and, thus, overall lack of project impact
- The inability of the constituent assembly to draft a constitution in the two years allocated

## METHODOLOGY AND CHALLENGES

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 processes and political dynamics. The following section provides an overview of the methodology employed in the project, how it changed over time, challenges to project implementation, and the role of Nepali staff in the context of an international observation mission.

### *Field team and headquarters structure*

Consistent with its purpose to produce impartial reporting based on field observation, the project adopted the structure of an international election observation mission, with some modifications to reflect the project's long duration and its distinct focus, especially the aim to work closely with Nepali stakeholders to provide impartial reports on key developments and policy issues.

Headquarters staff provided overall management of the project, including human resources, design and management of project activity, production of project outputs, and design of staff training and briefing sessions. The headquarters office also maintained relations with national-level contacts in Kathmandu and with the international community.

The core of the mission was the activity of the Center's long-term observers to gather and analyze data on local-level dynamics of the peace and constitutional processes. One observer team was deployed in each of Nepal's five development regions and was responsible for observing political developments related to the peace and constitutional processes in that region. In addition, the Center temporarily maintained a field office in Janakpur to provide better coverage of the Central and Eastern Tarai.

#### **Location of Carter Center Field Offices**

- Dhangadhi (Far-Western Region)
- Nepalgunj (Mid-Western Region)
- Pokhara (Western Region)
- Kathmandu (Central Region)
- Janakpur (Central and Eastern Tarai—temporary office)
- Biratnagar (Eastern Region)

The size of the field teams, the designation of a senior long-term observer, and the inclusion of a host-country national observer distinguished the field team structure from those of most international election observation missions. A typical electoral observation team consists of two observers, both foreign nationals, who jointly administer the team, as well as an interpreter and a driver.

The Center decided to create the senior long-term observer position to provide the Kathmandu headquarters office with a single point of accountability on the team, ensure active management due to the larger field teams, and promote

efficient and accountable handling of emergency situations or potential security risks. The inclusion of a Nepali national observer recognized the linguistic and cultural barriers, as well as limited country knowledge, that international staff may encounter in gathering and analyzing political information.

#### **Staffing**

##### Headquarters (Kathmandu)

- Head of Office
- Deputy Head of Office
- Political Analyst
- Long-Term Observer Coordinator
- Logistics Officer
- Finance Officer
- Research Officers (two positions added in 2012)
- Security officer (added in 2013)

##### Long-Term Observer Teams (Field)

- Senior Long-Term Observer
- Long-Term Observers (two – one Nepali national, one international)
- Interpreter/Assistant
- Driver

Recognizing that in a country as diverse as Nepal, Nepali staff also may face difficulties in building trusted relationships at the field level, the Center made every effort to ensure diversity in its recruitment and to recruit staff at all levels with demonstrated talent for working respectfully with people of diverse backgrounds.

### ***Selection of Topics for Observation***

The Center used four basic criteria/questions for choosing topics for observation, assessing whether potential topics were:

1. Within the Center'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 Center reporting could fill a gap in information
4. In demand, such that there would be an interested target audience and reason to believe that Center reporting on the topic would be useful

In applying these criteria, headquarters staff used a range of information, including analysis of meetings with political actors in Kathmandu, consultation with observer teams, feedback on previous Carter Center reports, and consultations with contacts in civil society and the international community. Some topics were chosen due to the Center's assessment that there existed a gap between perceptions in Kathmandu—as reflected in the media and among Center contacts—and actual political dynamics as reported by observer teams. For example, the Center's November 2009 report on the security environment rose out of an observation that although the Tarai was often perceived to be anarchic and highly insecure, the reality was more nuanced and varied. Similarly, the Center's reporting on land issues followed from an observation that there existed little systematic research on outstanding conflict-era land disputes, which was a politically sensitive issue and a potential source of conflict and was related to several important peace process commitments.

### ***Design of Research Questions and Reporting Forms***

Carter Center 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 to record their findings. Forms contained a mix of open-ended questions 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 the Center developed baseline data over the course of the project.

Teams usually deployed with two observation forms. First, a bi-weekly reporting form, which contained general questions across a range of issues, included constitutional affairs, the peace process, and the security environment. The forms were updated regularly in response to current reporting priorities and team feedback. Later versions of this form also contained a "rapid response" section that included time-sensitive or experimental questions that changed frequently. Second, teams used a supplemental observation form with multiple specific questions on a particular topic for in-depth reporting. The Center also developed an event-based observation form, usable for direct observation of a wide range of events, including strikes, rallies, and civil society events. Samples of each of these forms are included in the Appendix.

There is a limit to the number of interviews a team can conduct in a district visit and to how much material can be covered in each interview, particularly when observers are working through an interpreter. Headquarters had to be sensitive to these limits when designing reporting strategy; collecting additional data on one subject necessarily implied reducing collection on another.

**Data Collection**

The bulk of Carter Center reporting was based on data collected by the long-term observer teams. Teams collected much of their data through interviews and direct observation of events at the district and village development committee (VDC) levels. Observer data was supplemented by interviews and research undertaken by headquarters staff in Kathmandu.

Field teams operated on a reporting cycle of roughly two weeks’ duration, which included field visits of roughly five to seven days followed by data analysis, report writing, submission of written reports to Kathmandu, and time off for team administration and rest. Approximately every six weeks, teams returned to Kathmandu for debriefing and training.

Teams selected districts and VDCs to visit in coordination with Kathmandu headquarters, which sought to ensure that the five field teams were, among them, visiting areas with diversity in political dynamics, geography, and demographics to enable representative national reporting.

A typical observer team district visit consisted of interviews in the district headquarters or principal town (two–three days), followed by interviews in two–three VDCs, with visits of one-two days each. (This varied, depending on whether the district was located in the Tarai, hills, or mountains, given their differing geography and population distribution).

Village development committees were selected for visits based on issues of principal interest and in accordance with the need to obtain a balanced picture of district and national dynamics. The Center attempted to ensure diversity in committees visited with regard to:

- Accessibility/remoteness
- Demographic criteria (ethnicity, income, language)
- Issue salience (for example, areas with high and low reported incidents of land disputes)
- Political party dominance

The bulk of team data came from qualitative interviews in district headquarters, municipalities, and village development committees. In general, teams were free to select interviewees in accordance with their judgment and the information requested on the reporting forms. Teams chose interviewees to ensure a range of viewpoints, interests, and backgrounds, enabling them to cross-check information and reduce the likelihood of bias. Where possible, teams chose

<b>Sample Long-Term Observer Team Schedule</b>
<u>Day 1:</u> Drive from the Center’s Nepalgunj field office to Rukum district headquarters
<u>Day 2:</u> Interviews in Rukum
<u>Day 3:</u> Interviews in Rukum
<u>Day 4:</u> Drive to Pipal/Interviews in Pipal
<u>Day 5:</u> Interviews in Pipal/Drive to Sobha
<u>Day 6:</u> Interviews in Sobha
<u>Day 7:</u> Walk to Mahat
<u>Day 8:</u> Interviews in Mahat
<u>Day 9:</u> Walk to Sobha
<u>Days 10-11:</u> Return to Nepalgunj
<u>Days 12-14:</u> Report writing; team administration

<b>Examples of Carter Center Interlocutors</b>	
Chief district officers	School management committee members
VDC chairmen	Project users groups
Nepal police	Professional associations
Armed police force	Traditional council members
Political party leaders	Indigenous leaders
Journalists	Identity activists
Human rights defenders	Trade unions
Women’s groups	U.N. international nongovernmental staff
Landowners	Business owners
Tenant farmers	Builders/contractors
Former bonded laborers	
Teachers	

interviewees with direct knowledge of the issues of interest; for example, those who were party to land disputes.

Interviews typically lasted for approximately one hour. No set format was prescribed, and teams were encouraged, where possible and appropriate, to promote a conversational, informal exchange rather than a rigid check-list interview.

During the course of a district visit, teams often conducted between 20 and 45 in-depth interviews as well as at least 10 shorter interviews with local residents. Citizen interviews were designed to assess citizen knowledge and attitudes about the constitutional process, peace process, and security environment.

Teams also directly observed political events, including political party rallies, strikes and protests, and civil society programs. These direct observations supplemented information gathered in interviews and helped teams understand the relative strength, support base, programs, activities, and rhetoric of a range of political actors.

In their reporting, teams were trained to provide both raw data and their analysis of what the data meant and to clearly distinguish between facts and analysis. Teams were also trained to indicate important context about their findings, such as whether the information had been fully verified or was coming from a single source. Observers were expected to inquire about the source of interviewee information (e.g., directly witnessed versus heard from a family member) and to note the level of confidentiality requested by interviewees in the case information would be used in a public report. A list of sources, as well as any other relevant context, was often supplied in parenthesis following each observation finding in order to allow readers of the data in Kathmandu to see where the information had come from, the number and type of sources, and any other information of note.

### *Data Analysis*

Field teams returned completed observation forms to headquarters approximately every two weeks. Event-based forms were sometimes returned the day of the event such as during periods of major protests or rallies by political groups.

Headquarters staff reviewed each observation form and then compiled responses per question from each of the five field teams. Following the development of a project database, a computer automatically compiled the responses. When reading the observation forms and compiled responses, staff looked for substantive and methodological findings, including:

- Do there appear to be regional or cross-regional trends in the data?
- Are there significant variances across districts or regions? What might account for these differences?
- Are teams using similar standards in their assessment of political dynamics? Do they offer similar kinds of evidence?
- Is the evidence offered by teams in support of their assessments persuasive? If not, what additional data might confirm or refute the assessments?

As reporting priorities changed and data began arriving on new topics, headquarters staff conducted informal trends analyses by identifying possible patterns in the data. Teams then collected data on subsequent field visits to confirm, discount, or qualify the apparent trends. To ensure that headquarters was interpreting data accurately, fairly, and in context, teams were consulted extensively during regular debriefings about emerging findings and draft reports.

Headquarters shared draft reports with field teams, who vetted data and contributed extensive comments. Often there were several rounds of formal and informal consultations with teams prior to report publication to ensure accuracy. Headquarters also shared draft reports on a confidential basis with close Carter Center contacts to gauge the relevance, potential impact, and accuracy of findings. Reports were drafted in English and translated by a contractor in Kathmandu. Nepali-speaking staff reviewed and commented on the report translations prior to publication.

Report findings were also shared, prior to their publication, in individual meetings with relevant political party and government representatives at the national level. These meetings accomplished three objectives: They raised awareness among Nepali political leaders that a new Carter Center report was coming out and provided a direct briefing on the report contents; they allowed the Center to alert politicians to findings that might be controversial; and they provided an opportunity for leaders to offer their own response to the findings, which could then be incorporated into the report.

### *Project Output*

The Center shared its findings in several ways. The principal outputs of the project were public reports and background papers summarizing the findings of observer teams. Over the span of the project, the Center issued a total of 27 reports (two reports on overall trends in the peace and constitutional processes, nine thematic reports, 11 reports on voter registration and electoral issues, and five short, thematic background papers) 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.

In Kathmandu, reports were distributed in hard copy to members of the constituent assembly, senior government officials and party leaders, members of independent bodies such as the ECN, and civil society representatives. The Center also distributed reports in electronic form using an extensive list of e-mail contacts of national and international stakeholders. At the local level, field teams distributed reports in hardcopy during meetings and, when possible, by courier to contacts with particular interest in the topics of the reports.

Prior to the release of major reports, the Center invited the editors of major daily newspapers or their representatives to review an embargoed, draft copy of the report, receive an oral briefing on observer findings, and provide comments. The briefings assisted the Center in building relationships with national media and promoted accurate coverage of the observer teams' findings.

During observer debriefings in Kathmandu, the Center also held oral briefings for the international community. The briefings allowed observers to speak directly to members of the international community, who had diverse mandates and were frequently interested in findings or analysis not contained in the Center's reports. In addition, the private briefings allowed the Center to share more speculative findings that, although not sufficiently vetted to be included in public reports, could nevertheless be of use to organizations that could combine them with their own data and analysis.

The Center shared its key findings in person during periodic meetings with senior government, political party, media, and civil society leaders in Kathmandu as well as with senior representatives of the international community. Seeking to share information more extensively outside of Kathmandu, the Center experimented with holding stakeholders' sessions at the regional level. In February and March 2012, observer teams hosted a briefing for government, civil society, media, and political party representatives in each of the five development regions. The purpose of the briefings was to share findings from the Center's Third Interim Statement on the Election Commission of Nepal's Voter

Registration Program, solicit comments from local stakeholders, and better understand local views and concerns about voter registration. Following the sessions, the Center issued a short public report on their outcome, including recommendations to the ECN and government of Nepal based on local feedback. In June 2013, the Center conducted a second round of regional stakeholders' sessions to share updated findings on the voter registration process.

On several occasions, the Center compiled short reports that were shared with trusted contacts in civil society, media, and the international community. These reports were not released to the public because: they were based on data that was sparse, nonsystematic, or not fully vetted; were on unfolding events that did not allow time for additional data collection and vetting; and because they contained politically volatile subject matter. Based on the combination of informational limitations and political sensitivity, the Center, in these instances, decided that a public release would not be politically responsible. The reports were shared with contacts that, in combination with their own sources of information, would be able to make use of them despite the reports' limitations. These reports—which include a background paper on local peace committees in 2009, a report on the ECN's pilot voter registration exercise in 2010, a background paper on the discharge of verified minors and late recruits from Maoist cantonments in 2010, a report on identity-based mobilizations in 2012, and five situation updates in 2012—are now available to the public on the Carter Center website.<sup>7</sup>

### ***High-Level Visits and Engagement***

In addition to the field level observation, another component of the Carter Center's political transition support in Nepal was regular high-level visits by Ambassador A. Peter Burleigh, senior adviser to the Center, and Dr. David Pottie, associate director of the Democracy Program and the project manager in the Center's Atlanta-based headquarters office. These visits occurred approximately three–four times per year and involved meetings with senior Nepali leaders across the political spectrum as well as civil society, media, political analysts, members of the international community, and others as relevant. The team would also generally make a field visit to a district in one of the five development regions, supported by an observer team, in order to hear the views of stakeholders at the district and local level.

These visits accomplished a number of objectives. They kept communication lines open at senior political levels and facilitated the sharing of Carter Center observation findings and concerns. They also provided an opportunity for senior political leaders to share feedback and responses to the Center's observation reports, which they often did. The meetings also helped the Center to understand the major concerns, issues, and challenges in Nepali politics at the national level, which helped shape the focus of field level observation and reporting priorities. Internally, they provided the chance for project management to assess project functioning and management and to address any challenges or issues that had arisen.

Finally, throughout the Carter Center's work in Nepal, President Carter remained engaged and followed developments closely and, at moments of particular tension or change, offered his continuing support to the people of Nepal and to political leaders through letters, private phone calls, and written thoughts in the press. For example, in February 2011 following Jhala Nath Khanal's election as prime minister, which ended a seven-month deadlock, President Carter spoke by telephone with then-Prime Minister Khanal, Nepali Congress Party President Sushil Koirala, Maoist Party Chairman Pushpa Kamal Dahal ("Prachanda"), and CPM–UML senior leader and outgoing Prime Minister M. K. Nepal to encourage progress in the peace process and constitution drafting. In another instance in March 2012, President Carter wrote private letters to then-Prime Minister Dr. Baburam Bhattarai, the leaders of the Nepali Congress, CPM–UML, the Maoists, and the United Democratic Madhesi Front, commending their joint

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<sup>7</sup> The reports are available at: [http://www.cartercenter.org/news/publications/peace/democracy\\_publications/nepal-peace-reports.html](http://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html).



progress on the discharge of former Maoist combatants, encouraging compromise on outstanding constitutional issues, and expressing concern about potential future delays. President Carter also published several open letters and statements in the Nepali media<sup>8</sup>.

### *Changes in Project Methodology*

From the start of the project in June 2009 until its transition to an international election observation mission in September 2013, project methodology evolved as a result of organizational learning, increases in staff capacity, and changes in the political context. Several notable changes included:

*More focused scope of inquiry.* Many of the topics of observation were new to the Center. Therefore, at the beginning of the project, a main task for observers and headquarters was to understand the overall dynamics of subjects including local peace committees<sup>9</sup>, provision of relief to conflict-affected people, politicized land disputes, and identity politics. As the project progressed, the Center developed a baseline understanding of these areas and was able to focus its efforts on looking for trends, changes, and on understanding particular aspects of these subjects in more depth.

The Center's ability to focus its areas of inquiry was reflected in reporting instructions to teams, on the observation forms themselves, and in the kinds of public reports issued. Reports such as the November 2010 update on political and peace processes trends, May 2011 update on local peace committees, and June 2012 report on land return and reform were updates of previous Carter Center reporting, intended to illustrate patterns of continuity and change.

*Addition of new outputs.* Project outputs diversified over time to reflect the breadth of the data being collected and the increasing knowledge and capacity of staff. Outputs that were added over the course of the project included brief background papers, the February–March 2012 regional stakeholders' briefings, private situation update reports, and briefings for newspaper editors or their representatives.

*Addition of a headquarters-level research, planning, and drafting team.* By late 2010, the volume of quality data being generated by observer teams had exceeded the capacity of headquarters staff to analyze it in a timely manner. As a result, there was a backlog of useful data that had not yet been turned into public reports. To process this backlog and increase the overall reporting capacity of the project, the Center added two research, planning and drafting officers. The role of these officers was to assist with identification of reporting priorities, work with teams on data collection strategies, provide feedback to teams on reports submitted, assist with the analysis of data and report production, and conduct any needed background research to support project reporting.

*Addition of database.* The volume and format of data being returned by teams made it challenging to sort and analyze it in a timely manner. Initially, individual teams composed their responses to reporting questions in Microsoft Word documents, requiring a time-consuming process of manual compilation. Data was also not easily searchable by keyword, district, date, and so on.

To assist with the compilation and sorting of data, the Center worked with a local software development company to build a custom database for the project. The database was hosted on a secure server at Carter Center headquarters in Atlanta and allowed individual teams to submit their reporting forms

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<sup>8</sup> For a full list of President Carter's public statements, open letters, and editorials on Nepal, please see "Comprehensive List of Reports and Statements" in the Appendix of this report.

<sup>9</sup> Local peace committees were formed as part of the peace process and were intended to support peace building at the district and village level.

electronically. Headquarters staff could then generate custom queries in the database to quickly identify responses of interest. A part-time contractor was hired to enter previous team reports into the database.

The database greatly reduced the burden on headquarters staff of compiling and organizing the large volume of data being returned by teams and facilitated swifter and more accurate data analysis.

In June 2014, the Center transferred a copy of the database to Social Science Baha, a nonprofit research institute. Prior to the transfer, staff reviewed all data and redacted sensitive identifying information that could compromise the confidentiality promised to Carter Center interlocutors. The Center hopes that Nepali and international researchers will benefit from access to the extensive local-level data gathered and analyzed by field observation teams over more than four years of political monitoring.

*Enhanced role of Nepali staff.* In concordance with its mandate as an international observation mission and consistent with standard practice for international missions, the Center appointed foreign nationals to senior management roles, including the senior long-term observer (field team leader) positions. As the project was extended over time, the Center's Nepali staff, including interpreters and observers, developed deep knowledge of the project and the issues and regions where the Center observed. In essence, they became the core of the Center's institutional memory. Along with development in their knowledge and skills, national staff expressed interest in formal opportunities for professional development and recognition of their increasing contribution to the project and to their field teams.

To provide further opportunities and incentive for national staff to develop skills, and in recognition of their unique contributions, the Center made increasing effort to promote national staff inclusion in all aspects of the project and to offer more opportunities for formal professional advancement. Participation in Kathmandu debriefing sessions was expanded to include interpreters/assistants. For interpreters/assistants who were contributing to the team significantly beyond their terms of reference, the Center created a junior national long-term observer position that combined elements of both roles. The Center also opened the senior long-term observer and long-term observer coordinator roles to national staff. The Center also sought opportunities to strengthen existing skills, such as with a custom-designed and professionally taught English language writing course.

*Formalized personnel policies.* International election observation missions are typically fast-paced projects of relatively short duration, nearly always less than six months. In contrast, the field observation portion of the transition monitoring project, though modeled on an election observation mission, was initially planned to last one year and, in practice, was extended multiple times. The project extensions created a need for more extensive and formalized personnel policies, including performance reviews and leave policy. The Center gradually introduced these policies in consultation with teams.

*Changes considered but not implemented.* Project staff discussed but decided not to implement several methodological changes, including:

- Additional outputs: The Center considered producing several additional kinds of project outputs to bring project findings to a larger audience, including short pamphlets that summarized the longer reports, radio content for local distribution, and press conferences to accompany the release of reports. These were not implemented due to limitations of staff time and resources.
- Commissioning survey data: Observer findings, though rigorously documented and vetted, were largely qualitative and not based on scientific sampling. Survey data could have helped quantify some trends, especially those relating to citizen attitudes, knowledge, and experiences. The Center decided not to commission surveys for several reasons, principally the long lead time needed (the need to know far in advance data that will be of interest), the difficulty in using

survey data to understand complex political dynamics, and the cost involved. However, several organizations in Nepal produced high-quality surveys on issues including citizen political attitudes, the security environment, and justice provision, which the Center incorporated into its own reports and analysis where relevant.

- More local stakeholders' briefings: Following the Center's positive experience with the February–March 2012 regional briefing sessions on voter registration, staff discussed whether to hold additional sessions to coincide with the release of future reports. Staff revisited the question at several points but, with the exception of the 2013 voter registration sessions, decided against holding regular local forums. Principally, this was due to the substantial risk that discussions on sensitive and politicized issues such as identity and land would deepen polarization at the local level in the absence of a formal government effort to respond to concerns raised. This risk was especially acute as the May 2012 constituent assembly deadline approached and following the dissolution of the assembly by the Supreme Court. Preparation for the voter registration sessions was also extremely time-intensive for headquarters and field teams alike. The opportunity cost in terms of lost time for field observation and analysis was deemed too high given the limited reach of the sessions, which were confined to regional hubs.
- Stakeholders' sessions for national civil society: Staff also considered holding briefing sessions for Nepali civil society and other stakeholders similar to the private briefings conducted for members of the international community. However, it was determined that the informational needs of national civil society groups were significantly different from that of the international community, given that national civil society groups frequently had their own staff based throughout the country and their own data on political trends. The Center, therefore, focused on sharing information directly at the local level and following up at the national level when relevant on particular issues, such challenges facing conflict-affected people.

The Center encourages future political transition monitoring/observation missions to consider implementing the above activities if project resources and political context permit.

### *Data Challenges*

Observability. The relative lack of district and VDC-level activity on the constitutional processes, and the slow and uneven implementation of peace process commitments such as land return and reform, meant that, to an extent not anticipated during the design of the project, observers were often reporting on overall political dynamics rather than on directly observable processes. For example, under the constituent assembly calendar prevailing at the start of the project, a draft constitution was to have been prepared by mid-2009, followed by a period of public consultations on the draft. The Carter Center intended to directly observe this public consultation process. However, it did not take place due to the failure of the constituent assembly to agree on a draft constitution.

In the absence of extensive formal processes at the local level, the Center attempted to understand the context in which eventual peace process implementation would take place; for example, understanding the range and key dynamics of conflict-era land disputes. Similarly, as debates on issues such as federalism continued in Kathmandu, observers attempted to understand the knowledge and attitudes of local stakeholders toward the constitutional process. These questions were challenging to document systematically, credibly, and in-depth by generalist field teams.

Comparability. For the project to generate valid comparisons across regions, teams needed to share understandings of the concepts under consideration (for example, constitution of citizen “understanding” of federalism) and similar standards for evaluating them (for example, ways to assess the level of armed

group activity in a district). The Center took several steps to promote consistency in concepts and standards of evaluation, including: comparison of the kinds of examples and evidence offered by teams to support their analysis; discussion of these challenges in regular debriefings; and, where possible, provision of working definitions and standards on the reporting forms or in reporting instructions.

Generalizing. Consumers of the project's reporting outputs, particularly in the international community, often expressed a preference for reading about national trends as opposed to specific district or regional dynamics. A challenge to the Center was to distill valid national trends and dynamics while conveying a nuanced understanding of the variations that existed across Nepal. One way to work with this preference was to collect data from a large number of districts. The Center visited all 75 of Nepal's districts over the course of the project, most of them multiple times, and papers routinely incorporated data from several dozen districts.

Volume of data. Observers returned large volumes of data, mostly qualitative, that needed to be reviewed, sorted, and analyzed in a timely fashion. Compiled data used for report writing could run to hundreds of pages and often included richly textured case studies. Reading and comparing reports from five teams was inherently time-consuming and over the course of the project the Center improved its ability to handle data by adding staff in headquarters and developing a database.

Data interpretation. Interpretation of political data requires considerable judgment and contextual knowledge and is vulnerable to various forms of bias. It was not always obvious that two analysts reading the same set of data would necessarily come to the same conclusions. To improve accuracy, screen for bias, and assess the robustness of findings, staff at every level assisted with the identification of trends and observation findings during debriefing sessions and commented, individually and as teams, on draft reports.

Access. Carter Center staff and observers were privileged with good access to a range of Nepali stakeholders throughout the project. This access depended upon stakeholders' continued belief in the legitimacy of the Center's mission and the utility of investing time in meetings with project staff. Particularly at the district and village development committee level, frustration with continued delays in the peace and constitutional processes—and in 2012, concern over rising tensions between identity-based organizations in some areas—led some stakeholders to express an understandable frustration that they had not seen tangible results from the project's work and from the international community in general. Observers generally reported that these frustrations were not obstacles to the continued ability of the project to operate but they served as important reminders that international organizations should not take for granted their ability to make demands on the time of other stakeholders.

### ***Output Challenges***

Targeting of outputs. A key thesis behind the project was that an increase in the amount of publicly available, detailed, and impartial information on core peace process issues such as land, compensation to conflict victims, and citizen perspectives on the constitution would contribute to higher-quality discourse on these issues and promote more context-sensitive policy making. As such, a crucial challenge was to find the most effective means of communicating the Center's findings and to understand to whom the project's outputs and advocacy should be targeted.

In an election observation mission, the national election management body accredits international observers and is one of several natural audiences for observer reports. In Nepal, there was not a unified body with responsibility for and authority over the peace process; the peace and constitution-drafting processes were intertwined and decisions on them were, in practice, often in the hands of a relatively small number of senior political leaders.

Where possible, the Center targeted its reports and advocacy toward specific, empowered bodies such as the Ministry of Home Affairs regarding citizenship cards and national identification and the Ministry of Peace and Reconstruction regarding local peace committees. The centralized decision making of Nepali political parties meant that it was also important to reach senior leaders and their advisers. Project staff also met regularly with senior political leaders to share observer findings. However, questions of audience and impact were continuous challenges for the project.

The international community was a natural and receptive audience for project outputs. Donors, international agencies, and embassies often had limited resources to devote to understanding local politics, yet they had extensive development programs and peace-building priorities that crucially depended on dynamics at the local level for their relevance and effectiveness.

Accessibility of outputs. The core of the Center's output was lengthy, public reports in English and Nepali. The size of the audience for such outputs was not clear, nor was the ability of citizens in more remote parts of the countries to easily obtain them. The Center worked to promote media coverage of its reporting, maintained an extensive e-mail list of contacts at the national, district, and VDC levels, and distributed hard copies of reports in meetings across Nepal. Nevertheless, the diverse interests, information needs, and means of reaching a range of Nepalese presented a basic challenge to the project.

Project impact and evaluation. Understanding the links among the Center's presence in Nepal, reporting outputs, and advocacy, on the one hand, and policy outcomes and public discourse, on the other, was an inherently difficult exercise. Some of the features that increase the potential impact of international election observation missions, such as the high levels of political attention surrounding national electoral contests, as well as the presence of an electoral management body that is one of target audiences for observation mission findings and recommendations, are absent in long-term political transition processes in which there is no single, nationwide "big event" to be assessed. The potential impact is, therefore, more diffuse (spread over a longer period of time and a large number of stakeholders), and in some cases likely to take place as a result of private discussions (making it much more difficult to measure). Related, the impact might often be visible only at some future point when political will and attention on a particular issue increases and the observation findings experience renewed relevance. In Nepal's case, the protracted political deadlock that prevailed for much of the project's life likely undermined the ability of the project to influence events, as political will even on topics of crucial importance in the districts and village development committees was quite limited. Nonetheless, making accurate and credible information about the transition process available can be valuable in itself even if the impact is not immediately visible or knowable.

In this context, it is important to underscore that Carter Center election observation missions face very similar challenges in assessing their impact. Like its political monitoring activities in Nepal, the central goals of Carter Center election missions are to shape the perceptions of key stakeholder audiences—both international and national—regarding the overall quality of the electoral process observed. To a large extent, this impact rests on the degree to which the Center is viewed as providing credible, independent, and well-documented assessments of the electoral process, such that key audiences rely on the Center's reports and assessments as an impartial source of accurate information about what transpired during the process. In other words, the sphere of influence in which the Center has some measure of control on impact is limited to providing independent information to a range of other actors, both national and international, who have more direct roles and control over outcomes. At the national and local levels, this includes political leaders, parties, citizens, opinion leaders, media, and others. At the international level, it includes key governments and international organizations, including both bi-lateral and multilateral donors, all of which can have leverage on local actors.

In the Nepal political-monitoring project, the Center could not control whether the reports and assessments it produced were actually utilized and acted upon by other key actors who had much more direct roles and control over outcomes. Instead, the Center only has control over the quality of its reporting, the degree to which its reports reach key audiences, and the extent to which the Center's reports affect the knowledge or perception of events. While the latter is not easy to measure, it is important to make strong efforts to gauge the extent to which Carter Center reports do, in fact, shape perceptions. While comprehensive assessments of the impact would require long-term studies involving surveys and control groups, which can be costly and time consuming—but worth doing if the resources are available—it is important to explore alternative avenues to assess impact. The Carter Center is committed to making efforts to address this challenge.

The Center attempted to address the challenge of assessing its impact in various ways such as tracking media coverage of its reports, compiling private comments it received from Nepali and international stakeholders, and commissioning two external evaluations (in 2010 and 2014). However, assessing the overall impact of the Center's presence and reporting remained a significant challenge, especially its impact among Nepali political leaders. This is an area that both The Carter Center and any other organizations considering pursuing similar work in other contexts will have to grapple with as they consider project design and methodology as well as the overall question of impact and value for money. For more on this topic, see the Project Achievements section.

Maintaining impartiality. The Center's ability to engage on sensitive political issues depended crucially on continued perceptions of the Center's fairness and commitment to impartiality. Wherever possible, the Center sought to ground its reporting in the terms that Nepalese political actors had set for themselves, for example, in the text of the Comprehensive Peace Agreement and other political agreements. In general, the Center believes it was successful, though observers noted that polarization around identity politics in the lead-up to the May 2012 constituent assembly deadline created a political environment in which any sort of engagement was often interpreted as necessarily partial.

### ***Project Structure Challenges***

Staffing. Carter Center staff at all levels needed to be skilled generalists with a range of analytical, operational, and interpersonal capabilities somewhat different from those required for an election observation mission. For example, the long duration of the project meant that interpersonal problems that might be tolerable during an election observation mission of several months' duration required active management and resolution; standards of professionalism and a need for management skills were thus especially important considerations. Simultaneously, the difficult political subject matter also required that staff be skilled, thoughtful political analysts and careful writers. The project simply could not utilize low-quality or poorly vetted data; reporting standards needed to be consistently high. Finally, teams operated with reasonable autonomy from Kathmandu, often in remote areas, and needed to operate to high standards of operational judgment. In short, staff needed to possess an unusually wide range of skills and capabilities. To some extent these skills could be developed on-the-job, but the fast pace and demanding nature of the project meant that staff needed significant demonstrated aptitude in these areas that could then be built upon.

Professional development. The project calendar was tied to Nepal's political calendar, especially the constitution-drafting process. With the repeated extensions of the process and, finally, the dissolution of the constituent assembly and announcement of new elections, what was expected to be a 12-month observation mission extended into a continuous presence of several years. Nevertheless, the core tasks of the project remained the same. This presented challenges for promoting the professional development of staff: Opportunities for formal promotion and changes in roles were limited, and given the short-term extensions of the constituent assembly, there was always only a short-term time horizon for the project.

The need for professional development opportunities was especially acute for national staff, whose average tenure was significantly longer than that of their international colleagues. The Center took several steps to promote professional development for national staff.

International staff turnover amid national staff continuity. Initially, incoming international observers were expected to commit to remaining in Nepal for approximately one year and, on some occasions, only six months. This meant that each year of the project, there was significant turnover among international staff. Though the norm by election observation standards, this was disruptive to team dynamics and hindered the development of long-term institutional knowledge among regional teams. For new staff to become fully knowledgeable about the issues of observation and their regional posts often required several months. The burden of dealing with this disruption fell disproportionately on long-serving Nepali staff.

Unpredictability of funding. A final challenge related to observation of Nepal's political transition was that, due to repeated extensions of the political process, the project also required repeated extensions and additional funds for each new extension. The political extensions did not always coincide with donor funding cycles, and there were multiple occasions in which international staff contracts were allowed to lapse and national staff had to accept very short-term contracts until more funding could be secured. This created significant uncertainty, made it difficult for staff to plan for their futures, and caused the project to lose some valuable staff due to concerns about the Center's inability to make a long-term commitment. It also had a negative effect on overall strategic planning.

### ***Potential to Work With a Local Partner Organization***

The Carter Center chose to conduct its political transition observation work directly, rather than by supporting an already existing local organization to conduct the observation work. There were several reasons for this choice. First and foremost, as an international observation organization with significant long-term observation experience in Nepal, the project was considered to be an extension of work the Center was already familiar with and had been directly implementing since 2007. Additionally, following the 2008 election, there were few or no existing local organizations continuing to pursue this type of observation work (although there were certainly organizations doing somewhat similar work with a different focus, such as on human rights reporting). Moreover, there were concerns that the widespread perceptions of political bias or affiliation of many local organizations might have a negative effect on the project's ability to produce reports viewed as credible and impartial. Given both the Center's own background and expertise as well as Nepal's political context, the Center decided to conduct its observation work directly and to hire and train skilled national staff to incorporate into the project.

However, this is certainly not the only option for conducting such political transition observation. There is also potential for an international organization to support or work together with a local organization to conduct such observation and reporting activities, an approach that can have a number of positive benefits ranging from capacity-building to long-term sustainability. The opportunities and risks of working with a local partner will vary by context, especially according to existing capacity. Although the methodology described may need to be altered for such an effort depending on the structure of the local partner organization, many of the main lessons remain relevant. Additionally, political transition observation could also be pursued by a local organization independently, without any involvement of an international organization, and in that case could adapt many if not all of the methods described above.

## The Role of Nepali Observers and Staff

International election observation missions typically employ only foreign nationals in observer roles. Their relatively short-term nature makes it difficult to vet national candidates for political bias and ties while the political sensitivity of many electoral processes makes the cost of actual or perceived bias especially large. In addition, electoral processes are evaluated by a relatively uniform set of standards across countries and elections. While international missions need to supplement their teams with people who can provide deep local knowledge, most international election observation missions do not include national staff as official members of their missions due to the potential political risks.

Recognizing the long-term and more contextually sensitive nature of the Nepal political transition monitoring project, the Center decided to create combined teams of national and international observers. 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.

Nepali staff brought a range of professional and personal backgrounds to the project, including work in government, media, and civil society in Kathmandu and other districts. Their experience with formal political reporting, English-language writing, and project management varied considerably but generally reached a high standard over the course of the project. The Center recognized these contributions by opening new opportunities for professional advancement for Nepali staff. The distinction between the skills for which international organizations often turn to the international market and the skills brought by Nepali observers was steadily diminished over the course of the project. In some circumstances, teams operated exclusively with Nepali staff for extended periods, and the project could have continued to reduce the ratio of international versus national staff over time.

National and international staff alike were sensitive to the need to maintain impartiality. The Center did not receive any outside allegations of staff bias. National and international observers operated to high standards of professionalism, and there was no indication that national staff were more likely to allow personal views to intrude into their work any more than was the case for their international colleagues.

The Center assesses that the inclusion of national observers proved highly effective in the transition-monitoring project. Based on this experience, it is worth considering whether election observation missions should reconsider the strict norm of operating exclusively with international observers in all missions. As the field of election observation advances, and while both international and citizen domestic observation methodologies improve and converge, there may be more opportunities to explore ways to increase cooperation, partnering, and other ways to include national observers in the work of international missions in the future. Some of the circumstances that facilitated the success of the Center's political transition work in Nepal included:

- The existence of a substantial pool of politically informed, experienced, and engaged Nepali nationals who were nevertheless committed to the norms of nonpartisan reporting and observation. In particular, the experiences of the first and second *Jana Andolan* (people's movements) were formative experiences for many Nepalis and assisted in the development of a large contingent of politically experienced citizens committed to democratic principles over partisan affiliation.
- A political environment that, though tense, was not so polarized that national staff had to be unavoidably cast as partisan simply because of their ethnic, linguistic, or caste backgrounds. Staff could successfully maintain stakeholders' respect as being impartial through adherence to high professional standards.
- Supportive international staff, who consistently advocated on behalf of their Nepali colleagues and challenged the norm in international agencies that foreigners should be always in charge.



### **The Role of Nepali Observers and Staff (continued)**

- The long-term nature of the project and the high retention rate among national staff allowed Nepali colleagues sufficient time to develop a deep understanding of the expectations of an international mission and to build the concomitant capacities in styles of communication and management.

## **PROJECT ACHIEVEMENTS**

Throughout the Carter Center's time in Nepal, project staff sought ways to assess the impact of the Center's political transition observation work. This information 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. Unlike the Carter Center's health programs, for example, which can rely on quantitative data to see whether the incidence of a disease is increasing or decreasing, there are few similar reliable, tangible, accepted, and accessible indicators on whether peace and democracy are increasing or decreasing, as well as why and to what degree a particular organization or project played a role in that change. More work is needed in this regard for the sector as a whole 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 Carter Center's overarching goal for its efforts in Nepal was to support the development of a consolidated postconflict democracy. Specific to the political transition observation efforts, the Center's means of contributing to this goal was to increase the amount of impartial information available on key topics in the peace and constitution-drafting processes that could affect Nepal's overall progress toward 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, observation findings and recommendations could serve as advocacy tools for anyone wishing to use them as well as providing detailed records of this period in Nepal's political history.

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 the Carter Center'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***

Over the period 2009–2014, The Carter Center 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. (For more information about the Center’s methodology and observation visits, please see the Methodology and Challenges section). 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 27 reports. (A complete list of all reports and statements published is included as an Appendix to this report).<sup>10</sup> The Center conducted 12 high-level missions to meet and discuss with senior Nepali leaders, including two visits by President Carter in April 2013 and November 2013, held 10 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 toward 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 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 nongovernmental organizations; 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 includes:

***Helping 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 Young Communist League 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.

<sup>10</sup> 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](https://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html)

- 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, constituent assembly member and Nepali Congress leader Narihari Acharya wrote an editorial in 2009 in Kantipur in which he quoted 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 in use 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, and international 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, e-mails, 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, The Carter Center had a particular impact via its voter registration observation reports. These reports served to inform the Election Commission of Nepal, 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 with the commission at all levels to discuss the Center’s findings. The reports also served to help other stakeholders, including international donors, to track the process and its rollout at the local level and to build confidence where warranted.

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 is forthcoming and is expected to be available for public review. 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 that Carter Center 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 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.”
- “The Carter Center’s 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 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.

A final set of project achievements was the development of tools and institutional knowledge to support future observation of political transitions and other nonelectoral 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 Carter Center. Lessons learned and questions for future consideration reflect the interest of the Center in ensuring that its unique experience in Nepal is well-documented so that other organizations can draw upon 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 Carter 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 nongovernmental organizations engaged in peace building, 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.

The Carter Center's political monitoring activities in Nepal—like the Center's work on election observation—has a limited sphere to 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, The Carter Center kept a database of its observation findings during the project period. 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 decided to hand over the database to a Nepali institution. Social Science Baha, a leading Nepali research institute, has generously offered to serve as a new home for the database.<sup>11</sup> The database has been cleaned of all identifying information in order to preserve the confidentiality of sources and will initially be available to a limited number of researchers. However, over time it is hoped that it can be shared more broadly and in this way continue to contribute to the understanding of this period in Nepal's history.

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<sup>11</sup> Further information about and contact details for Social Science Baha are available at <http://www.soscbaha.org>.

## LESSONS LEARNED

Based on the Carter Center’s experience with political transition observation in Nepal—and in a limited number of other country contexts that include Tunisia, Egypt, and Sudan—there are 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. For The Carter Center, the work in Nepal was experimental in many ways, as staff sought to develop and refine their observation methodology and project outputs. Although the lessons learned are written from the perspective of ways organizations familiar with election observation might adapt their work to transition observation, they are also broadly relevant for any organization considering similar work even if it does not possess an election observation background.

### *Lessons*

**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 for 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. In addition, 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 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 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 to ensure 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 multiyear 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.<sup>12</sup>

Although widely recognized standards for democratic governance<sup>13</sup> 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

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<sup>12</sup> 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), p. 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), p. 87–93.

<sup>13</sup> Democracy Reporting International and The Carter Center, “Overview of State Obligations Relevant to Democratic Governance and Democratic Elections,” September 2012.

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 on-the-job learning 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 analysis, 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 Carter 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.

***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 The Carter Center 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 with regard 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 to ensure 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?

## KEY OBSERVATION FINDINGS

### PEACE PROCESS AND CONSTITUTION DRAFTING

Between June 2009 and September 2013, Carter Center observers gathered information on a wide range of topics related to the peace process and constitution drafting. Some findings were relatively constant throughout the project, while other dynamics changed over time. Selected findings and notable trends in five broad subject areas are briefly summarized below: security environment, constitutional process and identity movements, land return and reform, interim relief and local peace committees, and local governance. Readers interested in more detail on Carter Center findings are invited to consult the relevant Carter Center reports listed in the Appendix.<sup>14</sup>

#### *Security Environment*

The peace process included important commitments regarding the security environment, political space, and the activities of political parties and their youth wings. For Nepali citizens, an improvement in the security environment was one expected peace dividend following the end of the conflict. For parties and politically active citizens, the Comprehensive Peace Agreement and subsequent agreements promised the ability to conduct political activities and express and change political affiliations without fear or interference. As a related commitment, the Maoists pledged to end the “paramilitary activities and functioning” of their youth wing, the Young Communist League.

Throughout the project, Carter Center observers gathered data on the general security environment, the activities of party youth wings, and the political space available for parties and individuals to undertake political activity. These findings were released in two reports on overall political and peace process trends (August 2009 and November 2010), a report on the overall security environment (November 2009), a report on political space (August 2011), and a report on political party youth wings (February 2011). Findings in each of these areas are summarized as follows:

#### *Security*

Carter Center observers consistently inquired about the security environment in districts and village development committees visited. Observers noted significant regional variation in the security environment. With some exceptions, armed group activity during the period of observation was much higher in Tarai districts than in the hills and mountains. There were also significant variations in the threats faced by different groups. For example, in 2009 observers noted that while many citizens in the eastern hills perceived the security environment to be fair, government officials and businesspeople in that area were being targeted by armed and militant groups for extortion.

Key findings on the security environment included:

- **Overall, armed group activity in the Tarai appeared to decline over the course of the observation period.** In 2009 and 2010, the security environment in many Tarai districts was reported as poor, particularly in the Eastern and Central regions. Reports of armed group activities fluctuated from month to month across the Tarai, with small, lesser-known or unknown criminal groups—seemingly without political agendas—increasingly responsible for incidents of threats, extortion, improvised explosive devices, abductions, and killings. Activity by prominent groups such as Janatantrik Tarai Mukti Morcha–Singh and ATMM–Goit had reportedly declined

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<sup>14</sup> 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](https://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html).

by 2010. Interviewees believed that they were suffering from internal factionalism or maintaining a low profile due to increased vigilance of security forces on both sides of the Indian border. By 2011, however, armed group activity was reported as reduced in a number of Tarai districts, including the Eastern and Central Tarai, although there remained areas of significant concern. Multiple factors were cited as potential reasons for this change, and citizens continued to question its sustainability.

- **Citizens in the hills (with the partial exception of the Eastern region, where armed group activity was higher) generally said security was good but noted sparse police presence in remote areas and identified petty criminality, domestic violence, and alcohol abuse as ongoing challenges.** The Nepal Police were displaced from many remote areas of Nepal during the conflict. The rebuilding of police posts was gradual and, although citizen views of police effectiveness were mixed, in general Nepalis told observers that they desired higher police presence. With armed group activity low in most hill districts, the most common security threats were petty criminality, domestic violence, and alcohol-fueled disputes.
- **Weak law enforcement and political interference in police affairs undermined the rule of law.** Political parties continued to exert pressure on police to release their cadres when incidents occurred, rendering local authorities unable to address political disputes. Police in many districts also reported that their superiors were unwilling to take action against politically affiliated individuals for fear of being transferred. While some party-related problems required political solutions, the lack of a police deterrent in these and other cases enabled cycles of political violence and contributed to public perceptions of political parties being above the law.
- **In some districts, observers heard frequent allegations of police complicity in corruption and criminal activities, notably smuggling.** Interviewees claimed that police either overlooked such activities or warned criminals who were about to be arrested. The Center continued to receive seemingly credible reports of alleged collusion between political parties, armed groups, and local officials.

### *Political Space*

One of the most closely watched issues in Nepal's peace process was the degree to which political space had reopened for all of Nepal's parties and citizens after the end of the conflict. Starting with the 12-point memorandum of understanding signed in November 2005, the Maoists committed to allow political leaders, party workers, and supporters of all parties to conduct political activities in areas from which they had formerly been displaced. Similar commitments were included in several subsequent peace process agreements. In a sense, part of the deal between the Maoists and the then-Seven Party Alliance was that the Maoists would allow the other parties political space at the local level, and in exchange, the SPA would open space for the Maoists in national-level politics.

The opening of political space at the local level was also intrinsically linked to one of the main debates at the national level: the degree to which the Maoists had—or had not—“transformed” into a party that accepted and acted in accordance with democratic norms. Senior leaders of the NC, CPN-UML, and other parties continued to express concern with what they saw as the failure of Maoist cadres to transform, the party's refusal to fully respect the freedom of other parties to operate at the local level, the lack of full implementation of key peace process commitments regarding return of property and other issues, and the continued presence of Maoist combatants living in cantonments. The Maoists, for their part, contended that they were fully committed to democratic politics.

In 2011, Carter Center observers assessed the ability Nepal's political parties to organize and conduct activities freely, without harassment, intimidation, or violence from the state or from other parties. Observers also assessed the ability of Nepali citizens to freely choose which political party they supported without fear or threat of violence, to speak openly about their political affiliation, and to change their affiliation if they desired. Key findings from the August 2011 report on political space included:

- **In nearly all districts visited across the country in 2011, there was broad consensus that political space had opened since the 2008 constituent assembly election, although challenges remained.** While there were multiple reasons for the positive change, in hill and mountain districts the main explanation given was an improvement in Maoist behavior since the constituent assembly election. Across multiple districts, the improvement in Maoist behavior was generally attributed to Maoist cadres losing their “wartime” or “conflict-era” mentality and becoming more “democratic;” citizens losing their fear of the Maoists due to greater exposure to the party and its increasingly long time “above-ground;” and Maoist participation in consensus-based politics at the local level, such as on district development committee and village development committee councils. Improvements in political space since 2008 were also widely reported in Tarai districts visited. There, in addition to changes in Maoist behavior, the primary reason appeared to be the improved security environment and reduction in armed group activities. Interlocutors also noted that no single party or group was seen as having either the capacity or the intent to close political space.
- **Concerns about Maoist violence, threats, and intimidation remained in some areas.** Observers in several districts (such as in parts of Rukum, Gorkha, Kailali, and VDCs near the Baitadi–Bajhang–Darchula border) heard credible reports of incidents of Maoist violence intended to close political space for other parties. Some interlocutors also emphasized that the continued presence of Maoist combatants in cantonments around the country reinforced “psychological fear” amongst non-Maoist party cadres and citizens. The cantonments served as a physical reminder that the Maoists retained the capacity to return to conflict and to use violent and aggressive tactics to achieve their aims. (These cantonments were closed in 2012.)
- **The Center found a small number of examples of the Nepali Congress and CPN–UML disrupting other parties’ events.** However, for non-Maoist parties, “muscle” in politics during the postelection period was used more for control over local development resources and protection of party members than to obstruct other parties’ events and activities.
- **Armed group violence continued to have some effect on political space, especially in the Central and Eastern Tarai. UCPN(M) cadres and leaders appeared to have been disproportionately targeted, although it was difficult to determine the degree to which these attacks were based on political motives as opposed to personal or other factors.** A reduction in armed group activity since 2008 was an important factor in opening political space in some districts, especially in the Central and Eastern Tarai. Observers also noted that communal tensions had decreased in this period. Nonetheless, in some areas armed groups and general criminality and insecurity still appeared to be reducing the openness of political space.
- **In most areas, political space in local development bodies was partly to mostly free. Parties generally reported good cooperation on development matters and were usually free to express their views. However, parties sometimes accused each other of trying to “dominate” local bodies, and there were clashes in some districts over the composition of school management committees and users’ groups.** When asked to assess political freedom in their districts, party leaders frequently mentioned party relations on local development bodies. Political

parties had formal and informal roles in local development and, in the absence of elections or other political programs, participation in these bodies was a major activity of district and VDC party branches. The ability of parties to participate in local governance was thus one useful indicator of the degree of political space at the local level. In most districts, parties, government, and civil society interlocutors reported that district and village development committee councils operated on a consensual basis and were mostly free of major conflict.

### ***Political Party Youth Wings***

Youth in Nepal have historically played a critical role in the country's democratic development. However, political party youth wings became increasingly associated with aggressive activity, notably after the YCL was reactivated in 2006. In the run up to the 2008 constituent assembly election, the YCL was implicated in extortion, intimidation and violent activities. Following the election, Nepal saw the formation of a Youth Force by the CPN-UML to counter the YCL. In 2009, a senior leader of the Nepali Congress youth wing, the Tarun Dal, told The Carter Center that he was facing pressure from district-level representatives to take a more proactive approach to counter aggressive activities by other youth wings. There were repeated allegations of Young Communist League, CPM-UML Youth Force, and other party or identity group youth wing involvement in actions that negatively affected the political, economic, and security environment in districts throughout the country.

The importance of regulating political party behavior as well as the behavior of party youth wings was recognized in a number of peace process agreements. The most prominent clause related to youth wings was Article 3 of a June 2008 agreement in which the Maoists agreed that the "paramilitary functioning and activities of [the YCL] will be completely terminated." Parties also made repeated commitments to curb violence among youth wings. Finally, many broader commitments held all political parties to certain norms of political behavior and respect for the rule of law, including in the May 2006 Code of Conduct, the November 2006 Comprehensive Peace Agreement, and agreements signed in December 2007, April 2008, June 2008, and April 2009.

The Carter Center published an in-depth report on party youth wings in 2011. Key findings included:

- **Members of youth wings were keen to emphasize to Carter Center observers their engagement in community service and other positive works.** Typical activities cited by youth wing members included party-building and membership drives, awareness-raising, development and community service, support for mother party events, and public security provision. However, these activities were mostly self-reported and apparently low-impact. Almost no local citizens other than youth wing members were aware of or noted positive activities of youth wings when asked. Carter Center observers were only rarely able to verify claims of constructive youth wing activity at the VDC level.
- **Public views of youth wings were generally neutral or negative.** In districts where youth wing activity was especially low, such as in the Central and Eastern Tarai, general perceptions of youth wings were largely neutral. However, where youth wings were more active, perceptions of them were often dismissive or critical. There were very few positive remarks made about youth wing activities. Of interviewees aware of youth wings, most associated them with negative actions, including violence, intimidation, forced donation requests, smuggling, and interference in police affairs, tender processes, and private disputes. Some interviewees perceived youth wings to be primarily oriented toward obtaining financial gain.
- **Carter Center observer findings indicated that there was no clearly agreed definition of the term "paramilitary," making Maoist compliance with peace process commitments difficult**

**to evaluate.** Due to the lack of an agreed-upon definition of the term “paramilitary,” there were significant discrepancies in what Maoist and non-Maoist parties believed constituted paramilitary functioning. Statements by both sides established subjective standards based on their separate interpretations. Non-Maoist parties tended to claim that any kind of communal living constituted paramilitary functioning, noting the capacity of YCL cadres living communally to mobilize quickly in a manner similar to that of military forces. Maoist representatives argued that communal living was in line with the party’s ideology and was a voluntary, economical arrangement. UCPN(M) leaders tended to define paramilitary functioning as limited to cadres living in barracks and conducting military style training with weapons. However, the distinction between YCL situated in “barracks” versus those living in a communal manner remained a source of confusion and contention between political parties.

- **The majority of Young Communist League sites visited by The Carter Center in 2011 did not appear to be organized in a military-style hierarchy.** However, observers did find one site in Kaski that was reportedly intended to serve as a “rapid response force” and where military terminology was used by a small number of interviewees to describe the organization’s structure. Additionally, regardless of the terminology used, many government officials, non-Maoist party representatives, civil society representatives, and citizens expressed concern about the existence of YCL communal living sites. Those expressing concerns generally referenced widely publicized incidents of violence and intimidation, often involving groups of cadres, as well as the legacy of the conflict, especially in highly affected areas or where the presence of the state remained weak. In addition, concerns were expressed about the fact that some YCL district leaders and members were former People’s Liberation Army combatants.
- **The Young Communist League, and to a lesser extent the CPM–UML Youth Force, interfered in development contract tender processes in many districts.** Such interference generally involved directing local government officials to issue contracts to party-supported contractors or approaching contractors to seek percentages of the award, protection fees, or employment for cadres. Such activities sometimes led to tensions or clashes between the Young Communist League and Youth Force.

### *Constitutional Process*

Throughout the project, observers spoke with a range of Nepali citizens to understand their awareness of and views on the constitutional process, the reach and nature of local activities related to the constitutional process, and the level of organized advocacy on constitutional issues. Findings are contained in reports of August 2009, February 2010, November 2010, and March 2013. Key findings included:

- **Citizen understanding and awareness of the constitutional process was generally low.** Although nongovernmental organizations undertook noteworthy and admirable attempts to inform and engage citizens on the constitutional process, the reach of these programs was uneven and very limited, and it was unclear how much citizens learned from them. When asked about their aspirations for the new constitution, many citizens, particularly in rural areas, said that they hoped the constitution would deliver “peace” and “security” and noted that their main focus was on basic needs such as food security, clean water, health, development, education, and jobs. A significant number of citizens also cited language issues and cultural preservation as areas of importance to them.
- **The majority of citizens, particularly at the village development committee level, received their information about the constitution-drafting process from the radio.** Radio was

consistently noted as the main information source on constitutional issues for citizens across Nepal, particularly those living outside of urban areas. At the district headquarters level, newspaper and television were also common sources of information. However, many citizens said that they had not learned much about the constitution from these news programs beyond the fact that it was behind schedule.

- **Only a small minority of citizens had participated in the constitutional process since the 2008 constituent assembly election, whether through assembly outreach efforts, nongovernmental activities, political party activities, protest programs, or other events.** The February/March 2009 formal consultation undertaken by members of the constituent assembly, though flawed, appeared to have reached the largest number of citizens.
- **Citizen understanding of the concept of federalism was also generally low.** Even as late as 2012–2013, a number of Nepalis had still not heard of federalism or state restructuring, and those who had heard of these concepts had a highly limited level of understanding about what they meant in practice. The low level of understanding left open the potential for misperceptions and rumors to spread rapidly.
- **Citizens who had heard of federalism were divided in their opinions about it.** Citizens who were positive about federalism generally supported it because they thought it would promote development, improve basic service delivery, and lead to more accessible and accountable governance. Those against federalism expressed concerns that it would be too expensive, that Nepal was too small a country to be divided, that it would inhibit the flow of people and resources, and that it would cause conflict.
- **In particular, citizens expressed uncertainty about ethnic-based or identity-based federalism.** Advocates of identity-based federalism told The Carter Center of their hope that it would uplift disadvantaged groups and serve as a vehicle for equal rights and equitable representation. They often emphasized that it was not a program for the dominance of particular ethnic groups. Nevertheless, citizens often intuitively associated ethnic federalism with the privileging of one particular ethnic or identity group to the exclusion of others. Concerns regarding relations among different communities also led some citizens to conclude that ethnic-based federalism would increase the potential for conflict, thus mitigating any benefits they might associate with federalism. Observers noted that citizen views did not necessarily break down neatly along identity lines—i.e., some citizens from historically marginalized ethnic groups were against ethnic federalism while others from more privileged backgrounds were open to the idea.

### *Identity Politics*

Identity and inclusion were key issues that motivated the Maoist insurgency and the demand for a constituent assembly. Following the election, delegates to the constituent assembly, local party leaders, identity activists, and politically engaged Nepalis debated how questions of identity and inclusion should be incorporated into the constitution. Issues of state restructuring (federalism), quotas, and language were particularly contentious. As the constituent assembly process was extended, positions on these issues increasingly did not track with partisan identity. Identity-based alliances formed across parties, accentuated divisions within parties, and often incorporated elements of civil society.

Observers followed several identity-based movements to understand their activities, motivation, and local-level impact on politics and governance. These movements included activities of historically marginalized groups, particularly Madhesis, Tharus, and Muslims (in the Tarai); other Adivasi–Janajati

groups (particularly in the hills), including Magars and Newars; and Dalits. Over the course of the project, and partly in response to organizing by traditionally marginalized groups, Brahmin and Chhetri coalitions became increasingly active.<sup>15</sup> The Center also followed emerging groups based on regional identity, most notably the movement to keep the nine districts of the Far Western Development region in the same state in a future federal arrangement.

The Carter Center reported on identity issues and the activities of identity-based organizations in reports of August 2009, February 2010, November 2010, February 2011, August 2011, and March 2013. The Center also produced several private situation reports on the protests in the run-up to the May 2012 constitution-writing deadline, which have now been released and are available on the Carter Center website.<sup>16</sup> Key findings included:

- **In 2009 and 2011, observers noted that most identity-based organizations undertook their activities peacefully, often focused on preservation and promotion of their cultures and languages.** However, a few organizations engaged in activities such as extortion and illegal “taxation” of natural resource extraction in the name of the International Labor Organization’s Convention 169.<sup>17</sup> In general, these activities appeared to decline over the project time frame. In 2013, observers noted a trend toward more political activities by identity-based organizations that had been previously focused on cultural preservation.
- **Debates and negotiations around federalism, and particularly identity or ethnic-based federalism, caused significant tensions within political parties at the local level, particularly as the May 2012 constitution-writing deadline approached.** Cross-party ethnic alliances formed in the districts as well as in Kathmandu, challenging the ability of senior political leaders to reach politically viable compromises. Observers noted in 2013 that tensions between major political parties, particularly the Nepali Congress and CPN–UML and their ethnic wings, persisted over the issue of identity-based federalism.
- **Throughout the course of the project, many Madhesi citizens criticized the performance of Tarai-based parties but continued to support the underlying demands that fueled the 2007 *Madhesi Andolan*.** Interlocutors in the Tarai criticized Madhesi parties for failing to deliver concrete gains to Madhesi people following the 2008 constituent assembly election and expressed frustration with factional splits among the parties.
- **Fears of communal tensions increased among citizens in early 2012 amid protests by traditionally marginalized groups and counter-protests by Brahmin–Chhetri groups and, in**

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<sup>15</sup> The definition of ethnic and other identity groups in Nepal is a difficult and sensitive matter, as the categories are relatively recent, sometimes ambiguous, and open to reasonable dispute. For example, while Madhesi literally means someone who dwells in the Madhes, or plains. As David Gellner notes, it is most commonly—but not strictly—used to refer to Nepalis “of Indian, Hindu origin.” Similarly, some Kulung object to their inclusion in the Rai ethnic category, and the inclusion of Newars in the Janajati category (which roughly corresponds to India’s “tribal” designation) has also been a source of controversy. Moreover, Nepalis sometimes express multiple identities; some Muslims told Carter Center observers that they also identified as Madhesi, while others said they did not. The debates over identity can be consequential, as government agencies and others use identity categories to implement policies of inclusion, design quota systems for elections, and so forth. For further discussion of identity categories in Nepal, see David N. Gellner, “Caste, Ethnicity, and Inequality in Nepal,” *Economic and Political Weekly* 42, no. 20 (May 19–25, 2007), p. 1823–1828 and Pitamber Sharma, *Unraveling the Mosaic: Spatial Aspects of Ethnic Identity in Nepal* (Kathmandu: Social Science Baha, 2008).

<sup>16</sup> All reports and statements are available on the Carter Center website at [https://www.cartercenter.org/news/publications/peace/democracy\\_publications/nepal-peace-reports.html](https://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html).

<sup>17</sup> ILO 169 is the International Labor Organization convention concerning indigenous and tribal People and was ratified by the government of Nepal in September 2007. The convention articulates new responsibilities for the government toward indigenous people, particularly with regard to their consultation on and participation in the management of natural resources.



**the Far West, by activists opposed to splitting that region in any future federal arrangement.** The protests confirmed the belief that disputes over federalism were one of the most likely triggers of communal tension across Nepal. Despite serious localized tensions, the protests did not spark widespread communal tensions but worsened relations in some areas of Nepal. Tensions in these places reportedly lessened after the constituent assembly was dissolved.

- **The majority of identity group discontent was largely directed toward the central government and administration rather than toward other communities. However, this dynamic changed in some places during the protests in April–May 2012.** Many identity-based organizations across Nepal focused their demands on the local administration and central government in Kathmandu rather than in opposition to other communities. However, in a few districts, communal anger was found to be directed against other ethnic or caste groups as well as the Kathmandu political establishment as divergent federal demands by different identity groups were increasingly viewed as zero-sum games.
- **Some identity-based organizations that had projected a militant image in the past made efforts before April/May 2012 to reduce aggressive tactics, present a more moderate public profile, and reassure other communities about their political agendas.** Observers in 2012 and 2013 found evidence that some identity-based organizations had taken steps to improve their public image and broaden their support base. This was particularly the case for those that were party-affiliated or had their own electoral ambitions.

### *Land Return and Reform*

Land is central to the livelihoods of many Nepalis, and political struggles over land and its equitable distribution have a long history. Land was also a central feature of Nepal's decadelong conflict. In the then-Communist Party of Nepal (Maoist)'s initial 40-point demands, issued in 1996, the party called for "land under control of the feudal system [to be] confiscated and distributed to the landless and homeless" and for land belonging to certain classes of people to be "confiscated and nationalized." To advance this agenda and to consolidate political control in their areas of strength, the Maoists seized land from larger landowners and from their political opponents during the conflict. The Comprehensive Peace Agreement and subsequent political agreements committed the Maoists to return this seized land to its owners and also committed the government to promote a more equitable distribution of land by implementing land reform policies.

Observers found in 2010 that the UCPN(M) had returned much of the land it had seized in the hills, mountains, and parts of the Eastern and Central Tarai, although some outstanding cases remained in these areas. By contrast, most of the land captured in the Mid and Far Western Tarai, where the largest number of seizures had reportedly occurred, had not been returned or had been returned only conditionally. Meanwhile, efforts to formulate land reform policies and make arrangements for landless people were stalled and largely unimplemented.

Following the election of Prime Minister Baburam Bhattarai on Aug. 28, 2011, the government and the UCPN(M) recommitted to land return and reform, commitments which were codified in the Nov. 1, 2011, Seven-Point Agreement among major political parties. In the first half of 2012, Carter Center observers followed up at the local level to assess the impact of these commitments on the ground. Key findings in 2012 included:

- **In both 2010 and 2012 in many districts, most or all captured land cases had reportedly been informally resolved. However, in some districts— particularly in the Mid and Far Western Tarai where the largest number of conflict-era seizures reportedly occurred—a**

**majority of cases remained outstanding.** Observers continued to find that most or all disputes over land captured during the conflict had been resolved in many districts visited. Specifically, out of 32 districts visited between September 2011 and February 2012, in 14 districts a broad spectrum of interlocutors generally agreed that there were few to no remaining cases of conflict-era land capture, and in an additional 11 districts, interlocutors noted only a small number of outstanding cases. However, seven districts, mainly in the Mid and Far Western Tarai, were reported as having a significant number of outstanding conflict-era land cases unresolved.

- **There were also prominent cases of outstanding land capture that did not involve exclusively the UCPN(M) or its cadres.** Observers noted cases of captured land—particularly captured public and *guthi* (temple) land—involving squatters affiliated to parties that included the Nepali Congress, CPN–UML, and CPN–Matrika as well as to organizations such as the National Land Rights Forum. In the Mid and Far West, some freed Kamaiyas resided on plots of captured public land.
- **Land return that had taken place was achieved through informal negotiations between the Maoists, landowners, and tillers, rather than through a formal, state-led process.** In the absence of a formal, state-led process for land return, informal negotiations on conflict-era land cases were ongoing and resulted in a variety of outcomes. These outcomes ranged from the landowner regaining all powers over the land to conditional return in which the landowner was able to collect some share of the harvest from tenants but without other rights (such as the ability to sell the land or change the tenants) to the landowner resolving the issue by selling the land, sometimes under duress and at below-market rates.
- **Land return efforts were hampered by national level factors such as the lack of clearly agreed principles and procedures for implementation, the generally short period of time allotted for implementation, and insufficient political will.** At the local level, land return efforts were hampered by resistance from Maoists (especially the Mohan Baidya faction<sup>18</sup>), a lack of initiative by landowners, fear on the part of some landowners, and a lack of alternatives for current occupants of land.
- **Some cases were complicated by issues specific to very large plots of seized land, by conflict-era or older histories of problematic landowner–tenant relations, or by other factors such as poor records and disputed sales.** Although many cases of capture could likely have been resolved given sufficient will, in some cases there were additional complicating factors. These factors included complications around very large pieces of land with unusually large numbers of occupants; specific conflict-era histories; and issues of records and resale of captured land.
- **As of 2012, land return appeared likely lead to local conflict in some areas if pursued through forceful evictions.** Attempts to forcibly evict farmers tilling seized land appeared likely to result in some, and perhaps many, cases of conflict between various configurations of farmers, landowners, security forces, local party cadres that included hardline Maoists, and members of nonparty-affiliated landless and squatters’ groups. Of particular concern were large tracts of occupied public and private land, where hundreds to thousands of people farmed small plots. Many of these people claimed to be otherwise landless or to own agriculturally marginal land in high hill districts and said they have no alternatives to farming captured property.

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<sup>18</sup> In June 2012, a faction of the UCPN(M) led by Mohan Baidya announced its split from the party and declared the formation of a new Communist Party of Nepal (Maoist).

- **Despite continuing disputes over land currently under occupation, there were few reported cases of newly captured land.** Interlocutors in most districts visited were nearly unanimous that there had not been any significant new land capture in the past year. However, there were scattered reports of recapture of land already in dispute by members of the Baidya faction.

### *Interim Relief and Local Peace Committees*

The government established provisions for various categories of conflict-affected people to receive assistance from the government, including cash payments (“interim relief”). There were also provisions for other support, including medical care. To receive assistance, conflict-affected people needed to complete paperwork and provide documentation at the district level, which was then forwarded to the Ministry of Peace and Reconstruction in Kathmandu. Upon approval, the government released funds to the district level for disbursement or made arrangements for other assistance.

In practice, the process of identifying and verifying these people for assistance was hampered by limited government resources, lack of awareness and literacy among some affected people, delays in funding disbursements, and allegations that the process was politicized.

Local peace committees, bodies created at the district level under the ministry following the conflict, came to play an at-times controversial role in facilitating the process of providing relief and assistance to those affected by conflict. Membership of the committees included political party members, government officials, and representatives of civil society, including conflict-affected people. Local peace committees were mandated to support the peace process by engaging in local-level peace building, conflict resolution, awareness-raising, and support to ministry programs, including relief to conflict victims. Local peace committees faced numerous obstacles to their formation and functioning, including resource constraints, politicization, a lack of understanding or initiative to play a more robust role in local-level peace building, and local skepticism of their role and relevance. However, their functioning improved over time, and in some districts, Carter Center observers noted that they were playing constructive roles in local peace building.

The Carter Center reported on conflict-affected people, interim relief, and local peace committees in reports of August 2009, November 2009, November 2010, December 2010, and May 2011. Key findings included:

- **In 2010, a majority of families of people killed during the conflict appeared to have received interim relief from the government, while all other categories of conflict-affected people appeared to lag behind to varying degrees.** There was frustration that other categories of conflict-affected people were struggling to gain interim relief, although there were reports that some positive progress had been made since 2009.
- **Multiple challenges continued to hamper the process of providing interim relief to conflict-affected people at the local level.** Many citizens did not understand the process of applying for relief or complained that it was too complicated. Because the district administration office generally did not have the capacity to reach out to conflict-affected people or investigate applications for relief, it fell to political parties or the local peace committee to facilitate these efforts. At the same time, local authorities and many civil society actors continued to lament the politicization of the process and claimed that conflict-affected people who were political party supporters were being compensated while many individuals who did not have political affiliations were left without recourse.

- **Carter Center observers also noted widespread expectation among conflict-affected people that the government would provide additional support.** Many local level interviewees, including local government officials, local peace committee members, political party representatives, civil society members, and ordinary citizens, spoke of the need for greater financial compensation and additional support, including counseling, medical treatment and skills training.
- **In November 2009, The Carter Center reported that “local peace committees face multiple challenges, and in the majority of districts, they are either not functioning well or are largely inactive.”** Key challenges reported by Carter Center observers at that time included inter-party disputes over committee composition, commonly over the position of coordinator; a perceived lack of support and guidance from the government and the Ministry of Peace and Reconstruction; lack of funds; and a lack of clarity among committee members about their role. Additionally, many local peace committee secretaries appointed during the UCPN(M)-led government did not have their contracts renewed under the government formed by the CPM–UML in May 2009, and at the time of the Carter Center’s report in November 2009, secretaries were still not in place. This proved highly disruptive to local peace committee functioning.
- **The overall level of local peace committee functioning increased between November 2009 and May 2011,** the date of the Center’s second report on LPCs. Despite the advances, the degree of functioning continued to vary significantly by district. The increase in the overall functioning of local peace committees could be attributed to several factors, including positive steps taken by the Ministry of Peace and Reconstruction, the resolution of local-level disagreements among political parties, and the end of a UCPN(M) national boycott of the committees.
- **In 2011, nearly all local peace committees continued to focus on reviewing and verifying the applications of conflict-affected people for interim relief as their main activity.** Despite the fact that reviewing these applications was only one component of the LPC mandate, many LPC members, staff, and other stakeholders told observers that interim relief was the main, and most important, activity of the committee. Nearly all local peace committees focused on reviewing and verifying applications from conflict-affected people for interim relief as their main task.
- **By 2011, most local peace committees were also undertaking at least some other activities although their impact remained unclear.** Most LPCs had attempted to engage in activities such as livelihood support training to conflict-affected people, peace education activities, and training of committee members on conflict mediation. However, the impact of these activities remained unclear. A small number of committees built local reputations for being highly active and effective. These committees mediated conflicts and built good relations with civil society and local government officials.
- **Many local peace committees faced local skepticism about their relevance and utility.** Several factors appeared to be responsible for the skepticism about LPCs. First, many stakeholders questioned the impartiality of the process of interim relief to conflict victims. In particular, there was a belief that political parties were using LPCs to recommend interim relief applications of their supporters, including so-called “fake” applications from people who were not conflict victims. Because many people saw interim relief as the committee’s main task, perceptions of bias and inadequacy in processing applications were especially damaging to the overall image of the committees. Second, particularly with regard to conflict resolution, LPCs competed with more established mechanisms, such as all-party meetings (often used to resolve political disputes), and various local informal or indigenous conflict resolution mechanisms that

were often used at the village development committee level. Given the range of conflict resolution mechanisms available, the added value of the LPC was often not clear. Third, there was disagreement over the proper scope of local peace committee activities.

### *Local Governance*

Although much political activity at the local level was in support of national-level campaigns or programs, day-to-day politics and civil society activity often focused on local government. Budget allocations of district development committees, village development committees, and school management committees were set in part through political and participatory mechanisms. In addition, local users' groups were responsible for implementing and managing development projects in their areas.

The conflict and the extended transitional process had important impacts on the conduct of local government. In the absence of local government elections, which had not been held since 1997, district development committees, village development committees, and municipal development bodies were substituted for by unelected representatives nominated by political parties (all-party mechanisms), with representation from key government officials and chaired by civil servants. Beginning in 2011, these mechanisms were intended to be made more participatory through the input of new ward citizens forums and village development committee-level citizen awareness centers. In 2012, all-party mechanisms were dissolved, though the ward citizens' forums and citizen awareness centers remained.

Political party involvement, formal and informal, in local development bodies was extensive. While in some cases this involvement may have promoted accountable and informed decision making, many people interviewed expressed concerns that party interests and representation were being prioritized over public participation in local development and school management, and accusations of outright corruption were not uncommon. Politicization of local bodies also led at times to serious disputes and violent clashes between party supporters.

The Carter Center issued reports on local governance in November 2011 and February 2014. Key findings included:

- **Parties often informally agreed to divide influence on local bodies according to their overall strength in the district, village development committee, or ward.** Parties often accepted an informal norm that their influence on local bodies should be in proportion to their relative organizational strength, and they divided local positions and influence accordingly. Parties frequently accused each other of trying to “dominate” local bodies, particularly users' groups and school management committees. Nevertheless, interlocutors agreed that despite such complaints, formation of users' groups usually proceeded smoothly and without open conflict. Following the dissolution of the all-party mechanisms, political party representatives continued to play a significant role in local governance, although the extent and nature of the role differed across districts.
- **Although intended to be nonpartisan, positions on school management committees were often contested along party lines and were among the more frequent sources of inter-party disputes.** In many areas, positions on these committees were contested by party-affiliated candidates. Appointment and dismissal of teachers by school management committees, and elections to key positions on the committees, were among the more frequent sources of inter-party conflict.
- **Although also intended to be nonpartisan, in some areas, users' groups were highly politicized, and parties sometimes competed for influence on these bodies.** Ordinary citizens

were sometimes excluded from leadership of users groups, with the leadership positions instead divided among party members. In some cases, positions were distributed to party members from outside the ward where the project was taking place, in violation of the regulations.

- **In areas where political parties were prominent actors in local bodies, citizens had mixed views of their roles.** Some citizens expressed neutral or positive views: They either did not see the politicization of local bodies as a serious problem or believed party involvement could promote accountability. Others had much more negative views, complaining that party-affiliated members pursued individual or partisan interests and that ordinary citizens were shut out of the process.
- **In 2014, observers found that, in general, direct political interference in government tendering processes appeared to have decreased over the preceding several years.** Often this decrease was credited to the introduction of e-bidding. Despite a decrease in direct interference in tender processes, extortions and threats after contracts had been awarded still appeared to be common. Sometimes politically affiliated individuals or youth wings were reported to be responsible. At other times, nonaffiliated local gangs were blamed.
- **The general consensus among interlocutors in 2014 was that the participation of disadvantaged groups had notably increased in local development.** Quotas for representation of disadvantaged groups in government bodies appeared to be widely observed. However, it was not always clear how meaningful this participation was. In several districts, it appeared that disadvantaged groups were playing only a signatory role and held little decision-making power, or that “underqualified” and presumably pliant members of disadvantaged groups were appointed.

## VOTER REGISTRATION

Due to the widespread lack of confidence in the accuracy of the voter roll, voter registration reform was a top recommendation of The Carter Center and other observation organizations following the 2008 constituent assembly election. The Election Commission of Nepal moved to address this problem by creating an entirely new voter register with biometric data, including photographs and fingerprint records of each voter. The new register was created through a series of nationwide registration drives that required the active participation of citizens and proof of eligibility.

Because The Carter Center was already present in Nepal with long-term observers based on the ground focused on political transition observation, and given the Center’s expertise in observation of electoral processes, the Center conducted a limited observation of the biometric voter registration process. This began with observation of the pilot voter registration exercise that took place in March/April 2010 and continued through to the use of the new voter register in the 2013 election.

It was a rare and positive opportunity for the Center to observe the new voter registration process from start to finish, and the Center was the only international organization accredited to do so. The Center trained its observers on the process and an expert voter registration consultant was brought in periodically to guide the Center’s efforts. In total, the Center released eight reports on the voter registration process.

Overall, the voter registration exercise resulted in an improved voter list for the 2013 election. However, there were multiple challenges and concerns during the process. Additionally, it is important to note that the process took significantly longer than initially envisioned due to political delays and other issues. The continued delay of the constitutional deadline and corresponding delay in the electoral calendar allowed the ECN to conduct the voter registration process over a much longer period than was initially envisioned, which was of benefit to the commission as the process proved complex and challenging to manage.

Major findings are summarized below:

- **The new voter register was a major improvement in the 2013 electoral process.** Despite lower than projected voter registration figures and continuing difficulties for some citizens in being able to register to vote, the new voter register represented a significant step forward.
- **Nonetheless, the new register contained significantly fewer voters than the projected target based upon 2011 census data.** The ECN succeeded in registering 12,147,865 voters (i.e., citizens 18 years and older as of July 15, 2013). This was short of its initial goal of registering 14.7 million voters and much lower than the estimated 16 million potentially eligible voters, based on the 2011 census. However, throughout the early part of the voter registration process, no current census data was yet available, making it difficult for the commission and other stakeholders to accurately track progress against population figures.
- **Proof of eligibility was a continuing, sensitive issue throughout the voter registration process.** The Supreme Court ruled in 2011 that under Nepali law, only a citizenship certificate could be used to prove that an individual was a citizen and, therefore, eligible to vote. While this requirement prevented people without Nepali citizenship from registering, it also made registering difficult for citizens who lacked the documents necessary to obtain a citizenship certificate, an issue acute among historically marginalized communities, the poor, people living in remote areas, the landless, and others who face barriers in obtaining state services.
- **There were several changes made during the process in order to make it more accessible for eligible citizens who lacked proper documentation, but some parties expressed doubts that the efforts were sufficient and timely enough to make an impact.** The Supreme Court directed the Election Commission of Nepal and relevant government authorities to take measures to ensure that all people entitled to register could actually do so. This led to incremental steps to improve access to obtaining citizenship certificates, including sending mobile distribution teams to each district, amending the law to allow children of naturalized citizens to obtain citizenship, and, in spring 2013, amending voter registration rules to allow people registered for the 2008 election to be included on the voter roll for the 2013 election even without a citizenship certificate. However, some political parties, particularly in Tarai districts, stated their dissatisfaction with the voter roll, noting that some of the rule changes came only at the end of the process and that relatively few people could take advantage of them.
- **The Election Commission of Nepal created provisions for internal migrants to register from outside their district but still required them to return home to vote.** Many internal migrants had difficulty legally proving their new residence. The ECN instituted an out-of-district voter registration program to allow internal migrants to register remotely for their home district, thereby removing a key barrier to registration. However, this measure was limited in effectiveness in facilitating voting since out-of-district registrants could only vote by going to the polling center at which they were on the voter roll. There was no provision for out-of-country registration or voting, although 2,000,000 or more Nepalis are estimated to work abroad.
- **No audit of the voter register was conducted prior to the election, meaning that an opportunity to address potential flaws in the list was missed.** While voter registration was well-conducted overall—often in difficult conditions—the percentage of errors (for example, incorrect polling locations or identifying information) was not known, as no audit of the voter register was conducted prior to the election even though donors had offered technical and

financial support for an audit. Positively, political parties had access to the voter roll during the election period and raised relatively few concerns with observers about the register.

- **In an improvement of the 2008 electoral process, the cutoff date for voter eligibility was set within a reasonable timeframe before the election meaning that eligible 18 year olds were able to participate.** In the March 2013 ordinance endorsed by the president, the ECN was given the authority to set the cutoff date for the eligibility to vote. By commission decision, all registered citizens who turned 18 years of age by July 15, 2013, were eligible to vote. This meant that many 18-year-olds were eligible to vote in this election, an improvement from 2008 when all 18-year-olds were excluded.
- **There are still important issues to address regarding the inclusiveness and accuracy of the voter register to ensure full respect for Nepal’s international obligations.** In particular, citizenship and voter registration rules should be reviewed to ensure that married women, indigenous people, the landless, and other vulnerable categories do not face obstacles that make it more difficult for them to register in practice. An independent audit of the voter register should be conducted to determine why more citizens have not registered as well as to learn the nature and extent of any technical problems with the register. To facilitate registration and voting by migrants, proof-of-residence requirements should be reviewed to ensure that, to the extent possible, voters are able to vote where they actually reside, whether temporarily or permanently. Finally, the constituent assembly should consider addressing the citizenship concerns of those who have resided in Nepal for a long period of time and claim they are citizens but who do not currently have proof of eligibility for citizenship.

## **THE 2013 CONSTITUENT ASSEMBLY ELECTION**

On Nov. 19, 2013, Nepal held its second constituent assembly election since the 2006 peace agreement ended the long-running civil conflict. The first constituent assembly, charged with drafting a new constitution, could not reach agreement on key issues, including the eventual structure of a federal state, and was dissolved in May 2012. The failure to agree on a new constitutional framework, the dissolution of the constituent assembly, and disagreement about which party would head the government during a new election caused a protracted political and constitutional crisis. After extended negotiations, the major political parties agreed on an interim government under the leadership of sitting Chief Justice Khil Raj Regmi and on an election for a second constituent assembly. This agreement was disputed by a group of parties led by a breakaway faction of the UCPN(M), which organized an at-times violent boycott of the electoral process.

Following an invitation by the chairman of the Council of Ministers and the ECN, the Carter Center’s ongoing transition observation mission transformed into an international election observation mission on Sept. 25, 2013. Subsequently, 12 long-term observers were deployed in six hub-cities across Nepal. Closer to election day, 54 additional short-term observers were deployed to observe voting and counting. In total, Carter Center observers represented 31 nationalities. The mission was led by former U.S. President Jimmy Carter and the former deputy prime minister of Thailand, the Honorable Dr. Surakiart Sathirathai. The Carter Center made its assessments based on Nepal’s legal framework and its obligations for democratic elections contained in regional and international treaties. The Center’s observation mission was conducted in accordance with the Declaration of Principles for International Election Observation.

On Jan. 2, 2014, the Election Commission of Nepal submitted the official results of the second constituent assembly election to the president. The Nepali Congress and CPM–UML emerged as the two largest parties in the 601-seat constituent assembly, with 196 and 175 seats, respectively. They were followed by



the UCPN(M), which won 80 seats and lost its position as the largest party in the previous constituent assembly. With 24 seats, Rastriya Prajatantra Party–Nepal (RPP–Nepal) emerged as the fourth largest party in the constituent assembly due to its strong showing in the proportional representation component of the electoral system. Various Tarai-based parties won a combined 50 seats. In total, 30 parties of the 122 parties that contested the election are represented in the constituent assembly, along with two independent candidates.

Thanks to the quota requirements in the proportional representation component of the electoral system, Nepal's constituent assembly remains the most inclusive legislative body in South Asia, but it is marginally less so than the assembly elected in 2008. Thirty percent of the 575 elected deputies are women. In terms of ethnic and caste diversity, the elected body comprises 7 percent Dalit, 34 percent Janajati, and 18 percent Madhesi representation.

## **KEY FINDINGS**

The second constituent assembly election was well-conducted and reflected a serious effort by the ECN and political parties to respect international obligations for genuinely democratic elections. The overall successful conduct of the election was a remarkable achievement in view of the months of political crisis following the dissolution of the first constituent assembly and the attempts of some boycotting political parties to derail the electoral process. In spite of these challenges, the electoral process was improved in several important respects compared to the 2008 election. Additionally, although there were sporadic violent incidents and instances of intimidation during the election period, the process was considerably more peaceful than in 2008. Overall, the election furthered the peace process and offered a fresh democratic mandate to a new government and constituent assembly.

The Election Commission of Nepal did a commendable job in planning, preparing, and conducting a credible election despite the political crisis, the boycott by some political parties, and uncertainty as to whether the election would take place at all. The appointment of election commissioners on the basis of consensus and the efforts of the commission to act as an independent body provided the basis for public confidence in the conduct of the election. At the field level, there was a dual system for the organization and conduct of the election, involving election commission staff and judicial officials. Most stakeholders interviewed by The Carter Center were satisfied with election preparations, although the late distribution of voter ID cards created some concern.

In spite of the achievements of the electoral process, there remain areas in which the process could be improved to ensure that it fully meets Nepal's international obligations for democratic elections. The second constituent assembly, which has a mandate to draft a new constitution and define the country's institutional framework, will have a unique opportunity to reform the legal framework for future elections. In advance of widely anticipated local elections, the ECN also has an opportunity to build on the success of the 2013 election to address remaining challenges in voter registration, voter education, training of election officials, and other aspects of the electoral process.

The main recommendations of the Carter Center's observation mission for the 2013 elections are:

- Legal framework: Consolidate electoral legislation and introduce reforms.
- Electoral system: Elect all representatives by popular vote rather than allowing parties to select candidates from party lists after the election and/or nominating representatives.
- Election management: Build on success by enhancing transparency of the commission's decision-making process and allowing observation of all aspects of the process as well as increasing the number of female and minority election officials.

- Boundary delimitation: Adjust constituency boundaries to ensure equality of the vote.
- Voter registration: Audit the voter register and expand registration to include all adult citizens.
- Voter education: Tailor voter education messages to target audiences, including more effective use of minority languages.
- Candidate and political party registration: Remove unnecessary restrictions from candidacy requirements, establish a mechanism to enforce quota provisions, and finalize lists of candidates in a timely manner.
- Campaign environment, campaign finance, and the media: Impose penalties for serious violations of the code of conduct, including violence and vote-buying. Strengthen campaign finance regulation.
- Election-related violence: Strengthen training of security forces on their legal and constitutional roles and responsibilities.
- Citizen observation: Define the rights of citizen observers in legislation. Ease criteria required to qualify.
- Voting: Address ballot issues and emphasize secrecy of the vote in training.
- Counting: Ensure that counting is conducted uniformly across the country.
- Dispute resolution: Clarify roles and responsibilities regarding complaints and ensure effective remedies.
- Participation of women and minority groups: Consider ensuring parity of women and men in all elected councils.

For more information, see “Observing Nepal’s 2013 Constituent Assembly Election: Final Report.”<sup>19</sup>

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<sup>19</sup> Available on the Carter Center website at [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/nepal-2013-final.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/nepal-2013-final.pdf).

## CONCLUSIONS AND RECOMMENDATIONS

Nepal's political transition process is ongoing. This report provides an opportunity to take stock of the process to date and to reflect upon the broader lessons that can be learned thus far.

First and foremost is the importance of recognizing that political transition processes take time and that their progress is rarely linear and steady. It is clear in hindsight that Nepal's political calendar was repeatedly too ambitious, whether with regard to the organization of elections or to the drafting of a new constitution. It is critical for all stakeholders—domestic and international—to be aware of this reality, to expect back-steps and deadlock, to be cognizant of the risks of reversal at various points, and to continue to support progress nonetheless, planning accordingly for the future. Ultimately, the process used, the substantive outcomes reached, and the broad-based acceptability of these settlements to the Nepali public will be more significant factors in the success or failure of Nepal's transition than the amount of time required. There is reason, therefore, to be cautious about pushing particular solutions solely for the sake of short-term gains and political expediency.

At the same time, the costs of an extended transition are real. In Nepal's case, efforts to promote good governance, economic growth, and the strengthening of local, district, and national institutions have frequently taken a back seat as issues such as power-sharing arrangements and the peace process and constitution drafting have occupied the majority of the political leadership's time and attention. This has led to frustration and disillusionment among the public as the optimism at the outset of the process gave way to the reality of a drawn-out transition with limited tangible benefits at the local level. To the extent possible, a more balanced approach in which at least some concrete benefits are delivered at the local level as the transition progresses would help to build good will, as would setting realistic public expectations about the pace and scope of future progress.

Second, it is important to recognize the achievements of Nepal's transition process to date. As noted by former President Carter at the outset of this report, Nepal has achieved a remarkable amount: the end of a decadelong conflict; two successful elections in 2008 and 2013, each followed by peaceful transfers of power; a largely respected ceasefire agreement; a settlement reached and implemented on former combatants; a decrease in political violence since the 2008 election period; and the fact that nearly eight years after the signing of the Comprehensive Peace Agreement the country has not returned to conflict. Although it is easy to forget or gloss over these achievements, particularly at times of deadlock or tension in the process, it is valuable to remember that each was hard-won and none was guaranteed. Despite their imperfections, Nepal's political leaders deserve immense credit for their stewardship during this challenging period. It is easy enough to criticize from the sidelines, but the constraints and perverse incentives in the Nepali political system are real, and it has taken courage, compromise, and broad-mindedness to reach this point.

Third, it is equally important to focus on what remains undone and the failings of the process to date in order to consolidate the gains achieved, to avoid the resumption of conflict, and to ensure that the lessons of this period are recognized and integrated. In this regard, the CPA and subsequent agreements remain the main guiding documents for Nepal's transition. Until and unless they are replaced by a new shared vision broadly agreed upon by all major political forces, Nepali leaders and the international community should continue to rely on these documents as the roadmap for the way forward. From this perspective, much remains to be done. Commitments related to continued security sector reform, rule of law, land return and reform, transitional justice, rights for historically marginalized groups, and other key issues are yet to be fully implemented and, if left unaddressed, pose risks for the future. Although Nepali political leaders are working under challenging conditions, they have missed opportunities to reach compromise in the best interest of the country, have been consumed by political infighting between and within parties, and have struggled to meet the aspirations of the public.

Fourth, another lesson learned from Nepal's recent experience, and echoed by recent transitions in the Arab world, is the difficulty of changing political culture. Although there is an immense amount of personal courage and risk involved in unseating an authoritarian leader, it is arguably even more difficult to dismantle the political system that has led to the entrenchment of his power. Although hopes were high in the early years of Nepal's political transition that a new era of effective and accountable governance, economic development, and increased opportunities for all Nepalis would develop, the reality to date has been different. Instead, a focus on the prime minister's seat at the expense of all else, zero-sum politics and constant fighting over the spoils of power, weak institutions, limited accountability, political patronage and corruption, and the domination of elites continues to leave the full promise of Nepali democracy unfulfilled. This truth reveals that expecting political culture change could occur so rapidly was wishful thinking at best. In addition, however, it also provides evidence that Nepal's political system, though viewed perhaps as dysfunctional by Western eyes, is robust and has a stable logic of its own.<sup>20</sup> As such, it is insufficient to blame the shortcomings of the process on Nepal's leaders as individuals. Although shortcomings in leadership are undeniable, they are part of a system that has its own incentives and working structure that guides their choices. It is, therefore, contingent on reformers (and international supporters) to assess their efforts from the perspective of long-term systemic change in order to achieve the results desired.

### ***Looking Forward***

There are a number of challenges that Nepal will face over the coming years. Primary among these is the successful completion of the constitution-drafting process. It is likely that the most contentious issue at stake in this process will be reaching a broadly acceptable compromise on the question of state restructuring and federalism. It is also important to reflect on the political and technical challenges and opportunities that will accompany implementation of the future constitution.

The 2013 election resulted in a significantly different political landscape than that of 2008. Specifically, the Maoists and identity-based parties suffered a defeat while the Nepali Congress, CPM-UML, and more conservative forces including the Rastriya Prajantantra Party-Nepal emerged resurgent. The interpretation of election results is fraught with difficulty. However, for the Maoists and identity-based parties, the message may be, at least in part, that they were not able to convince voters of their ability to deliver positive change at the local level or that their proposed revamping of the social contract was felt to be too drastic or too fast for some sections of the population. Many have speculated that the results are partly due to fears associated with these parties' support to ethnic federalism. It is beyond the scope of this report to assess whether that assertion is true or false, but based on the Center's long-term observation and interviews with citizens about identity politics and federalism, there was indeed public concern and misunderstanding about how such a system would work and its potential consequences for Nepal. One lesson, therefore, for any parties or groups seeking to influence the public debate on state restructuring is the need to communicate effectively to the public about what is being proposed, how it will benefit them in their daily lives, and how potential negative consequences can be addressed or minimized.

At the same time, the Nepali Congress, CPN-UML, and more conservative forces should be wary of interpreting the election results as a vote in favor of the status quo. It was clear from the *Madhesi Andolan* and the increased activism of Janajatis, Dalits, women, and other historically marginalized groups that demands for dignity, rights, and recognition are of central importance to many Nepalis. Even in the constitution-drafting process that took place in 1990, issues related to social, cultural, and identity rights were some of the main areas raised during the limited public consultation that took place. There is, therefore, a real danger in being too dismissive of or ignoring the question of "inclusion" and believing

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<sup>20</sup> For more on this, see the International Crisis Group's insightful report "Nepal's Political Rites of Passage," Sept. 29, 2010.

that interest has faded. It is worth remembering that the exclusive nature of the Nepali state was one of underlying causes of the 10-year conflict, and over the long run the marginalization of certain groups will continue to provide fertile ground for mass mobilization and conflict until adequately addressed.

Given this context, there is a need to balance competing agendas. On the one hand, many Nepalis told The Carter Center they were concerned about communal relations and wanted to avoid the dominance of any one group over another, including avoiding any sort of state structure that would create or reinforce such dominance. On the other hand, many Nepalis also told the Center that they favored an end to historic discrimination and desired the uplifting of marginalized groups. At its core, the “inclusion agenda” that is inextricably linked to Nepal’s peace and political transition process is at least partly about ensuring dignity and equal opportunity for all Nepalis. It is, therefore, important to seek ways to achieve these twin goals. Federalism may be one way of addressing them, but is not the only way. The discussion may need to be broadened, with a focus on seeking ways to avoid identity-based polarization while creating a new social contract that guarantees respect for Nepal’s rich diversity and access to opportunity regardless of geography, caste, language, and religion. These are difficult issues to resolve, and Nepal has an opportunity to serve as an example for the region and the world by addressing them thoughtfully and in a broadly acceptable and sustainable way in the new constitution.

As the constitutional process moves forward, one clear area for improvement over the first constituent assembly is the engagement between the assembly and the public. Information-sharing, communication, and public outreach were weak in the first constituent assembly, and there is room to improve during this second attempt. The Carter Center recognizes that there can be a trade-off between public engagement and the ability to reach compromises. However, a constitution that is not perceived as owned by the Nepali public risks a short shelf life. Therefore, there is value in emphasizing this aspect of the constitution drafting process to the extent feasible.

### ***The Role of the International Community***

This report has attempted to describe and analyze the Carter Center’s efforts to support Nepal’s political transition process. However, there is also a broader question about the role of the international community in Nepal during this period, especially looking forward. There are limited tools to effectively evaluate international support in political transition processes. Nevertheless, this is an important area for future study, in which Nepal can serve as a valuable case study. It is critical that the international community seeks to understand the impact of its support to peace and democracy in Nepal—what worked, and equally important, what did not. These lessons can be shared among the international community and its Nepali partners and can also help to inform future international efforts in other contexts.

In the last several months, there has been an attempt by some to suggest that the international community should avoid support to political and social rights in Nepal and be limited to the allegedly narrower sphere of building roads and other more classic “development” projects. This comes, in part, from a perception that the international community contributed to the identity-based activism that challenged the constitution-drafting process and that it, therefore, should be restrained from causing any further political unrest. It is certainly the case that the international community championed social change, inclusion, and democracy based on internationally recognized human rights standards. At times, these efforts have been controversial, and scrutiny of international involvement in the social and cultural sphere is legitimate. However, these issues have been of concern to Nepalis for decades, and they themselves are driving the agenda. Worries by marginalized groups that previous patterns of unequal development will continue should be taken seriously, and the international community has a responsibility to ensure that its development assistance works to mitigate rather than reinforce existing inequalities. Explicit attention to social inclusion and human rights are central to the ability of the international community to support Nepal’s development and political transition in a responsible manner.

### ***Recommendations for Consideration***

In a spirit of respect and support for Nepal and all its citizens, The Carter Center suggests the following recommendations for future priority action to ensure a successful and sustainable democratic transition:

- 1) Nepal's political leaders should focus on economic development and growth in parallel to their efforts to move their country's political transition process forward. Basic needs—access to food, clean water, jobs, and health care—remain higher priorities for many Nepali citizens than political developments, including constitution drafting. Economic growth that is broad-based and expands opportunities for all Nepalis is an important part of ensuring peace, development, and inclusive democracy for Nepal.
- 2) Nepal's democratic institutions remain weak and allow a culture of political impunity and patronage to continue to thrive. Nepali and international stakeholders should seek to support the building of accountable institutions and a political system in which there are positive incentives to deliver good governance, ensuring that good behavior is rewarded rather than penalized.
- 3) A key area of building strong institutions is political party reform. At present, most parties have limited internal democracy and are beset by internal divisions and personality struggles. As well, Nepal is highly politicized, with political parties playing outsized roles in nearly all aspects of interaction with the state at the local level.
- 4) Nepal's constituent assembly should seek ways to ensure dignity, respect, inclusion, and equal opportunity for all Nepalis and to agree on a broadly acceptable state structure that will achieve these goals. It should also seek to engage with the public during the constitution-drafting process and to instill a sense of ownership over the final document and, ultimately, the process of its implementation.
- 5) Outstanding commitments in the Comprehensive Peace Agreement related to continued security sector reform, rule of law, land return and reform, transitional justice, rights for historically marginalized groups, and other key issues should be fully implemented. If left unaddressed, they pose long-term risks to the Nepali state and the prospects for equitable development.
- 6) The question of state restructuring in particular is extremely sensitive. The Carter Center is confident that it is possible to reach a broadly accepted agreement that meets the aspirations of Nepal's diverse people and establishes a foundation for continued peace and development. However, this will require statesmanship and a continued spirit of compromise and inclusive discussion.
- 7) Local elections are essential to restore democratic legitimacy and accountability to local governance. The appropriate timing of these elections is not obvious nor is their relation to future federal structures. However, there appears to be room for compromise on these questions, and Nepal's political parties and other stakeholders should work to build consensus on a framework for a timely return to elected local government.

## APPENDIX A: ACKNOWLEDGMENTS

The Carter Center is grateful for the support provided by a number of individuals and organizations without whom our work in Nepal would not have been possible.

The Center thanks the government of Nepal, the Election Commission of Nepal, the late Girija Prasad Koirala representing the Nepali Congress party, Pushpa Kamal Dahal (“Prachanda”) representing the United Communist Party of Nepal (Maoist), Jhala Nath Khanal representing the Communist Party of Nepal (Unified Marxist–Leninist), and Upendra Yadav representing the then-Madhesi People’s Rights Forum for inviting the Center to observe Nepal’s peace and constitution-drafting processes. The Center also thanks all of the political party representatives at the national, district, and local levels that have welcomed and met with us over the years to share their perspectives on their country’s transition process.

The Center is also thankful for the support of the governments of the United States, the United Kingdom, Norway, and Denmark. The Center would like to extend special thanks to Maria Barrón, Sumitra Manandar, Sabita Shrestha, and David Billings of the United States Agency for International Development; Charlotte Duncan, David Ashley, Bishnu Adhikari, Phanindra Adhikari, and Sanjay Rana of the U.K. Department for International Development and the Enabling State Program; Kristina Lie Revheim and Doug Nagoda of the Embassy of Norway; and Johan Sorenson of the Embassy of Denmark for their assistance.

The Center recognizes the critically important work of Nepal’s civil society organizations which, through the scope, depth, and dedication of their efforts, contribute fundamentally to securing a just and sustainable peace. Although it is not possible to name all of the many organizations that have generously provided their time, insights, and analysis to our efforts, the Center would like to recognize in particular Advocacy Forum, Informal Sector Service Center (INSEC), Martin Chautari, Social Science Baha, and the Nepal Bar Association, among others.

The Center is grateful for the collaborative efforts of the many international groups that actively supported our observation efforts, including the United Nations Mission in Nepal, the United Nations Development Program, the United Nations Office of the High Commissioner for Human Rights, the Risk Management Office, the Basic Operating Guidelines Secretariat, International Crisis Group, International Institute for Democracy and Electoral Assistance, the National Democratic Institute, The Asia Foundation, the International Foundation for Electoral Systems, International Alert, and Saferworld.

The Carter Center also recognizes the extraordinary contribution of Ambassador A. Peter Burleigh, who has served as a special adviser throughout the project. Ambassador Burleigh’s invaluable advice and assistance were critical, and their importance cannot be overstated.

This project would not have been possible without the strong commitment of the Center’s staff in Nepal. Nepali staff constantly demonstrated outstanding efforts and commitment to the peaceful development of their country. They displayed professionalism and shared a genuine kindness in their diverse contributions to the Center’s efforts to operate in a challenging geographic, cultural, and political environment.

The Center extends gratitude to Kathmandu-based staff included Surendra (Toya) Sapkota, Mamta Acharya (supported by K.P. Khatiwada & Co.), Ghanashyam Ojha, Kuldeep Niraula, Swornika Balla, Chetana Bhandari, Komal Upadhayaya, Sabita Thapa, and Srish Khakurel. The Carter Center would like to specially recognize Toya Sapkota, Mamta Acharya, Ghanashyam Ojha, Swornika Balla, and Sabita Thapa, who all worked with the Center for over three years.

Sincere thanks go equally to the dedicated and impressive Carter Center field staff who worked under

difficult conditions in support of their country: Anubhav Ajeet, Safik Iraqi, Daulat Jha, Ram Kumar Khadka, Shekhar Parajulee, Dinesh Pathak, Sudip Pokharel, Peshal Rai, Khusiyali Subba, Jiwan Subedi, Sradda Thapa, Bishan Wagle, Amrit Gurung, Harka Pun, Ramesh Jarga Magar, Padam Mahar, Emi Rai, Sayyad Md. Rehan, Shahid Reza, Khem Shresh, Sushma Bhatta, Srijana Shreshta, Madhu Thapa, Pompa Sonar, and Chandra Upadhayay. The Center would like to specially recognize Anubhav Ajeet, Amrit Gurung, Safik Iraqi, Ram Kumar Khadka, Sabitra Pant, Shekhar Parajulee, Dinesh Pathak, Sudip Pokharel, Peshal Rai, and Emi Rai, all of whom worked with The Carter Center for at least two years in the field.

International staff worked long and hard to achieve the mission's goals of support to Nepal's political transition process and did their utmost to understand the complexities of Nepal's political, social, and geographic environment and to be respectful and sensitive international observers. The Carter Center extends deep thanks to Kathmandu-based international staff, especially Sarah Levit-Shore, who managed the Center's field operations for most of the project and provided both substantive and operational direction to the field team. Other key international Kathmandu staff include David Hamilton, Sam Frantz, Oliver Housden, Michael Baldassarro, Eli Lewien, Friso Hecker, Oliver Vick, Remi Van Doorn, Peter Blair, Curtis Palmer, Fergus Anderson, and Jonathan Stonestreet. Equal thanks go to international field staff including: Tadzrul Adha, Jennifer Anderson, Sophie Buxton, Philippe Clerc, Gil Daryn, Tiago Faia, Jon Hartough, Jon Jeppson, Andrew Kendle, Nenad Marinkovic, Lena Michaels, Rachel Moles, Cecile Mouly, Edoardo Nicolotti, Azim Noorani, Isabel Phillips, Raleigh Quesenbeery, Luvy Rappaccioli, James Sharrock, Rokey Suleman, Beate Arnold, Tom Bell, Alex Douglas, Ben Dunant, Patrick Duplat, Jean-Claude Eichenberger, Annika Folkeson, Sophia Furber, Johan Hallberg, Hannah Rose Holloway, Amy Johnson, Sam Jones, Jana Nolle, Curtis Palmer, Beth Prosnitz, Charlotte Ramble, Patrick Robbins, Dhivya Sivanesan, Scott Sorrell, Antonia Staats, Laura Stovel, Dewanti Subijantoro, and Oliver Sudbrink.

Carter Center Democracy Program staff in Atlanta had overall responsibility for the mission. The Democracy Program is directed by Dr. David Carroll, and the Nepal project was managed by Associate Director Dr. David Pottie with valuable assistance from Jennifer Russi, Claire Colbert, Tom Opdyke, Traci Boyd, and Tynesha Green. Dr. Connie Moon Sehat assisted with the maintenance of the project's database.

There are a number of people who have served as "friends of The Carter Center" in Nepal over the years and who have supported the Center's work in ways big and small throughout the duration of our efforts. They have provided guidance and thoughtful advice whenever called upon, and the Center is forever in their debt. They include Aditya Adhikari, Prashant Jha, Anagha Neelakantan, Yohn Medina-Vivanco, Oliver Sudbrink, Duane Berian Clifford-Jones, Lach Fergusson, Leena Rikkila Tamang, Seira Tamang, Rhoddy Chalmers, and Mandira Sharma. The Center also recognizes Darren Nance, Almir Memic, Dr. Duman Thapa, Varsha Gyawali, Padam Shah, Matthew Hodes, and Brian McQuinn, all of whom made significant contributions previously during their time with the Center.

The primary drafters of this report were Sam Frantz and Sarah Levit-Shore, with assistance in Atlanta from Eli Lewien and final review by David Carroll.

Finally, the Center wishes to thank once more the Nepali officials, political party members, civic activists, journalists, and citizens in all of Nepal's 75 districts who have generously offered their time and energy to facilitate the Center's work in Nepal.



## APPENDIX B: CARTER CENTER NEPAL STAFF 2009–2014

### Senior Long-Term Observers

Jennifer Anderson  
Peter Blair  
Sophie Buxton  
Philippe Clerc  
Gil Daryn  
Remi van Doorn  
Jean-Claude Eichenberger  
Samuel Frantz  
Oliver Housden  
Friso Hecker  
Andrew Kendle  
Ram Kumar Khadka  
Lena Michaels  
Cecile Mouly  
Edoardo Nicolotti  
Azim Noorani  
Curtis Palmer  
Dinesh Pathak  
Isabel Phillips  
Luvy Rappaccioli  
James Sharrock  
Oliver Sudbrink  
Rokey Suleman

### Long-Term Observers

Tadzrul Adha  
Anubhav Ajeet  
Beate Arnold  
Tom Bell  
Alex Douglas  
Ben Dunant  
Patrick Duplat  
Tiago Faia  
Annika Folkesson  
Sophia Furber  
Johan Hallberg  
Jon Hartough  
Hannah Rose Holloway  
Safik Iraqi  
Jon Jeppson  
Daulat Jha  
Amy Johnson  
Sam Jones  
Elijah Lewien  
Nenad Marinkovic  
Rachel Moles  
Jana Nolle  
Shekhar Parajulee

Sudip Pokharel  
Beth Prosnitz  
Raleigh Quesenbeery  
Charlotte Ramble  
Patrick Robbins  
Dhivya Sivanesan  
Scott Sorrell  
Antonia Staats  
Laura Stovel  
Khusiyali Subba  
Jiwan Subedi  
Dewanti Subijantoro  
Madhu Thapa  
Sradda Thapa  
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### Junior Long-Term Observers

Peshal Rai  
Swornika Balla  
Sabitra Pant

### Coordinators

Sushma Bhatta  
Shahid Reza

### Assistants/Interpreters

Amrit Gurung  
Harka Pun  
Ramesh Jarga Magar  
Padam Mahar  
Emi Rai  
Sayyad Md. Rehan  
Khem Shresh  
Srijana Shreshta  
Pompa Sonar  
Chandra Upadhayay

### Drivers

Kedar Maharjan  
Sadhuram B.K.  
Dinesh Bogati  
Hariram Chaudhary  
Tilak Gurung  
Tul Bahadur Katuwal  
Hari Govinda Maharjan  
Sanjay Maharjan  
Bheshraj Shah  
Raj Kumar Sunuwar

### **Kathmandu Headquarters Staff**

Sarah Levit-Shore	Field Office Director
David Hamilton	Field Office Director
Michael Baldassaro	Deputy Field Office Director
Samuel Frantz	Deputy Field Office Director
Oliver Housden	Deputy Field Office Director
Remi van Doorn	Long-Term Observer Coordinator
Curtis Palmer	Long-Term Observer Coordinator
Friso Hecker	Research, Planning and Drafting
Elijah Lewien	Research, Planning and Drafting
Kuldeep Niraula	Research, Planning and Drafting
James Sharrock	Research, Planning and Drafting
Jiwan Subedi	Research, Planning and Drafting
Oliver Vick	Research, Planning and Drafting
Fergus Anderson	Security Coordinator
Surendra (Toya) Sapkota	Logistics Coordinator
Ghyanasham Ojha	Political Analyst & Media Specialist
Mamta Acharya	Administration and Finance Officer (K.P. Khatiwada & Co.)
Komal Upadhayaya	Security Coordinator
Chetana Bandhari	Security Coordinator
Swornika Balla	Database Coordinator
Srish Khakurel	Security Officer
Sabita Thapa	Office Support
Ambassador A. Peter Burleigh	Senior Political Adviser
Jonathan Stonestreet	Voter Registration Expert

## **APPENDIX C: KEY TERMS AND ABBREVIATIONS**

<b>CPA</b>	Comprehensive Peace Agreement
<b>CPN–M</b>	Communist Party of Nepal (Maoist)
<b>CPN–UML</b>	Communist Party of Nepal (Unified Marxist–Leninist)
<b>ECN</b>	Election Commission of Nepal
<b>IEC</b>	Interim Election Council
<b>INSEC</b>	Informal Sector Service Center
<b>LPC</b>	Local Peace Committee
<b>MPRF</b>	Madhesi People’s Rights Forum
<b>NC</b>	Nepali Congress
<b>PLA</b>	People’s Liberation Army
<b>RPP</b>	Rastriya Prajantantra Party
<b>SPA</b>	Seven-Party Alliance
<b>UCPN(M)</b>	Unified Communist Party of Nepal (Maoist)
<b>UNMIN</b>	United Nations Mission in Nepal
<b>VDC</b>	Village Development Committee
<b>YCL</b>	Young Communist League

## **APPENDIX D: THE 2008 CONSTITUENT ASSEMBLY ELECTION OBSERVATION FINDINGS**

Nepal's 2008 constituent assembly election was an important milestone on the country's path to peace and prosperity. The election moved Nepal's political transition process decisively forward, confirmed the end of the decade-long conflict, and triggered a challenging new phase of the process. Additionally, for the first time in Nepal's electoral history, significant affirmative-action measures to include representatives of marginalized groups (e.g., women, Madhesis, Janajatis, Dalits, and others) were undertaken. The efforts to achieve diversity in the CA were relatively successful, with women and minorities holding record numbers of seats in the new assembly.

### **Carter Center Engagement**

At the invitation of the Government of Nepal, the major political parties, and the Election Commission, The Carter Center established a field presence in Nepal in January 2007 to observe the constituent assembly election process. The mission was funded by the governments of the United Kingdom, Belgium, and Denmark and by the Canadian International Development Agency. Thirteen long-term observers (LTOs) representing eight nationalities were deployed in March 2007 and remained in country — despite the elections being postponed twice — until May 2008, visiting all 75 of Nepal's districts at both the headquarters and village level.

The Center's observers met at the central and local level with political party leaders, election officials, security forces, leaders of marginalized groups, civil society activists, domestic observers, and journalists. The Center published periodic public statements regarding the election process, which were widely distributed and were covered by domestic and international media. Throughout its mission, the Center remained in close contact with other international actors and domestic election observers.

Former U.S. President Jimmy Carter visited Nepal twice prior to the election and during the April 2008 election itself, meeting with the Election Commission, political party leaders, government officials, security officials, marginalized-group representatives, and members of the international community. Each time, he expressed his support for Nepal's peace process, urged continued commitment to a successful constituent assembly election, noted concern about the security environment and implementation of previous agreements, and voiced support for the inclusion of marginalized groups.

On election day, the Carter Center's observers visited more than 400 polling centers in 28 districts. The mission was led by Carter Center co-founders former U.S. President Jimmy Carter and Mrs. Rosalynn Carter; Dr. Surakiart Sathirathai, former deputy prime minister of Thailand; Ambassador A. Peter Burleigh, Carter Center senior adviser; Dr. John Hardman, Carter Center president and chief executive officer; Dr. David Pottie, Carter Center Democracy Program associate director; and Mr. Darren Nance, Carter Center Nepal field office director.

### **Pre-Election Findings**

Pre-election safety and security was an issue foremost on the minds of voters and political parties. Freedom of movement varied greatly around the country, but was particularly limited in the Tarai due largely to the increase in armed groups, and in some hill and mountain areas mainly due to Communist Party of Nepal-Maoist (CPN-M) and Young Communist League violence, harassment, and threats. Observers noted some instances of voter intimidation. Violence and harassment by all parties increased in the campaign period directly before the election. Security forces suffered from a lack of capacity, authority, and public confidence in the pre-election period.

Preparations by the ECN were remarkably effective despite difficult security and logistical challenges.

The voter registration process suffered due to circumstances largely beyond the Commission's control and left a large number of young, landless, and migrant voters disenfranchised on election day. Voter and civic education efforts could have been increased and improved upon. In general, political party campaigning was positive and evident, though the electoral code of conduct was weakly enforced by the ECN, leading to continuing violations related to the security environment, use of government resources, campaign financing, and campaign materials. The media also remained highly active during the election period, despite attacks on journalists, particularly in the Tarai.

### **Election Day and Postelection Findings**

In contrast to expectations, the election itself was remarkably peaceful. Nonetheless, four people died in election-related violence, which The Carter Center strongly condemned. The election process for the most part was orderly and in accordance with the established procedures. Voter turnout for the first-past-the-post election was 61 percent and for the PR side was 63 percent, including substantial numbers of women voters.

There were a small number of areas in which Carter Center observers directly witnessed problems that affected the security environment for voters, including YCL violence, intimidation, and control of some polling stations. Isolated problems were also reported in the Tarai. The ECN called for re-polling in 106 polling centers out of a total of 20,888. Although the majority of reports received by The Carter Center indicated that the electoral process overall was a credible reflection of the will of the people, observers reported some instances of electoral fraud such as booth capturing, vote buying, proxy voting, underage voting, multiple voting, and voter impersonation, as well as isolated instances of polling officers refusing to report electoral malpractice out of fear of retribution parties or individuals.

Overall the counting process was reported to be orderly, impartial, transparent, and to the satisfaction of all parties. However, there was no clear standard methodology across the country. On the whole, the complaints and appeals process appeared confusing and somewhat nontransparent to those external to the ECN, and as a result, it was widely underutilized.

A number of domestic observer organizations took part in the process, including the National Election Monitoring Alliance (NEMA), Democracy and Elections Alliance Nepal (DEAN), National Election Observation Committee (NEOC), General Election Observation Committee (GEOC) and others. These groups initially struggled to coordinate their efforts but ultimately collaborated to build a foundation for future elections. The international community provided dedicated support to the people and government of Nepal throughout the election process, including financial support, technical support, and in-kind donations. International observer organizations in addition to the Carter Center included the European Union, the Asian Network for Free Elections, and others.

When the election results were released, the then-CPN(M) emerged as the largest party with 220 seats out of a total 601. The Nepali Congress secured 110 seats, followed closely by the CPM-UML with 103 seats and the Madhesi People's Rights Forum with 52 seats. Altogether 25 parties secured seats in the new CA, as well as two independent candidates. One year later, in April 2009, the ECN held by-elections to fill six vacant CA seats; The Carter Center deployed a limited observation mission to observe these by-elections.<sup>21</sup>

Following the 2008 CA election process, the Center issued a number of recommendations to the ECN, Government of Nepal, political parties, civil society, and the international community. Key recommendations included:

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<sup>21</sup> See: The Carter Center, "Nepal Constituent Assembly By-Election Statement," April 13, 2009 available at: [http://www.cartercenter.org/news/pr/nepal\\_041309.html](http://www.cartercenter.org/news/pr/nepal_041309.html).

- Create a more inclusive and accurate voter list;
- Mandate voter identification with a voter ID card and end the practice of political party volunteers assisting in the voter identification process outside polling stations;
- Improve the security environment, rule of law, and freedom of movement;
- Increase local election staff capacity and ensure inclusion of marginalized groups;
- Strengthen the complaints and appeals process and enforce the code of conduct;
- Simplify the electoral legal framework, discard the closed-list postelection candidate selection system, and consistently apply vote-counting procedures;
- Increase substantive political party outreach to voters and improve internal party democracy, decentralization and inclusivity;
- Expand voter and civic education efforts with greater Election Commission oversight;
- Strengthen training for domestic observers;
- Implement previous commitments made during the peace process and ensure genuinely inclusive political participation.

## **APPENDIX E: LETTERS OF INVITATION**

Unified Communist Part of Nepal (Maoist)

Madhesi People's Rights Forum (Nepal)

Nepali Congress Party

Communist Party of Nepal (Unified Marxist–Leninist)

*Please see following pages.*

संसारका मजदुर एक हौं !

माक्सवाद-लेनिनवाद-माओवाद/माओविचारधारा - जिन्दावाद !!



एकीकृत नेपाल कम्युनिष्ट पार्टी (माओवादी)  
Unified Communist Party of Nepal (Maoist)



केन्द्रीय समिति

Central Committee

पत्र संख्या :

चलानी नं.

May 28, 2009

The Honorable James Earl Carter  
39<sup>th</sup> President of the United States of America  
Co-Founder, the Carter Center  
C/o The carter Center – Nepal  
House No. 608/50  
Naxal-1, Hattisar  
Kathmandu, Nepal

Dear President Carter,

Thank you for your letter dated February 12, 2009. I appreciate your continued interest in Nepal's ongoing peace and constitution drafted process. My country is presently engaged in a challenging transition period and I am pleased to have the support of the carter center during this time. Your center observed the April 12, 2008 constituent Assembly election and has maintained a long-term presence in Nepal. I would welcome future support from your side including a continued international observation presence at the local level to observe the constitution drafting and strengthen the implementation of the peace process.

Sincerely

Pushpa Kamal Dahal (Prachanda)  
Chairman  
UCPN (Maoist)  
Kathmandu, Nepal





# मधेसी जन अधिकार फोरम, नेपाल Madheshee People's Rights Forum, Nepal



प. सं:- 065/66  
च. नं:- 490

E-mail: mprforum@yahoo.com

May 8, 2009

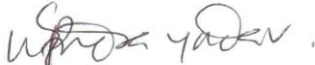
मिति: .....

Honourable James Earl Carter  
39th President of the United States of America  
Co-Founder, The Carter Center  
C/o The Carter Center-Nepal  
House No. 608/50  
Naxal -1, Hattisar  
Kathmandu, Nepal

Dear President Carter,

I would like to take this opportunity to express my sincere thanks to you for your letter dated February 12, 2009. I appreciate your continued interest in Nepal's ongoing peace and constitution drafting process. My country is presently engaged in a challenging transition period and I am pleased to have the support of the Carter Center during this time. It gives me pleasure to recall your kind presence in Nepal and The Carter Center's observation of the April 10, 2008 Constituent Assembly election. Indeed, The Carter Center has maintained a long-term and fruitful presence in Nepal. I would welcome future support from your side including a continued international observation presence at the local level to observe the constitution drafting and strengthen the implementation of the peace process.

Thank you.

  
Sincerely,

Upendra Yadav  
Chairman, Madheshee People's Rights Forum  
Kathmandu, Nepal



## Nepali Congress

Central Office  
BP Smriti Bhawan  
Lalitpur, Nepal



May 4, 2009

**The Honorable James Earl Carter**  
**39<sup>th</sup> President of the United States of America**  
**The Carter Centre**  
**Atlanta, USA.**

**Dear President Carter,**

Thank you for your letter dated February 12, 2009. I really appreciate your continued commitment to Nepal's ongoing Democratic-Peace and Constitution Promulgation Processes. My country, as you know well, is presently engaged in a challenging transition period and, in such a situation, I am happy to have your willingness to continue your support during this time as well.

As I know, the Carter Center has maintained a long-term presence here in Nepal. I welcome future cooperation from your side to observe and support the democratic peace process. It would, indeed, be helpful to have your continued involvement as now Nepal gears to achieve full-fledged democracy, independent judiciary, free media, apolitical national army and universal human rights, apart from lasting peace.

With personal regards,

**(G. P. Koirala)**  
President,  
Nepali Congress Party  
Kathmandu, NEPAL.



# Communist Party of Nepal

(Unified Marxist Leninist)

## Central Office

Madan Nagar, Balkhu, Kathmandu, Nepal

March 3, 2009



The Honorable James Earl Carter  
39th President of United States of America  
Co-Founder, The Carter Center  
c/o The Carter Center-Nepal  
House No.608/50  
Naxal-1, Hattisar  
Kathmandu, Nepal.

Dear President Carter,

Thank you for your letter dated February 12, 2009. I appreciate your continued interest in Nepal's ongoing peace and constitution drafting process. My country is presently engaged in a challenging transition period and I am pleased to have the support of the Carter Center during this time. Your Center observed the April 10, 2008 Constituent Assembly election and has maintained a long-term presence in Nepal. I would welcome future support from your side including a continued international observation presence at the local level to observe the constitution drafting and strengthen the implementation of the peace process.

Sincerely,

Jhala Nath Khanal  
Chairman

## APPENDIX F: COMPREHENSIVE LIST OF REPORTS AND STATEMENTS 2009–2014

All reports and statements are available on The Carter Center website at:

[https://www.cartercenter.org/news/publications/peace/democracy\\_publications/nepal-peace-reports.html](https://www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html).

### A. Reports

1	Local Level Peace Process and Political Trends	8/26/09
2	Carter Center Observations on Local Peace Committees*	11/6/09
3	Nepal's Security Environment	11/29/09
4	Federalism and Constitutional Issues in Nepal: Perspectives from the Local Level	2/22/10
5	Assessment of ECN Pilot Voter Registration Exercise*	6/16/10
6	Land Commitments in Nepal's Peace Process: What Has Been Achieved to Date?	6/22/10
7	Observations on Discharged PLA Combatants*	7/23/10
8	Local Political and Peace Process Trends	11/23/10
9	Brief overview of Political Dispute Resolution at the Local Level in Nepal	12/30/10
10	Political Party Youth Wings in Nepal	2/28/11
11	Observation Statement on the Election Commission of Nepal's Voter Registration Program	4/19/11
12	Carter Center Update on Local Peace Committees	5/10/11
13	Second Interim Observation Statement on the Election Commission of Nepal's Voter Registration Program	7/7/11
14	Political Space in Nepal: An assessment of recent changes and future challenges	8/4/11
15	Observations on Political Parties in Local Bodies	11/23/11
16	Third Interim Statement on the Election Commission of Nepal's Voter Registration Program	1/31/12
17	The Carter Center's Information Sessions on the Election Commission of Nepal's Voter Registration Program	5/9/12
18	Observations on recent identity-based mobilization in Nepal*	6/8/12
19	Land Commitments in Nepal's Peace Process: An update on implementation	6/20/12
20	Fourth Interim Statement on the Election Commission of Nepal's Voter Registration Program	7/26/12
21	Fifth Interim Statement on the Election Commission of Nepal's Voter Registration Program	2/28/13
22	Observations on Identity-Based Political Activity and Mobilizations in Nepal	3/13/13
23	Sixth Interim Statement on the Election Commission of Nepal's Voter Registration Program	10/1/13
24	Pre-Election Statement of the International Election Observation Mission to Nepal's 2013 Constituent Assembly Election	10/31/13
25	Statement of Preliminary Findings and Conclusions of the International Election Observation Mission to Nepal's 2013 Constituent Assembly Election	11/21/13
26	Local Governance in Nepal: Public Participation and Perception	2/28/14
27	Observing Nepal's 2013 Constituent Assembly Election: Final Report	5/16/14
28	Nepal After the 2013 Constituent Assembly Elections	6/26/14

**B. Situation Updates**

1	Consolidated observer reports, May 16-18, 2012*	5/20/12
2	Consolidated observer reports, May 19-21, 2012*	5/21/12
3	Consolidated observer reports, May 22-23, 2012*	5/23/12
4	Consolidated observer reports, May 23-25, 2012*	5/25/12
5	Consolidated observer reports, May 26-29, 2012*	5/29/12

**C. Public Statements**

1	Carter Center Continues to Support Nepal's Peace Process	7/10/09
2	Open Letter from Former U.S. President Jimmy Carter to the People of Nepal	2/4/10
3	Carter Center Condemns Attacks on Journalists in Nepal	3/5/10
4	Statement by Former U.S. President Jimmy Carter on the Death of Girija Prasad Koirala	3/22/10
5	Statement by The Carter Center on the Extension of Nepal's constituent assembly	5/30/11
6	The Carter Center Welcomes the Agreement by Nepal's Political Parties	11/3/11
7	Open Letter from Former U.S. President Jimmy Carter to the People of Nepal	3/14/12
8	Statement by Former U.S. President Jimmy Carter	5/24/12
9	Op-ed by Former U.S. President Jimmy Carter	1/8/13

Items marked with an asterisk (\*) were initially released privately to a smaller number of stakeholders due either to political sensitivities, data limitations or other factors that made a full public release inadvisable at the time of writing. These private reports are now publicly available on the Carter Center's website.

## APPENDIX G: SAMPLE OBSERVATION FORMS AND QUESTIONS

Note – This sample bi-weekly form has been modified in order to give a sense of the range of questions asked during the project. This form was revised multiple times over the course of the project as baseline data was developed and project data needs changed depending on political developments.

Bi-Weekly Report of Long-Term Observers	
Team:	
Dates covered:	
Total number of days spent in the field:	
District:	
VDC Name	Reason for visit
<p><b>Summary bullet points on key developments and trends in areas visited (at least one bullet per section (I-V) that sums up the main finding of the section):</b></p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	
<p><b><u>I. CONSTITUTION DRAFTING</u></b></p>	
<p>1) <u>Please interview a random mix of 10 citizens.</u> Where do citizens get their information about the constitution? Please explain as appropriate.</p>	
#	<b>Source</b>
	TOTAL NUMBER OF PEOPLE INTERVIEWED
	Radio/TV/newspaper
	Political party/identity group/civil society event (please describe:     )
	Family/friends/neighbors
	Don't Know/haven't heard about it
	Other (please explain) –
<p>2) For citizens who have heard about federalism, what are their perceptions of it? Why do citizens have positive, negative or mixed perceptions? (Explain)</p>	
#	<b>Perception</b>
	TOTAL NUMBER OF PEOPLE INTERVIEWED
	Positive
	Negative
	Mixed
	Neutral (Don't Know / Can't Say)
<p>3) What do citizens say when asked about the peace and constitutional processes? Do they have any reaction to ongoing debates and recent agreements?</p>	
<p>4) Any other notable points related to the constitutional process?</p>	

**II. IDENTITY GROUPS**

Please provide direct quotes and specific examples to illustrate your findings and be sure to cite your sources.

- 5) Please describe any notable political developments with identity groups in this district (programs, strikes, incidents, new alliances, seriously increased or reduced activities or presence of any groups, cultural groups becoming politicized, tension between a political party and its ethnic group sister wing, etc.). What are the relationships between different identity organizations in this district, or between identity organizations and political parties? Have discussions taken place between identity groups on federalism?
- 6) Have federalism discussions had an effect on existing communal relations? If so, please describe and provide specific examples where possible.
- 7) Any other notable points related to identity groups or identity politics?

**III. PEACE PROCESS**

Please provide direct quotes and specific examples to illustrate your findings and be sure to cite your sources.

- 8) Please describe the status of the return of seized land in the district, specifically:
  - a. Since the team’s last visit to the districts, has there been any change in the status of sized land? If so, describe. [Note – if there have been changes, you may wish to call Kathmandu HQ to help develop specific questions for follow-up]
  - b. Have there been any recent reports of new land seizures in the district? If so, what kind of land is involved (public or private) and who is alleged to have captured it?
  - c. Are there any serious land issues in the district that are not related to conflict-era seized land (please mention in brief only)?
- 9) Please provide an overall assessment of the LPC at the time of your visit via one of the following categories (note: if you marked “Y” under other activities or VDC LPCs, please explain below):

Mark	Status	CAP Apps?	Other Activities?	VDC LPCs?
	Not formed / defunct			
	Formed but does not meet regularly / inactive			
	Formed and meets regularly / functioning			
	Formed and making positive impact / active			

- a. Explain
  - b. What challenges or obstacles, if any, may be hampering the LPC’s effective functioning (lack of direction, dispute over coordinator position, confusion over roles/responsibilities, etc.)? Are all parties participating? Are any key actors excluded? Are UCPN(M) leaders boycotting the LPC?
  - c. What does the CDO and/or police think of the LPC’s role? What do parties/groups think about the LPC? Are citizens aware of the LPC? If so, what do they think is the LPC’s role? Are citizens aware of any issues or activities the LPC is undertaking?
- 10) Relief to Conflict-Affected Persons
  - a. How many applications have been filed? How many applications have been reviewed and/or approved? If ongoing, how are applications being reviewed and processed?
  - b. Which groups of people have received relief/compensation? What have they received? Which groups have yet to receive relief/compensation? Is this information deemed credible?
  - c. What have been the complaints, if any, about the process? What challenges are you observing?
  - d. What additional support, if any, is being requested of the government by conflict-affected persons?
  - e. Please describe any other notable developments or trends:

**IV. SECURITY ENVIRONMENT**

*Please provide direct quotes and specific examples to illustrate your findings and be sure to cite your sources.*

11) Over the last year do interlocutors tend to think that security in the district has (check one):

<input type="checkbox"/>	Improved significantly
<input type="checkbox"/>	Improved
<input type="checkbox"/>	Remained Stable
<input type="checkbox"/>	Deteriorated
<input type="checkbox"/>	Deteriorated significantly
<input type="checkbox"/>	Opinions too mixed to generalize

Please explain the reason for your selection:

- 12) How would you characterize the overall security environment in the district? You could consider several factors: public confidence in security and the police, evidence of recent changes in dynamics (as measured by frequency and severity of incidents), changes in police presence or behavior, etc.
- 13) Which groups are perceived to be contributing the most to insecurity – through violence and/or intimidation – in the district? Which communities (e.g., citizens, businesspeople, government officials) are most affected?
- 14) Are any organized groups such as party youth wings or others seen as active? Are they having an impact on the security environment?
  - a. Is there any evidence that party youth wings have engaged in recent interference in tender processes? Has the tendency for youth wings to be involved reportedly increased, decreased, or stayed the same? Please provide specific examples when possible.
- 15) If there are future elections, which part of this district (constituency, geographic region, etc.) do interlocutors think might have the greatest security challenges and why? Is this a district where it is likely there will be problems during an election?
- 16) Anything other notable points on security?

**IV. RAPID RESPONSE**

*This section is to quickly test new and timely questions about ongoing activities/changes related to the peace and constitution drafting process.*

- 17) Please ask about access to citizenship cards:
  - a. What do various interlocutors say about access to citizenship cards? Is access seen as a problem? If so, for what groups of people in particular?
  - b. Do DEO or DAO representatives believe that access to citizenship cards is an issue? Have they taken any steps to facilitate issuance of citizenship cards to people who might otherwise have difficulty accessing the process (such as mobile service delivery teams)?
  - c. What do citizens say about citizenship cards? Do they and their friends have them? Do they know people who do not have them? If so, what is the reason for their not having citizenship cards?

**FEEDBACK**

**\*\*\*Please note any feedback (positive and negative) shared with you by stakeholders about the organization, staff, past projects, or the current project\*\*\***

Stakeholder	Comment

**OPERATIONS**

**\*Please send your plan for the next two weeks.\***  
**\*Please remember to send your TCC Weekly Meeting Log along with this report\***  
**\*SPOT Report – on any key event, trend or, issue of note not adequately captured above\***



### Supplemental Observation Form: Land Return & Reform

Team:

Dates Covered:

Total number of days spent in the field:

District:

VDCs:

1. Please provide a summary of the situation regarding land in the district. How much land was seized during the conflict and by whom? How much land has been returned? How much remains unreturned? Please do your best to obtain official data.

2. Are there any notable trends in the type of land cases that exist currently (i.e. which land has not been returned, has been newly seized, etc.)

3. Please follow-up on cases within each of the categories below, if they are relevant in your district. (Please coordinate with TCC HQ to decide on particular cases of note)

- i.* Returned (e.g. landowner allowed to return and retain full control of land):
- ii.* Conditionally Returned (e.g. landowner not allowed to sell, must yield crop percentage, etc.):
- iii.* Unreturned (e.g. land seized before CPA by Maoists, expropriated by NA, etc.):
- iv.* Newly Seized (e.g. land seized since CPA, by Maoists, CPN(M)-Matrika Yadav etc.):

*i. If land has been returned:*

- a) What kind of land is it (agricultural, industrial, religious, other)?
- b) How did the process work? Who initiated the process?
- c) When did the return take place?
- d) Is everyone now satisfied? Are there any concerns?

*ii. If land has been conditionally returned:*

- a) What kind of land is it (agricultural, industrial, religious, other)? Who does the land belong to?
- b) What are the conditions? What reason is given by those who seized it for conditional return?
- c) Is the landowner present in the district? What attempts have been made by the landowner, if any, to resolve the situation?
- d) Who is occupying the land? What is their perspective on the situation?
- e) What is the likelihood of conflict due to this situation? Have there been any incidents of conflict?

*iii. If land has not been returned:*

- a) What kind of land is it (agricultural, industrial, religious, other)? Who does the land belong to?
- b) What is the reason that the land has not been returned?
- c) Is the land currently occupied? If so, by whom (landless tillers, party cadres, etc.)?
- d) What attempts have been made by the landowner, if any, to reclaim the land? If attempts have been made, why have they been unsuccessful?
- e) What is the likelihood of conflict due to this situation? Have there been any incidents of conflict?

*iv. If land has been newly seized:*

- a) What kind of land is it (agricultural, industrial, religious, other)? Who does the land belong to?
- b) Who is reportedly responsible for the seizure? What was the reason given for why that particular land was it seized?
- c) Is the land currently occupied? If so, by whom (landless tillers, party cadres, etc.)? What terms have specified to those occupying the land?
- d) What attempts have been made by the landowner, if any, to reclaim the land? If attempts have been made, why have they been unsuccessful?
- e) What is the likelihood of conflict due to this situation? Have there been any incidents of conflict?

4. Please describe the level of popular support which exists for land seizures. Are citizens supportive, sympathetic, apathetic, dismissive, or opposed?

5. If a case regarding a land seizure you reported on above was reported by the media, did the media accurately portray the incident or did it not adequately describe the incident in total?

6. Please describe any other notable land-related issues that are not addressed in the questions above. Describe the nature of the issue and the reasons for why it is important.

### Supplemental Observation Form – Event-Based Observation

Team:  
Date(s):  
District:  
Municipality/VDC:

Type of program (choose one or more; **bold** your selections)

Interaction program	Bandh/strike
Workshop	Internal meeting
Public rally	Picketing of government office
Other (describe):	

Venue/location:

Sponsoring organizations:

Topic, theme, or stated purpose of the event:

Estimated # of attendees:

- 1) Describe the general tone of the program (i.e., peaceful or aggressive) and the level of participant/audience enthusiasm (high, low, mixed).
- 2) Describe the general composition of the audience in terms of their place of origin (urban/rural), age, caste/ethnicity, gender, apparent level of education, degree of association with the organization, or any other relevant characteristics. In short, who attended?
- 3) Who led or addressed the program? In brief, what issues did they discuss, and what demands did they make?
- 4) Were there any clashes, instances of violence, or other tensions? Please describe what happened and who was involved.
- 5) Were police presence and behavior appropriate?
- 6) Provide your overall analysis of the program. Does it indicate anything about local political dynamics, organizational strength, or communal relations?
- 7) Discreetly interview at least ten randomly-selected attendees to address the following questions (a descriptive summary rather than numerical breakdown is fine, but feel free to give numbers as well):

# of attendees interviewed:

- a) How (i.e., through what networks) were attendees mobilized to attend? How did they learn about the program?
- b) What reasons did they give for attending?
- c) Did the organizers offset attendees' expenses in any way, for example by providing buses, a travel allowance, etc.?
- d) Is there any evidence that any attendees were coerced into attending, or feared the consequences if they did not attend?

## **THE CARTER CENTER AT A GLANCE**

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care.

Please visit [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.

