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Final Report

THE
CARTER CE N R

FOREWORD

I am pleased to share this report on t K H & D U W H U & H Q W H U ¶ V Z R U N W R V X S S R U W 1 H process. 6 L Q F H R X U I L U V W Y L V L W W R 1 H S D O L Q development \ Q Q D Q G , F O R V H O \ , W K D V E H H Q R X U S U L Y L O H J H W R R E V H U Y H 1 H S D O ¶ V H democracy and to encourage continued progress.

This transition has F U H D W H G D V L J Q L I L F D Q W R S S R U W X Q L W L H V I R U W K H F R X C 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.

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 &HQWHU¶V IXWXUH DFWLYLWLHV, but also for members of civil society, 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 $JHQF\ IRU ,QWHUQDWLRQDO 'HYHORSPHQW WKH 8QLWHG .LQJGRP 'HSDUWPHQW IRU ,QWHUQDWLRQDO 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

TRANSITION-MONITORING PROJECT[1]

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

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  local level in order to support better-informed policy decisions and advocacy efforts

Recognizing that the &HQWHU¶V LQWHUQDWLRQDO HOHFWLRQ REVHUYDWLR
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

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**

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

1 H S D O ¶ V S R O L W L F D O W U D Q V L W L R Q 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 ² domestic and international ² 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.

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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 JXDUDQWHHV UHVSHFW IRU 1HSDO¶V ULFK GLYHUVLW\ DQG DFFH 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) 1HSDO¶V SROLWLFDO OHDGHUV VKRXOG IRFXV RQ HFRQRPLF HIIRUWV WR PRYH WKHLU FRXQWU\¶V SROLWLFDO WUDQVLWL clean water, jobs, and health care ² 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) 1HSDO¶V GHPRFUDWLF LQVWLWXWLRQV UHPDLQ ZHDN DQG D 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.

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Report Outline

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POLITICAL CONTEXT

HISTORICAL BACKGROUND

Nepal is a South Asian nation of approximately 26.5 million people[2] 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

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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

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 lead 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 D ³QRQSROLWLFDO´ 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 GHFLVLRQV RI 1HSDO¶V SROLWLFDO WUDQVLWLRQ PRVW SURPLQ 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 7KH &DUWHU &HQWHU¶V ILQDO UHSRUW ³2 Constituent Assembly (OHFWLRQ ´

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.

2012, June

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 ZHHNV¶ GXUDWLRQ ZKLFK LQFOXGHG ILHOG YLVLWV RI URXJKO\ 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.

Sample Long-Term Observer Team Schedule

Day 1 'ULYH IURP WKH Nepalgunj field office to Rukum district headquarters
Day 2: Interviews in Rukum
Day 3: Interviews in Rukum
Day 4: Drive to Pipal/Interviews in Pipal
Day 5: Interviews in Pipal/Drive to Sobha
Day 6: Interviews in Sobha
Day 7: Walk to Mahat
Day 8: Interviews in Mahat
Day 9: Walk to Sobha
Days 10-11: Return to Nepalgunj
Days 12-14: Report writing; team administration

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 dev

Chief district officers
VDC chairmen
Nepal police
Armed police force
Political party leaders
Journalists
Human rights defenders
:RPHQ¶V JURX
Landowners
Tenant farmers
Former bonded laborers
Teachers

School management committee members
Project users groups
Professional associations
Traditional council members
Indigenous leaders
Identity activists
Trade unions
U.N. international nongovernmental staff
Business owners
Builders/contractors

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 PHGLD DQG SURPRWHG DFFXUDWH FRYHUDJH RI WKH REVHUYHU

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 FRQWDLQHG LQ WKH &HQWHU¶V UHSRUWV ,Q DGGLWLRQ WKH S 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 &HQWHU H[SHULPHQWHG ZLWK KROGLQJ VWDNHKROGHUV¶ VHVVL 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 ILQGLQJV IURP WKH &HQWHU¶V 7KLUG ,QWHULP 6WDWHPHQW RQ

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 -XQH WKH &HQWHU FRQGXFWHG D VHFRQG URXQG RI UHJLRQ 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 PDNH XVH RI WKHP GHVSLWH WKHLU UHVWULFWHG GLVWULEXWLRQ These reports ² which included a background paper on local peace committees

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[8].

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[9], 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.

7KH &HQWHU¶V DELOLW\ WR IRFXV LWV DUHDV RI LQTXLU\ ZDV U 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 **UHJLRQDO VWDNHKROGHU** 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

[8] For a full list RI 3UHVLGHQW &DUWHU¶V SXEOLF VWDWHPHQWV, please see 7KH &DUWHU &HQWHU LQ 1HSDO 5HSRUWV DQG 6WDWHPHQWV. LQ the Appendix of this report.

[9] Local peace committees were formed as part of the peace process and were intended to support peace building at the district and village level.

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 briefings: [illegible] 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.

- 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 processes 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,

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. &RQVXPHUV RI WKH SURMHFW¶V UHSRUWLQJ RXWSXWV SRIWHQ 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 ZDV WR FROOHFW GDWD IURP D ODUJH QXPEHU RI GLVWULFWV 7 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

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.

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 and Center political transition observers were able to qualitatively demonstrate the continued support of the Center's ability to successfully implement a 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, where it can relatively quickly and easily tell if the number 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 in Nepal was to support efforts to consolidate democratic governance and contribute to sustainable peace. One specific 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 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 ² and potentially make better-informed decisions ² 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 were to demonstrate the continued support of the international community for Nepal's political transition, encourage inclusive 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 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, t

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  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,

- ³The 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. ´
- ³Stakeholders almost unanimously describe finding the greatest value of the project in the reports because they provide them with

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 SURMHFW¶V FRPPLWPHQW WR LWV UROH DV DQ LPSDUWLDO 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 ¶V political monitoring activities in Nepal ² like WKH &HQWHU¶V work on election observation ² 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 DQ\RQH LQWHUHVWHG WR DFFHVV WKHP 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 WKH &HQWHU¶V UHSRUWV 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

Many

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 pr R M H F W ³ J L Y H E D F N 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.[14]

SecurityEnvironment

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

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

2QH RI WKH PRVW FORVHO\ ZDWFKHG LVVXHV LQ 1HSDO¶V SHDFH KDG UHRSHQHG IRU DOO RI 1HSDO¶V SDUWLHV DQG FLWL]HQV DI 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 ² or had not ² ³WUDQVIRUPHG´ LQWR D SDU 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 WUDQVIRUP WKH SDUW\¶V UHIXVDO WR IXOO\ UHVSHFW WKH IUH 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 asse V V H G W K H D E L O L W \ 1 H S D O ¶ V S R O L W L F D O S D 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 D W W U L E X W H G W R 0 D R L V W F D G U H V U D Ó V H Q W K H L U ³ Z D U W L P H ³ G H P R F U D W L F ´ F L W L] H Q V O R V L Q J W K H L U I H D U R I W K H 0 D R L L Q F U H D V L Q J O \ O R X Q G P ´ H D Q G R Y H U S D U W L F L S D W L R Q L Q 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 p

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

<RXWK LQ 1HSDO KDYH KLVWRULFDOO\ SOD\HG D FULWLFDO UROH in Nepal's 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

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

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 GLVWULEXWLRQ KDYH D ORQJ KLVWRU\ /DQG ZDV DOVR D FHQWU then-Communist Party of Nepal (Maoist) ¶V LQLWLDO GHPDQGV, issued in 1996, the party called for ³ODQG XQGHU WKH IWWQWU HXGDO V\VWHP >WR EH@ FRQILVFDWHG DQG DQG IRU ODQG EHORQJLQJ WR FHUWDLQ FODVVHV RI SHRSOH WR 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

- **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 DVVLVWDQFH IURP WKH JRYHUQPHQW LQFOXGLQJ FDVK SD\PHQW 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,

- **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

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

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

Major findings are summarized below:

- **The new voter register was a major improvement in the 2013 electoral process.** Despite

financial support for an audit. Positively, political parties had access to the voter roll during the

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, 1 H S D Q¶V 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

- 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.

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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 (³ 3 U D F K D Q G D ´ 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- 0 D G K H V L 3 H R S O H ¶ V 5 L J) R U X P I R U L Q Y L W L Q J W K H & H Q W H U W R R E Y H U V H H D O ¶ V S H D F H also thanks all of the political party representatives at the national, district, and local levels that have Z H O F R P H G D Q G P H W Z L W K X V R Y H U W K H \ H D U V W R V K D U H W K H L U

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

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.

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transition process and did their u W P R V W W R X Q G H U V W D Q G W K H F R P S O H [L W L H V R
geographic environment and to be respectful and sensitive international observers.

APPENDIX C: KEY TERMS AND ABBREVIATIONS

CPA	Comprehensive Peace Agreement
CPN –M	Communist Party of Nepal (Maoist)
CPN –UML	Communist Party of Nepal (Unified Marxist –Leninist)
ECN	Election Commission of Nepal
IEC	Interim Election Council
INSEC	Informal Sector Service Center
LPC	Local Peace Committee
MPRF	0 D G K H V L 3 H R S O H ¶ V 5 L J K W V) R U X P
NC	Nepali Congress
PLA	3 H R S O H ¶ V / L E H U D W L R Q $ U P \
RPP	Rastriya Prajantantra Party
SPA	Seven-Party Alliance
UCPN(M)	Unified Communist Party of Nepal (Maoist)
UNMIN	United Nations Mission in Nepal
VDC	Village Development Committee
YCL	Young Communist League

APPENDIX D: THE 2008 CONSTITUENT ASSEMBLY ELECTION OBSERVATION FINDINGS

1 H S D O ¶ V constituent assembly H O H F W L R Q Z D V D Q L P S R U W D Q W P L O H V W R Q H D Q G S U R V S H U L W \ 7 K H H O H F W L R P p 6gD (• p 1 1 H S D O ¶ V S R • ð L W L F D O end of the decade-long conflict, and triggered a challenging new phase of the process. Additionally, for W K H -action measures to include representatives of marginalized groups (e.g., women, Madhesis, Janajatis, Dalits, and others) were undertaken. The efforts to achieve div

The voter registration SURFHVV VXIIHUHG GXH WR FLUFXPVWDQFHV ODUJH 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 DQG WKH 0DGKHVL 3HRSOH¶V Alogether 25 parties secured seats in the new CA, DWV 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.[21]

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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APPENDIX E: LETTERS OF INVITATION

Unified Communist Part of Nepal (Maoist)

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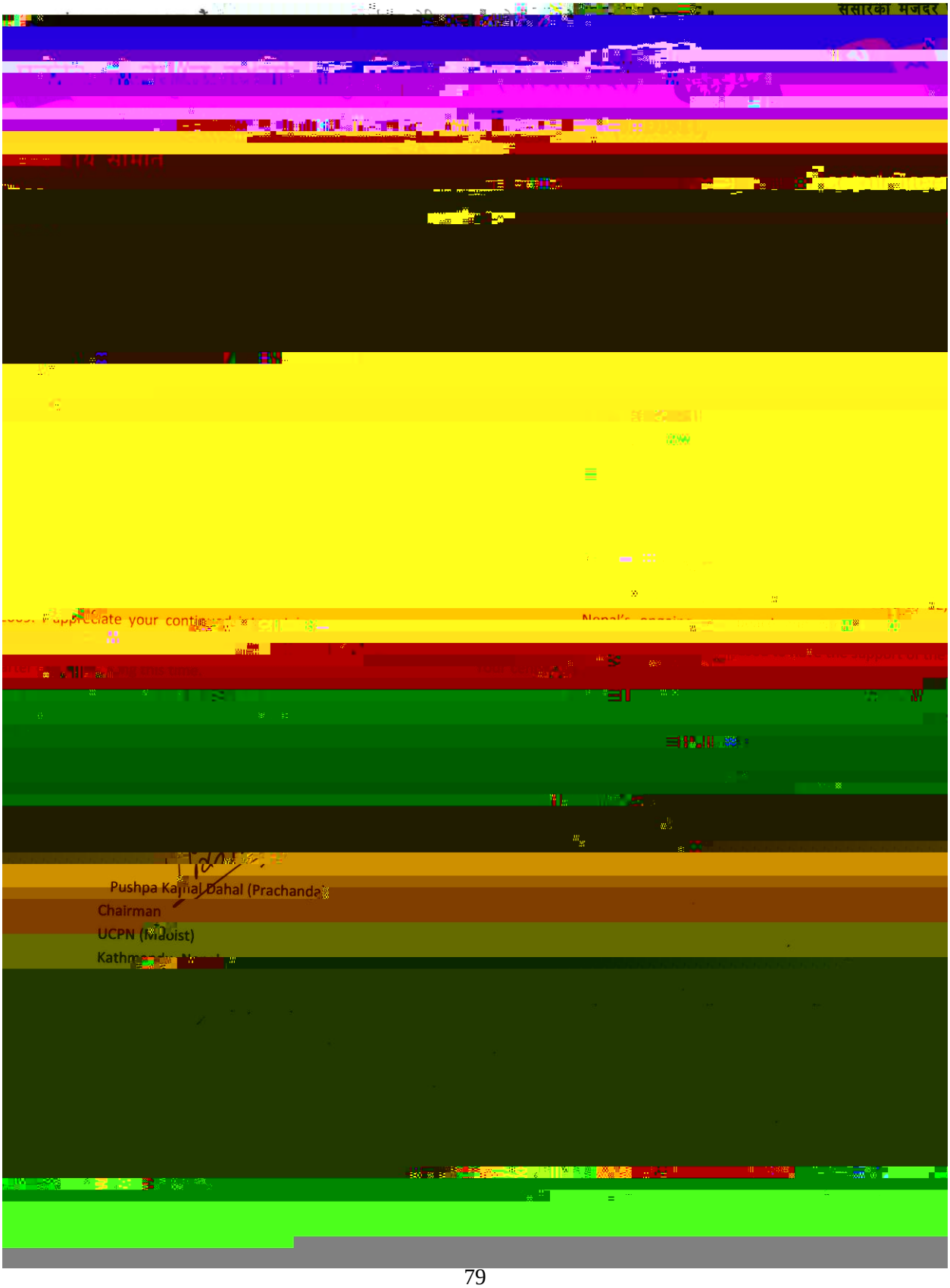
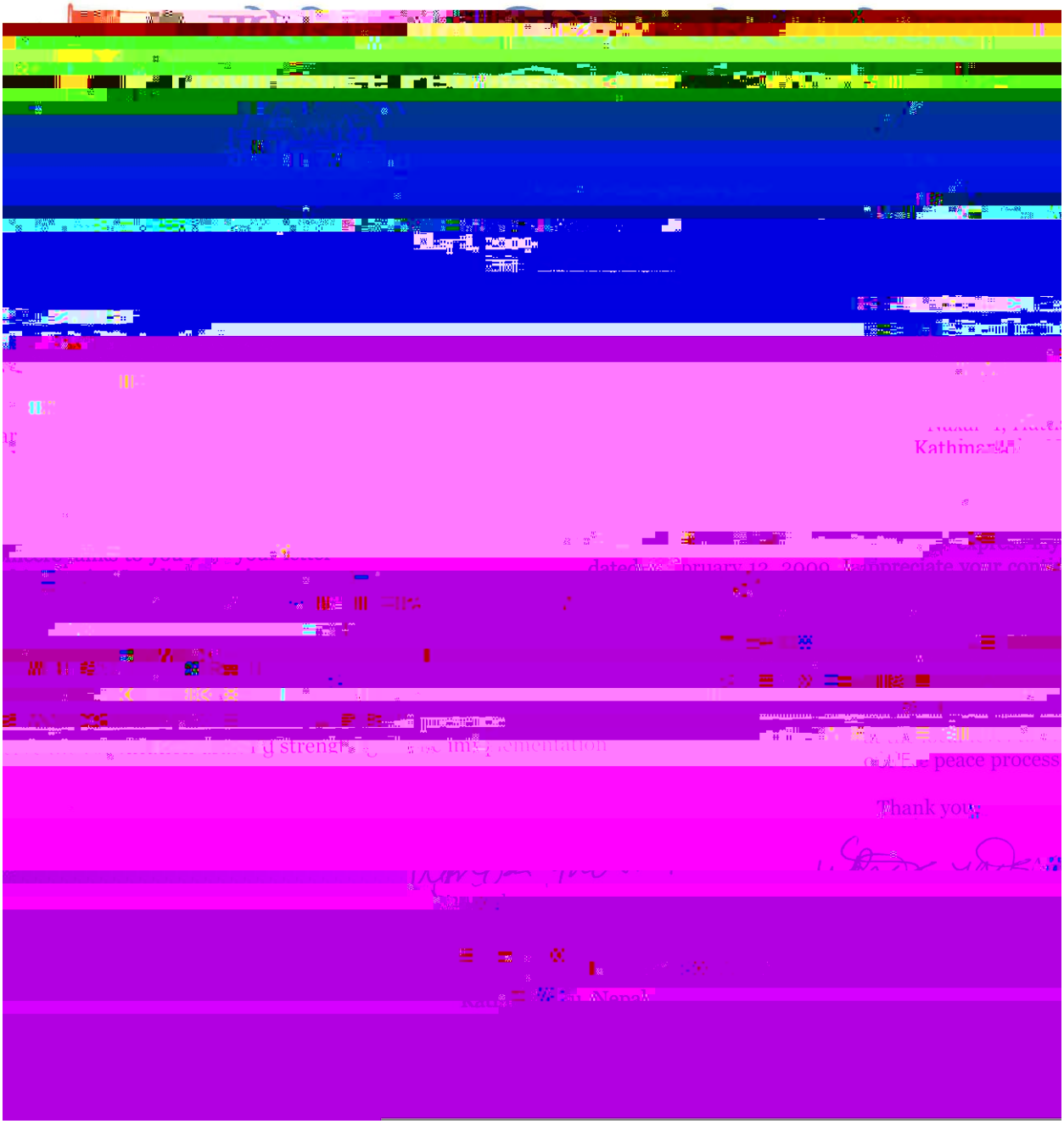
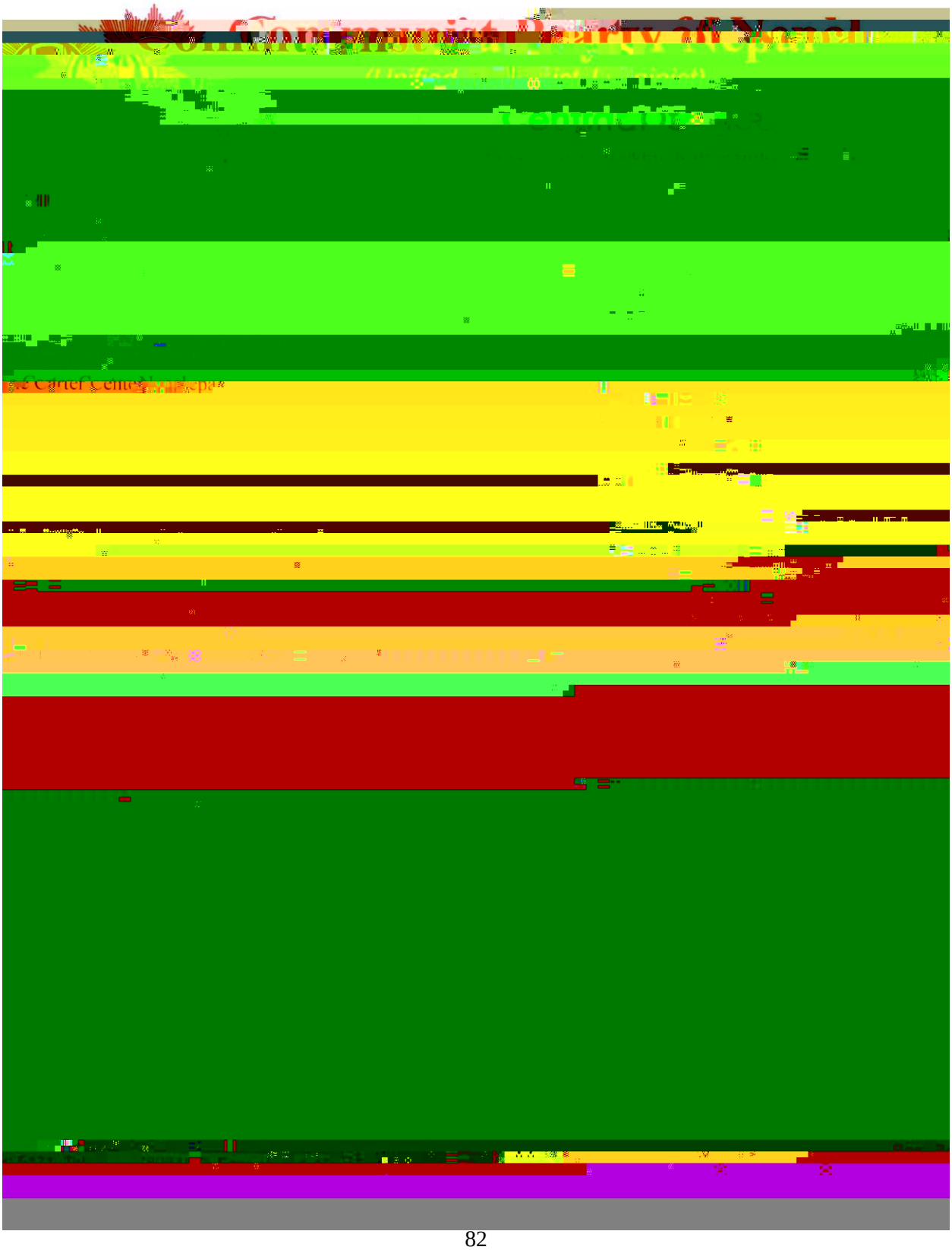

Pushpa Kamal Dahal (Prachanda)
Chairman
UCPN (Maoist)





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*	

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 places between identity groups on federalism?

6)

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

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?

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 CARTER CENTER AT A GLANCE

The Carter Center was