

Support to Participatory Constitution Building
in Nepal project (SPCBN)

Stakeholder Consultation Report

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Executive Summary

The project on Support to Participatory Constitution Building in Nepal (SPCBN) kicked off in April 2008 has been an important intervention in the ongoing constitution building process in Nepal.

The intended outcome of the project is "increased access to participation in constitution building and free and fair electoral processes." The Output 1 to attain this outcome is "capacities of constituent assembly (CA) delegates and technical advisors developed to produce a new constitution (subject to the CA's request)' and constituent assembly secretariat and CA committee systems and procedures strengthened to support the CA". The output 2 is towards the "selected civil society organizations supported to facilitate political empowerment of excluded groups and their participation in the development of new constitution."

Output 1 has two major activities. The first is to support the Constituent Assembly (CA) Secretariat including support of CA Committees and CA members. The second activity is to support the establishment of the resource center for providing advice, training, information and forum of dialogue. The Center for Constitutional Dialogue (CCD) stands prominently for attaining this output. The output 2 on the other hand has five key activity centers. The first is to develop and implement civil society support strategy through a grant program. The second involves implementing a communication and outreach strategy; the third and fourth is related to strengthen community radio and television and their capacity to promote engagement in the constitution building process. The last activity is to support constitution building network of 30,000 community groups.

The overall finding of the stakeholder consultation is that the project has achieved to a large extent what was aimed in the project document in both the areas of infrastructural support and facilitating public participation in constitution building. The record indicates that the programme have been comparatively beneficial to CA members who came from social groups that are historically excluded or those who are at lower rung of the party hierarchy.

The year 2008 was primarily focused on building ground work. During the year the project supported to set up the assembly's physical and institutional infrastructure to ensure successful functioning. As 2009 approached, the project successfully broadened the understanding of CA and civil society members on constitutional and state restructuring issues. The project reports show that during the year 2010, the project provided 1,020 pieces of expert advice to CA members, ran 40 CCD Constitutional Dialogues with 3,491 participants, 13 federalism dialogue in proposed capital of the provinces on constitutional issues, carried out 45 studies and distributed 150,000 summaries of the 11 CA thematic committee reports. During the year 4,627 Democratic Dialogue were reported to have conducted at VDC and Constituency levels on CA thematic Committee reports with participation of 259,708 citizens. Other notable achievement of the year include seminar for government officials in four development regions from 15 districts on state restructuring along support to CA indigenous CA Women's Caucus. The later project period in particular, the year of 2011 concentrated on strategic interventions to facilitate the process for reaching consensus and accommodation of key contentious constitutional issues.

The first impact of the project could be considered as creation of enabling environment for the constitution making task through setting of infrastructure in CA Secretariat and Committee offices, and making the technical and advisory services available when needed to CA members. The second impact is increased capacity of the CA members especially those coming from excluded communities. In terms of the content, the projects' impact may be seen in the reference made by various CA committees in their report of the information they have received through CCD and through acknowledgements made. An active link that the process of constitution making was able to maintain with the international community through the work of project can also be seen as important result of the work. The limited participation of the senior leaders especially from the bigger political parties, on the other hand shows missed opportunity on the part of political leaders to use the facilities made available through the project.

The six-month extension of the CA has given extra opportunities to the CA to complete the unfulfilled task of constitution writing and give a new constitution to the nation. The project should continue to provide technical expertise to the CA members and other stakeholders in all contentious issues that need to be resolved before finalizing the first draft of the constitution. They include the form of government, electoral system, federalization issues, and transition management under the new constitution. International expertise and provision of consultation might help the leaders to develop options when they are needed. The project needs to provide forum for these stakeholders without interruption. Any options developed and recommended by the Report of the State Restructuring Commission to the CA on restructuring (federalization) issues must also be discussed with focus that it deserves.

The project might also think of brining experts to comment on the draft constitution by the Constitutional Committee for facilitating wider sharing and feed back. The first draft, as soon as it is finalized and approved by the plenary of the House, should be taken to the people for further discussions and feedback. Some major features of the new constitution like executive, legislative, and judiciary and electoral system, federal set up, and the nature of the local self-governments must be sufficiently discussed for popular feedback and ownership. The draft must also be reviewed by an inclusive team of independent experts, both local and foreign, or a combination of both, with a view to provide it to Constitutional Committee – the principal drafting organ. It is advisable to engage the caucuses of different groups in this process. There is no need to change the modality (seminar, discussion, consultation, meetings, etc) of providing such assistance.

The project, which is to be closed after June 2012, needs continuity even after the six month period in order to work on transitional issues and preparation of implementation of new constitution following the promulgation of the constitution. As such, it must think of a proper close out system. Any loss of the institutional memory of the project during the transition process might be harmful for the overall policy of strengthening the transitional management. The management of the project must start planning on the imperatives to meet these expectations. The evaluation team believes that the danger of the constitution building process being converted into a failed exercise is still there, even if it is a remote possibility now. As risk mitigation strategy, this necessitates the project and donors as well to keep their line of communication with political segments open, pursue the stakeholders to work-out a negotiated document without compromising basic principles of democracy.

Three strategic priorities, may be summed up for the next period; a) continue on facilitating transition through open dialogue and resolving contentious issues; b) keep continuous focus on inclusion and right of the marginalized including Dalits, indigenous peoples, Madhesis, women, Muslims and others; and c) prepare a back-up plan for in case the constitution could not come out on the proposed time.

I. Background and objectives

1. Since May 2008 the UNDP and its partners have been providing a wide-range of support to Nepal's constitution building process through its Support to Participatory Constitution Building in Nepal project (SPCBN). The project aimed at facilitating the connection between Nepal's newly elected Constituent Assembly (CA) members and the citizenry by responding to two primary needs; ensuring the successful establishment and functioning of the constituent assembly, and facilitating widespread, balanced and meaningful public involvement in the constitution building process. The project is based upon the premise that in the context of constitution making, the participatory, democratic and inclusive process is as crucial as the end product itself. The project was thought to be instrumental in addressing the three challenges Nepal is facing in making its new constitution as articulated in the situation analysis. The three challenges include; providing for the effective functioning of the Constituent Assembly; insuring an inclusive constitution building process; and producing a constitution that addresses Nepal's fundamental political, social and economic needs.
2. Over the period of last three and half years, the SPCBN has provided support in three major areas. The first is in assisting the members of the CA, the Secretariat, technical advisors, and support staff, to ensure that they have the infrastructure, information, technical assistance, training, outreach capacity and other tools they need to work effectively. The second area of work involved facilitating dialogue between the CA and the public so that the concerns of all stakeholders can be understood and constructively considered. Within the ambit of the second work area, Center for Constitutional Dialogue (CCD) was established to function as a resource center and a space for democratic dialogue. The third area was to support public outreach through television, radio and community mobilization activities focused on increasing public knowledge of the constitutional process and the work of the Constituent Assembly.
3. The SPCBN builds on the past experiences and achievements of the initiatives that the UNDP has implemented on the constitutional building as it evolved through a close engagement on the issue of peace and constitution building processes in Nepal. For example, the UNDP implemented a project on "Support to Constitution Building Process in Nepal" between November 2006 and April 2008 which was a preparatory initiative that fostered debate about state restructuring leading up to the Constitutional Assembly election. Another related project ran by UNDP on constitution making was "Participation in Peace and Constitution Building" implement during July 2007-September 2008 which helped raise awareness about the Constituent Assembly election and restructuring of the state and other topical issues through broadcasting debates and popular radio drama.

4. The SPCBN project was initially designed for a three-year period from May 2008 to December 2010. To coincide with the new term of the CA for constitution drafting, the project was later extended till end of 2011. The main partners of the project were the Constituent Assembly, its Secretariat and its' members. The project was being implemented with total budget of USD 15.9 million. The UNDP contributed 42.1% of the total budget while other donor contributions included; DFID (17.6%), Denmark (16.4%), Norway (11.3%), British Embassy (6.3%) and rest by BCPR (5.0%), and Austria (2%). The funding support from different donors came for certain periods. For example, funding support from Denmark continued only till 2010.
5. The SPCBN project document explains that the project is being formulated within the United Nations Development Assistance Framework (UNDAF) for Nepal 2008-2010. The project was designed in a way as to contribute to one of the outcomes of UNDAF stated as "National institutions, processes and initiatives to consolidate peace are strengthened." Further, the project is also conceived to be contributing to output 1 and 2 of the Country Programme Action Plan 2008-2010 which was developed with and signed by the Government of Nepal. Given that the Constituent Assembly is a single-purpose body with a specified time limit on its life, the project strategized for supporting CA "*on time*" and "*as requested*."
6. The partnership strategy of the project is to work in close collaboration and coordination with national and international bodies in providing technical advice and capacity development support for the CA delegates and other key actors. For the component focusing on public engagement in the constitution making process, partnerships were being forged with community outreach network to support the social mobilization aspects of the activities. Community radio has also been one of the key media vehicles for the public information and engagement. The project worked through developing partnership strategy to support civil society organization representing traditionally excluded groups.
7. With a view to SPCBN project coming towards end, in particular the decision to close down the CCD and also in cognizance of the extension of term of Constituent Assembly for another six month, the Project Board meeting in September 2011 decided to conduct a review of the project by an independent evaluation team. Following this decision a quick stakeholder consultation of SPCBN project was commissioned in December 2011. The primary purpose of the consultation was to assess the programme and activities with a view to ascertain the impact of the project in terms of its contribution to the constitution building process of Nepal. As outlined in the Terms of Reference (Appendix I) for the task the consultation was envisioned to be an independent one to be carried out by a two-member team and had the following two key specific objectives:
 - to assess whether the SPCBN project is meeting the goals and targets set for it under its Project Document,

- to assess the overall results in terms of its impact and make recommendations on the way forward;
8. The exercise of stakeholder consultation involved interactions with a range of stakeholders and involved more than a hundred individuals over the period of a month of December 2011. Starting with the project senior management, the consultations were held with civil society members, independent experts and CA members. The CA members being the primary stakeholders of the project, intensive interaction were held with diverse groups from within this institution, including various caucuses, in term of their party affiliation, social background, gender and degree of involvement with work of SPCBN. The consultation methods also ranged from individual meeting, Focus Group Discussion, questionnaire survey and interview by phone. The team was able to reach more than 70 CA members to obtain their views within a short span of time. The list of the people consulted during the work is provided in the Annex II. The consultations were aimed at obtaining the responses from SPCBN stakeholders in terms of its work and the evidence of impact of the project; and to evaluate the impact of the project towards facilitating a democratic, participatory and inclusive constitution building process and to make any recommendations for the way forward.
 9. This report presents the findings of these consultations. The two sections following this presents stakeholders views and discussion on the performance of the projects in terms of its goal and targets set in the project document together with overall result and general impact. This also is related to brief section that follows on the met or unmet expectations of and from the donors. Sections following this are more of future oriented in scope. Starting with summary on areas of improvement for the project, this section offers suggestions on the possible priorities for the next six months to coincide with the CA schedule of constitution making. In order for effective implementation, it also summarizes the key points emerged from the stakeholders' consultations on the management imperative and risk scenario/mitigation strategies.

II. Project performance in relation to goals and targets

10. The intended outcome of the project as stated in the project document is "increased access to participation in constitution building and free and fair electoral processes." There are two outputs for attaining this outcome. The Output 1 is "capacities of constituent assembly (CA) delegates and technical advisors developed to produce a new constitution (subject to the CA's request)' and constituent assembly secretariat and CA committee systems and procedures strengthened to support the CA". The output 2 is towards the "selected civil society organizations supported to facilitate political empowerment of excluded groups and their participation in the development of new constitution."

11. Output 1 has two major activities. The first is to support the Constituent Assembly (CA) Secretariat including support of CA Committees and CA members. The second activity is to support the establishment of the resource center for providing advice, training, information and forum of dialogue. The Center for Constitutional Dialogue (CCD) stands prominently for attaining this output.
12. The output 2 on the other hand has five key activity centers. The first is to develop and implement civil society support strategy through a grant program. The second involves implementing a communication and outreach strategy; the third and fourth is related to strengthen community radio and television and their capacity to promote engagement in the constitution building process. The last activity is to support constitution building network of 30,000 community groups.
13. The year 2008 was primarily focused on building ground work. During the year the project supported to set up the Assembly's physical and institutional infrastructure to ensure successful functioning. For example, based on the needs assessment of the CA Secretariat and Committees, 30 rental vehicles and furniture to the CA Committee rooms were provided during the year along orientation to 105 CA delegates, various workshops and seminars held in national and regional levels. During its first year, various publications also came out including 11,000 copies of bilingual Interim Constitution, briefing papers and others. The website launched on the year received 2,684 visitors in its' first seven months.
14. As 2009 approached, the project has successfully broadened the understanding of CA and civil society members on constitutional and state restructuring issues. CCD can be credited for large part for this success. CCD was set up on January 2009 in the location near the CA with aim to provide technical resources, an open and neutral dialogue space and a facility for interaction between CA members, experts, civil society and the interested public. The report shows that by the end of 2009, the center received 29,286 visitors. The center also provided training to about 400 CA members on various areas including communication, negotiations for consensus, computer and others. The report also shows that it has hosted more than 180 meetings including discussion on draft concept papers submitted by the CA committees.
15. The project reports show that during the year 2010, the project provided 1,020 pieces of expert advice to CA members, ran 40 CCD Constitutional Dialogues with 3,491 participants, 13 federalism dialogue in proposed capital of the provinces on constitutional issues, carried out 45 studies and distributed 150,000 summaries of the 11 CA thematic committee reports. During the year 4,627 Democratic Dialogue were reported to have conducted at VDC and Constituency levels on CA thematic Committee reports with participation of 259,708 citizens. Other notable achievement of the year include seminar for government officials in four development regions from 15 districts on state restructuring along support to CA indigenous CA Women's Caucus.

16. The possibility for participation and dialogue through CCD in constitution making was valued by many stakeholders. The analysis of the figures available for the year of 2009 and 2010 shows that a total of 765 CA members took part in the programmes organized in/by CCD. The total visits by these CA members were counted to be 4,546 in two years. Altogether members from 26 political parties visited the CCD of which CA members belonging to three major parties Communist Party of Nepal (Maoists), Communist Party of Nepal (U.M.L.), and Nepali Congress had participation respectively of 37.17%, 23.56% and 17.93%. It is interesting to note that nine parties in addition to above including Madhesi People's Rights Forum, Tarai Madesh Loktantrik Party, Communist Party of Nepal (ML), Rastriya Prajatantra Party, Sadhvawana Party, and Communist Party of Nepal (United) sent around 95% of the participants in CCD activities.
17. In terms of the gender and social composition of the CA members who participated in the CCD programmes, the analysis shows female participation in around 41% of the total. This is in a sense encouraging in terms of women leaders active participation in dialogue and capacity building programme. The social composition of the participants also shows an encouraging trend. For example, hill Bahun/Chhetri had 34%, Madhes Brahman/Chhetri 2% and Madhes caste groups 15% while hill and Tarai Janajati had respectively 28% and 8% participation in the programme. Dalit participation, however could be seen as comparatively lower with 7% participation of hill Dalit and 3% Madeshi Dalits in the programme. Muslims also seems to have encouraging trend in terms of their participation (3%).
18. The record indicates that the programme appears to have been comparatively beneficial to CA members who come from social groups that are historically excluded or those who are at lower rung of the party hierarchy. The limited participation of the senior leaders especially from the bigger political parties, on the other hand shows missed opportunity on the part of political leaders to use the facilities made available through the project for deepening dialogue and shaping public opinions including for consensus building. A number of CA members noted that the senior leaders of the major political parties have not taken proactive initiatives to participate in the CCD programmes. The records corroborate this observation although names of some senior leaders such as Subash Nembang, Barshman Pun, Ram Chandra Paudel, Bijaya Gachchhadar appear sporadically. They most probably have visited CCD for formal sessions than in the substantive discussion workshops.
19. Publication was another major product of the project towards raising awareness and fostering dialogue on the constitution building. By the end of 2011, the project has published materials in more than 50 titles. Of the total publications, 73% were published in both Nepali and English languages. In addition to this, nine booklets in series covering various themes relevant to federalism and constitution were published in six more languages besides English and Nepali. The six languages include Maithili,

Bhojpuri, Tharu, Magar, Tamang and Newari. Together with publication, the website maintained by CCD was an important resource for people from different sections including, politics, academic, international community, civil society, students among others both inside and outside the country.

20. The general impression of the team following its consultation with major groups of stakeholders including the CA members is that the project has been largely successful in its overall objective of facilitating the connection between Nepal's newly elected Assembly members and the citizenry by responding to two primary needs: infrastructural support to the Constituent Assembly as were needed and facilitating public participation in constitution building. The first two years of activities involved a wide cross-section of people particularly from the marginalized groups in the constitution making process. The discussions on fundamental rights, the rights of minorities and indigenous people, the system of government, the federalization issues were specifically mentioned as example.
21. The later period in particular, the year of 2011 concentrated on strategic interventions to facilitate the process for reaching consensus and accommodation of key constitutional issues. This entailed the development of options to bridge the gaps between the main political actors drawing on international and comparative best practices. Dialogue facilitations like a series of meetings, formal and informal, between different political actors, development of technical papers and notes for facilitating such dialogues, interactions between party members of the caucuses like Women's and Indigenous Peoples' caucuses and their respective party leaders were appreciated much. The library and resource rooms were also extensively used by the stakeholders for necessary feed back.
22. In 2011, the project focused on facilitating dialogue and providing technical assistance on bigger issues like state restructuring and federalism, inclusion, form of government, electoral systems, etc. Important members of the CA were involved in this process. The stakeholders, which the team had consultation with, and those who responded to the questionnaires (Annex III) framed by the team regarding the project and its activities, said that the project has achieved the goal set for itself in a successful ways. . Many CA members reported that they were able to use the support and facilities provided through the project.
23. The project facilitated Constitutional dialogue on various fronts. They may be classified in five major categories; , a) organized expert seminar series at its facilities targeted to specific groups of audience, CA members, CA caucus, Civil Society Organizations, media, b) facilitated access to international experts/inputs on electoral process, federalism models, right to self-determination, minority and indigenous peoples, forms of governance and other themes, c) provided a forum for international community to keep updated on constitutional process or keep informed; d) provided public forums at district or regional level for public consultations on the proposed federalism model etc, e)

facilitated individual negotiations/dialogues between the key senior leaders to build consensus or resolve differences on contentious issues among others.

24. Stakeholder consultation reveals that all of them were useful at different point of time. For example, CA members reported that availability of relevant resources and experts on a particular theme when they are required to form an opinion for debate within their party and CA committees was useful during the time when they were working at CA committees. They believe that such provision should remain there as it will remain continuously relevant for them in the course of their work as CA members. Many believed that the later focus on facilitation of dialogue between key political leaders for resolving differences is also timely. This, however, needs to be done without compromising the agenda of inclusion of the marginalized groups and international constitutional standards.
25. Experts from different areas as well as social/ethnic backgrounds were invited to interact with the Constituent Assembly members and others in the seminars and workshops arranged by CCD. Many issues discussed, for example those related with women and Dalits, were facilitated in the active initiation of the concerned members of the house. They were also reported to have been helpful in taking the issues under dialogue at CCD to different public forums across the country. This opportunity allowed the CA members to discuss their point of views on several constitutional issues with the thematic experts like constitutional lawyers, political scientists, economists, sociologists, demographic experts, etc, thereby enabling their capacity substantially for absorbing relevant information and analyzing of constitutional issues. Experts brought in for this purpose were also helpful in moderating the problems they were dealing with, and unfolding latent issues.
26. The project was also helpful to produce relevant publications on constitution building and many of the important constitutional issues under consideration of the House. The initial basic thematic concept papers developed by the CCD on different constitutional themes like secularism, federalism, local self-government, the rights of women, independence of judiciary, etc were regarded as very important documents by the members of the Assembly. In the second and third years, more advanced level of study reports were developed based on the analysis of CA thematic committee reports. Some of these reading materials were aimed at raising awareness whereas some others helped the readers, including CA members and wider public to diagnose constitutional issues in debate in Nepal. It is probably difficult to trace out any parallel arrangement elsewhere in the country on constitution building, which have produced a diverse range of literature aiming at different crucial issues.
27. The physical facilities available at CCD including meeting rooms, computer facilities, audio/video and translation facilities, reported to have helped CA members, especially those willing to use them in order to enhance their skills to take active part in

constitutional building process. These facilities have been regularly used by representatives of the deprived communities including women, *dalits*, *janajatis*, and *madhesis*. They were enabled to run their own roundtables on critical constitutional issues of their choice. Their advice to the project on the range of subjects for dialogue or discussion has also been frequently incorporated by the project team. They organized seminars and workshops, and experts and practitioners were invited to help them out. They also had the opportunities to interact with international experts visiting the country. Several smaller meetings and deliberations with specific objectives were also held. Some of the informants from the *janajati* stakeholders noted that the project interventions on the issues relevant to their concerns were mostly raised in the initial phase of the project. These discussions held prior to the submission of the concept papers and preliminary drafts of the CA thematic committees were useful in understanding and articulating the issues for making concrete suggestion in constitutional text.

28. It should also be pointed out here that many of the young members of the CA had opportunities for capacity building, as some of them used computers and Internet for the first time in their lives through facilities provided in CCD. They also had the opportunity to learn some English, and thereby, use the internet for their purposes. In view of the limited capacity of the CA to provide such training to the new members of the House, the project certainly had considerable success in achieving goal and target it set.
29. The stakeholders across all groups appreciated the inclusive administration of CCD, which had representation of most ethnic groups, sex and regions in its rank and file. This has been said to have created enabling environment for the stakeholders belonging to different ethnicity, caste and gender background.

III. Overall Result and General Impact

30. The implementation of the above mentioned activities and outputs attained discernibly have produced important results and impacts on constitution building process in Nepal. This can be judged from the fact that the intervention and input of the project has been valued virtually by all the stakeholders and reported to have left positive impact on the constitution making process. The UNDP and its donor and civil society partners, even regarded the SPCBN as an example of success and as "flagship project of the United Nations in Nepal". Nevertheless, enumeration of specific impact at this point would be a highly difficult task for short evaluation exercise such as this. The task of evaluating impact is further complicated by current situation when a new constitution as the final product is yet to be drafted. Despite this, major aspects of impact could be highlighted both in terms of process facilitation and the product that the project has worked on achieving.

31. The first impact could be considered as creation of enabling environment for the constitution making task through setting of infrastructure in CA Secretariat and Committee offices, and making the technical and advisory services available when needed to CA members. The impact of enabling environment may be hard to substantiate in concrete terms. The CA members interviewed have stated that the project support was helpful for increasing flow of communication within the committee, their restive political party as well as with the constituency in general.
32. The second impact is increased capacity of the CA members especially those coming from excluded communities such as Dalits, women, indigenous peoples, Madhesis Muslims and others. Due to the capacity building support through the project they reported that they were able to better understand the issues and interact with the group in relevant forums on constitution building. It may also be added that capacity strengthening of CA members have gradually contributed to transform relationship between CA members and their senior party leaders. For example, the increased ability to voice the agenda of inclusion and rights by indigenous, women, Dalit and other CA members have made the higher rank of leadership to rethink the traditional mode of operation where the senior leaders make the decision and junior political cadres are to follow the order. The realization and practice by the top party leaders to listen to their fellow cadres can be seen as major shift in democratization in Nepali context.
33. Facilitation of open dialogue on constitution building was not limited to Kathmandu alone. The project through its outreach and grant making programme organized interaction programmes in several parts of the country. This was supplemented by publications of materials in multiple languages, radio and media broadcasts. The dialogue with the public to enable them to understand the issues and participate in the process with their views is crucial in making new constitution that is owned by the people. The CA members as well as analysts who have been interviewed observe that the processes initiated by the project will not only contribute to the constitution making but also strengthen democracy in longer run.
34. In terms of the content, the projects' impact may be seen in the reference made by various CA committees in their report of the information they have received through CCD and through acknowledgements made. Further CA Committee reports in most cases have included the agenda of inclusion of Adivasi Janajati, Dalits, women, Muslim, Madhesi and other excluded groups in one or other forms including provisions of affirmative action and reservation. The project work can be seen as one of the contributors in this aspect. The reviews of the committee reports and wide sharing of the content during the year can be expected to contribute to the refinement in the first integrated draft of the constitution.
35. Another area the project is perhaps making impact is in facilitating process of resolving contentious issues. The issues of names and number of provinces, preferential rights,

right to self determination, electoral system, forms of government, etc have not yet been resolved. The project had prioritized these issues for 2011 and clear results are expected to be forthcoming. The challenge for such a task is to ensure continuous participation of the wider stakeholders rather than working with few individuals as well as to remain uncompromised on the issues of human rights and inclusion for the sake of consensus.

36. An active link that Nepali process of constitution making was able to maintain with the international community through the work of project can also be seen as important result of the work. The exchange of foreign experts, translation of materials from English to Nepali and vice versa, as well as maintaining an updated website has proven to be important ways for such links. Such exchange and open communication not only help Nepal to connect with outside world but also enables the world community to look at domestic processes in line with international constitutional practices and standards.
37. The SPCBN with its strong component of CCD and outreach activities in the district has significantly contributed in holding open dialogue on the many of the issues relevant to the constitution making. The space created by these activities expanded Nepali public sphere both in term of participation of expanded number of ordinary people and the increased number of issues of public concerns. The expansion of the public sphere for dialogue not only for constitution making but also for deepening democracy can be taken as one of the very important general result or impact of the project. The culture of open dialogue and listening to their constituency and oppositions for deriving constructive solutions, if properly fostered in future would be an important element in the promotion of democracy in Nepal. It may be hypothesized that if the SPCBN and CCD were not in place, the course of constitution making in Nepal would have received lesser degree of facilitative support and possibility of expansion of public sphere would be substantially limited.

IV. Donor Expectations

38. The team had the opportunity to talk with some donor representatives and the stakeholders who had opinion on the donors in reference to this project. Donors, including those who did not contribute fund to this project, have been eagerly observing the project activities. This has always been a source of feedback to the project on designing and redesigning the facilitative process. Some of donors, however, appear to have expectations from the project more than that of facilitating participatory process. For example, there was also an expectation from SPCBN to directly work on drafting of the new constitution as product itself. The principle that a good process should lead to the robust outcome has been the central concern of the all stakeholders including funding agencies.

39. The consultant team noted that section of donors and stakeholders who were critical of the project believed that the project was not contributing to constitution drafting in a significant ways. They thought that the project was rather involved with things less pertinent for constitution making. While perceptions matter, it should be stated at the outset that the nature of project and its' engagement with the Constituent Assembly and its thematic committees was limited by the provision of infrastructural support, capacity building, technical assistance and strengthening of participatory constitution making process. The project was clearly not there for directly engaging in constitution drafting, as it was the job of the CA itself. Thus, the nature of intervention that the project envisioned was not necessarily, and perhaps rightly, geared towards meeting such expectations.
40. The project however added important components as it was evolved through the process. While the first phase was devoted to supporting the CA Secretariat in terms of its infrastructure and technical capabilities, the second phase was focused on outreach and open dialogue. The later part was focused on providing technical support and expertise to the key actors within the CA to help them resolve contentious constitutional issues including state restructuring and inclusion of the marginalized and excluded groups. The input on transition management, which did not exist initially, has now been added.
41. A certain level of inconsistency, however, also has been reported during the consultation. For example, during later part of 2010, the Project Board was reported to have envisioned longer term existence and operation of the CCD transformed as Nepali think tank in the form of public-private partnership for supporting democratic dialogue including constitution. The Project Board Meeting on 15th December 2010, for example, noted that "the more national the CCD becomes, the more successful it will be in dialogue facilitation... the CCD will continue to be financially supported and staffed by the UNDP in coming year(s), as it does not have the legal status and financial support to become independent." The idea, nevertheless, appears to have been dropped around the middle of 2011. The Project Board meeting in September 2011 noted "given the extension for the deadline, limitations of funding, and the deliberations at the previous PEB meeting, ...the project is compelled to propose" closing down of CCD by the end of December 2011. The change in such a major decision appears rather taken abruptly and in perhaps inconsistent fashion.
42. While discussing the impact and expectation, it must also be noted here that this project is not the only project that worked on constitution building. There have been some other important projects as well. These projects, including those run through support from Norwegian, Danish, American funding and others, have been running independently, and the efforts towards coordination have not always been successful. It is therefore, difficult task to attribute any success in positive impact or unintended consequences on the part of project alone. But it must be emphasized here that the SPBCN project has been the key actor in almost all areas of constitution building. One significant exception is that it has

not worked on producing any draft constitution by way of model for the Constituent Assembly. Apparently, as noted above, this is not one of the contemplated activities of the project design.

43. During the last three and half years the local stakeholders were enabled to interact with many international experts who were brought from abroad in order to provide needed information and expertise in the constitution making. They, however, reported to have remained more or less uncoordinated. Another significant aspect of these visits was that these experts were not asked to team up with the local constitutional experts in order to provide needed inputs to the constitution building process.

V. Possible Areas of Improvement

44. The project was a major undertaking in view of the task it was expected to perform and achieve. The nature of the intervention provided under the project was also challenging. In an environment of fluid politics, and pressures in the constitution building process, the job of maintaining balance in the project interventions was not always easy. Some of the comments that were received from the stakeholders in this regard were as follows.
45. Some stakeholders had the opinion that the project was not impartial in its dealing with deprived communities, especially *dalits*, *janjatis* and *madhesis*. It was particularly highlighted, despite overall positive notes, that the experts from the bahun/chhetri communities had more access to the project than others. One example that came across repeatedly was the failure of the project to take/recommend as many *janjatis*, *dalits*, and *madhesis* to international exposure trips as the Bahun/Chhetries. However, some others said that the project with its emphasis on inclusion and participation of marginalized groups was under the sway of ethnic communities and was used to help their demands. They thought the project put butter on the fire and helped escalate the demands the dominant communities did not like. This situation clearly shows that the marginalized groups were able to assert their rights with informed analysis and expertise that the project was able to make available. Since the project enabled the open exchange of ideas from two different perspectives, it could itself be taken as measure of success. However, if the project is not able to defend what it purports to do, it might deviate from the influence of more powerful.
46. In the matter of language, there has been escalating demand that the literature produced by the project be available in major languages of the country. For various reasons, it was not possible for the project to meet this demand for all.
47. It was also asserted by some that more efforts should have been made by the project to bring in experts and practitioners from deprived communities to speak to mixed groups of participants in every seminar and workshops organized by the project. In matters of

interest of *Janjatis*, for example, it served no purpose to assemble *Janjatis* mostly, and conduct discussions between themselves – with no or little opportunity to influence the section that has views otherwise. It must be noted that at times it might not be possible for the project to ensure that the turn out is as balanced as planned by the project. It also depends on the people at the receiving end.

48. The Muslim community expressed the feeling that they received little from the project. Their participation in the programs organized by the project was not helpful to serve the agenda of the CCD interventions.
49. A few CA members wanted the project to bring expenditure details into the public's notice. This desire arises in particular from the popular perception perpetuated by the media that all money spent over the last three and a half years was spent by individual CA members either for himself or herself or for the CA. The CA members want transparent way of account so that public knows how and where the money was spent and the fact that what has been spent was not all spent by the members of the CA. This, in their opinions, can help people understand that there is a line of demarcation between the CA and the project. The money spent by the project is the project's own decisions, and were not that of CA members.
50. Some political parties' representatives made a point that several interventions organized by the CCD had the effect of weakening the established political parties and making their grips on their political cadres difficult. The perception that the CCD promoted the 14-province federalization of Nepal by organizing programmes on the proposed provincial capital cities, recognised identity-based provinces, etc were cited as examples. This allegedly promoted ethno-politics. The project staff and other who supported the task argued that CCD had taken the agenda recommended by the State Restructuring Committee of CA to foster the dialogue on federalism at district and local levels.
51. It has been difficult for the project to maintain its schedule all through because of frequent amendments on the CA calendar of operations, repeated delays and emergence of unplanned business. Inconsistency in the approach of the CA in building the constitution has also at times affected the project and its ability to contribute to the process as articulated in the project documents. Here, it is little that the project can do as it is the situation external to the project.
52. Suggestions were also made to make more efforts to engage experts from within the government in the programme of the CCD as from outside to seek their expertise. It is understandable that the CCD, being a UNDP administered project, cannot generally pay the government experts for their services. This, however, discourages these experts to involve with the CCD activities in important sense. Many other donors are said to be able to approve necessary payments, and therefore get the cooperation they needed from experts from within the government entities. This necessitates the CCD to think of ways

how they can enhance their work with government experts and remain effective in their interventions. For example, government experts could be engaged by the members of the legal taskforce of Dispute Settlement Sub-committee, which is being supported by the CCD in their activities. This is just one example.

VI. Suggested priorities for the next six months

53. The six-month extension of the CA by the Eleventh Amendment of the Interim Constitution has given extra opportunities to the CA to complete the unfulfilled task of constitution writing and give a new constitution to the nation.
54. In view of the recent decision of the Supreme Court in the case of *Bharat Mani Jangam V. Prime Minister et al* (Decision of November 25, 2011) which clearly stated that this is the last term of the House, and it cannot be extended anymore without taking the consent of the people once again. It has made a point that the House, originally created for two years in April 2008 and already extended up to 27 May 2012, cannot continue to amend the constitution to extend its term for an indefinite period. The decision has thus exerted further pressure on the government and key political parties to focus on the constitution writing. Although the opinion of the stakeholders on the court decision seems to be divided, it has compelled the political actors to speed up their pace of constitution building, leading to the resurgence of activities at several fronts including the unfinished part of management of Maoist fighters. This shows a number of opportunities for the project during this period.
55. Importantly, the newly constituted State Restructuring Commission to advise the House on contentious issues involving federalization is also due to provide its recommendations to the Assembly on the last week of January 2012. This report is expected to help the House to take decision on crucial unsettled issues. This speaks of the volume of challenges as well as the opportunities in store for the CA. Finalizing the new constitution and promulgating it before the end of November in 2012 remains the national priority.
56. In the given critical scenario, the project can help the constitution building process by supporting the following appropriate interventions. The order has been set in terms of priority, and working with the top leaders and decision makers has been emphasized, as noted above.
57. A number of stakeholders suggested that the project should continue to provide technical expertise to the CA members and other stakeholders in all contentious issues that need to be resolved before finalizing the first draft of the constitution. They include the form of government, electoral system, federalization issues, and transition management under the new constitution. There is no need to change the modality (seminar, discussion, consultation, meetings, etc) of providing such assistance.

58. As the resolution of these contentious issues may require international expertise, it is very much recommended that the project keeps itself abreast of political development in the country and receive such international expertise as and when required in short notice. Such international expertise and provision of consultation with him/her might help the leaders to develop options when they are needed.
59. This is also the time when the deprived and downtrodden communities in the country that have larger stake in the process to negotiate on key issues of their interests. The project needs to provide forum for these stakeholders without interruption. It is important that their point of view in the matter of the federalization process and guarantee of basic rights and institutions be given enough space and importance in the constitutional dialogue process.
60. Any options developed and recommended by the Report of the State Restructuring Commission to the CA on restructuring (federalization) issues must also be discussed with focus that it deserves. Such a discussion must be quickly pursued in active cooperation with nongovernmental organizations in the field. This is an important area in which the project needs to involve with as a facilitator.
61. The project might also think of brining experts to comment on the draft constitution by the Constitutional Committee for facilitating wider sharing and feed back.
62. The first draft, as soon as it is finalized and approved by the plenary of the House, should be taken to the people for further discussions and feedback. This is a process in which not only the members of CA should be involved but also the civil society groups, media, and other stakeholders. The task is huge. It is most likely that the CA would also host several such programs in different parts of the country. Notwithstanding this hosting, a project like this may also facilitate the CA to reach as many places of the country as possible, including many districts, headquarters, and major cities of the country, and deprived regions.
63. Some major features of the new constitution like executive, legislative, and judiciary and electoral system, federal set up, and the nature of the local self-governments must be sufficiently discussed for popular feedback and ownership. This requires a preparation of different types of brochures and reading materials to reach out to the common people. This also requires development of audio visual materials and airing them through different channels throughout the country. Some networking with community radios and FM stations may also be very essential.
64. The draft must also be reviewed by an inclusive team of independent experts, both local and foreign, or a combination of both, with a view to provide it to Constitutional Committee.

65. It is advisable to engage the caucuses of different groups including the caucus of the women, *Dalits*, indigenous people and *Madhesis* on the draft constitution extending them some funding and necessary expertise.
66. Some contingency fund might also be provided at the disposal of the project to assist with any request that might come up when the first draft of the constitution is on clause-wise discussion at the Constituent Assembly. This process which must be complied under Article 70 of the Interim Constitution is the last step where issues involving harmonization of different parts and provisions of the draft constitution, and differences that remain might need to be resolved.
67. The project, which is to be closed after June 2012, needs continuity even after the six month period in order to work on transitional issues and preparation of implementation of new constitution following the promulgation of the constitution. As such, it must think of a proper close out system. In that case, shift in the project approach will be necessary, although any loss of the institutional memory of the project during the transition process might be harmful for the overall policy of strengthening the transitional management.

VII. Management imperatives

68. Many consulted stakeholders opined that the project was ambitious in the beginning. This affected its planning and projection of activities at least in the first one and half year. Now that phase is gone; there is experience of the on-the-ground realities. The erratic behavior of the political actors is no more secret. The project is in a situation to think about its interventions based on objective grounds. There is fair assessment of how the Constituent Assembly has been working. As such, it is possible to plan the range of activities based on realistic considerations.
69. The management of the project needs to focus more on proper planning of project interventions. It has not always been efficient.
70. The system of documentation of the constitutional dialogue programme and activities of the project needs further emphasis. Many programmes held at CCD with encouraging inputs from the participants were not adequately documented and provided to the stakeholders outside the room. An improved performance in this context could help the dialogue inside influence the stakeholders outside including the members of CA. The quality of reporting can always help quality dissemination of inputs to the concerned sector. These materials could also have been used for public education through available media outlets – helping with problem solving debates in the country.
71. The management team needs to start making strategy for public consultation of the draft constitution once it is released to take it to the public. A part of the strategy is the

recruitment of additional project staff for the period of public consultation, who could take the draft to designated districts or cities along with experts and CA members.

72. Important in this venture is also the identification of non-governmental organizations of national repute that could be mobilized for public consultation process. While it is meaningful to continue working with NGOs and civil society organizations working for deprived, downtrodden and discriminated communities, reaching out the whole country with the constitutional draft, or at least its representative parts, requires working with national organizations which have presence throughout the country. The modality of their engagement must therefore be prepared soon.
73. Efforts should be made to make the project board meeting more effective. While it is important that the meeting is participated by all intended senior members, it is also necessary to allow the specific programme unit 'in charge' officials to take part in the meeting. Their participation helps the senior members making decisions to be informed by updated reports from the actual implementers, at least on the part of the CCD programme components.

VIII. Risk scenario and mitigation strategies

74. The evaluation team believes that the danger of the constitution building process being converted into a failed exercise is still there, even if it is a remote possibility now. The situation of ideological divide between major parties, their inability to find workable democratic solutions, the intensity of ethno-politics, and factors not within the control of the government may prove contributing factors.
75. As risk mitigation strategy, this necessitates the projects and donors as well to keep their line of communication with political segments open, pursue the stakeholders to work-out a negotiated document without compromising basic principles of democracy. This will also mean to enable the project financially for fuller and effective functioning in transition.

IX. Conclusion

76. Stakeholder consultation shows that the project has achieved to a large extent what was aimed in the project document. This was in particular impressive when project had to adjust its work with a rather unpredictable scheduling behavior of the CA. The project was able to support at least about one third of CA members mostly coming from historically excluded communities to enhance their capacity. The space and opportunity provided through CCD and its outreach programme for open dialogue was an important

intervention in expanding public space not only for constitution making but also for democracy to flourish in the future to come.

77. The CA members and other stakeholders consulted also shared their observations on the areas where the project could have done better. For example, the project could have made the dialogue forums more mixed in terms of social and political background of speakers and participants for building common ground, that the project could work with key political leaders to get more concrete results in constitution writing, that project board could have thought more consistently for future of CCD or even more importantly project could have done a better risk analysis and mitigation plan for promoting inclusion among others. A careful analysis of these observations would certainly lead to important insights for the future planning of the project.
78. In terms of suggestion for the future, it appears to be clear from the consultation that the CA members irrespective of which social background or party affiliation recognized the value of the intervention of SPCBN and recommended to evolve in the future in alignment with the emerging need of changing situation in Nepali state. Three strategic priorities, may be summed up for the next period; a) continue on facilitating transition through open dialogue and resolving contentious issues; b) keep continuous focus on inclusion and right of the marginalized including Dalits, indigenous peoples, Madhesis, women, Muslims and others; and c) prepare a back-up plan for in case the constitution could not come out on the proposed time.

Appendix I : Terms of Reference

Stakeholder Consultation

1. Introduction

Through its Support to Participatory Constitution Building in Nepal project (SPCBN), the UNDP and its partners aim to provide a wide-range of support to Nepal's constitution building process.

The Project's first track is to support the members of the CA, the Secretariat, technical advisors, and support staff, ensuring that they have the infrastructure, information, technical assistance, training, outreach capacity and other tools they need to work effectively. The second track is to facilitate dialogue between the CA and the public so that the concerns of all stakeholders can be understood and constructively considered. Within the ambit of the second track, a resource centre was established to function as a space for democratic dialogue. The third track involves public outreach through television, radio and community mobilisation activities focused on increasing public knowledge of the constitutional process and the work of the Constituent Assembly. The project is also involved in discussions with relevant stakeholders, focusing on challenges of transition and implementation.

2. Purpose of the consultation

This is an independent consultation.

Its purpose is;

1. to assess whether the SPCBN is meeting the goals and targets set for it under its Project Document,
2. to assess the overall results in terms of its impact and make recommendations on the way forward;

3. Scope of the review

The recent Project Board meeting decided to commission a quick stakeholders consultation of SPCBN project to assess the programme, and activities with a view to ascertain the impact of this project in terms of its contribution to the constitution building process of Nepal.

This will require the reviewer(s) to:

- obtain the responses from SPCBN stakeholders in terms of its work and the evidence of impact of the project;
- evaluate the impact of the project towards facilitating a democratic, participatory and inclusive constitution building process and to make any recommendations for the way forward;

4. Evaluation Criteria

Relevance: Have the SPCBN's activities and the services it provided been relevant to the demands and needs of the constitution building process? Identify if there are any activities or services more or less relevant.

- **Effectiveness:** Evaluation of the stakeholders particularly the CA members in terms of what they have benefitted from the SPBCN project? Have they found the project support useful, and therefore what was the 'attribution' or role of SPBCN project in influencing the dialogue and in bringing CSOs, political parties and government actors together to have open and frank discussion, interactions ensuring the rights of the citizen in the forth coming constitution.
 - **Result:** What are the results of the SPCBN's initiatives and their impacts in the constitution building process? Can some tangible links be established between the Project's programs, the C.A. members who attended them and the contribution these members made in their work in producing the Committee reports and the position papers of different C.A. Caucuses produced with the project's support?
5. **Methodology** (stakeholders should be jointly identified by the SPCBN project and PEB members)

The reviewer(s) should

- Review the project's activities in relation to the project document and objectives;
- Gather information- individually with the SPCBN's stakeholders, including members of the Constituent Assembly , the CA secretariat, relevant civil society organizations, relevant donors, and
- Review some C.A. Committee reports and the position papers of different C.A. caucuses against the project's programs and support;
- Interview the management and staff of the SPCBN.

6. Products and Reporting

After consultation, the reviewer(s) should share an initial draft report with the project for comments after which it should be shared with PEB members. The final report should include

- A full report on findings with the analysis based on those findings.
- A set of recommendations for the way forward.

7. Reviewer(s)

The reviewer(s) shall be selected jointly by the PEB members and the project. The reviewer(s) should have familiarity with Nepal and its peace and constitution drafting process.

8. Level of Effort:

The level of effort will be 2 weeks. The reviewer(s) should allocate approximately 10 days for consultation and five days for the preparation and review of the initial draft, final draft and debriefing.

9. Commencement: Work should begin from December 1, 2011.

Appendix II List of People Consulted

CA Members interviewed for SPCBN review (December 13-15)

1. Ms Bimala KC, UCPN-Maoist
2. Chhimi Lama, UCPN-Maoist
3. Govinda Paudel, UCPN-Maoist
4. Ms Halina Khatun, UCPN-Maoist
5. Islam Hawari, UCPN-Maoist
6. Ms Jaypuri Gharti Magar, UCPN-Maoist
7. Kamal Chhetri, UCPN-Maoist
8. Nanda Kumar Prasai, UCPN-Maoist
9. Ram Bahadur Thapa Magar, UCPN-Maoist
10. Ms Sabitra Dura, UCPN-Maoist
11. Tilak Pariyar, UCPN-Maoist
12. Eek Raj Bhandari, UCPN-Maoist
13. Gam Bahadur Srish Magar, UCPN-Maoist
14. Keshav Prashad Nepal, UCPN-Maoist
15. Amar Bahadur Gurung, UCPN-Maoist
16. Amilal Jhangad, UCPN-Maoist
17. Ms Kalpna Dhamala, UCPN-Maoist
18. Ms Pamphabati Thami, UCPN-Maoist
19. Kuber Bahadur Oli, UCPN-Maoist
20. Islam Miya Dhobi, UCPN-Maoist
21. Jayaram Dahal, UCPN-Maoist
22. Nil Kumari Kunwar, UCPN-Maoist
23. Ms Uma Karki, UCPN-Maoist
24. Gopi Bahadur Sarki, UCPN-Maoist
25. Suresh Kumar Ale Magar, UCPN-Maoist

26. Ms Kamala Pant, NC
27. Krishna Amatya, NC
28. Indra Bahadur Gurung, NC
29. Ms Lila Subba, NC
30. Ms Sita Gurung, NC
31. Ms Munni Kumari Gupta, NC
32. Ishwari Neupane, NC
33. Dhyan Govinda Ranjit, NC
34. Jip Chhiring Sherpa, NC
35. Badshah Kurmi, NC
36. Ganesh Bahadur Khadka, NC
37. Gokarna Rai, NC

38. Ms Bina Paudel, NC

39. Ms Bina Jnawali, CPN-UML
40. Durga Pariyar, CPN-UML
41. Gopal Thakur, CPN-UML
42. Ms Narayani Ghimire, CPN-UML
43. Puran Singh Dayal CPN-UML
44. Ms Rima Nepali, CPN-UML
45. Ms Shanti Jirel, CPN-UML
46. Ms Shanti Maya Tamang, CPN-UML
47. Prithvi Subba Gurung, CPN-UML
48. Ms Parbati Kumal Mahato, CPN-UML
49. Ms Usha Kala Rai, CPN-UML
50. Gobinda Nepali, CPN-UML
51. Ms Dolma Tamang, CPN-UML
52. Pradhumna Prasad Chauhan, CPN-UML
53. Tilak Bahadur Thapa Magar, CPN-UML
54. Dharendra Bahadur Shrestha, CPN-UML
55. Ms Tham Maya Thapa Magar, CPN-UML
56. Pasang Sherpa, CPN-UML

57. Ms Asha Kumari Sardar, MJF (D)
58. Ms Kalawati Paswan, MJF (D)
59. Atmaram P. Shah, MJF (R)
60. Bhimraj Chaudhary Rajbanshi, MJF (Nepal)

61. Ms Mina Pun, Rastriya Jana Morcha
62. Santa Bahadur Nepali, Rastriya Jana Morcha

63. Chandra Dev Joshi, CPN (United)
64. Ms Kalpana Sharma, CPN (united)

65. Ms Gauri Mahato Koiri, Sadbhavana Party
66. Ms Malamati Rana Tharu, Sadbhavana Party

67. Buddha Ratna Manandhar, Nepa Rastriya Party
68. Ms Rukmini Chaudhary Tharu, Federal Democratic National Forum
69. Ms Lila Nyaichyai, Nepal Workers and Peasants Party
70. Ms Dal Kumari Sunuwar, RPP
71. Malwar Singh Thapa, Rastriya Janamukti Party
72. Bishwonath Agrawal, Nepali Janata Dal

Constituent Assembly Secretariat

1. Manohar Bhattarai, General Secretary
2. Tek Dhungana, Secretary, Constitutional Committee
3. Mukunda Sharma, Secretary, Committee on the Determination of Form of Government
4. Bharat Gautam, Secretary, Legislative Committee

Civil Society Organizations

1. Ram Gaire, Project Manager, Rastriya Dalit Network (RDN)
2. Ganesh BK, Chair, Rastriya Dalit Network (RDN)
3. Mani Athpahariya, Civil society professional in constitution building
4. Narayan Niglekhu, Project Manager, Kirat Yakthung Chumlung (KYC)
5. Naresh Tamrakar, Chair, Newa Dey Daboo (NDD)
6. Ms Manisha Subedi, Project Manager, Jagaran Nepal
7. Ms Sabitri Gurung, Project Manager, Newa Dey Daboo (NDD)
8. Basanta Kumar Pariyar, Dalit Rights Professional
9. Dr Surya Dhungel, Nepal Consulting Lawyers, Inc
10. Phurpa Tamang, Nepal Constitution Foundation
11. Dinesh Tripathi, Constitutional expert
12. Lal Babu Yadav, Professor of Political Science, Tribhuvan University

Donor Agencies

1. Asbjørn Løvbæk, Counsellor, Royal Norwegian Embassy
2. Bishnu Adhikari, ESP/DFID
3. Leena Rikkila, Country Representative, International IDEA
4. Dr. Jit Gurung, Danida/HUGOU
5. Some Nepali professionals who do not want to be named.

Project Staff

1. Rohan Edrisinha, International Manager, SPCBN Project
2. Keith Leslie, Deputy International Project Manager
3. Krishna Khanal, National Project Manager, SPCBN Project
4. Dr Raj Bahadur Shrestha, Deputy National Project Manager
5. Mohan Lal Acharya, Senior Legal Officer
6. Buddhi Bahadur Karki, Senior Legal Officer
7. Ms Binda Magar, Gender and Social Inclusion Officer

Appendix III Questionnaire for CA Survey

Stakeholders Evaluation of Support to Participatory Constitution Building Project – UNDP

The Support to Participatory Constitution Building Project (hereafter the “SPCBP Project”) is a UNDP led project aimed at increasing access to and participation in constitution building and free and fair electoral process. The project was started in April 2008. A range of activities were pursued by the Project to produce two main outputs: development of capacities of Constituent Assembly (CA) delegates and technical advisors to produce a new constitution (subject to the CA’s request), and strengthening of the Constituent Assembly Secretariat and committee systems and procedures to support the CA in its business; and support to selected civil society organizations to facilitate participation of excluded groups in the constitution building.

The questionnaire framed hereunder is aimed at generating data based on stakeholders’ evaluation of the SPCBP project.

Inputs will be received from three groups of people: members of the Constituent Assembly; CA Secretariat staff; and civil society representatives.

The intention is to hear approximately 50 persons from a diverse range of people on a voluntary basis. No comments or feedback will be attributed to anyone in the final report in order to fully respect confidentiality.

Questions

1. Do you know about SPCBP Project?
2. What do you know about it?
3. How did you come to know about the Project?
4. What support were you looking for as a CA member to help you develop the constitution?
5. What services or facilities have you used from the SPCBP Project?
6. Did you get what you needed from the SPCBP Project to support your work?

Have the services provided by the Project been effective? (If yes, in what way?)

Were the services you received relevant to the process to constitution making process? (If yes, in what way?)

Have services been provided on time and at the right time for you? (If yes, in what way?)

Have they been efficiently provided? (If yes, in what way?)

7. Could the project have done more to support the constitution making process?
8. Have you ever asked for anything from the project and not received it? If yes, what?
9. What support would you like to help you in the future?

10. What should the project keep doing?
11. What should the project start doing?
12. What should the project stop doing?
13. When was the last time you had contact with the project?
14. What was the latest support you had from the project?

In order for us to understand who has participated in this survey, please let us know more about you.

Are you a male or Female?

Are you an elected CA member or PR CA member?

Are you a CA Secretariat staff, civil society representative or others?

Age? Below 35, Below 45 or above?

Ethnicity