

PROVISION FOR POST PROJECT EVALUATIONS FOR THE UNITED
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DRAFT EVALUATION REPORT
Version 1



UDF-NEP-08-259 - Enhancing Dialogue for Inclusive Constitution

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Disclaimer

The views expressed in this report are those of the evaluators. They do not represent those of UNDEF or of any of the institutions referred to in the report.

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I. EXECUTIVE SUMMARY

(i) Background

The project ran from 1 October 2009 to 29 February 2012, with a total grant of USD 300,000 (out of which UNDEF retained USD 25,000 for monitoring and evaluation).

The project was designed by the National Coalition Against Racial Discrimination (NCARD). It was implemented in partnership with 12 of NCARD's alliance members in 24 districts of Nepal. NCARD aimed to improve the situation of Nepal's historically marginalized Dalit, Muslim and Adivasi / Janajati (indigenous) groups (including women) by progressively enabling them to participate in the formulation of a new constitution. Project activities were planned to be undertaken in sequence with the schedule of the country's Constituent Assembly (CA), which was entrusted with the development of a new constitution for Nepal. As defined in the Project Document UDF-NEP-08-259 in July 2009, the project's objective was to develop coalitions among the country's marginalized groups in order to increase receptiveness of

to the grantee's initial contextual analysis, we believe that it is essential and therefore **recommend to the grantee that more interviews are conducted with beneficiaries and stakeholders** who were involved in the project activities. Covering project achievements systematically will **improve NCARD's current impact assessment in quantitative and qualitative terms** and thus enhance the organization's strategic objectives. **To UNDEF we recommend to assign increasing importance to the integration of survey and monitoring mechanisms** into project proposals.

In line with our comments on impact and sustainability and to further improve the chances of a lasting effect on the country's struggle to finalize its future constitution, **we therefore recommend to NCARD to consider to expand its future approach to those parties leading Nepal's political discourse.**

II. INTRODUCTION AND DEVELOPMENT CONTEXT

i. The project and evaluation objectives

This report contains the evaluation of the project entitled "Enhancing Dialogue for Inclusive Constitution" (February 2011 to February 2012, including a 5 month no-cost extension), with a total grant of USD 300,000 (out of which UNDEF retained USD 25,000 for monitoring and evaluation).

The project was designed by the National Coalition Against Racial Discrimination (NCARD). It was implemented in 24 districts, in partnership with 12 of NCARD's alliance members, among them Newa Dey Daboo, the Athar Magarat Magar Academy and the Dalit Welfare Society. NCARD aimed to improve the situation of Nepal's historically marginalized Dalit, Muslim and Adivasi / Janajati (indigenous) groups (including women) by progressively enabling them to participate in the formulation of a new constitution. Project activities were planned to be undertaken in alignment with the schedule of the country's Constituent Assembly (CA), which was entrusted with the development of a new constitution for Nepal. As defined in the Project Document UDF-NEP-08-259 in July 2009, the project's objective was to develop coalitions among the country's marginalized groups in order to increase receptiveness of political parties for their issues¹ with a view to continuous improvement and consideration in the new constitution. NCARD therefore aimed to:

Enhance dialogue, negotiation and networking among marginalized groups to assert their particular issues of concern linked to the planned restructuring of the state of Nepal;

¹ Nepal's marginalized groups seek, among others, the recognition of their ethnic identity (i.e. the right to celebrate their cultural traditions and to maintain their language), equal access to the country's financial and material resources, representative participation at all levels of governance and the consideration of a federalist form of government that is based on ethnic identity. Source: stakeholder and beneficiary interviews conducted during field visit by evaluators.

Organize the marginalized groups' perspectives vis-à-vis the new constitution and present/disseminate these views among political parties, the CA, civil society and experts;
Improve the levels of information available about constitutional arrangements related

which are estimated to represent 31% (2001) of the population, have been traditionally excluded from decisive roles in politics and government and display also some of the lowest human development indicators, such as for literacy, when compared to the national average⁵.

According to the 2001 population census upper castes constitute 35.4% of Nepal's total economically active population, which at the same time dominate professional/technical (62.2%) legislative/administrative (58.3%) and clerical (53.6%) occupations. Dalits, who constitute 11.9% of the economically active population, achieve only minor shares in these areas (1.6%, 1.3%, and 3.9% respectively). Among those engaged in so-called elementary occupations 36.1% are Janajati, 22.6% Dalit and 19.1% upper caste.

Following 10 years of Maoist insurgency and armed struggle, rooted in the people's dissent with Nepal's long history of subjugation and exclusion, a Comprehensive Peace Agreement concluded in November 2006⁶ paved the way for the country to become a Federal Secular , particularly of the marginalized groups, would be enshrined in a new constitution. These included the sovereignty of the people, multi-party democracy, inclusion of all peoples, communities and regions, gender equity, recognition of cultural diversity, equal rights for all including minorities, social justice and the rule of the law.

A Constituent Assembly (CA), comprising of 601 elected members, was established to decide on the new set of principles for democratic governance of Nepal. The grantee of the

IV. EVALUATION FINDINGS

(i) Relevance

Baseline Situation

NCARD did not conduct a representative survey to underpin its assessment that the consultative process accompanying the development of the new constitu 0 01 1 0 8

eventual finalization of an alternative constitution. At the outset, workshop participants were given opportunity to present the specific issues each of their groups were facing. Next, a joint analytical exercise took place, during which workshop participants assessed the country's previous constitution by striking off those provisions they considered adverse to the interest of their groups. Having thus achieved a better understanding of each other's issues, a brainstorming followed to establish the main points that group activists thought should be taken into consideration when preparing the draft of Nepal's new constitution. The workshops concluded with

the formation of Minority Groups Coordination Committees (MGCC) and Dalit Coordination Committees (DCC), i.e. each group mutually agreed who should represent their views in these coordination committees in the future.

activists as a guidance tool and (b) to encourage marginalized group activists to exert pressure on CA members and other stakeholders involved in the constitutional development process.

diversity perspective¹¹, evaluators were unable to confirm if the MGCCs and DCGs established thereafter by the project achieved the meeting frequency initially considered necessary to agree on representative views for use in stakeholder consultation exercises expected to feed constitutional drafting processes both within the CA and the project¹².

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groups, which aimed to achieve joint understanding of constitutional issues pertaining to federalism among marginalized communities, displayed slightly lower than planned participation figures. However, their initially planned outcome appeared not to have

(iii) Efficiency¹⁴

Activities assisting marginalized groups with establishing a joint vision vis-à-vis Nepal's future constitution and form of governance (e.g. workshops, vision-sharing, finalization of the draft alternative constitution) and with access to appropriate sources of information budget was reserved for expenditure related to workshops/consultations (37.6%) and advocacy (8.4%). Breaking the amount spent for above activities (USD 126,381)¹⁵ over an assumed total number of more than 10,000 direct beneficiaries¹⁶ provides a low average cost of approximately USD 12.50 per beneficiary and thus evidence of highly efficient project conduct.

Expenses for travel (5.6%), equipment (4.5%) and miscellaneous (7.9% covering e.g. office running, maintenance and sundry) amounted to 18% of the budget and thus appear reasonable.

Staff costs (including capacity building) represented 36% of project expenditure. Within this category, 14% of the budget was reserved for technical expertise (experts, consultants and social mobilizers) and 19% covered salary costs linked to project coordination and support (administration, finance, M&E). The remaining 3% was spent for capacity building of and coordination among project staff and NCARD alliance members. Given the importance of liaison and coordination with local project participants from marginalized groups residing in 24 districts, the budgeted expenditure of USD 65 per month per social mobilizer appears particularly low. Twelve social mobilizers were recruited, each of whom were tasked to cover two districts. This appears to be in stark contrast to the budgeting of 5 project assistant

14 Quantitative assessments made in this section are based on the total amount of project expenditure, which excludes the budget amount reserved for evaluation by UNDEF.

15 Expenditure budgeted for capacity building of and coordination among project staff and NCARD alliance members has been excluded from this percentage/amount.

positions, who supplemented 4 professional coordination and support staff, at a cost of USD 132 per month/project assistant.

The project's modest travel budget was used to support the expenses of social mobilizers for training by experts and NCARD (e.g. updates on latest CA progress/developments, orientation about a planned national census and guidance in conflict resolution and the participation of women in peace-building). Other travel expenditure related to quarterly district visits for project monitoring purposes by members of the coordination and support team.

(iv) Impact

Weaknesses in the grantee's approach to data collection limit the evaluators' analysis of impact to a review of anecdotes. Further to the previously noted absence of a baseline that is based on a representative survey (cf. section on relevance), NCARD did also not

Participation of representatives of political parties with indigenous background

Tamu Hyula Chhoj Dhi, an alliance partner of NCARD, is a group advocating the preservation and celebration of the distinct cultural heritage of the Gurung society, which lives predominantly in the north western region of Nepal. Among the participants in the project's interaction programs on the rights of indigenous groups and ethnicity-based federalism were also members of the organization's student and youth wing from the districts of Tanahau and Kaski. The experience prompted them to organize themselves a number of interaction programs for fellow students from various locations in these districts, in order to supply them with information about the rights of indigenous people and to collect their views on ethnicity-based federalism. The Gurung students provided feedback to the project to support the development of the alternative constitution and started also pushing local political parties to support an approach to federalism based on ethnicity. The dissolution of the Constituent Assembly on 27 May 2012 did not dampen their spirit. Gurung students have continued to organize regular events on the rights of indigenous people. They invite and maintain a dialogue with political party representatives belonging to their tribe and other local indigenous groups. As a result, local political leaders have started to question the position of their own political parties vis-a- aspirations they reportedly consider to form a political party of indigenous groups.

Media coverage of issues and concerns of marginalized groups

Every Tuesday at 6:45 pm Sashi Tulachad hosts the program 'Shor' on **Gorkhali FM 106 MHZ**. Reaching out from the city of Pokhara to six districts, the radio station has become popular and is followed by a large audience, as its program also addresses those living at the margins of society and those seeking change. Sashi decided to work as a journalist and became a radio show host after completing a 21-day training program organized by Gorkhali FM. Being a Janajati herself, she intends to reinforce the n ET Q q 98.184 178.94 403.03 512.23 re W* n BT /F1 9.96 Tf 1 0 0 1 205.13 56

Shared knowledge and understanding on diversity and related issues through participation of members from traditionally excluded groups

The process leading to the development of the **Alternative Constitution** functioned like a never felt so empowered and therefore could not help but actively participate in the district-level workshop in which representatives from marginalized groups discussed their expectations from a future constitution. Issues that were raised in this way in 12 regions days, in which activists from marginalized communities (Janajati, Muslim, Dalit), legal experts, intellectuals and civil society leaders participated. The project provided a forum for interaction among indigenous and marginalized groups, thus helping them to understand importa

Alternative Constitution became their joint, hence powerful, advocacy tool exerting pressure on the CA to draft an inclusive constitution with rights and guarantees for the marginalized groups. Accordingly, the different thematic committees of the CA issued suggestions for the constitution's preliminary draft that made reference to the Alternative Constitution. Suggestions adopted by the CA's thematic committees included e.g. the consideration of the non-territorial federalist concept, rules governing the application of mixed election processes, the operation of a constitutional court, and the guarantee of fundamental rights for women, Dalits, Muslims and other marginalized groups.

Alliances between individual social movements for collective equal citizenship goals

The project's central strategy was to bring together indigenous and marginalized groups in order to network and to advocate legislation that benefits their respective groups. By

was of similar nature, i.e. the groups faced discrimination by the state. Solidarity emerged, and project interactions led to the formation of district-level and regional-level MGCCs and regional-level DCCs (individual Dalit representatives who were members of the district-level MGCCs). Although some of the issues and interests differed from group to group and performance of the different committees varied, it was understood that the achievement of results required joint action and display of strength. Indigenous Groups representatives started to speak in support of Dalit and Muslim issues. Anti-Discrimination Day, which other groups previously misinterpreted as a Dalit premise, became an event jointly organized and celebrated by all marginalized groups. Most notably, the **MGCC of the region of Kaski and Tanahau districts** organized a meeting on the occasion of Anti-Discrimination Day to agree on a memorandum, addressed to the Ministry of Home Affairs. Members of the Dalits community, Bhujel Samaj, Tamu Hyula Chhuj Dhi and NCARD's Social Mobilizer jointly drafted and submitted the memorandum to the Chief District Officer. A local FM station is said to have reported about the event in its local news bulletin. The memorandum stated that the constitution's drafting process should be completed on time and that it should also respect the rights of the indigenous and marginalized groups.

The stories gathered demonstrate that the project has prompted grass-roots beneficiaries from different marginalized groups to engage in dialogue, negotiation and networking, in order to jointly identify their issues linked to the planned restructuring of the state of Nepal. Numerous examples, at national- and district- (grass-roots) level, demonstrate that beneficiaries used their knowledge both to build relationships and deepen interaction with stakeholders such as experts, lawyers, constitutional advisors and/or political leaders, thus directly affecting the general public and political debate as well as the constitutional drafting process in the thematic committees of the CA. The Kaski and Tanahau memorandum finally shows how improved levels of information have generated ownership among marginalized groups. Knowing about the possible constitutional arrangements that were at stake, they have put additional efforts to express their concerns advocate their position vis-à-vis the country's government.

(v) Sustainability

During their interviews with the grantee, its resource persons and other stakeholders, evaluators identified two issues that risk undermining the sustainability of the project's results:

dominate the CA. In other words, members of the CA and its thematic committees were confronted in the context of project consultation activities with the demands and expectations of the beneficiaries, instead of being integrated in the actual drafting process of the alternative constitution.

The project's achievements are not to be disputed: in some cases NCARD resource persons became advisors to the CA, whose committees actually considered certain project suggestions in preliminary constitutional draft passages, e.g. the non-territorial federalist concept, rules governing the application of mixed election processes, the operation of a constitutional court, and the guarantee of fundamental rights for women, Dalits, Muslims and

V. CONCLUSIONS

i. Having provided marginalized group representatives and those involved in the drafting of the constitution with opportunities of structured exchange and information of improved variety and quality, it is our view that the project represented a relevant effort to address issues pertaining to Nepal's constitutional drafting process.

ii. There is evidence that the project effectively generated an informed perspective among marginalized groups' representatives and political stakeholders involved in advocacy and/or the CA's decision making process. Among the signs of improvement was notably the extent to which certain grass-roots beneficiaries took initiative to engage in dialogue, negotiation and networking, in order to jointly determine their expectations from the planned restructuring of the state of Nepal. Based on our findings related to effectiveness and impact, the project contributed to the establishment of a joint and representative position of marginalized groups regarding their principal constitutional concerns, such as identity, language, education, territory, autonomy, minority rights and representation at different levels of governance.

iii. The examples we witnessed at grass-roots level also demonstrate how beneficiaries used their knowledge, both to build relationships and to deepen interaction with stakeholders, thus directly affecting the general public and political debate, as well as the constitutional drafting process in the thematic committees of the CA. This conclusion, and the comment that the Kaski/Tanahau memorandum is an example how the project generated ownership among certain MGCC members, are based on our findings related to impact.

iv. These conclusions on impact were drawn from testimonials which we have gathered among beneficiaries. Regrettably, neither results-oriented monitoring documentation demonstrating progress in relation to the grantee's contextual analysis, nor data assessing the likely impact prospects generated by the project was made available by the grantee.

v. Expenditure for workshops, consultations and advocacy displays a very low average unit cost per beneficiary, thus providing evidence of highly efficient project conduct. However, the budgeted salary costs for district-level key staff (social mobilizers) appear to be particularly low and in stark contrast to the project's monthly expenditure for central office staff (project assistants).

vi. Despite the project's impact, it is our view that the grantee has missed the opportunity to convince the project's former beneficiaries of the importance of continued dialogue, negotiation and networking for the purpose of sustainability. Given the CA's failure to complete its mission and taking into account the project's long-term objective to establish a mutually shared and jointly understood vision of Nepal's future form of governance, MGCCs and DCCs could have played a lasting key role in further disseminating relevant knowledge and information, in particular at the grass-roots level.

vii. Exclusion of the country's political parties dominating the CA from the actual drafting process of the alternative constitution has weakened the chances of the project to establish a lasting effect on the country's struggle to finalize its future constitution.

the CA were excluded from the actual drafting process of the alternative constitution, we believe that it will be important to broaden the alliance for a constitution that will be truly inclusive. Similar initiatives of the grantee to promote the rights of marginalized groups in the future should attempt to integrate the participation of representatives of political parties in all stages relevant to the project's final deliverables. ***In line with our comments on impact and sustainability*** and to further improve the chances of a lasting effect on the country's struggle to finalize its future constitution, ***we therefore recommend to NCARD to consider to expand its future approach to those parties leading Nepal's political discourse.***

IX. ANNEXES
ANNEX 1: EVALUATION QUESTIONS

DAC criterion	Evaluation Question	Related sub -questions
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ANNEX 3: SCHEDULE OF INTERVIEWS

Kathmandu, September 2nd, 2012, NCARD head office: alliance/staff members and project resource persons:

- x Dr. Sumitra M. Gurung, NCARD chair
- x Netra Tumbahangphe, NCARD process facilitator
- x Netra Thapamagar, NCARD board member
- x Deepak Shakya, NDD vice president
- x Gansh BK, RDN Nepal chair
- x Ganga Prasad Mahara, Dalit Welfare Society chair
- x Sarita Shrestha, NCARD finance officer
- x Parbati Agri, Insaf Nepal chair
- x Tak Bdr. Tamang, NCARD board member
- x Man Kumari Tamang, NCARD board member
- x Rabindra Pachhai, NCARD staff
- x Neeru Shrestha, former project coordinator
- x Tilak Bishwakarma, NCARD staff
- x Malla K. Sundar, NCARD board member
- X Purna Man Shakya, Reliance Law Firm

Kathmandu, September 3rd, 2012 (am), NCARD head office: alliance members and project resource persons

- x Bijaya Subba, Inuce chair
- x Seema Khan, Nepal Muslim Women Welfare Society chair
- x Balkrishna Mabuhang

- x Chija Gurung, NCARD social mobiliser
- x Hul Bahadur Bhujel
- x Manoj Gurung, Tamu Hyula Chhoj Dhi
- x Rim Gurung, The Council House of Tamu Students Nepal
- x Pan Bahadur Gharti, NEFIN
- x Yakub Dimriya, Islamikka Uyaunkari
- x Habib Miya,
- x Yam Bahadur Darai, Thanahu Darai Samaj
- x Kharga Bahadur Gurung, Tamu Hyula Chhoj Dhi

Pokhara, September 4th, 2012 (pm), Tamu Pah Lu Sangh: Gurung community (religious branch) members

- x Rup Bahadur Gurung, member
- x Sukraj Gurung, member
- x Lt. Indra Bdr. Gurung, member
- x Laxman Gurung, member
- x Bal Bdr. Gurung, member
- x Pom Bahadur Gurung, member
- x Indra Gurung, member
- x Kul Prd. Gurung, member
- x Bhoj Bdr. Gurung, TCHOTS
- x Rim Bdr. Gurung, TCHOTS
- x Hyshubba Gurung, member
- x Rajendra Gurung, member
- x Tara Bahadur Gurung, member
- x Dhan Bahadur Gurung, TCHOTS
- x Ashish Gurung, TCHOTS

Pokhara, September 5th, 2012, Bhujel Sewa Samaj Kaski: Bhujel community members

- x Resham Gurung, Tamu Hyula Chhoj Dhi
- x Tek Bahadur Gurung, Tamu Hyula Chhoj Dhi
- x Sabitri Sherchan, Thakali Sewa Samittee
- x Shashi Tulachan, member
- x Chija Gurung, NCARD social mobiliser
- x Drul Bahadur Bhujel, member
- x Prem Bhujel, member
- x Purna Bahadur Bhujel, member
- x Man Bahadur Bhujel, member
- x Bil Bahadur Bhujel, member

Kathmandu, September 6th, 2012, NCARD head office: alliance/staff members and project resource persons:

- x Netra Tumbahangphe, NCARD process facilitator
- x Ganga Prasad Mahara, Dalit Welfare Society chair
- x Sambhojen Limbu, Asian Law Firm and Research Center
- x Dr. Sumitra M. Gurung, NCARD chair
- x Prabindra Shakya, volunteer
- x Neeru Shrestha, former project coordinator
- x Tilak Bishwakarma, NCARD staff
- x Shyam Shrestha, political analyst

ANNEX 4: ACRONYMS

CA	Constituent Assembly
CERD	Committee on the Elimination of Racial Discrimination
DANIDA	Denmark's Development Cooperation
DFID	UK Department For International Development
DCC	Dalit Coordination Committee
MGCC	Marginalized Groups' Coordination Committee
M&E	Monitoring and Evaluation
NCARD	National Coalition Against Racial Discrimination
NGO	Non Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
UN	United Nations
UNDEF	United Nations Democracy Fund
WB	World Bank