Electoral Support Project: Institutional Strengthening & Professional Development
Support for the Election Commission of Nepal

Midterm Evaluation Report

December 14, 2010

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Executive Summary

The Electoral Support Project (ESP) has played an important and successful role in supporting the development of the Election Commission of Nepal (ECN) since the Constituent Assembly Elections. It has also played an essential if unplanned operational role by helping to implement a new biometric voter registration and to develop the Electoral Education and Information Centre (EEIC). The ESP remains just as relevant as ever in the face of ongoing institutional development needs and voter registration activities, and of course in light of potential elections in 2011. The main finding of this assessment is that UNDP should work to meet ECN's request for a one year extension to ESP, adopting some modifications to the project to reflect lessons learned and meet expected challenges.

ESP's successes are visible in the professional implementation of a new biometric voter registration program at the District level. The voter registration experience, however, also demonstrates some of the continuing support requirements and points to areas in which the ESP can be improved. First and foremost, the ECN has successfully implemented its voter registration plans, but has faced challenges in handling criticisms of its approach with respect to the documentary requirements for assessing voter eligibility. ESP's mandate calls for it to play a role in helping the ECN manage relationships with other stakeholders, and it has been notably successful in assisting with donor interaction. ESP support will continue to be important in this field, particularly in strengthening interaction with CSO and other Nepali stakeholders.

Also, by dropping its original plan to support ECN's public outreach efforts, ESP has been less prepared to help in this essential area which will benefit from considerable strengthening.

ESP has been very successful in assisting ECN with strategic planning efforts. Implementation of some strategic planning efforts has lagged, in part because of new operational requirements. ESP has also been successful in capacity development for individual ECN officers. It needs to do more, however, to ensure that capacity building efforts are not lost through the rotation of civil servants between ECN and other ministries and departments.

ESP has been a successful effort, and especially impressive in its ability to move from a capacity building plan to take on serious operational responsibilities for a complex and contentious voter registration exercise. In its remaining term, it will need to be sufficiently resourced in – staff, as well as finances – to address both operational requirements for voter registration and to build on its strategic planning and institutional development work.

Specific recommendations are found throughout this report and are consolidated in Section 3.

1. Introduction

1.1 Context. At the time of the evaluation, it has been two and a half years since Nepal held a relatively successful Constituent Assembly election, with the support of UNMIN electoral assistance office, and transitioned from a system of monarchy to federal republic. The Constitution drafting process has been delayed by a year and is potentially facing another postponement. The key political deadlines include scheduled closure of the U.N. Mission in Nepal on January 15, 2011 and the deadline for the new Constitution on May 28, 2011. If the constitutional deadline is met and the framework for the first post-conflict general elections is in place, the next elections could possibly take place six months later, in November 2011.

The Electoral Support Project (ESP or "The Project") began work in August 2008, although it formally started in January 2009, to strengthen the institutional development and build the capacity of the Election Commission of Nepal (ECN or "The Commission") after the Constituent Assembly Election. Through the provision of on-site technical advisory service and specialized electoral support, the Project seeks to enhance and further consolidate the institutional and professional capacities of the ECN, its Secretariat and the subsidiary district offices to meet the priorities that need to be addressed to further enhance the credibility and the adequacy of Nepal's future electoral processes. ESP has eight project activities: (1) Strategic Planning (2) Long-term Professional Development (BRIDGE) (3) Civil and Voter Registry Modernization (4) Geographic Information System (GIS) and Electoral Mapping System (5) Regional Technical Cooperation and Professional Exchanges (6) Electoral Information and Education Centre (7) Public Outreach and Voter Information/Education (8) and Electoral Complaint Resolution.

Although an elections-technical project, the ESP has taken place in a context of a difficult political transition in which the parties have achieved only limited progress.

The midterm evaluation of the Electoral Support Project took place in November 2010, two years into the Project with one year remaining and an ECN request for another year already in place. In the attempt to be guided by long-term, broad development strategies, and taking the electoral cycle approach promoted by the ESP, the ECN linked its voter registry to the national registry despite the technical challenges which the process involves and the controversy it attracts. The period of evaluation overlapped with the ongoing voter registration project and was marked by public attention on the ECN intended change in documentation requirements as regards the use of Nepali citizenship certificate, subsequent court appeals, and a stay of this change issued by the Supreme Court. Despite the stay, the evaluation team members were able to observe voter registration on the District level, as the voter registration with the Nepali citizenship certificate continued.

1.2 Scope. The midterm evaluation has covered the period since the Constituent Assembly elections 2008, focusing on progress and challenges to date with the view of extending an adjusted version of the Project with some recommended changes.

1.3 Methodology. The evaluation team relied on a combination of document review and stakeholder interviews to collect the data. Document review consisted of documents that constitute formal agreements among project partners such as the ESP founding document,

Memoranda of Understanding with donors, documents that record progress such as quarterly board meeting minutes, the monitoring and evaluation framework, the approved project Work Plan, periodic reports, as well as reports prepared by contractors to document the progress of their commissioned work. The team also reviewed publicly available information such as reports from independent observers that document electoral performance, including reports from media on issues of public interest such as national registration and citizenship certificate, international and domestic observer reports. In addition, internal working documents and reports produced during the course of implementation, such as training materials, training needs assessment, and reports on programmatic activities such as gender mapping report, geographic information system concept, electoral dispute resolution reports, voter registration planning documents, implementation and assessment reports, relevant letters and memos between the ESP and ECN, and coordination and quarterly meeting minutes and power points were also reviewed. A complete list of documents reviewed is available in Annex 2.

Stakeholder interviews included ESP staff, ECN Chairman, Commissioners, ECN Secretary, Joint Secretaries, Section Heads and staff, District Election Officer and staff, donors, civil society groups, and other electoral stakeholders from organizations such as the Carter Center (TCC), International Federation for Election Systems (IFES) and International Institute for Democracy and Electoral Assistance (International IDEA). Telephone interviews were conducted with former project staff and key informants no longer in the country such as former Head of IFES and TCC, and in following up on interviews with ESP project staff. A complete list of stakeholders interviewed is available in Annex 1.

To validate information collected and present the findings, the evaluation team used a combination of one-on-one debriefings with the donors and a final briefing on key findings for ESP, ECN and UNDP staff. The list of participants is available in Annex 3.

The evaluation also relied on a combination of qualitative and quantitative methods, although quantitative method was limited to staff numbers to assess and compare gender inclusion, numbers of BRIDGE modules and training conducted, as well as the number of BRIDGE participants. Quantitative analysis was not possible for most programmatic activities as registration and voter data was not available at the time of the evaluation.

2. Findings

2.1 General

Overall, the Project has been successful in providing technical support and building the capacity of the ECN in the period since Constituent Assembly elections. All of the stakeholders interviewed provided positive input, even where some drawbacks were identified and changes suggested. The ECN as the key beneficiary continued to recognize the benefits of the Project, identifying priority technical assistance positions in July 2010 and formally requesting that the project be extended to the end of 2012[1].

2.2 Long-term Priorities and Challenges

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[1] Letter dated 19 July, 2010 from ECN Joint Secretary to UNDP Nepal General Director. The original request by ECN was to extend the Project through 2013, or for two more years, but it was revised in consultation with the UNDP Country Office, as it is also contingent upon additional funding.

The "electoral cycle approach" promoted by the ESP is most obviously reflected in the Commission's adoption of its five year strategic plan. Its commitment to this approach and its guidance by long-term, broad development strategies are underscored by a major policy decision to link the new voter registry to the national registry despite the technical challenges the process represents and the controversies it sometimes attracts. So, while the attempt to move from short-term interventions to long-term development strategies is obvious in most of the aspects of the Commission's work, a significant work still lies ahead of the Commission and several specific areas which could contribute to the overall success are identified.

2.2.1 Moving from Reactive to Proactive Approach. The ECN continues to be stronger at addressing immediate needs such as the ongoing voter registration than in long term capacity building. This is understandable given the limited human and financial resources, which tend to be focused on immediate needs. The ESP is helping ECN to maintain greater engagement in multiple election activities and to maintain greater engagement of stakeholders in elections in general. There has been a significant improvement in the ECN planning ability, with a five year strategic planned developed and with a number of concepts developed for future activities, most with the ESP assistance. This upward trend should now also be extended to the implementation and monitoring of plans and concepts, with full ECN ownership of activities. Examples include the GIS mapping and gender units, which remain well-developed concepts but require follow-up. The ECN is also taking a centralized approach to technical assistance, meaning that most ESP advice and technical expertise are channeled through Commissioners and Joint Secretaries, whereas working level officials also need to receive expert assistance as they attempt to implement planning documents.

2.2.2 Institutional Knowledge and ECN Staff Capacities. Transferring the institutional knowledge among ECN professional staff remains a challenge, but this is to a large extent externally caused. The temporary nature of staff positions within the ECN caused by the rotation system of civil servants in Nepal is not conducive to long term capacity building. In fact, many of the seasoned professionals who have acquired solid experience or training have left the ECN. Despite commendable efforts, the ESP impact also continues to be limited as the capacity built is lost due to staff changes at all levels. In addition, there is still no system in place designed to help ECN retain institutional knowledge and transfer it from outgoing to incoming staff.

2.2.3 Addressing Flaws in the Old Voters' List. The ECN has been extremely responsive to stakeholders' reports and advice. One such example includes addressing the flaws in the highly inaccurate and outdated voters' list by building a completely new voter registry. The voter registry is discussed in more detail under specific project activities, Activity 3. There has nevertheless been public criticism in connection with the ECN's position on documentation requirements for proving citizenship, a matter which is now under judicial review.

2.2.4 Managing Expectations. Managing stakeholders' expectations is crucial for maintaining the public standing and professional integrity of the ECN. The ability to manage expectations could have a strong impact on an electoral management body's public image. In regards to the VR issues widely publicized in the Nepali media, the evaluation team observed the need for greater support to the ECN in its outreach to external partners and public as a whole using channels such as the media, civil society organizations (CSOs), and even donors on issues of public concern or as regards cultivating its own image. For example, explaining the ECN's need to promote social inclusion and the desire to avoid potential problems with disenfranchising voters, especially for specific groups, as a reason for reversing a decision on voter eligibility, could have potentially helped lessening or avoiding unfavorable publicity in connection with the VR process.

2.2.5 CSO Engagement. In general, the interaction between the ECN and the civil society groups in the interim period between the elections appears to have diminished, as observed by the evaluation team and reported by the stakeholders during the interviews. The ECN invited the groups to register to observe the voter registration; at the time of the evaluation only one request had been submitted. The founding project document foresees ESP working with the civil society and facilitating the Commission in doing so. Although 52 CSO members participated in BRIDGE trainings, there are also other areas where capacity of the civil society needs to be built and where CSOs could take a more active role to assist with elections - such as civic education and promoting gender and ethnic dimensions in the electoral process. Some CSOs reported organizing civic education workshops – ESP could be more active in supporting the ECN in jumpstarting this process and assist ECN in organizing forums to engage the civil society. Nevertheless, this was one of the areas that the ESP itself has identified as lacking and efforts were already being made to provide more support to the ECN in their external relations.

2.2.6 Coordination. The ESP has been successful in supporting the Commission's coordination with donors. Building on this model, the ESP should assist the Commission in strengthening the coordination with other stakeholders, in particular the civil society and the media in regular or ad hoc meetings.

2.2.7 Gender and Social Inclusion. Gender inequality appears to be entrenched in most Nepali institutions. The evaluation team recorded a decrease in women representation at all levels of the Commission but given the civil service rotation system this appeared to be beyond its influence. Specifically, the one woman Commissioner retired after the 2008 election, the total staff representation of women is 109 out of 583. There are 16 out 109 women at the central ECN level, and the ratio of female officers remains 2 out of 27, with only one woman District Election Officer, a drop from two since May 2010. Nevertheless, some specific efforts were being made to enhance women's participation, such as developing a concept for gender inclusion in May 2010, with limited progress. While some targets have been set to increase women staff levels no separate unit has been established to focus on gender issues and no mechanism established to track if more women are actually being employed.

In regards to the citizenship certificate issue and women, it would be important to include a gender perspective in the ongoing voter registration process, as women are more likely to be disenfranchised by the lack of the certificate than men. The electoral system used in 2008 accounted for significant increase in women and ethnic group representation in the Constituent Assembly and it will be important to maintain mechanisms to ensure the representation of ethnic groups and women in the future electoral system. As the matter is being discussed at the Constituent Assembly level, the ESP could support the ECN in being involved in the consultation process. The ESP has been coordinating the issue with IFES, which is providing advice on legal reforms to the CA and the ECN. The ESP is also planning to hire a longer term national gender consultant to work with the Commission and to organize a gender study tour to South Africa in 2011. On the social inclusion agenda, despite no mechanism in place to track the

employment of socially disadvantaged groups by the ECN, the Madhesi–based groups featured prominently in the debate on the documentation requirements for voter eligibility which the ECN intended to adjust at least partly in response to the group's demands.

2.3 Specific Project Activities

The project has tackled all of the original programmatic activities except for public outreach, which was dropped as a separate activity in May 2009. The evaluation team analyzed each activity, describing the activity as planned and progress to date, and identifying challenges and areas which could be improved or in some instances, changed.

2.3.1 Strategic Planning

Progress. The activity achieved its intended result in that the strategic plan was launched in March 2009. The ESP has also been successful in providing support to senior ECN officials for their day-to-day decisions but its success is more limited in ensuring the implementation (of the relevant portions at this mid-term point in between elections) and in assisting the Commission to think proactively and anticipate the needs. For example, the Geographic Information Systems (GIS) unit was created at the ECN with considerable investments and capacity-building effort made by the ESP. The ECN IT Head has been appointed as a formal head of the GIS unit. Another example includes the concept on gender inclusion and the proposal to establish a separate gender unit within the ECN. The ECN would now benefit from a more active approach to utilizing these efforts.

While the strategic plan itself, the subsequent implementation action plan, and orientation seminars represent significant and commendable progress, the implementation outside of these events does not appear to involve an inclusive consultation process, or at least no such process has been documented. A clear mechanism to document decisions and assess progress in meeting goals and objectives would represent a significant step in creating a strategic plan implementation monitoring process.

In addition, the challenges that the ECN is facing in strengthening its institutional capacity may also be exacerbated by the acting status of the chief official, the ECN Chairman. In a positive development, which may optimize its structure and internal organizational systems, the ECN has been working on a proposal to make the staff more permanent, and the issue of the Chairman's 'acting' role, which requires a vote by all major parties, is likely to be addressed in the near future.

As with the rest of this activity, the strategic plan includes special measures to encourage women, minority and ethnic group participation in electoral process and voter registration but the tracking and documenting of the implementation of these measures still needs to be developed. With respect to this activity and social inclusion, it is important to recognize the Commission's attempt to change a major policy decision regarding documentation requirements for voter eligibility in order to be inclusive of a major ethnic group represented by the Madhesi-based parties. A well-planned voter education and public outreach programme, supported by ESP,

could have been instrumental in managing public perceptions and resulting in well-informed media reports helping to avoid negative publicity.

Challenges and Adjustments. Building on its success in facilitating the preparation of the strategic plan and the implementation action plan, the ESP should shift its focus to supporting the ECN in implementing those plans and facilitating more regular consultative forums, where the decision making process is consistently recorder. Such process could involve ECN-organized and ESP-supported regular internal consultative meetings and public consultative events on all major policy decisions, documenting these processes, as well as sharing information with all stakeholders including the media, civil society organizations and the donors.

2.3.2 Long-Term Professional Development (BRIDGE)

Progress. The ESP has been successful in delivering multiple BRIDGE training modules at all Commission levels and translating various modules in Nepali and adjusting them to the local context thus enhancing the Commission's long term capacity to administer elections. To date, 312 electoral officials, including all of the District Election Offices (DEOs), and other election stakeholders have been trained in multiple modules of the BRIDGE. Although an estimated 20% of participants had left the Commission since being trained, the exact number is not available. The exact numbers of BRIDGE modules delivered, and the number of participants are available in the Summary Evaluation Matrix. At least two officials from the ECN attended the BRIDGE facilitator training but according to the Director of International IDEA in Nepal none of the ECN staff are accredited facilitators. Nevertheless, a national consultant/ECN staff is in charge of a BRIDGE office at the ECN headquarters in Kathmandu. Furthermore, BRIDGE workshops also represent an area where the ESP and the ECN successfully engaged the civil society. One example includes BRIDGE workshop in electoral systems provided to CSOs so that they could be more effective in participating in the debate on the electoral system in Nepal.

At the time of the evaluation, the improvement in the performance in the administration of elections could not be measured, and the voter registration data was still not available at the central level. However, the Commission's ability to conduct a fairly smooth voter registration, especially as witnessed by the evaluation team in one of the Districts, was impressive. Nevertheless, the evaluation team recognizes the risks still involved in transferring the data from the field to the central levels on memory sticks and the uncertainties regarding the quality of the data collected.

A training needs assessment (TNA) was conducted for the ECN and it identified several areas of general management training needs for ECN staff. Multiple training sessions and modules are planned for 2011 based on the TNA.

The coordination among the different stakeholders involved in the BRIDGE training for the Commission, the UNDP ESP, IFES, and International IDEA is extremely close and effective and could serve as an example in many similar transitional contexts.

Challenges and Adjustments. The challenges in training and capacity building of ECN staff are caused by many seasoned experts leaving the Commission and by the rotation system of civil servants so that capacity that is built is also lost. The Commission has been working to address this problem and retain staff by proposing that the staff selected for the BRIDGE training

commits to training other staff even after they leave. While there have been positive examples of this happening the system has not been, and possibly could not be, institutionalized given that it would require agreement from multiple government agencies. An adjustment could be made to the ECN as opposed to a more neutral stakeholder selecting and inviting the CSOs to the BRIDGE training, given that the CSOs hold the ECN accountable and may be more or less critical of its work in their reports.

Several general management programmes for the Commission staff at all levels have been provided including IT management and the English language skills. The two major areas where the ECN capacity building could go a long way include documenting/archiving/indexing which would significantly enhance ECNs ability to retain and transfer information and knowledge, as well as media and public relations.

2.3.3 Civil and Voter Registry Modernization

Progress. Following the completion of the voter and civil registry assessment, which resulted in a comprehensive proposal and support to the Commission to produce accurate and up-to-date voters' list with photos, this activity has been successfully conducted and concluded. The actual voter registration which is currently taking place represents a more operational and immediate task and not a capacity building exercise. The progress and challenges in the continuing voter registration operations are described in the New/Additional Activities section of this report.

Challenges and Adjustments. The ESP staff has successfully adjusted to the different type of support needed by the ECN, which represents a natural extension of the original activity. This change in activity should also be reflected in the founding project document, as was done in the annual report (so that the targets activity results are matching) and ESP increased financial resources, where possible, matched by staffing resources.

2.3.4 Geographic Information System (GIS) and Electoral Mapping

Progress. The ESP has successfully assisted the Commission in conducting a comprehensive assessment and developing a concept for the adoption of a GIS-based electoral mapping system. It has also established a GIS unit within ECN and procured essential hardware, software and datasets. The ESP has also contracted a highly competent national consultant to provide longer term support to the Commission, to help the ECN in developing a GIS mapping concept and GIS mapping capacity building and training curriculum for ECN staff. Three officers from the ECN IT unit have been assigned as GIS personnel and the Head of IT appointed as the unit head. The system has been used to assist the ECN is presenting information in form of maps, charts in donor coordination and other meetings.

Challenges and Adjustments. Delays in recruiting GIS or national consultant, his competence and the staffing resources stretched by continuous VR, as well as additional financial resources and activities, have resulted in the national consultant to be engaged as a Deputy Project Manager for a period of time, which led to further delays in operationalizing a GIS unit within ECN. The main challenge, however, is the fact that although formally appointed, the ECN Head of IT which serves as the GIS unit head and his staff have been extremely busy with the continuous

registration, and as a result, the evaluation team found the unit vacant with little activity other than production of maps for the presentations.

The in-house GIS facilities have also not developed digital mapping of the country including administrative and electoral boundaries with population and voting statistics. The technology has also not been used in the VR process, except as a test/pilot in several districts. In this regard, the use of GIS mapping has been overtaken by events. Nevertheless, the use of GIS mapping system could further contribute to the administration, planning, and execution of electoral process in determining polling station locations, creating a government-run GIS in the long term, and other similar aspects. For the success of this activity, the Commission needs to take ownership as soon as possible.

2.3.5 Regional Technical Cooperation and Professional Exchanges

Progress. The ESP has been successful in enhancing and expanding the professional capacities of the ECN personnel through their participation in professional exchanges and exposure to regional networking activities (study tours) and to electoral systems and processes of other countries. A number of study tours have been organized over the Project duration. In addition to their intended result, they also serve as an important job incentive to ECN staff participating in them.

Challenges and Adjustments: No documents were available to indicate that the ECN staff participating in study tours is transferring the knowledge gained on a regular basis, but all of the ECN staff reported learning new skills or at least broadening their knowledge, as a result of these trips. The added benefit of the study tours is that they serve as an incentive for staff working for the ECN which is a positive aspect, but the ESP and the ECN should make every effort to avoid the incentive being the only benefit. While ECN staff interviews and requests for more study tours speak to their success, the ESP should encourage and facilitate ECN in organizing workshops prior and following each trip and in producing programmatic area trip reports. As the ECN itself selects the staff participating in the study tours, it should make every effort to select different staff for the trips and that more women and normally excluded groups participate in them. It is also imperative that at least one woman participates in the upcoming gender study tour to South Africa.

The Project and the project document could be revised to reflect that this is not a separate activity but rather a provision to incorporate study trips as part of the other activities to enhance ECN skills and broaden the knowledge of the ECN.

2.3.6 Electoral Education and Information Center (EEIC)

Progress. ESP has been successful in assisting the ECN in mobilizing funds required for the construction of a multi-functional Electoral Education and Information Centre (EEIC) which will serve as an educational facility for the broader Nepali community to learn about government and electoral processes, as a training facility for election officials and electoral stakeholders and as a knowledge center for storing and developing knowledge, research and resources.

In a landmark development, the AusAID provided 1.09 million USD for the construction of the new EEIC based on the ESP-prepared proposal. A study trip was subsequently organized to the

Australian Election Commission's (AEC) National Electoral Education Centre. As this type of support is not narrowly within the ESP mandate, UNDP subcontracted to UNOPS for the physical establishment of the EEIC within the ECN headquarters in Kathmandu and UNOPS provided one engineer for the project. Another consultant has also been recruited from the AEC for the development of a detailed Interpretation Plan for the EEIC.

Challenges and Adjustments. As the EEIC construction is currently expected to finish in late fall, it may be necessary to identify a temporary location as a back-up for some EEIC functions in case of elections at the end of 2011, such as the media center. In parallel to the physical construction of the EEIC, the software or the substantive portions of this activity, the information and knowledge that would enhance the professional capacities of the ECN staff and other targeted groups such as women and excluded groups, have not been developed. As a result, the EEIC is yet to be developed as a means to provide in-house and ready-to-use policy support and advice to the ECN, which is as much or more needed than the physical space. Building on its success in mobilizing funds for the building, the ESP should shift its focus on building the knowledge and information to be used at the EEIC. In a positive development, the ESP provided a consultant from the Australian Electoral Commission to work with the Commission in working on these election-substantive components of the EEIC. EEIC is in its name and substance a sub-activity of the Public Outreach and Voter Information and Education.

2.3.7 Public Outreach and Voter Information/Education

Progress. Public and Voter Information/Education has been temporarily dropped as a project activity in May 2009, and permanently at the end of 2009 partly due to the fact that IFES, a close partner in providing technical assistance, planned to provide assistance in this area.

Challenges and Adjustments. Technical assistance in public outreach area requires significant strengthening which can be done by reintroducing public outreach as an ESP project activity. There is room for significant support in the area of developing a clear public outreach strategy for the ECN, although voter education in VR has been good and there have been media appearances. ECN is among the more credible institutions in Nepal, and it is essential to preserve that image. Nevertheless, its attempted policy change in the documentation requirements for registration regarding the need to use a citizenship certificate is demonstrative of the type of policy decisions and related public outreach needed in future. Similarly, expectations from the new voter registry are also high and need to be managed, which is another public outreach issue. Given the ESP engagement in EEIC construction and election education and information development, as well as the ESP Project Manager's intention to strengthen the support to ECN in external relations, all of which are closely related activities, the ESP is well positioned to provide the necessary support to the Commission in public and voter information and education. As this is an area requiring significant support in particular as regards gender and social inclusion, IFES and ESP can both easily work on it, taking advantage of ESP's ability to react fast to demands given their location at ECN, and continuing to closely coordinate activities.

2.3.8 Electoral Dispute Resolution

Progress. A concept was developed to assist the ECN in revision of electoral dispute resolution (EDR) system and a consultation workshop organized with key stakeholders (judiciary, political and civil society representatives) on the revised EDR system.

Challenges and Adjustments. This is a very specific area in which the ECN will continue to require support. The ESP and ECN should coordinate with other stakeholders closely to avoid the situation where a consultant is brought to Nepal when a key counterpart is out of the country for half of the time (funded by another stakeholder/international donor). Also, the original EDR concept developed by an international consultant was subsequently reversed by another consultant in agreement with the ECN. The ESP should try to minimize such problems as much as possible in order to maximize the effect of the available resources.

In summary of their progress, challenges and adjustments, the ESP project activities could be revised as follows:

1. Monitoring the Strategic Plan Implementation
2. Long-term Professional Development and a mechanism for institutional knowledge transfer
3. Civil and Voter Registry Operational Support
4. GIS and Mapping System Application
5. Public Outreach and Voter Information and Education
   a. Electoral Education and Information Centre (distinguishing between the election substantive and physical design components)
   b. External Relations
6. Electoral Dispute Resolution

Gender and social inclusion as well as study trip components are cross-cutting issues and pertain to each activity.

2.4 New/Additional Activities

Several new activities that were not planned in the original project design were added: voter registration operations and procurement for the voter registration equipment, and the construction of the EEIC. The additional activities which the ESP took on demonstrate that the project was able to adjust to ongoing demands. Nevertheless, the additional financial resources were not matched by staffing resources, which had a negative impact on the Project and led to some delays or less priority given to other activities.

2.4.1 Voter Registration Operations and Procurement

Progress. Out of the eight major areas of the ESP intervention, support to the new biometric voter registration program has become the Project's largest, most resource intensive, and challenging initiative. This new activity represents a natural extension of the originally planned support for the voter list modernization which was successfully completed, but it is by far more operational in nature and outputs than any of the originally planned activities. The ESP provided the support for the ECN's March 2010 Voter Registration with Photograph (VR) pilot project,

and subsequently for the first phase of the voter registration program which started in September 2010. It developed a series of strategy papers, concept papers, project proposals, implementation plans, software and equipment specifications related to the VR project. It assisted the ECN in mobilizing and coordination of the funds from the different donors. During 2010, some 11 million USD[2] were mobilized for the Voter Registration. Finally, the UNDP ESP took direct responsibility to procure all of the equipment and materials for the voter registration, funded by the donors. This was done in direct response to the Commission's and subsequently the donors' request as a result of potentially negative impact on the ECN's image associated with awarding procurement contracts. It is important to stress that there were no actual problems associated with ECN's conduct, but rather perceptions of conduct, with procurement. It is desirable that the Commission itself handles the procurement of such items in the future; this activity was implemented by the ESP not as a result of the lack of ECN capacity but in order to assist the Commission in preserving its credibility and good reputation. Once the political transition is completed, and another electoral cycle successfully completed, the Commission is less likely to need this type of assistance, but currently it is a demonstration of the ESP's ability to respond and adjust to new needs. The Commission and the donors appear to be generally satisfied with the UNDP ESP and UNOPS performance although some delays were noted in procuring the materials.

Nationwide registration commenced in 58 municipalities at the end of September 2010. To date, 1.3 million voters, of an estimated 1.7 million, have registered. The second phase of the voter registration program, targeting a potential 9.5 million voters, is planned for early 2011. Registration is currently planned to finish in June 2011 after it is completed in the Himalayan regions. A total of 14 million registrants are expected nationwide. The ECN is planning a continuous registration which would allow any person remaining un-registered an opportunity to register.

Challenges and Adjustments. The expected number of registered voters is based on an old voter roll minus the 25 percent of voters including the deceased, double registrants, citizens living abroad, and similar. The registration numbers are based on the ECN field reports and estimates, but as of November 2010 none of the registration data had been transferred to the central level, and the stakeholders expressed some concern about most of the data being stored on memory sticks at the field level.

Similarly, reacting to boycotts of the registration process and calls of discrimination and disenfranchisement by the Madhesi-based parties and Limbuwan, the Commission entered into what appeared to be a damaging public debate on the use of additional documents for registration by those registrants without a citizenship certificate. Following consultations with the protesting political parties, the ECN intended to adjust the documentation requirements, allowing documents other than the citizenship certificate, to be used for registration. The decision would

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[2] ESP 2010 Annual Progress Report, draft 12-08-2010

also permit Village Development Committees (VDCs) to provide affidavits for potential voters, without a citizenship certificate, to register.

On the 28 November the Supreme Court issued a stay, suspending the ECN amendment. The ESP advised the ECN to allow further debate on the citizenship certificate issue to be taken up by the Ministry of Home Affairs (MoHA) in charge of issuing citizenship certificates. It also encouraged donors, ambassadors and heads of agencies to lobby the Prime Minister and MoHA to treat the issue as a matter of national importance.

The citizenship certificate issue currently remains the greatest challenge to the VR process. The final Supreme Court decision is likely to resolve the issue, but it represents a planning challenge for the ECN and could lead to a delay in the next registration phase currently planned for early 2011.

Current guidelines, procedures, training manuals, voter education materials and registration software are all designed on the premise that only a citizenship certificate is allowed for registration. The ECN, following its 2 November procedural amendment, has been working to redevelop its materials, structures and IT systems to reflect the new, more lenient, registration requirements.

The ESP should continue to support the ECN in planning for both scenarios – registration with and without additional documentation although some of the more costly amendments, such as updating registration software, producing new manuals and printing new voter education materials should not be undertaken until a final decision is made.

This issue is a good example of the need for an inclusive consultative process on major, and in this case, polarizing policy decision. It is also a good example of the need to share and manage information effectively.

2.5 Coordination with Other Actors

The ESP has established a coordinating mechanism for the coordination among the different international stakeholders and the donors involved in supporting the Commission which appears to be effective and could serve as an example in many similar transitional contexts.

The ESP has also played a key role for donor coordination and resource mobilization for the ECN. During 2010 the following resources were mobilized:

- NPTF   - $ 5 m
- NORWAY   - $ 2.14 m
- DFID   - $ 1.45 m
- DENMARK/DANIDA-Hugou   - $ 2.7 m
- AusAID   - $ 1.09 m
- JICA   - $150,000

To ensure proper coordination with other stakeholders, including those who are not providing funds and are not involved in technical assistance, but could be helpful in ECN's work, such as the CSOs and the media, the ESP could assist the ECN in establishing coordination mechanisms based on the donor coordination model.

2.6 Future Elections

There is as yet no electoral calendar. Moreover, the nature and scope of future elections remains unclear pending the adoption of fundamental provisions on the structure of the future Nepali state and its electoral system. The ECN has tentatively indicated that if the constitutional timeframe is met (i.e. May 2011), and if all legislative, budgetary and operational requirements have been addressed on time, the ECN could possibly conduct elections by November 2011.

Regardless of the timing of future elections, there may be a need for electoral assistance specific to the preparation and conduct of such a process, which the current ESP project document does not foresee. (For example, support might be required for the drafting of electoral procedures, logistics, training, field support, etc). This is not the focus of this evaluation process, but the topic inevitably arose in discussing support to the ECN with all the stakeholders.

According to the Electoral Assistance Division of the United Nations Department of Political Affairs, a need for assistance should preferably be expressed by means of a formal request from the Government of Nepal. Even if the Government does not express its request in such a formal way, providing operational support for future elections requires a prior assessment of the needs and policy implications, in accordance with UN/UNDP guidelines on electoral assistance.

3. Conclusion and Recommendations

The evaluation team found that the ESP support was mostly effective. The Commission, with the Project's assistance, will benefit from shifting focus to monitoring the implementation of plans and concepts and in taking ownership of such support. Staffing issues such as the existing civil service staff rotation system and the lengthy process of the appointment of the permanent chairman have affected institutional and capacity building by the Electoral Support Project, and need to be addressed at the level beyond the Commission. The ESP quickly adjusted to evolving demands, and election operational needs, but this has limited resources available for some of the originally planned institutional and capacity building activities. The project design is still appropriate for the interim period in between elections.

The following recommendations are put forward with a view of assisting the ESP in enhancing the ECN's work while recognising ECN's overall competence in conducting elections in Nepal:

- Extend the Electoral Support Project through 2012 as requested by the ECN. Continue building capacity with some improvements to ongoing activities

- Adjust the Project description/document (ESP Institutional Strengthening and Professional Development Support for the Election Commission of Nepal) to reflect changes, and adjustments to the Project. Include document version and/or date and do the same with all of the ESP prepared documents

- Increase ESP staffing resources to match the increased financial resources in order to better address challenges posed by additional activities. Expanding the team to assist the ESP Project Manager with election technical issues would go a long way

- ESP and ECN should coordinate staffing needs closely and prioritize decisions on consultants' number and timing. Where possible, international consultants should be replaced by Nepali ones who can be engaged for longer periods. The same international consultants should be used for repeated visits on the same or similar activities to provide continuity

- Address larger, structural issues before going into technical issues, e.g. support the ECN in its effort to move towards creating more permanent staff (noting budgetary implications) as well as help the ECN build a system of retaining and transferring institutional knowledge before significant time and money resources are invested in them

- Strengthen support to the ECN in its public outreach and voter and civic education activities, particularly in its partnership with stakeholders such as the civil society, and media, using the donor coordination mechanism as a model, to facilitate ECN work and help create conditions in which ECN can afford to focus on technical issues

- Reintroduce public outreach as an activity to support ECN, with Electoral Education and Information Centre as a sub-activity

- Intensify efforts on social and gender inclusion agenda including better representation of women at the professional levels of the ECN

- Assist ECN in designing a process to retain institutional knowledge and to transfer it from outgoing to incoming staff. Such process would involve induction courses for new staff including overlapping periods for incoming and outgoing staff, well-organized and readily available paper and electronic archives, and regularly organized training sessions by accredited BRIDGE facilitators or BRIDGE trained staff. Decentralize as many technical issues as possible

- With respect to UN support to prospective elections after the adoption of the Constitution, a formal request from the Government is preferred by DPA/EAD. Regardless of whether a formal request is received, DPA/EAD should conduct a Needs Assessment Mission in consultation with UNDP – as per the revised Note of Guidance[3] – in order to assess ECN needs for the preparation and conduct of general and other elections.

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[3]DPA-UNDP Revised Note of Guidance on Electoral Assistance, 2010

4. Lessons Learned (main lessons learned from the evaluation that may have generic application)

1. The evolving demands on an election capacity building project can easily move it towards becoming more operational in focus, and a project would need to be sufficiently adjusted (based on an assessment of needs) so that it can address both original capacity building requirements and provide the newly-decided operational support, before additional financial resources are allocated to it.

2. The Election Commission of Nepal is built into the civil service of Nepal, and so staff rotate in and out of electoral responsibilities. The kind of civil service rotation found in Nepal is unique, but all Election Management Bodies lose and gain staff, so this is a persistent problem. As such, capacity building programs need to be institutionally as opposed to individually focused.

5. Summary Evaluation Matrix of Project Achievements by Objective and Outputs

The primary objective of the Electoral Support Project is to significantly strengthen the professional capacities and institutional organization of the ECN, particularly in view of its next major challenge, which is the preparation of the first legislative and, possibly, local elections to be conducted once the new Constitution of Nepal is finalized and ratified in 2011. The results framework for this project and its link with UNDP country program were defined in the Terms of Reference for the midterm evaluation as follows:

Results Framework	Output Indicators (definition)
Intended country program outcome Increased access to and participation in constitution building and free and fair electoral processes	1- # of election officials, CA members, political party representatives and CSO representatives trained on different modules of BRIDGE course 2- Gender and social inclusion responsive voter education strategy implemented 3- # of study tours conducted in different programmatic areas 4- # number of consultants/days at work assisting the ECN in capacity building in different programmatic areas

Intended country program output	
Election Commission supported to strengthen the operational and procedural administration of the electoral process	
Project Outputs ↓	**Output Indicators (specific #)** ↓
1) Strengthened capacity of the ECN to function as a permanent, independent, credible and professional institution of governance	1 – 146 election officials in seven modules in 2009 and 166 in five BRIDGE modules in 2010 for a total of 312 ECN BRIDGE participants overall. 52 CSO members and approx. 40 CA members trained.
2) Enhanced professional capacities of the ECN officials at headquarters and at the ECN subsidiary offices at the local level	3 – study tours organized to nine different countries in 2009 and (Australia, India 2x, Bangladesh, South Africa, UK, South Korea, Thailand, Japan)
	4 – Nine international consultants provided support for approx. 200 days in information technology, information center, operations, voter registration, EDR, strategic planning; and 4 international BRIDGE facilitators in EDR, pre-electoral activities and training, electoral administration, and voter registration. Fifteen national consultants provided support in translation/interpretation, gender issues, and information technology.
3) Expanded democratic participation in the next cycle of elections, particularly for under-represented and disadvantaged segments of the Nepali society	N/A

The evaluation team adjusted the evaluation matrix by defining additional output indicators and identifying additional project achievements. The matrix is based on specific data from the 2008 and 2009 Annual Progress Reports, draft 2010 Annual Progress Report and the ESP quarterly board meeting minutes.

Annex 1: List of Stakeholders Interviewed for the Midterm Evaluation

1. Mr. Neel Kantha Uprety, Act. Chief Election Commissioner, Election Commission of Nepal
2. Mr. Yajan Prasad Gautam, Secretary, Election Commission of Nepal
3. Mr. Shyam Sunder Sharma, Joint Secretary, Election Commission of Nepal
4. Mr. Rajendra Prasad Sharma, Joint Secretary, Election Commission of Nepal
5. Mr. Tulsi Prasad Gautam, Under Secretary, Election Commission of Nepal
6. Mr. Mahesh Timilsina, Section Officer, Election Commission of Nepal
7. Ms. Shanta Nepal, Section Officer, Training, Election Commission of Nepal
8. Mr. Dhruba Dhakal, Under Secretary, Training, Election Commission of Nepal
9. Ms. Laxmi Pandey, District Election Officer, Lalitpur DEO, Election Commission of Nepal
10. Mr. Luis Martinez-Betanzos, Project Manager, UNDP Electoral Support Office
11. Mr. Buddhika Kodithuwakku, Project Manager (Construction of EEIC), UNOPS Nepal
12. Ms. Sarah Levit-Shore, Country Representative, The Carter Center Nepal
13. Mr. Michael Baldassaro, Deputy Country Representative, The Carter Center Nepal
14. Mr. Allan Wall, Country Director, International Foundation for Election Systems
15. Ms. Rajju Malla Dhakal, Programme Manager, Enabling State Programme, DFID
16. Ms. Anne-Isabelle Degryse-Blateau, Country Director, UNDP Nepal
17. Mr. Jorn Sorensen, Deputy Country Director, UNDP Nepal
18. Mr. Sharad C. Neupane, Assistant Country Director, UNDP Nepal
19. Mr. Tatsuhiko Furumoto, Programme Analyst , UNDP Nepal
20. Ms. Heather Bryant, Monitoring & Evaluation Officer , UNDP Nepal
21. Mr. Lars Peter Christensen, Program Coordinator, DANIDA HUGOU
22. Ms. Leena Rikkila Tamang, Head of Mission, International IDEA
23. Mr. Grant Kippen, Election Dispute Resolution Consultant, UNDP ESP
24. Mr. Oliver Vick, Voter Registration Consultant, UNDP ESP
25. Ms. Latika Pradhan, Programme Manager, AusAid
26. Mr. Bishnu P. Adhikari, Democratic Governance Specialist, USAID Nepal
27. Mr. Surya Shrestha, Chairman, National Election Observation Committee
28. Mr. Kapil Shrestha, Co-Chairman, National Election Observation Committee
29. Mr. Sashi Aryal, Section Officer, Election Commission Nepal
30. Mr. Sashi Kumar Upadhaya, Member, General Election Observation Committee
31. Mr. Prabhat Kumar, National GIS Officer, UNDP ESP

Annex 2: List of Reference Documents for the Midterm Evaluation

1. Electoral Support Project, Institutional Strengthening and Professional Development Support for the Election Commission of Nepal (2008-2011), UNDP Nepal, 2009

2. Electoral Dispute Resolution, Project Assignment Report, ECN and UNDP ESP, June 2010

3. Strategic Plan of the Election Commission of Nepal, ECN, March 2009

4. Action Plan, Implementation of the ECN's Strategic Plan, Electoral Cycle 2009-2013, Project Document, ECN and UNDP ESP, April 2009

5. Minutes of the Project Board Meeting, Electoral Support Project (30 Jan 2009, 13 July 2009, 18 May 2009, 22 October 2009, December 2010, 13 October, 2010, 22 March 2010, 30 June 2010)

6. Enhancing Public Participation and Understanding of the Electoral Process in Nepal, Strategy Paper, ECN and UNDP ESP, December 2009

7. Establishment of Geographic Information System (GIS) within Election Commission of Nepal, Concept Paper, ECN and UNDP ESP, February 2010

8. Electoral Dispute Resolution, Draft Proposed Solutions Paper, ECN and UNDP ESP, December 2009

9. A Proposal on Efficient Management of Electoral Process of "Multi Year Strategic Plan" From 2008/9 to 2012/13, Proposal Submitted to Nepal Peace Trust Fund, Election Commission of Nepal, July 2009

10. Project Proposal Voter Registration Pilot Project, July 2009

11. Operational Plan of Voter Registration Pilot Project, July 2009

12. Software Requirements for Specification for ECN Voter List Application, July 2010

13. Finding and Recommendation from Pilot Voter Registration Projects, April 2010

14. Suggested Pilot Project Measurements, February 2010

15. Guidelines for Enumeration, ECN, February 2010

16. Instructions for Registration Unit Set-Up, ECN, April 2010

17. A Joint Appraisal of the "Voter List with Photograph" Concept and Pilot, DANIDA and IFES, April 2010

18. Citizenship Certificate and Voter Registration, ECN, April 2010

19. Implementation Strategy for Voter Registration, ECN, February 2010

20. Integrated Voter List with Photograph, ECN, July 2009

21. Preparation of Voter List with Photograph, ECN, July 2009

22. Continuous Voter Registration Strategy for Nepal, ECN, draft August 2010

23. Election Commission of Nepal-Voter Register with Photograph Program, ECN, August 2010

24. Central Database Evaluation for Voter Registration System, ECN, September 2010

25. Municipality Registration Issues and Considerations, ECN, September 2010

26. Letter Re: ESP Extension, ECN Joint Secretary to UNDP, July 19, 2010

27. DPA-UNDP Revised Note of Guidance on Electoral Assistance, 2010

28. Report on Gender Mapping in the Field of Elections, ECN and UNDP ESP, May 2010

29. Training Needs Assessment of the Election Commission of Nepal, Human Resource Development Centre, ECN and UNDP ESP, November 2010

30. Electoral Education and Information Centre, Concept Paper, ECN and UNDP ESP, December 2009

31. Nepal Voter Registration Assessment 2008/2009, ECN and IFES, no date

32. The Act Relating to Electoral Rolls, 2063 (2006), Date of Certification 2063.9.14 (Dec 29, 2006)

Annex 3:   List of Participants: Briefing on Key Findings of the Midterm Evaluation

1. Mr. Neel Kantha Uprety, Act. Chief Election Commissioner, Election Commission of Nepal
2. Mr. Yajan Prasad Gautam, Secretary, Election Commission of Nepal
3. Mr. Shyam Sunder Sharma, Joint Secretary, Election Commission of Nepal
4. Mr. Dolakh Bahadur Gurung, Election Commissioner, Election Commission of Nepal
5. Dr. Ayodhi Prasad Yadav, Election Commissioner, Election Commission of Nepal
6. Rajendra Prasad Sharma, Joint Secretary, Election Commission of Nepal
7. Madhu Prasad Regmi, Joint Secretary, Election Commission of Nepal
8. Sharada Prasad Trital, Joint Secretary, Election Commission of Nepal
9. Tub Raj Pokharel, Under Secretary, Election Commission of Nepal
10. Yub Raj Kattel, Under Secretary, Election Commission of Nepal
11. Bharat Mani Khannal, Under Secretary, Election Commission of Nepal
12. Komal Dhamala, Under Secretary, Election Commission of Nepal
13. Bhola Prasad Khakurel, Under Secretary, Election Commission of Nepal
14. Laxmi Saran Ghimire, Under Secretary, Election Commission of Nepal
15. Lok Darshan Pandit, Under Secretary, Election Commission of Nepal
16. Uddhav Prasad Rizal, Under Secretary, Election Commission of Nepal
17. Dhruba Prasad Dhakal, Under Secretary, Election Commission of Nepal
18. Tulsi Prasad Gautam, Under Secretary, Election Commission of Nepal
19. Gopal Prasad Adhikari, Under Secretary, Election Commission of Nepal
20. Matrika Prasad Shrestha, Senior Computer Officer, Election Commission of Nepal
21. Tatsuhiko Furumoto, Programme Analyst, UNDP
22. Luis Martinez-Betanzos, Project Manager, UNDP Electoral Support Project
23. Prabhat Kumar, GIS Officer, UNDP Electoral Support Project
24. Mim Bahadur Lama, UNDP Electoral Support Project
25. Srijana Shrestha, UNDP Electoral Support Project
26. Sachin Karmacharya, UNDP Electoral Support Project
27. Raj Bahadur Sapkota, UNDP Electoral Support Project

Annex 4:   Sample Evaluation Questions, ECN

1. Has the UNDP Electoral Support Project been effective in providing support to you (the Election Commission of Nepal) and in implementing its five year Strategic Plan?

2. Is the project design still relevant given the current political context and the current needs and the priorities of the Election Commission of Nepal (for example, the project focuses on long term capacity building whereas voter registration started some time ago)?

3. Has the project been efficient in implementing its activities?

4. Which of these project activities have been successfully implemented with ESP assistance (specify, if without)? Which of these project activities have not been successfully implemented? Please explain.
   - Strategic Planning for the electoral cycle
   - Professional Development (BRIDGE training)
   - Modernization of Voter Registry
   - GIS and electoral mapping
   - Regional technical cooperation and professional exchanges (study tours)
   - Electoral Information and Education Centre
   - Public Outreach and Voter Information/Education
   - Electoral Dispute Resolution

5. What could be the potential areas of engagement in 2011 and 2012 taking into account the likelihood of another election cycle starting at the end of next year?

6. To what extent did the project build and promote its partnership with other relevant stakeholders for greater results?

7. Was the project able to provide necessary policy and technical support to the ECN in order to implement the voter registration program?

8. Any other questions, comments you would like to provide, not included above?

Annex 5:   Evaluation Team Short Biographies and Key Responsibilities

The evaluation team consists of an international election and evaluation expert, a representative of UN DPA EAD, and it is supported by a national expert in Gender and Social Inclusion. The duration of evaluators' assignment in Nepal is approximately two weeks, from November 21 to December 3, 2010.

Naresh Newar is a national expert in Gender and Social Inclusion in Nepal. Mr. Newar, supported the team by organizing interviews with the stakeholders, providing input for the portions of the report pertaining to the gender and social inclusion area, and in stakeholder interviews, facilitating the briefing on the midterm evaluation for the key stakeholders, and compiling lists participants and stakeholders interviewed for the evaluation.

Svetlana Galkina is a representative of UN DPA EAD. Ms. Galkina has a decade of international electoral experience working in UN-led electoral assistance teams in Timor Leste, Afghanistan, Iraq, USA (Out of Country Voting for Iraqi elections) and Nepal. From February 2007 to June 2008 she worked in Kathmandu ECN Headquarters as an UNMIN electoral adviser assisting ECN in the preparations for the CAE 2008, and is currently an Electoral/Political Affairs Officer at the UN DPA EAD. Ms. Galkina participated in stakeholder interviews and provided input and review of the midterm evaluation report.

Tihana B. Blanc is an international consultant with fifteen years of experience in international elections projects and democracy and governance evaluations, including two previous evaluations of election projects in Nepal. Ms. Blanc drafted the stakeholder interview questions for the Commission and the donors, participated in stakeholder interviews, conducted the briefing on key findings and recommendations for the key stakeholders, and drafted the midterm evaluation report on behalf of the evaluation team.

Annex 6:   **List of Acronyms**

AEC	Australian Election Commission
AusAID	Australian Government Overseas Aid Program
CA	Constituent Assembly
DANIDA-Hugou	Danish International Development Agency (Human Rights and Good Governance Advisory Unit)
DFID	UK Department for International Development
DPA	Department of Political Affairs (United Nations Secretariat)
ECN	Election Commission of Nepal
ESP	Electoral Support Project
EAD	Electoral Assistance Division (UN Secretariat, Department of Political Affairs)
GIS	Geographic Information Systems
GSP	Gender Support Programming
IFES	International Foundation for Election Systems
MoHA	Ministry of Home Affairs
MoU	Memorandum of Understanding
NPTF	Nepal Peace Trust Fund
TNA	Training Needs Assessment
UCPN (M)	United Communist Party of Nepal, Maoists
UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
USD	United States Dollars
VDC	Village Development Committee
VR	Voter Registration