SUPPORT TO PARTICIPATORY CONSTITUTION BUILDING IN NEPAL (SPCBN)
### About the Project

**Project Title:** Support to Participatory Constitution Building in Nepal  
**Award ID:** 00049635

### Geographic coverage of the project

**National level coverage (Yes/No):** Yes

### Strategic Results

**UNDP Strategic Plan Outcome 2:**  
Citizen expectations for voice, development, the rule of law and accountability are met by stronger systems of democratic governance

**UNDP Strategic Plan Output 2.1:**  
Parliaments, constitution making bodies and electoral institutions enabled to perform core functions for improved accountability, participation and representation, including for peaceful transitions

**UNDAF/CPAP Outcome 6:**  
Tiers of government established and function to meet the provisions of the new federal constitution.

**UNDAF/CPAP Output 6.1:**  
National institutions, policies and legislation reviewed from inclusion and gender perspectives, and developed in line with the provisions of Nepal’s inclusive, federal constitution

### Project Budget (US$)

| UNDP Contribution: US $8,532,729 | Start Date (day/month/year): April 2008 |
| BCPR $580,413 | |

**Government Contribution:** none

**End Date (day/month/year):** June 2015

**Other Contributions:**

### Implementation Medality

**Donor Contributions:**
- DFID $3,552,842
- Denmark $3,290,752
- Norway $2,534,025
- British Embassy $1,005,746
- Austria $282,343
- Gov. of Japan $253,000
- SWISS $546,151

**Unfunded:** NA
Total project budget: US$ 20.8 m
Total approved budget for 2014: US$1.5 m

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<tbody>
<tr>
<td>CA</td>
<td>Constituent Assembly</td>
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<tr>
<td>CPAP</td>
<td>Country Programme Action Plan</td>
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<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>GoN</td>
<td>Government of Nepal</td>
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<tr>
<td>IBS</td>
<td>Internal Broadcast System</td>
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<td>IIDEA</td>
<td>International Institute of Democracy and Electoral Assistance</td>
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<td>IPM</td>
<td>International Project Manager</td>
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<td>LP</td>
<td>Legislature-Parliament</td>
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<td>MAG</td>
<td>Media Advocacy Group</td>
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<td>Management Information System</td>
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<td>Memorandum of Understanding</td>
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<td>Nepal Bar Association</td>
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<td>NEMAF</td>
<td>Nepal Madhesh Foundation</td>
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<td>NFDIN</td>
<td>National Foundation for Development of Indigenous Nationalities</td>
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<td>NC</td>
<td>Nepali Congress</td>
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<td>PDCC</td>
<td>Political Dialogue and Coordination Committee</td>
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<td>PEB</td>
<td>Project Executive Board</td>
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<td>PM</td>
<td>Prime Minister</td>
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<td>Q&amp;A</td>
<td>Question and Answer</td>
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<td>SPCBN</td>
<td>Support to Participatory Constitution Building in Nepal</td>
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<td>UML</td>
<td>UNIFIED Marxist Lenin</td>
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<td>UNICEF</td>
<td>United Nations Children's Fund</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNDAF</td>
<td>United Nations Development Assistance Framework</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>USD</td>
<td>United States Dollar</td>
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<td>VDC</td>
<td>Village Development Committee</td>
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1. Executive Summary

After the 2013 Constituent Assembly (CA) election, a new government has been in place since February 2014 and the CA continued the drafting of a new constitution. Despite intensive consultations to reach consensus, major political parties continue to have differences on the modality of federal provinces, forms of government, electoral system and judiciary. In this context, the Support to Participatory Constitution Building in Nepal (SPCBN) project works with two key objectives: firstly, it aims to work with major political parties to narrow the gap on key constitutional issues, and secondly, it engages with media and civil society, including excluded groups, to ensure their meaningful and responsible participation in the constitution making process.

Progress was made on narrowing the gap between parties on a number of key constitutional topics. Much of the positive work was done under the aegis of the Committee for Political Dialogue and Consensus headed by Baburam Bhattarai and one of its sub-committees chaired by Lakshman Lal Karna, resulting in greater clarity on the number of provinces and its linkage with the twin criteria for demarcation of provinces identity and viability. Additionally, discussions on the shared rule dimension of the federal structure, including the powers and composition of the second chamber, has progressed. Consensus on a reformed parliamentary executive also showed signs of progress. The Political Dialogue Coordination Committee (PDCC) conducted 61 meetings independently on key constitutional issues in a participatory process, which helped to narrow the political divide (PDCC Report 2014).

Another positive development was agreement amongst political leaders that the draft provisions on citizenship was inconsistent with international human rights. Persistent and wide ranging lobbying from women’s groups and women leaders led to a formal review of documents from a gender and human rights perspective. The project also contributed to the facilitation and execution of informed debates amongst political leaders and women’s, Dalit’s and other excluded groups, on the issue of inclusion in the electoral system and the Bill of Rights.

In 2014, SPCBN continued to facilitate political dialogue on contentious constitutional issues. It provided fora for influential, second tier political leaders, constitutional advisors to political parties and local and international experts to discuss, debate and facilitate compromise options and a broad consensus. The program partnered with relatively conservative groups such as the Nepal Bar Association to encourage an informed debate, and to guide and support them through the changes that would likely be introduced by a new constitution.

In addition, UNDP issued 6 option papers on the central contentious constitutional issues such as federalism, forms of government, electoral system, judicial system, citizenship, and inclusion. Based on these papers, 44 dialogues and interactions were organized where 3,932 political leaders
(38% women) and Constituent Assembly (CA) members enhanced their knowledge and their capacity to have informed debates.

Reports on the various programs and feedback from workshops were provided to political leaders and relevant CA committees. In doing so, some degree of public feedback from the districts was channeled to the center of the constitution making process. SPCBN also continued to highlight the importance of a public review and consultation of the final draft of the constitution.

SPCBN, as it has done from its very inception, partnered with excluded groups including women, Dalits and disadvantaged Janajatis to assist them in articulating their views and concerns. Each program highlighted the importance of accommodation and compromise as necessary prerequisites for the successful conclusion of the constitution making process. All groups were encouraged to respond to the concerns of the “other,” and partners were encouraged to invite resource persons and participants from “other” groups. In 2015, a special effort will be made to focus more on youth and the marginalized within excluded ethnic groups, like Madhesi and Dalit women.

SPCBN continued to partner with several national and local partners to provide civic education on constitutional issues throughout the country. Pre and post training evaluation reports show that 8,640 local leaders (35% women) including former local bodies’ representatives, civil society members, activists and the general public, have an enhanced awareness of constitutional issues as a result of the civic engagement program. This helped to clarify misunderstandings about various key constitutional issues, such as federal form of government, human rights, etc.

Media plays an important role in shaping the debate about the constitution making process. In 2014, SPCBN continued to focus on building capacity of journalists to build and support an informed public discourse. The project organized a series of orientation workshops and interactions with journalists in the districts to discuss constitutional issues and the constitution-making process. 644 journalists (including 120 female) have an increased understanding on constitutional issues and have helped disseminate accurate information to the general public through media outlets. The project was able to reach out to the general public and support public discourse and awareness of the key constitutional issues through 10 television and 20 radio discussion programs with subject matter experts.

Throughout the review year, SPCBN was flexible in both its planning and choice of partners, as it sought to respond to developments and new proposals while they unfolded. For example, when the NC/UML “7 Province Model Proposal on Federalism” (which also contained proposals on electoral systems, the second chamber and forms of government) was made public, the project facilitated a proposal review and also engaged with women’s groups and other groups who could be adversely affected by some aspects of the proposals.
SPCBN also continued to provide infrastructure and technical support to the secretariat of the CA. Acting on the advice of the PEB, SPCBN provided modest and essential infrastructure support, including internet services for the CA and the Secretariat, at the beginning of the year as the second CA commenced its work.

Despite of the efforts of political stakeholders and the support of SPCBN the constitution as well as huge advances on resolving contentious constitutional issues, the major stakeholders were not ready to promulgate the constitution, during the review period and it remains very difficult to predict when a constitution will promulgated. Constitution-making processes are politically sensitive and many factors related and unrelated to the constitution have influence on their progress and success. This said, any constitution-making support project, including SPCBN has to cope with continuous adaptation in light of the overall political process as it relates to constitution-making. SPCBN managed to adapt in 2014. Adaptation will remain needed in 2015.

2. Background and Context

After the signing of the Comprehensive Peace Agreement (CPA) between the Maoists and the alliance of seven political parties in 2006, the country entered a new era. The Constituent Assembly (CA) elections were held in April 2008 and the CA was recognized as one of the most inclusive constitution drafting bodies. Despite considerable progress made on reaching consensus on complex constitutional issues, the CA could not complete its task of adopting a new constitution and the body was dissolved in May 2012.

The constitution making process was stalled in May 2012 because the parties could not reach consensus on several key issues. This created a crisis of constitutionalism, as the Interim Constitution did not envisage such a scenario. Finally, the election of a second CA was held on 19 November 2013 and the new CA began deliberations to take the constitution making process forward.

With the new CA, there was a need to resolve constitutional issues in a manner that was compatible with the principles of constitutionalism, while also ensuring that the achievements of the past CA were not abandoned. It was also essential to maintain a commitment to and an interest in the constitution making process as part of sustaining the peace agreement. Furthermore, there was also a need to educate and create awareness among the public on these issues through informed debate. SPCBN planned the 2014 activities to address these needs and was able to implement them successfully.
3. Project summary and objectives

The Legislature-Parliament (LP) and CA elected in 2008 were the most representative elected bodies in Nepal’s history. Shortly after its formation, work on Nepal's new constitution began. UNDP supported the process by initiating the SPCBN project with three major objectives:

i. Support the development of the capacities of the Constituent Assembly (CA), its several committees, members, the CA secretariat and its technical advisors to produce a new constitution

ii. Support selected civil society organizations (CSOs) to facilitate participation of the general public, with a special emphasis on women and excluded groups, by hosting public consultations on the draft of the new constitution, soliciting public feedback and submitting it to the CA

iii. Assist Nepal’s state institutions in preparing for a smooth transition towards a new constitutional order and state structure.

SPCBN has maintained these overall objectives for its support to the new CA elected in November 2013.

In the period following the dissolution of the Constituent Assembly, SPCBN has remained a key player, facilitator and resource centre, analyzing and reporting on political developments while continuously emphasizing the need for Nepal to stay focused and committed to the constitution-building process. The constitution making initiative, as envisioned in the CPA, embodies the aspirations of Nepali people—their desire for full political participation, restructuring of state power, an end to discrimination and social exclusion, and equal social, political, and economic opportunities.

The main focus of the project in 2014 was to ensure that the constitution-making process moved forward and was consistent with the CPA. To that end, the project facilitated dialogue, provided expert advice, documented lessons learned from the past CA, developed technical papers, published reports on the constitution drafting process, and conducted civic education on key constitutional issues. The seven key results that the project aimed to achieve are:

i) enhanced awareness about federalism issues among the general public and political leaders

ii) increased involvement of people in a participatory and inclusive constitution-making process

iii) voices of women, Dalits, Janajatis, Madhesis and other minorities heard by political leaders in the constitution-making process

iv) enhanced understanding of key contentious issues among political leaders

v) knowledge products on key constitutional issues based on a comparative study of international best practices

vi) enhanced institutional capacity of Nepal Bar Association
vii) increased awareness of the general public about the myths and misconceptions surrounding federalism and other constitutional issues.

SPCBN worked with the CA, CSOs, political leaders, media and other relevant actors to increase their knowledge on constitution making and feed their views into the constitution making process. SPCBN worked in collaboration and partnership with civil society organizations, professional organizations, media, and political leaders. The project also coordinated with other relevant projects, both within and outside UNDP, to avoid duplication and build synergy wherever possible. Denmark, Norway, Japan, and Switzerland financially supported this project in 2014.

4. Narrative on Key Results Achieved in 2014

4.1 Progress towards the UNDAF/CPAP Outcome

Outcome: Tiers of government are established and function to meet the provisions of the new federal constitution.

Outcome indicator: % of Women, Dalits, Janajati, Muslims and other minorities who perceive that the new constitution is inclusive and feel that they are represented at all levels of government structures/mechanisms (UNDAF 1 #6.1)

Revised Outcome indicator: % of people who perceive that the new constitution to be adopted by the Constituent Assembly will incorporate their concerns and aspirations.

Success of this outcome hinges on the declaration of a new constitution following a federal structure; however, even after the second CA elections in 2013, the constitution has not been declared. As a result, it is not possible to focus UNDP's work and support towards the outcome indicators, and to show measurable progress against them. Nevertheless, UNDP has been supporting the CA, and working with vulnerable groups and their representative agencies to make the constitution and its process inclusive.

Following the election and formation of the second CA on 19 Nov 2013, SPCBN contributed by having a more informed debate on the details of the proposed federal structure, electoral system, judicial system, and issues such as citizenship, forms of government, and socio-political inclusion.

A UNDAF Baseline Perception Survey in 2014 revealed that 58.6% people believed that the new constitution would reflect their aspirations for equality, identity, prosperity, gender equity, and employment. UNDP has been working with CSOs and the media on civic education to raise public awareness on constitutional issues and to bring the issues and concerns of the marginalized communities into the debate. This is to help ensure that public participation and the issue of
equality are part of the discussions and the new constitution safeguards the rights of marginalized groups.

SPCBN continued to partner with several national and local bodies to provide civic education on constitutional issues throughout the country. Throughout its engagement with these groups, the project promoted a culture of accommodation and compromise. Pre and post training evaluation reports from 106 interaction workshops showed that 7,390 local leaders (35% women) including former local bodies' representatives, civil society members, and activists had increased their awareness of constitutional issues through the civic education program. Women, Dalits, Janajatis and Madhesis have enhanced their understanding of constitutional issues as well as the rights, duties and obligations of all citizens to build an inclusive constitution and an equitable society.

Heightened awareness tends to reduce ‘satisfaction’ as measured by the UNDAF indicator until there is concrete progress on the constitution and its implementation.

Furthermore, SPCBN partnered with excluded groups including women, Dalits and disadvantaged Janajatis to assist them in articulating their views and concerns. Programs highlighted the importance of accommodation and compromise as necessary prerequisites for the successful conclusion of the constitution making process. All groups were encouraged to respond to the concerns of the “other” and development partners were encouraged to invite resource persons and participants from “other” groups. In the future, a special effort will be made to focus on youth and the marginalized within excluded groups, such as Madhesi and Dalit women. Through this, SPCBN also contributed to expectation-management and strengthened empathy towards the concerns of others.

4.2 Progress on Outputs

Output: National institutions, policies and legislation reviewed from inclusion and gender perspectives, and developed in line with the provisions of Nepal’s inclusive federal constitution.

Outcome indicator: # of issue papers on key constitutional issues developed and discussed with CA members.

SPCBN continued to be a key player and resource centre, issuing analyses of political developments, and continuously emphasizing the need for Nepal to remain focused on and committed to the monumental task of building a constitution. The project activities of 2014 were adapted to respond to the new political reality and the objectives were successfully achieved. In order to achieve the output, the project designed and achieved the following activity results.

Activity Result 1: Facilitate dialogue with political leaders and CA members to narrow gaps and develop compromise options on key constitutional issues.
In 2014, SPCBN continued to focus on facilitating dialogue among political leaders on contentious constitutional issues. It also provided fora for influential, second tier political leaders, constitutional advisors to political parties and local and international experts to discuss, debate and facilitate compromise options and consensus. The program partnered with relatively conservative groups, such as the Nepal Bar Association, to guide and support them through the changes that would likely be introduced by a new constitution.

UNDP issued 6 option papers on key contentious constitutional issues such as federalism, forms of government, electoral system, judicial system, citizenship, and inclusion. Based on these papers, 44 dialogues and interactions were organized where 1,932 political leaders (38% women, 29% Dalit, 39% Janajati, 14% Madhesi) and CA members enhanced their knowledge and their capacity to have informed debate. The PDCC conducted 61 meetings independently on key constitutional issues, which helped to narrow the political divide (PDCC Report 2014).

Progress was made on narrowing the gap between the parties on a number of key issues. Most of the positive work was done under the aegis of the Committee for Political Dialogue and Consensus headed by Baburam Bhattarai and one of its sub-committees chaired by Lakshman Lal Karna. Firstly, there was greater clarity on the number of provinces and its linkage with the twin criteria for demarcation of provinces - identity and viability. Discussions on the shared rule dimension of the federal structure, including the powers and composition of the second chamber, has progressed. Consensus on a reformed parliamentary executive also showed signs of progress.

Political leaders agreed that the draft provisions on citizenship was inconsistent with international human rights. Persistent and wide ranging lobbying from women’s groups and women leaders led to a formal review of citizenship laws from a gender and human rights perspective. The project also contributed to facilitation and execution of informed debate amongst political leaders and women’s, Dalit’s and other excluded groups, on the issue of inclusion in the electoral system and the Bill of Rights.
Compromise options on federalism, forms of government, judiciary, electoral system and bill of rights were also submitted to the CA chair, Prime Minister, Political Dialogue Committee (PDCC) chair and the Minister for Law and Justice. Those compromise options were used by the PDCC and subcommittee to narrow the political divide.

**Activity result 2:** Monitor and review constitution making process, engage the public and provide feedback to CA members.

SPCBN has partnered with excluded groups, including women, Dalits and disadvantaged Janajati to assist them articulating their views and concerns. Each programme highlighted the importance of accommodation and compromise as necessary prerequisites for the successful conclusion of the constitution making process. All groups were encouraged to respond to the concerns of the “other” and partners were encouraged to invite resource persons and participants from “other” (marginalized?) groups. This helped clarify misunderstandings about some key constitutional issues, such as federal form of government, human rights, etc. In the future, a special effort will be made to focus more on youth and the marginalized within excluded groups (i.e. Women, Madhesi, Dalit, and Janajati).

SPCBN continued to partner with several national and local partners to provide civic education on constitutional issues throughout the country. Pre and post training evaluation reports show that 7,390 local leaders (35% women, 24% Janajati, 29% Madhesi), including former local bodies’ representatives, civil society members, activists and the general public have an enhanced awareness of constitutional issues as a result of the civic education programme.

The compiled recommendations and feedback from the local level workshops and meetings on the issues of Federalism and local governance was shared with the CA and Committee members. The recommendations were also used as reference material in the CA. SPCBN also continued to highlight the importance of a public review and consultation of the final draft of the constitution.

**Activity Result 3:** Promote a culture of constitutionalism in Nepal.

To promote a culture of constitutionalism in Nepal, SPCBN published the following six knowledge products on Constitution making in Nepal: Federalism debate in Nepal, Glossary on Federalism Terms, Q&A on ‘Women Participating in the Federal Democratic Republic of Nepal’, Lessons
learned from First CA, and Political Party manifestoes and federal life in the Nepali language. These knowledge products were widely distributed to academia, political leaders, CA members, institutions and organizations. The knowledge products also helped by providing a background for participants to have informed debates on key contentious constitutional issues.

SPCBN continued its engagement with the legal community, a key opinion-shaping stakeholder, which is generally conservative in its approach to constitutional reform. The understanding level of 277 lawyers (including 24 female lawyers) increased on constitutional issues through 5 trainings on constitutional topics. As a result, the lawyers in their advisory and advocacy roles contributed to the consensus building process.

Similarly, the understanding of 1,250 district-level key stakeholders (including political leaders, civil society members, and activists) increased on Federalism, human rights, and social inclusion through 19 local level forums and workshops. Among the stakeholders, 18% was female, 9% was Dalit, 31% was Janjati, and 4% was Madhesi.

The feedback and recommendation were also submitted to the CA/Committee members which were used by the CA/committee members during the CA debate.

**Activity Result 4:** Engage with journalists to enhance their understanding of constitutional issues and the constitution making process.

Since media plays an important role in shaping the debate about the constitution making process, the project continued to focus on building up the capacity of journalists in 2014. The project organized a series of orientation workshops and interactions with journalists in the districts to discuss constitutional issues and the constitution-making process. These events helped clarify prevailing myths and misconceptions surrounding federalism, state restructuring and other contentious issues. 644 journalists (including 120 female) have an increased understanding on constitutional issues and have helped to disseminate accurate information to the general public through media outlets. By ethnicity, 5% was Dalit, 27% was Janjati, and 6% was Madhesi.
5. Cross Cutting Issues

5.1 Gender Equality, Women’s Empowerment, and Social Inclusion

As a crosscutting issue, SPCBN directed its efforts towards ensuring gender equality. As a result of UNDP-organized workshops, political leaders and CA members committed to include gender equality in the new constitution through the 16 points Women’s Agenda that demands increased women’s participation in the decision-making process and created gender-neutral citizenship policies. Due to the UNDP facilitated discussions, political leaders realized the need for revisiting the citizenship-related draft provisions of the constitution, which was not treating women and men equally. Furthermore, the process helped enhance the level of understating of CA members and contributed to an informed debate in the CA.

SPCBN in partnership with women headed civil society organizations (i.e. the women’s caucus in the previous CA, Media Advocacy Group and Women Act) organized 12 interaction workshops with political leaders, CA members, and women activists and successfully secured an informal assurance on the 16 points Women’s Agenda. Party leaders and CA members also promised to ensure the participation of women and excluded groups in the electoral system through a mixed electoral system. Likewise, SPCBN partnered with other UN agencies like UNICEF, UNHCR, and UN WOMEN, and organized several events on citizenship issues. As a result, there were informed debates around the issues of citizenship and women that the CA members and civil society organizations were lobbying for, such as citizenship through mother or father provision, to be included in the new constitution.

SPCBN also engaged with Dalit organizations and commissions and organized five interactions on Dalit issues to be incorporated in the new constitution. Through such events, Dalit organizations received an informal commitment from the CA members to ensure Dalit’s rights in the new constitution.

Similarly, SPCBN also conducted 9 interaction workshops in partnership with indigenous groups, such as PRAJA (Chepang) and National Foundation for Development of Indigenous Nationalities (NFDIN). These interactions helped to clarify myths and
misconceptions surrounding federalism among such groups and also provided them with the knowledge to have an informed dialogue amongst themselves. These programmes amongst other encouraged the Indigenous groups to consider the legitimate fears of those who were apprehensive about federalism and recognize identity as the basis for the demarcation of the proposed provinces.

SPCBN also engaged with Disabled people and enhanced their knowledge on constitutional issues, as well as emphasized their right to be included in the new constitution.

5.2 Capacity Development and Sustainability

5.2.1 Capacity Development

One of the objectives of the SPCBN is to build up capacity of CA/LP secretariat. The project therefore provided technical assistance to the CA secretariat in order to visualize and share the CA debate to the general public. This support helped to enhance the technical skill of CA secretary staffs.

SPCBN, in partnership with Media Advocacy Group (MAG), organized six one-day orientation trainings on the ‘Role of Media in Constitution Making Process’. The capacity of journalists was enhanced on constitutional issues and accuracy in media reporting (Source: informal interaction with the participants). The project also held interactions with media groups formed by Dalits and Indigenous Peoples and clarified myths and misconceptions about constitutional issues. These interactions helped them increase their understanding on constitutional issues and consequently improved their ability to report them.

The project trained 277 young lawyers (including 24 female lawyers) from different districts on constitutional issues, such as federalism, forms of governance, independent judiciary, constitutional court, social inclusion, and affirmative action. The training sensitized the lawyers on the key constitutional issues and, as a result, so that they can play a crucial and constructive role in the district-level constitutional debate.

The project organized 169 dialogues and interaction workshops on state restructuring, forms of governance, electoral system and inclusion, among others, to enhance the knowledge of political leaders and civil society members (including youth, women, indigenous people and activists).
In addition, the project supported several non-governmental organizations/civil society organizations in managing their activities independently. Efforts were geared towards strengthening their capacity to handle projects at every stage, improving their accounting systems and their ability to write reports and deal with the international agencies. The completion reports submitted by these organizations indicate that their capacity has increased significantly.

5.2.2 Sustainability Strategy

The SPCBN project has been supporting Nepal’s constitution drafting process since 2008. The project also focuses on managing transition, e.g. by conducting several workshops with CA members and the CA secretariat on transition issues. Once the constitution is promulgated, UNDP it its projects will be able to build on the lessons learned and groundwork laid by SPCBN in the area of transition and constitutional implementation as well as can incorporate and mainstream the knowledge and knowhow on constitutional issues in particular state restructuring.

5.2.3 South-South Cooperation

SPCBN cooperated with a number of experts. These were selected based on the expertise as well as knowledge of the Nepali context. Not all of the experts were from the South.

SPCBN engaged with two international scholars (Prof. Brian Galligan from Australia and Prof. Baogang from Singapore) and organized a learning event with the political leaders and CA members on Federalism issues in south Asia. This interaction helped the political leaders and CA members have an informed debate on Federalism issues. Those experts also provided their technical advice to Madhav Kumar Nepal, former Prime Minister and chair of the Constitution Drafting Committee of the first CA, and Dr. Baburam Bhattarai, former Prime Minister and chair of the Constitutional and Political Dialogue and Consensus Committee of the present CA.

SPCBN engaged with a Norwegian international expert in a series of discussions on the electoral system and the composition of the second chamber with CA members and the former Women CA caucus. The interactions were helpful in informing CA members, political leaders, and other stakeholders on these topics.
Lastly, SPCBN cooperated with a Swiss expert provided by the Swiss embassy, Ms. Nicole Töpperwien, on issues related to federalism and with a loose network of experts consisting of key political leaders, CA members, Task Force members of the previous CA, academics, and social activists. The event was particularly fruitful as it was held around the time when NC and UML had jointly submitted a proposal for a 7-province model.

6. Partnerships

SPCBN continued its partnership with the CA/LP secretariat. It provided technical support to the CA secretariat for transmission and documentation of the proceedings of the previous CA. This has improved the Internal Broadcast System (IBS) and audio-visual component of the CA logistics, thus allowing the CA to document all the meetings of the CA thematic committees. The CA/LP secretariat constantly reminded the board members that the project should play a major role in the constitution making process.

In addition, SPCBN also continued its partnership with International IDEA, the Swiss Embassy and Nepal Law Society, supporting Constitution Information Centre in 14 districts. These Centres were used as platforms for holding seminars on constitution making. At these seminars, the achievements and challenges of the CA were discussed and explained to the wider public. SPCBN also continued to provide technical advice to the inter UN agency Citizenship Working Group.

Throughout the year, SPCBN conducted briefings, offered analysis and opinions on a variety of constitutional issues to groups of ambassadors, donor partners and various civil society groups.

7. Lessons Learned/ Implementation Issues and Challenges

Implementation Issues and Challenges

Constitution-making processes are politically sensitive and many factors related and unrelated to the constitution will have influence on their progress and success. Despite making huge advances on resolving contentious constitutional issues, the major stakeholders were not ready to promulgate the constitution, during the review period and it remains very difficult to predict when a constitution will promulgated. This said, any constitution-making support project, including SPCBN has to cope with continuous adaptation in light of the overall political process as it relates to constitution-making.

Next to this overall challenge there have been a number of additional ones:
In the first half of 2014, the SPCBN project faced difficulty in implementing the activities due to inadequate funds. This posed a challenge for the project to deliver the planned activities in the remaining six months.

The CA has requested logistical support to meet the requirements of the new CA and the CA Secretariat, the main project counterpart. The budget allocated for the support was less than what the CA had requested. The project, on the advice of the PEB, provided modest and essential infrastructure support. This had created some dissatisfaction from the side of the CA secretariat.

In early 2014, some CA members expressed — through the media — their reservations about the involvement of the international community in the constitution making process. This rendered the project's ability to work with CA members on constitution related issues more difficult; however, the project, in partnership with civil society and professional organizations, organized several interactions on constitutional issues and was able to bring the CA and committee members in the programme.

Dialogues and interactions with the CA members on the discussion papers covering key constitutional issues could not be organized as originally envisaged. UNDP, however, in partnership with civil society and professional organizations, was later able to hold discussions with the CA members and political leaders on key contentious constitutional issues.

SPCBN works in partnership and collaboration with civil society and professional organizations through the Micro-Capital Grant provision. In mid-2014, the UNDP issued a circular saying the provision had been terminated and that new procedures would be in place. As the new provision was not in place, several grant requests had to be cancelled, thus creating a serious problem in implementation of project activities. In August 2014, the provision was allowed for one month, which helped resolve the problem to some extent.

In the third quarter of the year, a joint proposal made by the ruling parties (UML, NC, and its coalition parties) on key contentious constitutional issues sharpened the polarization between the ruling and opposition parties. As a result, it became difficult to engage top political leaders in dialogue; however the project, through informal dialogue and interaction, continued to interact with second tier leaders that are close to the top leaders.

The Lessons Learned Initiative

Constitutional reform for radical change continues to be met with resistance from those threatened by change. It was therefore essential to engage with all stakeholders, those who aspire
for change and those who fear change. The project continues to engage with all groups to facilitate consensus building and compromise.

SPCBN is viewed as a resource center for sophisticated technical and independent advice on constitutional issues. It invested in identifying lessons from the constitution-making process in Nepal for providing internal briefings and publications for the general interested public. The project intends to continue providing such briefings and advice in the coming years for optimal utilization of UNDP's support for the constitution making process.

Due to delayed funding, the period after mid 2014 was very challenging in terms of implementing project activities; however, in partnership with civil society and professional organizations, the project was able to implement field level activities in the areas of federalism, inclusion and local governance and also clarify myths and misconceptions around those issues. The project should continue to collaborate with professional as well as civil society organizations in the future.

As partnership building is important for project success, the project continued its partnership with the CA/LP secretariat, but it should be noted that partnerships with other agencies need to be further strengthened.

Through its initiatives, SPCBN created a loose network of experts, key political leaders, CA members, Task Force members of the previous CA, academics, and social activists. This network was later named ‘Dhulikhel Group’, and was useful for discussing any constitutional issue at hand. Furthermore, the CA members and key political leaders in the network were able to motivate top political leaders to seek options on constitutional issues. A Specific Story

8. A Specific Story

Stressing the need to have wider discussion on women’s participation in the decision making level, women’s right on citizenship, and their meaningful participation in all the organs of state and society, SPCBN and Forum of Former Women CA members organized a symposium on "Electoral System and Women Participation in Decision Making Level" on 17 November 2014. The former Women CA members sought commitment from political parties' leaders to review the issue of citizenship and women's participation in the mainstream politics and state mechanism. The workshop concluded with the commitment of forming a strong women pressure group, which could lobby decision makers and CA members to not backtrack from the past achievements regarding women's issues. The speakers stressed the need for a mixed electoral system with a broad consensus to maintain a balance between political competition and inclusion. Significantly, inclusion plays an important role in the post conflict situation. The political
party leaders expressed their individual and their respective party's support in addressing women’s issues. This interaction was attended by 125 participants (33 men, 92 women) including 37 CA members.

9. Future Work Plan or Priorities for 2015

- In the first half of 2015, the project will sharpen its focus on the constitution drafting process by providing opportunities for dialogue on constitutional issues, providing technical advice, developing compromise options, working with advisors to political leaders and providing essential technological support to the CA secretariat.

- The project will continue to provide civic education on key constitutional issues, engage with formal and informal groups in and outside the CA, and engage specifically with women, Dalits, Janajatis and Madhesis on constitutional issues. In all its work, the project will encourage a spirit of “understanding the other” and accommodation and compromise.

- The project will contribute to informing and facilitating coordination with the international community. A priority will be to ensure that the international community strikes an appropriate balance between urging the speedy adoption of a new constitution and ensuring that the constitution fulfills the commitments of the Comprehensive Peace Agreement and is therefore acceptable to a broad cross section of Nepal’s diverse political parties and groups.

- While planning, the lessons from the past were taken into consideration. The project will also develop a contingency plan based on its risk analysis. The project will continue to collaborate and partner with the CA, professional groups and CSOs while implementing the activities in 2015.
# Annex 1: Risk Log and Issue Log

## RISK LOG

<table>
<thead>
<tr>
<th>SN</th>
<th>Description</th>
<th>Probability (1 Low - 5 High)</th>
<th>Impact</th>
<th>Countermeasures / Management response/strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Political forces that boycotted the second CA election obstruct the constitution-making process.</td>
<td>3</td>
<td><strong>Political Impacts</strong>&lt;br&gt;- Delay in constitution-writing process.&lt;br&gt;- Questions about legitimacy of the process.&lt;br&gt;- Increased agitation and political unrest&lt;br&gt;&lt;br&gt;<strong>Project Impacts</strong>&lt;br&gt;- Difficulty in implementing project activities, especially field-based activities.</td>
<td>• Assist the CA and its members in initiatives to engage with such political groups.&lt;br&gt;• Conduct activities and host dialogues to emphasize the importance of a broad-based ownership of the new constitution as essential for durable peace in Nepal.&lt;br&gt;• Promote informal dialogues to facilitate wide-stakeholder engagement in the constitution-making process.</td>
</tr>
<tr>
<td>2</td>
<td>Consensus between UML and NC on key constitutional issues cause more polarization between ruling and opposition parties.</td>
<td>4</td>
<td><strong>Political Impacts</strong>&lt;br&gt;- Consensus decision making is difficult.&lt;br&gt;- Participatory aspect of the constitution-making process is compromised.&lt;br&gt;&lt;br&gt;<strong>Project Impacts</strong>&lt;br&gt;- Environment for discussing constitutional issues becomes hostile.&lt;br&gt;- Becomes more difficult for the Project to defend and support participatory constitution-making.&lt;br&gt;- Difficulty in bringing top political leaders in the dialogue/interaction.</td>
<td>• Focus on preparing memos and option papers on contentious constitutional issues.&lt;br&gt;• Host dialogue facilitations with political leaders to emphasize the importance of building on the achievements of the first CA and to build compromise options.&lt;br&gt;• Emphasize the importance of pursuing the aspirations and objectives outlined in the CPA and Interim Constitution, including federal design/state-restructuring and inclusion.&lt;br&gt;• Engage directly and indirectly with conservative members of the CA.&lt;br&gt;• Collaborate with CSOs and professional organizations (like: Nepal Bar Association).</td>
</tr>
<tr>
<td>3</td>
<td>Deadline not met to ensure adoption of new constitution.</td>
<td></td>
<td><strong>Political Impacts</strong>&lt;br&gt;- Public and stakeholder's disenchantedment with the constitution writing process.</td>
<td>• Work with CSOs and professional groups to re-emphasize the urgency of the constitution-making process.</td>
</tr>
<tr>
<td></td>
<td>UCPN-M with its 22 party alliance obstructs constitution making process.</td>
<td></td>
<td>Discontinue of service by IPM.</td>
<td></td>
</tr>
<tr>
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</tr>
</tbody>
</table>
| 4 | - Increased political unrest.  
- Erosion of the credibility of democratic institutions.  
- Widespread criticisms of government legitimacy.  
**Project Impacts**  
- Difficulty in planning, especially with regards to time-line of the project itself. | 3 | - Engage CA members and experts to discuss options for easing decision-making processes and sticking to the proposed timeline.  
- Host dialogue facilitations with political leaders to emphasize the importance of building on the achievements of the first CA and to build compromise options. |  |  |
|  |  |  |  |  |
| 4 |  |  |  |  |
|  | Political Impacts  
- Increased party polarization misses the deadline of new constitution adoption.  
**Project Impacts**  
- Becomes more difficult for the Project to defend and support participatory constitution-making.  
- Difficulty in bringing top political leaders in the dialogue/interaction. |  |  |  |
| 5 |  |  |  |  |
| 5 | - Decelerating in the implementation of project activities.  
- Creation of confusion to run the project.  
- Lacking coordination with stakeholders and donors. | 3 | - Quick new arrangement  
- Mobilize senior staff. |  |
<p>| | | | | |
|  |  |  |  |  |</p>
<table>
<thead>
<tr>
<th>ID</th>
<th>Type</th>
<th>Date Identified</th>
<th>Description and Comments</th>
<th>Resolution measures recommended</th>
<th>Status</th>
<th>Status Change Date</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>49635</td>
<td>Problem</td>
<td>December 2013</td>
<td>The project has been organizing dialogues and interactions on the key constitutional issues; however, the top key political leaders may not be available due to their busy schedule on the constitution drafting process.</td>
<td>The project will also engage with other CA members and political leaders.</td>
<td>The project has collaborated with CSOs for this.</td>
<td>September 2014</td>
<td>Rohan Edrisinha</td>
</tr>
<tr>
<td>49635</td>
<td>Problem</td>
<td>December 2013</td>
<td>Due to the unpredictable nature and volatility of the constitution drafting process, it will sometimes be difficult to meet the demands emerging from the newly created CA committees and Caucuses in line with the due process and norms and procedures of UNDP. Process and norms require proper planning and timely action, which is sometimes not feasible considering the urgent demands of from CA.</td>
<td>The project will work together with the CA Secretariat to prepare regular quarterly action plan.</td>
<td></td>
<td></td>
<td>Rohan Edrisinha</td>
</tr>
<tr>
<td>49635</td>
<td>Problem</td>
<td>February 2012</td>
<td>Project also collaborates with Government and semi-government organizations while implementing the project activities. Due to the UNDP-norms, the project cannot provide additional remuneration to their staff when they work for project. As a result, they are reluctant to work with the project.</td>
<td>The project is working together with other DEX projects and exploring the possibilities to solve the problem.</td>
<td></td>
<td></td>
<td>Rohan Edrisinha</td>
</tr>
</tbody>
</table>
Annex 2: Progress against annual targets

<table>
<thead>
<tr>
<th>Expected Outputs</th>
<th>Planned Activities</th>
<th>Targets for Planned Activities</th>
<th>Annual achievement of Targets in %</th>
<th>Donor Name</th>
<th>Approved budget (from the AWP)</th>
<th>Amount spent</th>
<th>Remarks (if targets not fully achieved)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output 1</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Activity Result 1:</strong> Facilitate dialogue with political leaders and CA members to narrow gaps and develop compromise options on key constitutional issues.</td>
<td>Activity 1.1: Conduct dialogues and interactions with political leaders and CA members on key constitutional issues.</td>
<td>15 events</td>
<td>15 events</td>
<td>100%</td>
<td>UNDP / DENS / SWISS</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Annual Targets 1:</strong> Conduct 10 dialogues/interaction workshops for 200 CA/Committee members and political leaders.</td>
<td>Activity 1.2: Assist key politicians and task forces in developing compromise options on contentious issues with reference to international and comparative best practices.</td>
<td>5 memorandum, 15 events</td>
<td>6 memorandum, 15 events</td>
<td>100%</td>
<td>UNDP / DENS / SWISS</td>
<td>337,639</td>
<td>334,258 99%</td>
</tr>
<tr>
<td><strong>Annual Target 2:</strong> Develop 6 option papers on key constitutional issues developed through dialogue, interaction, and workshops.</td>
<td>Activity 1.3: Facilitate interactions between CA members and professional/civil society organizations to address gender and social inclusion and state restructuring issues that arise during the constitution-making process.</td>
<td>15 events</td>
<td>15 events</td>
<td>100%</td>
<td>UNDP / DENS / SWISS</td>
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</table>

UNDAF/CPAP Outcome: Tiers of government are established and function to meet the provisions of the new federal constitution.

UNDAF Output: National institutions, policies and legislation reviewed from inclusion and gender perspectives, and developed in line with the provisions of Nepal’s inclusive, federal constitution.
| Indicator: # of issue/option papers developed and discussed with CA members on key constitutional issues. | Activity 1.4: Support strategic engagement between national and international technical advisors/experts on key constitutional issues. | 4 events | 4 events | 100% | UNDP/ DENS/ SWISS | | | | Baseline: 0 | Action 1.5: Engage caucuses and/or informal groups to develop options on key constitutional issues. | 7 events | 6 events | 86% | UNDP/ DENS/ SWISS | | | | Activity Result 2: Monitor and review constitution making process, engage the public and provide feedback to CA members. | Activity 2.1: Conduct constitutional talk/debate programmes through TV and radio. | 10 talk shows and 20 radio episodes | 10 talk shows and 20 radio episodes | 100% | | | | Annual Targets: 3,500 general public/civil society members, media, and local leaders educated on key constitutional issues through civic education programme. | Activity 2.2: Support professional and civil society organizations to ensure constructive feedback on the new constitution making process. | 22 events | 22 events | 100% | 335,963 | 318,793 | 93% | We could not manage to do one event because of time constraint.
<table>
<thead>
<tr>
<th>Indicator: Number of public educated (disaggregated by sex and ethnicity).</th>
<th>Activity 2.3: Conduct continuing review of constitutional proposals in terms of comparative best practices and international norms and standards.</th>
<th>4 proposals</th>
<th>3 proposals</th>
<th>75%</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Planned for 7 months but implemented only for 5 and half months.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline: 0</td>
<td>Activity 2.4: Host expert and public consultations at district and central level on draft constitutional provisions and proposals and, eventually, on the draft Constitution itself.</td>
<td>130 Events with through 5 CICs</td>
<td>108 events</td>
<td>83%</td>
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<tr>
<td>Output 2 (Second CPAP output)?</td>
<td>Activity Result 3: Promote a culture of constitutionalism in Nepal.</td>
<td>Activity 3.1: Conduct inter-party and intra party discussion to ensure focus on at the constitution-writing process as a matter of national priority.</td>
<td>2 events</td>
<td>2 events</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
<td></td>
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<td></td>
<td>Annual Targets: 7 memoranda/research papers published on forms of governance, state restructuring, gender and social inclusion, and other constitutional issues.</td>
<td>Activity 3.2: Engage with statutory bodies/government institutions to strengthen their capacities and effectiveness.</td>
<td>5 events</td>
<td>5 events</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
<td></td>
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<td></td>
<td>Activity 3.3: Print and disseminate monographs/research papers/memoranda/civic education materials on forms of governance, state restructuring, gender and social inclusion, and other constitutional issues to promote clarity and understanding on key constitutional issues.</td>
<td>printing of 16500.</td>
<td>15000</td>
<td>94%</td>
<td>UNDP / DENS/ SWISS</td>
<td>323118</td>
<td>285736</td>
<td>.8%</td>
</tr>
<tr>
<td></td>
<td>Annual Target: 180 lawyers trained on core constitutional issues.</td>
<td>Activity 3.4: Enhance the capacity of the legal community to promote, preserve and protect a culture of constitutionalism through initiatives with relevant</td>
<td>6 Training</td>
<td>6 training</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Description</td>
<td>Expected Outcomes</td>
<td>Achieved Outcomes</td>
<td>QoL</td>
<td>Impact</td>
<td></td>
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<tr>
<td>Annual target: Organize 15 interactions with 500 district level key stakeholders on human rights, federalism, inclusion, and local governance.</td>
<td>Activity 3.5: Conduct federalism, human rights and inclusion workshops in the major hubs of the country</td>
<td>14 events</td>
<td>14 events</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
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<tr>
<td>Activity Result 4: Engage with journalists to enhance their understanding of constitutional issues and the constitution making process.</td>
<td>Activity 4.2: Provide resource materials and training to journalists reporting on the CA process and constitutional issues, especially related to gender and social inclusion issues.</td>
<td>6 events</td>
<td>6 events</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
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<tr>
<td>Annual target: 300 young journalists trained on constitutional issues, specially related to Women, Dalit, Madhesi, and Indigenous peoples. Indicator: No of journalists trained.</td>
<td>Activity 4.2: Collaborate with journalists to conduct awareness raising campaigns on constitutional issues.</td>
<td>18 events</td>
<td>18 events</td>
<td>100%</td>
<td>UNDP / DENS/ SWISS</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total</td>
<td></td>
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<tr>
<td>Goal 1</td>
<td>1,597,413</td>
<td>1,515,087</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Goal 2</td>
<td>671,029</td>
<td>617,793</td>
<td></td>
<td></td>
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<tr>
<td>Goal 3</td>
<td></td>
<td></td>
<td>22</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Grand TOTAL</td>
<td>1,597,413</td>
<td>1,515,087</td>
<td></td>
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