

TERMS OF REFERENCE (ToR)

Evaluation of the Proportional Representation Electoral System with respect to the spirit of political inclusion

National Democratic Institute (NDI) Nepal

This document outlines the terms of reference for an individual/organization/institution/firm to conduct an evaluation of the proportional representation electoral system provisioned in the Constitution of Nepal 2015 from the lens of political inclusion.

About National Democratic Institute (NDI):

The National Democratic Institute (NDI) is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. Since its founding in 1983, NDI has worked with local partners in 156 countries and territories, bringing together individuals and groups to share ideas, knowledge, experiences, and expertise. Following the 2022 elections there is a continued need to strengthen electoral inclusion, working with established and emerging partners in Nepal. Through NDI's 'Democratic Processes Project (DPP), NDI partnerships with the civil society organizations, political parties and members of parliament (MP) to enhance the inclusiveness and integrity of Nepal's electoral system, support and strengthen local civil society's ability to promote more inclusive and responsive political parties, electoral processes and legislatures and strengthen the capacity of the e-Governance Commission to bring policy reforms for digital transformation.

Background:

Nepal introduced Proportional Representation (PR) electoral system following the Comprehensive Peace Agreement in 2006 with the overarching goal to mainstream and empower underrepresented groups and communities in political structures. Since then, Nepal has adopted a mixed-member electoral system for its parliamentary elections.

The Constitution of Nepal 2015 has provisioned a proportional electoral system - 40 percent of the total seats - for the election to the House of Representatives in Article 84) and for Province Assembly in Article 176. Similarly, Article 269 mandates the political parties to ensure inclusive representation in their executive committees at various levels. The underlying motive of these provisions was to guarantee meaningful representation of women, Dalits, indigenous nationalities, Khas Arya, Madhesi, Tharu, Muslims, and backward regions in all political mechanisms of the State.

It has been more than 15 years that Nepal has been exercising the proportional electoral system with mixed notions of its efficacy. Why was the PR system introduced in the constitution? How far has this system been successful in internalizing the principle of inclusion beyond the mandate for the quota in Nepal's political governance? What are the strengths of this system? What are the challenges faced in its implementation? What could be the remedies of the challenges and drawbacks in terms of policy reforms and practices? These questions have necessitated the need to take stock of the system in line with the political inclusion spirit embodied by the Constitution of Nepal. .

In order to find appropriate answers and drive political discourses for much needed reforms and/or improvements,, NDI intends to collaborate with the Federal Parliament of Nepal and an organization/institution/firm to conduct a pilot evaluation of the existing proportional electoral system.

Activity / Responsibilities:

The organization/institution/firm shall be responsible for the following tasks and deliverables:

- Conducting a cursory literature review, encompassing existing literatures, historical documents, constitutions, election laws and regulations, academic studies, and policy documents from the perspective of the PR electoral system, both globally and within the context of Nepal to establish the precedence and already established strengths and weaknesses of the system.
- Develop a research (evaluation) methodology, outlining the approach for data collection, sampling techniques, and analytical methods. This will include specifying sources of data, such as surveys, interviews, and secondary documents and detailing criteria for participant selection.
- Gather quantitative and qualitative data and information on the role of the PR electoral system in furthering the constitutional spirit of political inclusion in Nepal. This shall focus on indicators like measuring degrees of inclusion and participation within parliamentary processes, exercise of power and influence in government and political parties, representation and positions in government and political parties, performance of elected legislators, perception among various groups, among others. Data will be collected through a combination of surveys, interviews, focal group discussions and document analysis from relevant stakeholders, including political parties, parliamentarians, election management bodies, civil society organizations, and citizens.
- Analyze the gathered data and information using appropriate statistical techniques, qualitative coding, and thematic analysis to identify key trends. The findings shall be interpreted in relation to the evaluation objectives and hypotheses, identifying patterns, trends, and correlations related to the impact of the PR electoral system in Nepal.
- Subsequently, prepare a comprehensive evaluation report documenting the findings (strengths and drawbacks), analysis, and conclusions of the study. Actionable recommendations will be offered for policymakers, electoral authorities, and respective stakeholders to enhance the effectiveness and inclusivity of the PR electoral system in Nepal.
- Conduct some data verification workshops and finally, disseminate the evaluation study findings through presentations to key stakeholders, including political parties, government officials, legislators, civil society organizations, and the general public. Discussions shall be facilitated to solicit feedback, insights, and recommendations for future action based on the evaluation outcomes.
- The organization/institute/firm shall collaborate closely with the Parliamentary Committees of the Federal Parliament and the NDI Nepal team throughout
- The organization/institute/firm shall ensure gender and social inclusion perspectives at all stages, from literature review to presentation.

Organization Eligibility:

- Be a registered entity in Nepal with a proven track record in electoral system research and gender equality and social inclusion studies.
- Have conducted at least two or more research on similar issues.

- Demonstrate sound knowledge of Nepal's political and electoral history and systems.
- Possess a team of qualified researchers with expertise in electoral systems, gender studies, and social inclusion.

Timeline:

The expected timeline for this evaluation project is 45 days, with periodic progress updates and milestone reviews.

Budget:

The organization/institution shall submit a detailed budget proposal outlining the costs associated with conducting the evaluation study, including personnel, travel, data collection, analysis, and overhead costs.

Proposal Submission:

Interested organizations/institution should submit a technical and financial proposal detailing:

1. Understanding of the assignment
2. Proposed methodology
3. Team composition and qualifications
4. Relevant organizational experience
5. Detailed budget breakdown
6. Proposed timeline

Evaluation Criteria:

Proposals will be evaluated based on:

1. Technical approach and methodology (40%)
2. Organizational experience and capacity (20%)
3. Qualifications of key personnel (20%)
4. Budget competitiveness (20%)

NDI Nepal reserves the right to request additional information or clarifications from applicants during the selection process.

Submission Guidelines

Submission requires a proposal narrative and budget. The Proposal narrative shall be divided into: A. Background; B. Objectives, Activities and Methodology; and C. Action Plan and Timeline. The documents above must be sent by email to nepaljobs@ndi.org by **August 7, 2024**, in Microsoft Word format.