



**PROVISION FOR POST PROJECT EVALUATIONS FOR THE UNITED  
NATIONS DEMOCRACY FUND  
Contract NO.PD:C0110/10**

**EVALUATION REPORT**



**UDF-GHA-09-294**

**Constitutional Reform Process in Ghana**

**the**

**Date: 30 December 2013**

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**Disclaimer**

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

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## I. EXECUTIVE SUMMARY

### ***(i) Background***

The project ran from 1. November 2010 – 31. January 2013, with a total grant of USD 400,000. It was designed by the Institute of Economic Affairs (IEA), Ghana, and was implemented in six regions of Ghana, i.e. Accra, Tamale (northern region), Kumasi (Ashanti region), Koforidua (eastern region), Ho (Volta region) and Takoradi (Western Region). To

Most of the scheduled activities were completed by the grantee according to plan. The project's advocacy seminars for MPs, however, missed to achieve the targeted total number of members of parliament by one third. Given that most of the participating MPs developed similar views on most of the key issues requiring constitutional reform, evaluators still consider **the project was effective**, as it improved the potential that these particular MPs will more effectively engage in parliament and in the media to support the constitutional reforms proposed by their constituencies.

IEA reserved the largest proportion of the budget (43.8%) for generating awareness among marginalized and vulnerable groups of citizens, the collection of their concerns and suggestions, and the analysis of key constitutional issues, bringing the average cost per grassroots-level beneficiary participating in zonal workshops to approximately USD 84.10. The advocacy seminars held to inform MPs, however, generated an average cost of USD 982.80 for each participant. The latter, and the observation that IEA appeared completely unaware that its weak communication performance (during a period of delayed constitutional reform process) had put UNDEF's financing of the delivery of the project's second MP advocacy seminar on content and shortcomings of CRC report and White Paper (and thus the UNDEF-funded completion of the project) at serious risk, **unfortunately spoil the otherwise positive impression of efficient project conduct.**

Most of the project's outcomes (i.e. higher than expected participation of grassroots-level beneficiaries; an average of 21 new relevant recommendations made per beneficiary workshop; the improved quality of submissions prompting MPs to declare their support) provide encouraging first signs of improved bottom-

CRC's recommendations and the government's responding White Paper, as well as to overcome the unavailability of MPs during a period of election campaigning, was handled in extremely poor fashion. For the sake of **efficiency**, the grantee in future projects clearly needs to address and overcome this unsatisfactory aspect of its project management.

Having failed to recognize the strong level of ownership among former participants of zonal workshops is a missed opportunity, if not obligation, to support and encourage continued coordination and concerted action by the project's beneficiaries. Such action may turn out essential to push the government for completion of the reform process, in particular as the advocacy seminars produced a smaller than expected number of trained MPs, of which only a small fraction remained in parliament post-election. At the time of the evaluators' visit, the above concerns as well as the lack of clarity about the newly elected government's priorities and about the mandate of the committee established to implement the White Paper somewhat **outcome**.

#### ***(iv) Recommendations***

The grantee's reporting often failed to use output indicator information to clarify how specific project activities contributed to the achievement of the project's outcome and objectives. **Based on our comments on relevance and impact we recommend to UNDEF** to emphasize vis-à-vis applicants not only the importance of generating comparative data (baseline vs. outcome), but to also provide guidance about its effective use. Covering project achievements systematically should also enable a grantee to improve the current assessment in qualitative terms.

**Based on our comments on sustainability, we recommend to the grantee** lasting solutions for overcoming information and consultation deficits rooted in the previous exclusion of marginalized groups, which could be achieved with relatively little effort and at relatively limited expense:

- Disseminate via the IEA website the project's main outputs (recommendations of the Coalition to the CRC, research papers on key constitutional issues);
- Disseminate via the IEA website the CRC's report and the government's White Paper;
- Publish and disseminate via the IEA website an abridged version of the CRC report;
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interviews and group meetings were carried out in Accra and Ho, involving 10 resource persons and 13 grassroots-level project beneficiaries from the town of Ho and the surrounding Volta region, comprising of chiefs and representatives of traditional authority,



### III. PROJECT STRATEGY

#### ***(i) Project strategy and approach***

The overall objective of the “Promoting Citizens’ Participation in Constitutional Reform Process in Ghana” project, as defined in the Project Document (UDF-GHA-09-294) in November 2010, was to promote the participation of marginalized and vulnerable groups of citizens in the constitutional reform process in Ghana, which the country’s government had initiated by establishing a Constitution Review Commission (CRC).

Accordingly, DONET’s strategic approach aimed for six key outcomes:

- A mechanism for full participation by women, youth and people living with disabilities (four representatives each) in the constitutional review process is developed and fully utilized;

- Women, youth and people living with disabilities submit (twenty) concrete and well-articulated recommendations, proposals papers to the IEA;

- Enhanced quality recommendations (at least 1,000) are received from the public;

- The Constitutional review is based on critical, in-depth research and analysis of relevant issues (10 papers);

- Four media houses with nation-wide coverage actively promote public discourse on the Constitutional review process (15 media programmes);

- Parliamentarians of the Committee on Constitutional, Legal & Parliamentary Affairs; and the Committee on Subsidiary Legislation advocate actively in parliament and in the media for constitutional reforms proposed by their constituencies (60 MPs).

According to the grantee’s initial analysis, draft proposals received by the CRC were insufficiently backed by research and analysis, which is why IEA saw the need for intervention, to lobby the government towards the consideration of drafts which include so far unrepresented constitutional amendment needs of the voiceless.

Aiming to improve the extent to which women, youth and people with disabilities find their concerns reflected in the constitutional review process, IEA specifically expected to:

- ensure full participation of citizens in the review process; in order to

- ensure citizens’ ownership and acceptance of the process and outcome of the constitutional review programme.

The mission of IEA, a public policy institute established in 1989, is to “[...] promote good governance, democracy and a free and fair market economy.” The NGO aims for “[...] the creation of an environment in which economic, social, political and legal institutions function openly and freely [which it believes] is the key to sustainable economic growth and human development.” Ultimately, IEA works towards “[...] an economically viable and democratic Ghana, [...] in which the rule of law prevails, the institutions of democracy are protected and respected and the rights and freedoms of the citizens are enjoyed by them”, which documents IEA’s motivation for and approach taken by the present UNDEF-funded project.<sup>2</sup>

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<sup>2</sup> Source: <http://www.ieagh.org/index.php/about>





### 1. Consultation, Research and Awareness Raising

To inform the review process of Ghana's constitution, the grantee designed a *field survey*, which covered a range of key issues requiring constitutional reform, such as<sup>3</sup>:

To encourage female participation, the moderator at some point would specifically invite and only allow for submissions by women. Among the participants identified by IEA were e.g. local associations and unions the grantee previously collaborated with in the context of its Democracy Consolidation Strategy initiative, which led to the agreement on a blueprint of a roadmap for constitutional review in Ghana in 2008. In addition, efforts were made to involve regional-level civil servants, by again inviting the project's survey staff of the National Commission on Civic Education (NCCE) to the workshops.

## 2. Review by Experts and Beneficiary Representatives

The task of *the Coalition* was to discuss the constitutional issues that emerged from the project's survey and the zonal workshops, in order to develop common positions for later submission to the CRC. During the evaluators' interviews, former Coalition members commented on the design of and approach taken by the Coalition as follows:

The Coalition's membership ensured a wide range of representation across Ghana's society and thus enabled professionally elaborated high-quality proposals.

IEA ensured the preparation of comprehensive survey and workshop reports for the Coalition to work with, allowing for focused discussion of the proposals made in relation to each constitutional key issue.

Meetings allowed for good and lively levels of interaction, and led to the production of substantial suggestions.

The Coalition was free to consider suggestions for additional issues, if and as needed (e.g. to decouple ministers from parliament membership, measures to be undertaken if the country's Vice President resigns).

## 3. Advocacy

## 1. Consultation, Research and Awareness Raising

As foreseen in the project document, the grantee completed field surveys in 10 regions of Ghana and held 5 zonal workshops to source opinions and discuss key issues requiring constitutional reform. In terms of outreach, the 1,134 returned interview questionnaires considered by the survey analysis represented approximately 10% of the CRC's original workshop population. While in terms of the population considered per region the *field survey's* response was not equally or proportionally representative, its input was predominantly provided by respondents of an age younger than 35 years, and thus deemed to provide the views of those "[...] most likely to be

at the forefront of social and political activism [...]" in Ghana.<sup>5</sup> The fact that a vast majority of the survey participants (i.e. citizens initially consulted by the CRC) had a sound educational background (65% obtained tertiary-, 16% secondary-, and 13% professional-level education) provides further evidence how important it was that the grantee's organised its own consultations, which targeted specifically

participation of people with hearing disabilities.

The project's *research publications by academics and legal practitioners* on issues related to the executive, legislature, judiciary, IGIs, decentralization & local government, chieftaincy and other topics<sup>6</sup> were produced and reportedly used by members both of the Coalition and the CRC. There is also evidence that the 10 scientific papers have assisted them effectively with forming views relevant for their contributions to and work on the constitutional reform process (see also component 2 below).

As far as the extent of outreach of *publications of articles in national newspapers* is concerned, evaluators have seen numerous press clippings that justify the assumption of awareness raising effects, which prompted citizens to

members of the Coalition a clear flavour of the views originating from the representatives of the marginalised and vulnerable parts of the Ghanaian society. Accordingly, Coalition members were appreciative of the work completed by IEA's research staff to turn this into a digestible, input the Coalition could constructively work with.

Between November 2010 and May 2011 the Coalition met altogether seven times to discuss the above-mentioned structured findings, which were summarized in five zonal workshop



publication of the CRC's recommendations and the government's responding White Paper. However, when due to the death of Ghana's president in July 2012 the country's political and legislative process diverted into electoral issues, communication between the grantee and the funding agency reportedly broke down for several months and the notification of the need to request a project extension was handled extremely poorly by the grantee. What is unacceptable is, that the grantee justified its weak communication performance during these months with the fact that in this situation it was impossible to commit and mobilise MPs for the planned second workshop telling evaluators that "[...] there was nothing new we could have told UNDEF [...]". It appears that continued support of the funding agency was taken for granted, although such performance might well have justified UNDEF to issue a negative decision in this regard.

Activities generating awareness informing marginalized and vulnerable groups of citizens that they have the possibility to contribute with their views to the constitutional reform process in Ghana, the collection of their concerns and suggestions, and the analysis of key constitutional issues represented the project's principal focus. Accordingly, 43.8% of the budget was reserved for expenditure related to fieldwork, zonal workshops, radio and TV

Spending USD 11,000 for salaries of administrative staff (Finance Officer, M&E Officer), the project's nominal staff costs amount to 3% of the total budget. Adding costs for professional staff (8.5% for IEA's Executive Director, Project Coordinator and 2 Research Assistants) and consultancy services (3.3% for research papers) the level of human resource expenditure reaches a total of 14.8%, which is commendable, given that consultancy expenditure also fed into the project's awareness raising activities. With 5.8% and 1.5% respectively, the grantee kept budget allocations for running and administrative costs, as well as for equipment (laptops, printers) low.

In summary, the weak communication of the project's management and the relatively high MP training's unit cost unfortunately spoil the evaluators' otherwise positive impression of highly efficient project conduct.

#### ***(iv) Impact***

Compared to IEA's baseline findings, the project's outcome shows that considerable progress has been made towards the results the project originally aimed for:

*Extent of involvement by women, youth, people with disabilities and political party representatives in a coordinated mechanism providing input into the constitution review process* (expected: 4 representatives each): the grantee did not only achieve target group representation levels that exceeded expectations by far (through the zonal workshops and seminars for MPs), but also provided compared to the CRC consultations for a more conducive environment, which encouraged members of marginalized and vulnerable groups to exchange and agree (to the extent possible) on key constitutional issues in a structured way.

*Improved quantity, specificity and quality of recommendations for constitutional reform originating from women, youth, and people with disabilities* (target: 20 recommendations): according to the grantee's consolidated reporting on the 5 zonal workshops, the participating representatives of marginalized and vulnerable groups agreed on the following average numbers of recommendations across the range of constitutional issues specified with the assistance of IEA: executive (4), legislature (3), judiciary (2), decentralisation and local government (5), chieftaincy (3), directive principle of state policy (1), elections (1) and other (2). The project hence achieved improved levels of specific contributions within these thematic areas by women, youth and people with disabilities, slightly exceeding its targeted number of recommendations (+5%).

*Improved quantity, specificity and quality of recommendations for constitutional reform originating from the general public* (target: 1,000 recommendations): IEA's field survey on the same range of constitutional issues produced structured feedback from 1,134 respondents, i.e. the project also achieved an improved level of contributions from the general public, once again exceeding its targeted number of recommendations (+13.4%).

According to the grantee, the above clearly had an *impact on the Constitution Review Committee (CRC)*: 20 of CRC's 25 recommendations for constitutional amendments were

inspired by the consultation process of the UNDEF-funded project. In addition, on the basis of interviews held with 10 resource persons and 13 grassroots project beneficiaries, evaluators have independently formed the view that the project generated first positive effects. Selected anecdotes are provided below<sup>12</sup>. They are grouped along the key issues





expectation among women, youth and people with disabilities that it will play lasting key role in further disseminating relevant knowledge and information, in particular to the grass-roots level. It is regrettable that IEA and the members of the Coalition have failed to recognize the strong levels of ownership among former zonal workshop participants as an opportunity for ensuring continued support for their coordination and concerted action. Given the delays the

received UNDEF funding, thus adding value to the overall process. The project, which was implemented by the Ghana Centre for Democratic Development (CDDG), was entitled “Addressing Ghana’s Governance Deficits through Constitutional Reform” (UDF-GHA-08-229). Its objective was to obtain measurable improvements in Ghana’s constitutional and governance mechanisms by providing technical input and advocacy platforms for civil society actors to research and build a constituency for constitutional and legal reform in key governance areas.

## V. CONCLUSIONS

*i.* The project’s approach was solidly established on the findings of baseline research and accordingly has provided opportunity for marginalized and vulnerable people to contribute with concrete proposals to a consultative process for constitutional review, and for their workshop recommendations to be considered in conjunction with both the results of field surveys and thematic research papers on key constitutional issues. It is therefore our view that the project represented a **relevant effort** to address key issues pertaining to Ghana’s constitutional reform process. Our findings related to the project’s research and review activities shows that their design was adequate perform the constitutional review on the basis of critical, in-depth analysis of relevant issues. The review method applied by the Coalition, a participatory platform of representatives of groups of marginalized people in Ghana’s society, guaranteed the elaboration of high-quality proposals directed at the CRC, while the project’s seminars were designed to make individual MPs and members of relevant parliamentary commissions fully conversant with the Coalition’s

*iii.* As a consequence of the project's intervention, first of all more women, youth, people with disabilities and political party representatives than expected by the grantee not only have provided their input to the constitution's review process. Secondly, these target groups have also exchanged and agreed in a structured way across the different zonal workshops on an average of 21 new recommendations in relation to key constitutional issues (compared to "only a handful" observed prior to the launch of the project), thus exceeding the grantee's initial targets. Thirdly, the quality of the submissions originating from these groups of marginalized and vulnerable people improved significantly, which prompted a number of MPs to support some recommendations by signing a joint communiqué. Finally, 80% of the CRC's recommendations were informed by the project's input. These first signs of improved bottom-up involvement, which were drawn from the grantee's workshop reporting, together with the testimonials evaluators have gathered among beneficiaries from the Volta region, indicating ownership and continued eagerness at grassroots-level to further pursue the progress of the country's constitutional reform process, demonstrate the **potential impact** of the project.

*iv.* Weak communication of the project's management and relatively high training unit costs for MPs **unfortunately spoil the otherwise positive impression of efficient project conduct**: given that IEA appeared completely unaware that its weak communication performance (during a period of delayed constitutional reform process) had put UNDEF's financing of the delivery of the project's second seminar for MPs on content and shortcomings of CRC report and White Paper and thus the UNDEF-funded completion of the project at serious risk, the grantee in future projects clearly needs to address and overcome this unsatisfactory aspect of its project management. In terms of project



obligation, for the grantee to support and encourage the continued coordination and concerted action by marginalized and vulnerable groups of Ghana's society; (2) in the absence of legislative drafts, the debate in which MPs could actively advocate for constitutional reforms in parliament and media at the time of the evaluator's visit was still to take place. The fact that (a) only two thirds of the number of MPs initially targeted have actually attended the project's seminars, and that (b) only 10 of the MPs who followed these seminars were actually re-elected, give further reasons for concern.

*vi.* As a general note, experience shows that unexpected changes to a government's schedule of priorities or politically motivated delays with the progress of constitutional review processes are among the typical/recurring challenges, which grantees of UNDEF-funded projects have been facing over the past. Despite these kinds of issues it is, however, also a fact that UNDEF support always has significantly contributed to the improvement of the **sustainability prospects** of the constitutional reform processes, which these projects have aimed to facilitate.

## VI. RECOMMENDATIONS

To strengthen the outcome and similar projects in the future, evaluators recommend to UNDEF and project grantees:

*i.* The fact that IEA's approach and methodology included the conduct of baseline research and the formulation of outcome indicators is highly commendable, as this usually enhances a project's **relevance** and significantly facilitates the **assessment of impact**. We, however, highlight that the usefulness of measuring the (likely) impact of projects, and the likely identification of remaining (and new) needs requires to go beyond the simple listing of completed outputs and their quantities. The grantee's reporting often failed to use this information to clarify how specific project activities contributed to the achievement of the project's outcome and objectives. Based on the above **we recommend to UNDEF** to emphasize vis-à-vis applicants not only the importance of generating comparative data (baseline vs. outcome), but to also provide guidance about its effective use. Covering project achievements systematically always enables a grantee to improve the current assessment in qualitative terms and thus enhances the organizations' strategic objectives. This may also help grantees to attract new donors and implementing partners for an expansion of the original project. We therefore **also suggest that UNDEF** considers that applications including solid outcome survey approaches will be given preference.

*ii.* Given that (a) the attendance of the seminars encouraging MPs to advocate the constitutional reforms proposed by their constituencies fell short of target, and that (b) only 10 of them actually remained active MPs following the intervening elections, there is reason for concern that the recommendations communicated by the project may be

supported to a lesser extent by MPs in parliament and in the media than expected. **Based on our observations on effectiveness, we therefore recommend to the grantee (IEA)** to follow the suggestion MPs participating prior to elections in the project's second seminar made in a joint statement, i.e. to organise a third seminar for newly elected MPs, thus providing *opportunity to deepen their appreciation of the issues contained in the documents [i.e. the CRC report and the White Paper], to deliberate on them and to enhance their capacity to effectively participate in the subsequent Constitutional review process.*" This could e.g. be achieved through a collaboration agreement with the GPPP, which could foresee to involve previous seminar participants who should share their advocacy and lobbying skills with new, fellow colleagues, thus ensuring the projected total of 60 MPs will be in a position to address and debate the constitutional issues requiring review.

**iii.** In relation to our conclusion that the grantee missed to anticipate that, once the grassroots-level had submitted its recommendations, the consulted representatives of women, youth and people with disabilities would expect to continue obtaining feedback on the progress of the constitutional reform process, we believe that it is of utmost importance for democracy development projects to capitalize on the motivation emerging from marginalized and vulnerable groups to continue their engagement in coordination and concerted action. This applies in particular to the present case, as lasting solutions for overcoming information and consultation deficits rooted in the previous exclusion of marginalized groups could be achieved by IEA with relatively little effort and at relatively limited expense. **Based on our comments on sustainability, we therefore recommend to the grantee<sup>15</sup>** to:

- Disseminate via the IEA website the project's main outputs, i.e. the recommendations for constitutional amendments the Coalition made to the CRC, and the research papers issued by experts on key constitutional issues;
- Disseminate via the IEA website the CRC's report, and the government's White Paper;
- Publish and disseminate via the IEA website an abridged version of the CRC report;
- Organise media updates / press releases on the CRC report;
- Serialise, e.g. via press and radio, the content of the CRC report for the benefit of the vulnerable and marginalised community;
- Cooperate with the government's regional Information Services Departments to disseminate information on the progress of the constitutional reform process;
- Continue communication with previous zonal workshop participants to conceive ways raising the government's awareness that the grassroots-level expects the constitutional reform process to remain a priority and to progress with implementing the recommendations made;
- Mobilise the 10 previously participating MPs remaining in office to call for government to act upon the CRC Report and its own White Paper;
- Organise a series of round tables at IEA with the participation of relevant ministers and the Attorney General (a member of the Implementation Committee), to provide information and answer questions on the state of play.

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vii. Based on our observation that **grantees implementing constitutional reform projects over the past have been facing typical/recurring sustainability challenges rooted in unexpected changes to a of priorities or politically motivated delays, we recommend as the way forward (a) to UNDEF** to maintain the flexibility of granting extensions of the project's duration, provided the project is still likely to significantly contribute to the improvement of the sustainability prospects of constitutional reform processes it aimed to facilitate, and **(b) to grantees** to scale down their ambitions to project objectives and outcomes, which are not necessarily bound to the point of completion of constitutional review processes, as these are usually determined by schedules which are outside the grantee's control, since defined by government.

## IX. ANNEXES

### ANNEX 1: EVALUATION QUESTIONS

DAC criterion	Evaluation Question	Related sub-questions
Relevance	To what extent was the project, as designed and implemented, suited to context and needs at the beneficiary, local, and national levels?	<p>Were the objectives of the project in line with the needs and priorities for democratic development, given the context? Should another project strategy have been preferred rather than the one implemented to better reflect those needs, priorities, and context? Why?</p> <p>Were risks appropriately identified by the projects? How appropriate are/were the strategies developed to deal with identified risks? Was the project overly risk-averse?</p>

## ANNEX 2: DOCUMENTS REVIEWED

### UNDEF

- Final Narrative Report
- Mid-Term/Annual Progress Report
- Approved Extension Request
- Project Document
- Milestone Verification Reports
- Financial Utilization Reports

### IEA

- Survey Report, Emerging Issues from Community and Regional Consultations
- Individual and consolidated reports, Zonal Workshops
- Reports and attendance lists, Advocacy Seminars for MPs
- Meeting minutes, Constitutional Review Coalition
- Images, Zonal Workshops and Advocacy Seminars
- Detailed and short matrix, Proposed Constitutional Amendments
- Joint Communiqué by MPs, first Advocacy Seminar
- Joint Statement by MPs, second Advocacy Seminar
- Research Papers by individual experts:
  - The Absence of a Ceiling on the number of Ministers and Ministries that may be appointed and created respectively
  - The Panel System at the Supreme Court: Merits and Demerits
  - Local Level Decentralization: the nature of the Local Government System and Decentralization
  - Determination of Emoluments – A Critique of Article 71 of the 1992 Constitution
  - Chiefs and Traditional Authorities and their role in the Democratic Order and Government System
  - Duplication of Functions between the Commission on Human Rights and Administrative Justice and Economic and Organized Crime Office in the Anti-Corruption Mandates
  - An overview of other reports of the Constitution Review Commission and the Government's White Paper
  - Review of the Constitution Review Commission and the Government's White Paper: Discussions on Gender and Persons with Disability
  - Decentralization, Local Government and Traditional Institutions: Convergence between Constitutional Review Commission Report and the Government White Paper-Areas requiring reforms
  - Discussions on CRC Report and Government White Paper on the Judiciary and Independent Constitutional Bodies
  - Discussions on CRC Report and Government White Paper on the Executive and Directive Principles of State Policy
  - Proportional representation vs. winner takes it all – the way forward
  - Gender

### Other sources

2012 Human Development Report, UNDP, 2013



# ANNEX 4: ACRONYMS

Coalition      Constitutional Review Coalition  
CSO              Civil Society Organization  
CRC