

3.11

Nepal

UN Mission in Nepal (UNMIN)

• Authorization and Start Date	23 January 2007 (UNSC Res. 1740)
• SRSG	Karin Landgren (Sweden)
• Budget	\$66.9 million (1 January 2008–31 December 2009)
• Strength as of 31 October 2009	Military Observers: 73 International Civilian Staff: 48 Local Civilian Staff: 119 UN Volunteers: 18

For detailed mission information see p. 312

The stalled peace process in Nepal presented serious challenges to the UN Mission in Nepal (UNMIN) during 2009. In the course of the year, UNMIN had its mandate extended for two six-month periods (to January 2010) beyond its completion of aspects relevant to the election of the Constituent Assembly in April 2008. This reflected both a lack of progress in addressing the status of the country's two armies—in particular the failure to move ahead with the reintegration and rehabilitation of Maoist combatants—as well as the breakdown of reconciliation between the country's primary political forces. As an unstable political stalemate set in during the latter months of 2009, UNMIN's situation became more complex. Initially conceived as a “focused mission of limited duration,” it was neither mandated nor resourced to address the increasingly volatile situation in which it found itself.

UNMIN was established in January 2007 to assist in the implementation of specific elements of the Comprehensive Peace Agreement (CPA) that ended the decade-long conflict between the Communist Party of Nepal (Maoist) and the government in November 2006. Given

UNMIN's status as a special political mission, its presence was predicated on the government's request. It was mandated to monitor the parties' management of arms and armed personnel, provide technical support for the election of a Constituent Assembly, and assist in monitoring non-military aspects of cease-fire arrangements.

A twice-delayed election of Nepal's first Constituent Assembly was held in April 2008 with UN assistance. It saw the emergence of the Communist Party of Nepal as the country's largest political party and led to the installation of Ram Baran Yadav (of the Nepali Congress Party) as the country's first president and Pushpa Kumal Dahal, the Maoist leader known as Prachanda, as prime minister. With the elections complete, UNMIN initiated downsizing. In May 2008, UNMIN electoral staff were withdrawn from the districts and region, its electoral assistance and civil affairs offices were closed, and the number of arms monitors was reduced from 155 to 85.

The new government then turned to further consolidating the peace process and creating a new constitution for release in May 2010. But neither negotiations on the constitution nor efforts to address the sensitive issue of reintegration of Maoist combatants progressed. Overall, an atmosphere of deep mistrust prevailed among the political parties of the Constituent Assembly throughout the year, stymieing any forward progress.

Protracted disagreement on issues relating to the future of Nepal's two armies underpinned the political crisis that developed in May 2009. This saw the resignation of Prime Minister Prachanda after President Yadav overturned Prachanda's attempt to sack the head of the army. The Maoist-led government dissolved and was replaced by an unwieldy twenty-two-party ruling coalition. Negotiations on the constitution

and army became mired in stalemate while the Maoists actively blocked—often through mass protests and strikes—the functioning of parliament for most of the rest of the year.

With no explicit mandate to influence the political proceedings in the Constituent Assembly and the future status of the 19,000 cantoned combatants still undetermined, UNMIN continued to monitor the management of military equipment and personnel throughout the year. Yet the mission's staffing profile was reduced to only seventy-three unarmed arms monitors in 2009 and appeared increasingly at odds with the challenges of addressing rising unrest among the idle combatants and the lack of appropriate measures to resolve the political deadlock.

The reversals in Nepal's peace process seen during 2009 are worrying not only for the future stability of Nepal, but also for the UN's credibility. While UNMIN was widely praised for the assistance it provided in creating the conditions that allowed the April 2008 election to be held, it is bound by a mandate that reflects a very different operational reality from the one in which it found itself by the end of 2009. Moving forward with implementation of the core aspects of the CPA has never been more urgent as a means to avoid further instability in the country. However, the scope for the UN to play a political role in this process appears limited.

Box 3.11.1 UN Military Observer Group in India and Pakistan

In 2009, the UN Military Observer Group in India and Pakistan (UNMOGIP) continued to monitor a very intense and fragile situation in Kashmir. With instability in Afghanistan and Pakistan, Kashmir remains at risk of conflict. The intensified military operations in Jammu and Kashmir following the Mumbai attacks in November 2008 continued in the first two months of 2009 and aimed to disrupt the haven for the militant group Lahar-e-Toiba who perpetrated the attacks.

UNMOGIP was deployed by the Karachi Agreement of 27 July 1949 to supervise the cease-fire in Kashmir between India and Pakistan; however, compromise over the mission's mandate negated any operational role. Significant revisions to the mission have not occurred since 1949 and it continues to monitor the line of control. In 1972, India and Pakistan signed the Simla Agreement, which established the line of control separating the two armies. Increased prospects of nuclear confrontation in 2003 influenced a positive turn in political relations in January 2004, when an agreement was reached to commence a bilateral "composite dialogue" on a range of issues, including Jammu-Kashmir. As a result of confidence-building measures,

a mini-summit was initiated in April 2005 to discuss the fate of Jammu-Kashmir. Pakistan proposed a four-point plan for resolution of the disputed areas in December 2006; however, talks in 2007 were stalled by internal political turmoil in Pakistan. Pakistan attempted to take up the issue again in 2008, but talks were disrupted by terrorist bombings in Mumbai by Pakistani extremists.

The year 2009 saw increased tensions and various violations of the 2003 India-Pakistan cease-fire agreement, with instances of Pakistani border troops opening fire on their Indian counterparts. However, India came under increased pressure, particularly from the United States, to withdraw troops from its side of the line of control, while Pakistan cited a need to draw down and divert its troops in order to battle the Taliban elsewhere. In February 2009, Major-General Kim Moon Hwa, chief military observer for UNMOGIP, met with Pakistan's acting permanent representative, Farukh Amil, who reaffirmed Pakistan's support for and cooperation with UNMOGIP in promoting confidence-building and maintaining peace and stability in Jammu and Kashmir. Secretary-General Ban Ki-moon visited Pakistan that

same month to observe the signing of a comprehensive program between the UN Country Team and the Pakistani government to address poverty reduction, rural development, job creation, education, health, and the environment.

On 16 June 2009, Prime Minister Manmohan Singh of India and President Asif Ali Zardari held their first face-to-face meeting in Russia since the attacks in Mumbai, yet little substantive progress on the Kashmir question resulted. Dialogue was stunted again in September as India called for Pakistan to take a harder line on domestic terrorism. India adjusted its preconditions for talks, and during a meeting in the Anantnag district of Jammu and Kashmir on 28 October 2009, Prime Minister Singh indicated willingness to engage with the parties to find meaningful and sustainable routes to peace. He claimed that the era of violence had come to an end in Kashmir and that people were ready for peace. The security situation remained stable throughout the rest of 2009, but limited progress toward a viable solution leaves the peace process ever-vulnerable to opportunistic extremists, as demonstrated in years past.