Nepal

The period since January 2009 has been a challenging one for the United Nations Mission in Nepal (UNMIN). Originally conceived as a “focused mission of limited duration,” by mid-2010 the mission had been extended through four successive six months periods beyond the one year mandate it had been given in January 2007, and then for two further four month periods.

Initially slated for June 2007, elections for Nepal’s constituent assembly were postponed twice, in part as a consequence of challenges to the peace process from marginalized groups, including populations in the Terai region of Nepal bordering on India, but took place on 10 April 2008. The Maoists emerged as the strongest party in the constituent assembly, with 240 out of 601 seats. After a protracted period of political wrangling, Ram Baran Yadav of the Nepal Congress party was installed as the country’s first president and Pushpa Kamal Dahal, the Maoist leader more commonly known as Prachanda, as prime minister. In May 2009, however, an attempt by Prachanda to dismiss the army chief precipitated a political crisis and the Maoists’ departure from government. A prolonged political impasse then ensued, greatly complicating UNMIN’s role.

BACKGROUND

UNMIN was established in early 2007 to assist in the implementation of specific elements of the Comprehensive Peace Agreement (CPA) which ended the decade-long conflict between the Communist Party of Nepal (Maoist) and the Nepali state in 2006.

It was an unusual mission in several respects. It sought to provide assistance to a peace process that was a national achievement, centered upon an agreement reached without international mediation. Its mandate was limited to the monitoring of
UNMIN’s arms monitoring and electoral assistance contributed positively to Nepal’s ability to hold an election in April 2008 that was recognized as “remarkable and relatively peaceful.” However, a poor understanding of the mandate in Nepal—never effectively countered by UNMIN’s considerable efforts at communication and outreach—created a situation in which high expectations of the UN’s contribution were inevitably disappointed, even as some of those opposed to a more active UN role pushed back against UNMIN’s initiatives. The mission numbered a little over 1,000 national and international staff at its pre-election maximum and subsequently downsized to less than 300. That it was small in comparison to most UN peace operations could not redress Nepali perceptions that its considerable size compared unfavorably to its impact upon the parties.

UNMIN’s original mandate was designed with the horizon represented by the elections to the constituent assembly in mind. Some political parties had supported the electoral process—and the UN role within it—with the expectation that it would conclude with the Maoists’ defeat. The Maoists’ success at the polls consequently changed Nepal’s political landscape dramatically. In the post-election period a lack of cooperation between the political parties undermined further progress and proved a complicating factor for UNMIN. Indeed the mission’s mandate, linked to the “temporary” but ongoing presence of two cantoned and barracked armies, became increasingly out of kilter with the challenges Nepal now encountered. UNMIN quite properly retained the peace process as the center of its activities. However, that the peace process assumed a central role in the longer term calculations of either Nepal’s various political actors—locked in a struggle for power—or India, no longer appeared evident.

UNMIN downsized promptly in June 2008; its electoral affairs and civil affairs offices—which had been specifically linked to creating the conditions for the election—and its five regional offices were closed; arms monitors were reduced from 186 to 73 even as arms monitoring remained a central element in the mission’s work.

The peace agreements reached in 2006 had not been able to negotiate the future of the armies fully,
but they had prescribed processes that were to lead to the integration and rehabilitation of Maoist army personnel and the democratization of the Nepal army. Progress towards these goals was blocked by lack of commitment from the parties and resistance from within the army – which in 2007 and 2008 had conducted new recruitment in violation of the peace agreements. UNMIN's continued presence, however, remained inextricably linked to the 19,000 Maoist combatants “temporarily” confined in cantonments. This was inherently problematic. UNMIN’s limited political role and light monitoring had never been intended for an extended period and was unsuited to the changed political situation and deterioration of trust between the parties that developed in the latter part of 2009.

**KEY DEVELOPMENTS**

Persistent problems in the implementation of the commitments entered into in the CPA and other agreements reflected both a lack of any domestic architecture for their implementation and the erosion of trust between the parties. A special committee to supervise, integrate and rehabilitate Maoist army personnel, provided for in the interim constitution adopted in early 2007, met once in July 2007 and then not until late 2008, just prior to a visit to Nepal by Secretary-General Ban Ki-moon. It began consultations in early January 2009, but had its work disrupted by the collapse of the government following the Maoists’ departure in May 2009.

By the end of the year, the Maoists had been outside government since May; an unwieldy 22-party government was in place; divisions within and between the major political parties were impeding dialogue; Maoist agitation was on the rise; and no movement on the integration and rehabilitation of Maoist combatants was in sight. Unrest and insecurity in the countryside was accompanied by falling economic and social indicators. The deadline for the drafting of a new constitution by 28 May 2010 was fast approaching even as fundamental differences between the major political parties on issues such as the form of the country’s new federal structure and system of governance had emerged. UNMIN maintained impartiality in support of the commitments contained in the CPA, but increasing criticism that it favored the Maoists clearly reduced its scope for a political role.

Tensions rose in December 2009 as the Maoists called a three-day general strike across Nepal to force the government to create a new “unity” government. The demand was rejected by Prime Minister Madhav Kumar Nepal, of the United-Marxist-Leninist (UML) party, but the pressure, combined with the imminent discussion of the situation in Nepal in the Security Council in late January, encouraged progress. The government established a high-level political mechanism to “speed-up” the peace process and drafting of the constitution. UNMIN began supporting the long-delayed discharge of over 4,000 minors and other Maoist army personnel deemed ineligible for cantonment during UNMIN’s earlier verification process. And the special committee agreed that the integration and rehabilitation of the Maoist army personnel should be completed by 15 May 2010.

The process soon stalled once again. In late April the Secretary-General told the Security Council, just weeks before the expiration of UNMIN’s supposedly final mandate, that “despite continuing efforts, no substantive forward movement has been made on the main outstanding tasks of the peace process.” Constitution-making had become entwined with the issue of the establishment of a unity government as well as the integration and rehabilitation of the Maoist army. A series of general strikes called by the Maoists in early May failed to force a change of government, but it was evident that a final draft of the constitution would not be ready by the deadline of 28 May. A last minute agreement to extend the term of the constituent assembly by a year was accepted by the Maoists on the basis that Prime Minister Madhav Nepal would resign within five days, opening up the way for a unity government that would include them. In the event, a month of political acrimony would pass before Madhav Nepal eventually resigned on 30 June.

**UNMIN’S CONTRIBUTION**

In early 2009, UNMIN had been scaled back for a second time and Ian Martin, the Special
From UNMIN’s earliest days good offices had met resistance of varying degrees both from Nepalis concerned about losing “ownership” of the peace process and from India. Over time, as the political environment became more complex, particularly after the elections, this resistance mounted. Consequently, as the political impasse that set in mid-2009 took hold, UNMIN found itself at a disadvantage. It continued to engage with all sides, but in an environment in which fear, insecurity, and a reluctance to accept the Maoists’ leading role in Nepali politics by the mainstream political parties was countered by ambition and dogma of some sections of the Maoists, there was a tendency for UNMIN to become a scapegoat. A variety of political processes – electoral, constitutional, local level political conflicts – other than the peace process dominated the parties’ preoccupations. The utility of UNMIN’s good offices was nevertheless evident in early 2010 as it facilitated the complex processes surrounding the discharge of the minors and other personnel from the Maoists’ cantonments.

**UNMIN’s Coordination Role**

UNMIN had not been established as an integrated mission or with a mandate for peacebuilding, yet it sought to adopt an integrated approach to its responsibilities and engaged with other actors in the UN system on this basis. A coordination unit was built into UNMIN’s structure, and later in the office of the UN Resident Coordinator (RC), to ensure coherence at the working level. After UNMIN’s downsizing, the utility of a separate presence of the OHCHR – which remained as the only eyes and ears of the United Nations in the districts after the departure of UNMIN’s civil affairs presence – was evident, as was the policy UNMIN had long pursued of collaboration with other entities of the UN system (UNICEF, UNIFEM and the office of the SRSG for Children and Armed Conflict, for example) with the mandate and resources for long term engagement on issues such as those related to child soldiers and gender.

The office of the RC had worked hard to prepare a peace and development strategy for Nepal. However, what was already a challenge had been interrupted by the crisis that developed in May...
2009 and the impasse that then ensued. Difficulties inherent in forging a common approach between donors and the national government in a fragile period of transition ensured that a close working relationship between the office of the RC and UNMIN was a high priority.

CONCLUSION

The last minute deal postponing the deadline for the drafting of Nepal’s new constitution prevented imminent political disaster but did not lift the country out of the impasse. A difficult negotiation of UNMIN’s new mandate within the Security Council reflected growing concern regarding Nepal’s struggling transition as well as doubts about the mission’s capacity to impact it. UNMIN began its new mandate with prospects for implementing the remaining peace process tasks at a low ebb. The short time frame before it – and the continuing upheaval within Nepali politics – suggests that difficult decisions lay ahead.

NOTES

2 Nepal’s Constituent Assembly Election: Preliminary Statement by the Carter Center, April 12, 2008.
3 This was in accordance with an Action Plan agreed during a mid-December visit to Nepal by the SRSG for Children and Armed Conflict, Radhika Coomeraraswamy.