

## 3.7 Mission Reviews

## Nepal



UNMIN/Sekhar Karaki

Member of UN team prepares the camp for discharge camp process, Chulachuli, Liam district, Eastern Region, February 2010.

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

### UN Mission in Nepal (UNMIN)

<b>Authorization and Start Date</b>	23 January 2007 (UNSC Res. 1740)
<b>SRSRG</b>	Karin Landgren (Sweden)
<b>Budget</b>	\$16.7 million (1 January 2010-31 December 2010)
<b>Strength as of early 2010</b>	International Civilian: 43 Local Civilian: 118 Military Experts on Mission: 68 UN Volunteers: 16

*For detailed mission information see p. 202*

arms and armies, technical assistance to the electoral process, and support to the monitoring of the broader aspects of the ceasefire. Moreover, for a mission with military responsibilities, its arms monitoring component was unusually light, consisting of unarmed arms monitors (serving and retired officers) in civilian attire deployed with the cooperation of the parties. Given the short time frame with which it was conceived, UNMIN was not established as an integrated mission, although it assumed an “integrated approach” to its responsibilities.

That UNMIN took shape at all was a consequence of careful political work by the UN during the three years preceding the signing of the CPA, as well as the successful deployment of an Office of the UN High Commissioner for Human Rights (OHCHR) in Nepal in mid-2005. The UN’s political involvement in Nepal dated back to September 2002, when Secretary-General Kofi Annan had offered to “consider the use of his good offices to help achieve a peaceful solution” to Nepal’s conflict.<sup>1</sup> On the basis of this offer, Tamrat Samuel, an official within the Department of Political Affairs, began visiting the country in mid-2003 and engaging with all political actors, including the Maoists.

Reservations that India – the regional power and a neighbor with both significant interests in and major influence over Nepal – and some Nepalis held about an overt “political” role for the UN contributed to the narrow definition of UNMIN’s mandate. This would emerge as a core weakness of the mission and the source of ambiguity and confusion about its role.

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.”<sup>2</sup> 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.

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## 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.<sup>3</sup> 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.”<sup>4</sup> 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.

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## UNMIN’S CONTRIBUTION

In early 2009, UNMIN had been scaled back for a second time and Ian Martin, the Special

Representative of the Secretary-General (SRSG), replaced as Head of UNMIN by his former deputy, and now Representative of the Secretary-General, Karin Landgren. The mission was extended in July 2009 for six months; in January 2010, until 15 May 2010; and on 12 May 2010 for a further four-month period.

UNMIN remained focused on monitoring compliance of the Nepal Army and the Maoist army with the Agreement on Monitoring the Management of Arms and Armies (AMMAA) reached in late 2006, as well as efforts to achieve the discharge of minors and disqualified Maoist army personnel. Arms monitors maintained round-the-clock surveillance of weapons storage areas at the Maoists' seven main cantonment sites whilst visiting the satellite cantonment sites and the Nepal army weapons storage site. They also continued to take part in the Joint Monitoring Coordination Committee (JMCC), a mechanism composed of both armies' representatives and chaired by the UN that had met regularly since its establishment by the AMMAA and developed a critical role as a means to respond to and defuse potential crises.

These activities were inherently valuable. However, the UN became increasingly concerned by arms monitoring's growing disconnect from the political process. There was a risk that UNMIN's presence was perpetuating an unstable status quo. An additional problem was mounting criticism of UNMIN in the Nepali press by political actors unwilling or unable to understand the limited nature of UNMIN's responsibilities in the cantonments – which it neither had the mandate nor capacity to police.

The UN's political good offices were not specifically mentioned in UNMIN's mandate, but were inherent in a mission headed by a representative of the Secretary-General. Good offices were employed to encourage the Nepali parties to take the steps that would allow UNMIN to complete its tasks and leave Nepal, but also to help promote the trust and communication between the parties that would allow for the peace process to advance. In practice this meant pursuing bilateral engagement with all sides, at times carrying messages from one party to another, proposing short term measures to build confidence or avert crises, and advising on longer-term strategies to address tension among the parties.

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.

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## 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.

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## 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.

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## NOTES

- 1 “Report of the Secretary-General on the Work of the Organization,” A/57/1, September 2002, para. 25.
- 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 Coomaraswamy.
- 4 “Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process,” S/2010/214, 28 April 2010.