



NEW YORK UNIVERSITY

CENTER ON INTERNATIONAL COOPERATION

FOCUSED MISSION: NOT SO LIMITED DURATION

Identifying lessons from the United Nations Mission in Nepal (UNMIN)

**A report on a workshop held in New York on 2 – 3 November 2009
at the Permanent Mission of Switzerland to the United Nations**

Teresa Whitfield

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CENTER ON INTERNATIONAL COOPERATION

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List of Acronyms

AMMAA	Agreement on the Monitoring of Arms and Armies
AMO	Arms Monitoring Office
CIC	Center on International Cooperation
CPA	Comprehensive Peace Agreement
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
EAO	Electoral Assistance Office
EC	Electoral Commission
ITF	Interim Task Force
JMCC	Joint Monitoring Coordination Committee
JMT	Joint Monitoring Team
NC	Nepali Congress Party
NPTF	Nepal Peace Trust Fund
OCA	Office of Civil Affairs
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner of Human Rights
PIO	Public Information Office
PLA	People's Liberation Army
PPSP	Peace Process Support Package
RC	Resident Coordinator
RCO	Office of the Resident Coordinator
RSG	Representative of the Secretary-General
SPA	Seven Party Alliance
SRSRSG	Special Representative of the Secretary-General
TAM	Technical Assessment Mission
TDY	Temporary Duty Assignment
UCPN-M	Unified Communist Party of Nepal-Maoist
UML	United Marxist-Leninist Party
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNFPN	United Nations Fund for Peace in Nepal
UNICEF	United Nations Children's Fund
UNMIN	United Nations Mission in Nepal
UNFPA	United Nations Population Fund
UNVs	United Nations Volunteers

Executive Summary

This report summarizes a workshop held in New York on 2-3 November 2009 to address the lessons that could be learned from the experience of the United Nations Mission in Nepal (UNMIN), a special political mission established by the UN Security Council in January 2007 initially for a year and since extended through four successive six-month periods to January 2010, and then for a further four months.¹

The workshop revealed UNMIN to be unusual in several respects. It sought to provide assistance to a peace process that was a national achievement, centered upon a Comprehensive Peace Agreement (CPA) reached in November 2006 without international mediation. Against a backdrop of a tendency towards the authorization of UN peace operations with increasingly broad responsibilities, its mandate had only a limited focus, being concentrated on the provision of assistance during a critical election of a constituent assembly to determine the country's political future. The elements of its mandate were the monitoring of arms and armies, technical assistance to the electoral process, and support to the monitoring of the broader aspects of the ceasefire. 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.

That UNMIN was established 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. Both benefited considerably from the persistent work of individuals within the diplomatic community and the efforts of individuals and organizations within Nepali civil society who served as important enablers of their country's peace process. The continuity of personnel involved in the UN effort was noted and UNMIN commended for the high caliber and dedication of its staff. UNMIN was recognized as broadly successful with regard to its core responsibilities for arms monitoring and the provision of assistance to the constituent assembly elections held in 2008.

The workshop also identified a number of challenges the mission had encountered. These included an understanding that while UNMIN had been privileged in the circumstances of its start-up, it had still faced complex bureaucratic hurdles with regard to recruitment and procurement, and as it sought to introduce innovations distinct from usual UN practice. This experience warranted further consideration by UN headquarters with a view to introducing greater efficiency to the planning and launch of future missions.

The limits of UNMIN's mandate and role had been a persistent concern. For a special political mission, UNMIN's mandate was defined too narrowly in technical terms, mainly because of the reservations that India – the regional power and a neighbor with both significant interests in and major influence over Nepal – and some Nepali political actors held about a “political” role for the UN. The narrowly defined mandate emerged as the core weakness of the mission and the source of much ambiguity and confusion about its role.

Participants agreed that the mandate remained poorly understood by Nepali interlocutors. This 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. Meanwhile, a central problem for Nepal's peace process, and UNMIN's engagement within it, was an absence of structures to oversee implementation of the commitments agreed to within the CPA. With time, and given the multiple political pressures and processes in which Nepal's political actors had become involved, these commitments had slipped from a central position in the country's political agenda to such an extent that one participant wondered whether it was proper to speak of a peace process at all.

Arms monitoring in Nepal had represented a broadly successful experiment for the UN, yet over time it had suffered from the isolation of the structures established to support it from the wider political process. Further study of UNMIN's experience in this area was encouraged as a means to develop a dedicated UN capacity for arms monitoring. UNMIN's electoral activities, meanwhile, had been

complicated by persistent delays of the election as well as ambivalence surrounding the extent to which Nepali interlocutors required the technical assistance that UNMIN provided. Like UNMIN's office of civil affairs (OCA), its electoral assistance office (EAO) struggled to reconcile what one participant described as a "visibility dilemma": a desire for a visible presence at the district level to help build confidence and prevent local conflicts that was countered by concern that a too visible presence suggested unwarranted outside interference. The UN's political good offices were not specifically mentioned in UNMIN's mandate, but such a role is inherent in missions headed by a representative of the Secretary-General. Although some of UNMIN's initiatives in this area encountered resistance, the mission remained able to pursue discreet and useful good offices through bilateral engagement with all sides.

UNMIN made a determined effort to reach out to Nepali society, and particularly its marginalized groups, through its public information strategy, in its own hiring practices and in the work of the OCA. This was facilitated by its establishment of five regional offices in addition to its Kathmandu headquarters. Yet UNMIN faced the constant challenge of "right-sizing" its public information interventions as it pursued a profile appropriate for the size and mandate of the mission.

The OCA encountered particular difficulties in calibrating its role. These were partly a consequence of a lack of an institutional counterpart engaged in ceasefire monitoring, which it was supposed to assist in line with the Nepali wish to keep such monitoring a national responsibility. But its work was also complicated by fragmentation within Nepal's civil society, which proved less robust in its support for the peace agenda than the critical role it played in forcing change through the people's movement, or *jana andolan*, of April 2006 had suggested would be the case. Several participants expressed regret that UNMIN had not been bolder in its use of its civil affairs' capacity, noting that the information OCA provided to UNMIN headquarters had not been as fully utilized as they had hoped. The work of UNMIN's translation unit, as well as the success of the mission's efforts to promote diverse recruitment, were singled out as being particularly important, representing experience that should be drawn upon in other situations.

UNMIN was not 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. Participants described a mixed experience, with different views, for example, expressed on the advantages and disadvantages of the human rights presence remaining outside UNMIN. The development of a peacebuilding strategy had been inhibited by a variety of factors. These had reinforced awareness both of the need for strong leadership from the UN Resident Coordinator (RC) in this area, and of the difficulties inherent in forging a common approach between donors and the national government in a fragile period of transition.

That the workshop took place at a difficult political juncture in Nepal sharpened perception of an increasing disconnect between UNMIN's mandate and role and the challenges now facing the country. Participants noted that UNMIN's original mandate had been designed with the horizon represented by the election of a constituent assembly in mind. The election eventually held in April 2008 had seen the Maoists emerge as the largest party and the end of cooperation among the major parties, had transformed Nepal's political landscape, and with it the context of UNMIN's involvement. Urgent measures needed to be taken to unblock the current political impasse and move forward to the drafting of a new constitution and the integration and rehabilitation of Maoist combatants. Participants urged UNMIN to be creative in engaging the international community in encouraging such an effort, even as they recognized the limited leverage of UNMIN itself. They also expressed concern that, as UNMIN was in no respect mandated or resourced to address a deteriorating security situation, Nepal's uncertain future put UNMIN's credibility, and that of the United Nations behind it, on the line.

¹The author would like to thank Rhoderick Chalmers, Christopher Coleman, Ian Martin and Tamrat Samuel for comments on earlier drafts of this paper, but assumes full responsibility for any errors that may remain. She would also like to thank Michele Shapiro, of CIC, and officials of the both the UN's Department of Political Affairs and the Permanent Mission of Switzerland to the UN for their assistance in making this workshop possible.

Introduction

On 2 and 3 November 2009 the UN Department of Political Affairs (DPA) and the Center on International Cooperation (CIC) hosted a workshop, with the support of the Federal Department of Foreign Affairs of Switzerland, to examine the lessons that could be learned from the United Nations Mission in Nepal (UNMIN). It brought together current and former UNMIN officials and heads of the Office of the UN High Commissioner for Human Rights in Nepal (OHCHR), as well as a small group of Nepali and outside experts on Nepal. It was also attended by officials from the UN Secretariat with responsibilities for UNMIN as well as others who have been engaged with the management of UNMIN in the past or with an interest in learning from its experience.

Over a day and a half, sessions addressed:

- Launching the mission: mandate, planning and start-up
- Monitoring arms and armies
- Assisting the constituent election
- Keeping the peace process on track: UN good offices
- Beyond Kathmandu: the UN's local role, outreach and marginalized groups
- Peacebuilding: UNMIN, the UN Country Team and donors

The workshop was conducted under the Chatham House rule; participants spoke freely, revealing a wide variety of perspectives on the launch and trajectory of UNMIN. That it took place at a difficult juncture in Nepal sharpened their awareness of an increasing disconnect between UNMIN's limited mandate and the challenges now facing the country.

By early November 2009, the Unified Communist Party of Nepal – Maoist (UCPN-M), the largest political party and winner of the April 2008 constituent assembly elections, had been outside government since May 2009; 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 – without which UNMIN (already extended for four six month periods beyond its original one year mandate) appeared indefinitely bound to its monitoring responsibilities – was in sight. Unrest and insecurity in the countryside was accompanied by falling economic and social indicators and the deadline for the drafting of a new constitution by May 2010 was fast approaching. Limits on the scope for a UN political role were sharply illustrated by the storm in a teacup sparked in Nepal by Secretary-General Ban Ki-Moon's suggestion in his report to the Security Council of 26 October 2009 that "a government of national unity" – something all the major Nepali actors had recognized as important – "remains desirable for timely promulgation of the country's new constitution and for the successful rehabilitation of Maoist army personnel".²

This report represents an attempt to summarize the rich discussion that took place within the workshop. It does not pretend to be a comprehensive account of all its nuances, and still less to represent a consensus view. Besides contributing to a greater understanding of the UN's role within Nepal's peace process, it seeks to identify lessons from the experience of UNMIN that can help strengthen the UN's ability to design and manage missions in other circumstances.

Launching the Mission: Mandate, Planning and Start-up

In this first session participants examined the evolution of UNMIN's mandate, and the challenges encountered in its planning and start-up. They were in broad agreement that the mission had benefited from the extended engagement with Nepal by DPA as well as the prior involvement in Nepal of the eventual Special Representative of the Secretary-General (SRSG), Ian Martin. Martin had arrived in Nepal as head of the new Office of the High Commissioner for Human Rights in mid-2005; in August 2006 he was named Personal Representative of the Secretary-General and charged with helping elaborate the details of the UN's role

²Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, S/2009/553, 26 October 2009.

in Nepal. However, even in such propitious circumstances, the establishment of UNMIN had been complex for reasons that reflected both Nepali and Indian sensitivities and the UN's own bureaucratic procedures.

The Origins of UNMIN

In September 2002, in his annual report to the UN General Assembly, Secretary-General Kofi Annan had offered to “consider the use of his good offices to help achieve a peaceful solution” to Nepal’s conflict.³ On the basis of this offer, Tamrat Samuel, an official within DPA who would later become UNMIN’s first Deputy SRS, began visiting Nepal in mid-2003. He developed good relations with a wide variety of political actors in Nepal, consulted regularly with Indian officials (in recognition of the enduring importance of India’s influence within Nepal) and other representatives of the diplomatic community and used a prolonged period of uncertainty regarding the political process to discuss ideas such as the confinement of forces and international supervision with the Maoists. His role never developed into one of direct facilitation, but it was described by one participant as “absolutely essential for paving the way to a successful mission”.

After the 12 point understanding it was clear that the UN would play a role within Nepal’s peace process, although far from evident what this would be.

That some of the ideas discussed by Samuel found resonance was evident from elements of the 12 point understanding reached between political parties gathered into a Seven Party Alliance (SPA) and the Maoists in November 2005.⁴ The 12 point understanding was the product of a

³*Report of the Secretary-General on the Work of the Organization, A/57/1, September 2002, para. 25.*

⁴Members of the SPA included: the Nepali Congress party (NC), the United Marxist-Leninist party (UML), the Nepal Sadbhavana Party (Anandi Devi), the Nepal Congress (Democratic) party, Janamorcha Nepal, Nepal Workers and Peasants party, and the United Left Front. The 12 point understanding looked forward to an elected constituent assembly to “restructure the state”; a Maoist commitment to multiparty democracy; and outside supervision of the armed Maoist force and Royal Nepal Army during the electoral process, led by the United Nations “or any other reliable international supervision”, all as part of a broader effort to bring an end to “autocratic monarchy”. Available on: www.unmin.org.np/.

critical alignment between the political parties and the Maoists against King Gyanendra, directly precipitated by the coup the latter had launched in February 2005. From this moment forward it was clear that the UN would play a role within Nepal’s peace process, although far from evident what this would be.

The UN’s discussion with the parties intensified after the people’s movement, or jana andolan, of April 2006, which forced the King to relinquish power and restore the parliament elected in 1999. The Secretary-General dispatched a pre-assessment mission in July 2006 that sought to help the Nepali parties towards the submission of a coherent and realistic request for UN assistance. Sensitivities to be overcome included issues of Nepali ownership, reticence from India behind the scenes, and lingering suspicion by the Maoists of the UN as an “instrument of imperialists”. The narrowing of differences between the government formed by the parliamentary parties and the Maoists on the management of arms and armies during the run-up to an election for a constituent assembly soon emerged as the focus of the mission’s engagement.

On 9 August the parties sent identical letters to the Secretary-General requesting the UN to continue providing human rights monitoring; to assist in monitoring the cease-fire code of conduct that had been in place since 25 May; to provide assistance in monitoring arms and armies (the terms of which were still far from resolved); and to provide observation of the constituent assembly election.⁵ The pre-assessment mission recommended that the UN station a senior interlocutor in Kathmandu to follow up on this request, assisted by a small number of advisers. There was no explicit good offices or facilitation role in the parties’ request to the UN, but in the following months, as the parties’ negotiation of the Comprehensive Peace Agreement (CPA) proceeded, the original request evolved in two significant ways. The request for electoral observation shifted to a concentration on technical assistance (the UN explained that it no longer conducted large-scale missions

⁵These letters are included as annexes to Letter dated 22 November 2006 from the Secretary-General to the President of the Security Council, S/2006/920, 27 November 2006.

of electoral observation) supplemented by an independent team of five expert monitors. In the meantime the UN played a direct role in the negotiation of an Agreement on the Management and Monitoring of Arms and Armies (AMMAA) concluded on 8 December – something the UN had explained was an inevitable requirement if it was to undertake the monitoring itself.

Those participants who had been involved in this early phase of engagement in Nepal recalled that critical challenges had been both the parties' insistence on monitoring of arms and armies by "qualified civilian personnel" – the use of retired military personnel in such a role being unfamiliar to the UN and thus resisted by the Department of Peacekeeping Operations (DPKO) – and their unrealistic expectations with regard to timing. The request for civilian monitors was rooted in part in Nepal's pride in its long history as a troop contributor to UN peacekeeping operations (a potential source of leverage on Nepal that, as one participant pointed out, the UN never fully engaged). After difficult internal consultations and discussions with the Nepalese parties it was eventually agreed that the UN would deploy a mixture of retired and serving military personnel, unarmed and dressed as civilians. In the end, the majority of the arms monitors were serving military officers since identifying and recruiting qualified retired personnel through the UN's and Member States' working methods proved difficult. As noted below, the two categories worked as one team on the ground, somewhat complicated by different conditions of service.

The CPA was not signed until 21 November and the details of the AMMAA had yet to be worked out. However, the parties expected arms monitors on the ground as of 1 December, UN efforts "to instill some realism" into their expectations notwithstanding. On 22 November, the Secretary-General sought to expedite UN assistance by asking for the Council's support of his dispatch, under his pre-mandate commitment authority, of an advance group of up to 35 monitors as well as up to 25 electoral personnel. He also informed the Council that he would send a technical assessment mission (TAM) to Nepal to develop an integrated concept for a future political mission. But the task ahead was considerable. The Nepali parties had

agreed to hold the constituent assembly election in June 2007. The UN had been called upon to deploy a short term mission with speed, securing the necessary approval from a complex intergovernmental structure even as it grappled with its own cumbersome bureaucratic procedures.

A Limited Mandate

On 23 January 2007, Security Council resolution 1740 established UNMIN with a 12 month mandate and the expectation that it would be, in the Secretary-General's words, "a focused mission of limited duration". The mission's mandate encompassed monitoring the management of arms and armed personnel of both sides; assisting the parties in implementing the AMMAA through a Joint Monitoring Coordination Committee (JMCC) composed of both armies' representatives and chaired by the UN; assisting in monitoring the ceasefire code of conduct (the non-military aspects of the ceasefire agreement largely relating to local conditions for freedom of political activity, etc); providing technical support for the election of a constituent assembly in a free and fair atmosphere; and providing a small team of electoral monitors to review technical aspects of the electoral process and report on the conduct of the election.⁶

Participants repeatedly returned to the fact that UNMIN's mandate was never properly understood by most Nepalis.

Throughout the workshop participants returned to the particular difficulties of UNMIN's mandate. It was political, but not the political role that the UN would have hoped for. The UN welcomed and respected national ownership of Nepal's peace process, but its ability to support it would be constantly challenged by the ongoing tension between the limits of the mandate, the expectations raised by its presence (that the mission, which numbered a little over 1,000 international and national staff at its pre-election maximum, was small in comparison to most UN peace operations could not redress Nepali perceptions that its considerable size compared unfavorably to its impact on the behavior of the parties), and the absence of national

⁶Security Council Resolution 1740, 23 January 2007.

mechanisms for implementation. Participants repeatedly returned to the fact that UNMIN's mandate was never properly understood by most Nepalis.

One problem not evident in the early stages of the mission was the challenge to the UN that would be presented by its tightly defined mandate – which had been conceived as a means to ensure UN assistance as Nepal moved forward towards the constituent assembly election - in the complicated post-electoral period. Contemplating the difficulties encountered since that time, one participant pointed out that it was difficult to assess whether the mandate was appropriate without asking whether the peace process itself appropriately “structures change” in Nepal. For the UN the peace process was, quite properly, at the center of its activities – but how did it relate to the longer term calculations of Nepal's various political actors? Several participants admitted that in the course of UNMIN's existence they had questioned whether the UN should even have accepted what was generally recognized to be a less than satisfactory (“iffy”) mandate in the first place. Others countered that rejecting Nepal's request for assistance was never a realistic or responsible proposition.

The peace process was, quite properly, at the center of UNMIN's activities, but how did it relate to the longer term calculations of Nepal's various political actors?

The TAM was led by Martin and included his advisers, together with headquarters representatives and members of the UN Country Team (UNCT). It recommended that UNMIN, which would have five regional offices in addition to its Kathmandu headquarters, not be established as an integrated mission - because of its limited time frame - yet that it should assume an integrated approach.

Both the UN Resident Coordinator (RC) and head of OHCHR were included in UNMIN's senior management team to assist coordination of their activities in support of the peace process with UNMIN. A coordination unit was built into UNMIN's structure, and later in the RC's office, to ensure coherence at the working level. In addition to

an arms monitoring office (AMO) and electoral assistance office (EAO), an office of civil affairs (OCA) was created to carry out activities related to the third major pillar of UNMIN's mandate: assistance to the monitoring of the ceasefire code of conduct. The staffing of each of the five regional offices included representatives of these three core pillars, in addition to staff from UNMIN's public information office (PIO), gender affairs and child protection units and administrative support/safety and security personnel, with a senior officer as the head of each office. A political affairs section was located in UNMIN's headquarters, working closely with the SRSRG and DSRSG as well as the other mission components.

Start-up

Participants recognized the significant contributions made to the start-up of UNMIN by Martin's prior experience in Nepal, good working relationship with Samuel (who played the lead DPA role during the start-up before becoming DSRSG), ability to lead planning from the field and knowledge of UN procedures. Many of these factors contributed to UNMIN being a mission that capable individuals wanted to join. But former UNMIN officials also recalled a messy and difficult process, with differences between Martin's advance team and planners from headquarters assigned to the TAM and an uphill struggle against the UN's recruitment and procurement procedures. The extensive challenges in getting people on the ground to receive weapons from Maoists waiting to have them registered and stored led to unsurprising tensions between headquarters and UNMIN. Innovations required to address the particular circumstances of Nepal (civilian arms monitors and an Interim Task Force (ITF) of Nepali ex-Gurkhas from the Indian army, whose involvement preceded and subsequently supplemented the small number of UN arms monitors originally deployed) were initially resisted by New York.

The ability to get senior people to the field with relevant experience and/or knowledge of Nepal and the caliber of UNMIN's national staff were identified as significant achievements. Management of UNMIN would be assisted by the continuity of former UNMIN staff in DPA. However,

participants described the Galaxy recruitment system as a “nightmare”: labor intensive for administrators, who spent an inordinate time on interview panels; deeply disappointing as a source of qualified personnel, whom managers identified by other means; and, according to both current UNMIN officials and others with experience of it elsewhere, worse in its new and revised form than it was at the time of UNMIN’s start-up.

Logistical hurdles – for instance how to get clean water to cantonment sites – were only overcome thanks to support from UN agencies and friendly embassies in Kathmandu. This support ensured the mission was able to make what a representative of DPKO described as “a hugely quick start-up” – even if this is not what it felt like from Kathmandu. In accordance with normal UN procedures, for example, hiring and procurement beyond the \$9.6 million authorized under the pre-mandate commitment authority approved in early December could not proceed until UNMIN’s budget and staffing table were approved by the General Assembly on 26 March 2007. Consequently the mission was, at it saw it, woefully understaffed when it reported to the Security Council a month later on its first three months of operation – just two months before the date originally planned for the constituent assembly election.⁷

Monitoring Arms and Armies

It had long been evident both that arms monitoring would be at the core of UNMIN’s activities, and that what Nepal was demanding of the UN would be quite distinct from the UN’s traditional peacekeeping activities, with a light monitoring presence dependent on a relatively benign security environment and the cooperation of the parties. Participants described a largely successful experience, from which many lessons could be derived for the UN elsewhere.

They also identified significant challenges. Some of these were operational, reflecting problems in mission start-up and poor comprehension of the limits of UNMIN’s mandate

⁷Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, S/2008/235, 26 April 2007.

identified above, a mixed experience of coordination with other UN actors, and concerns that the AMO had functioned as a quasi-military pillar within UNMIN and thus had not fully achieved the civil-military approach required of arms monitoring. Others related both to the lack of political structures able to act as a counterpart to the JMCC and Joint Monitoring Teams (JMTs) reporting to it and to the growing awareness that there are limits to what arms monitoring can achieve in the absence of progress in the broader political process. These challenges constituted risks to the UN inherent in a continuing role, particularly after the election of the constituent assembly and beyond the period for which UNMIN and its arms monitoring regime had been intended.

What Nepal demanded of the UN was quite distinct from the UN’s traditional peacekeeping activities, with a light monitoring presence dependent on a relatively benign security environment and the cooperation of the parties.

Those involved in the planning of UNMIN had worked with DPKO from an early date, bringing a senior military planner to meetings in Kathmandu and with the Maoists in Delhi in mid-2006. However, they had always been aware that to find experiences of arms monitoring suitable to the Nepali context they would have to look elsewhere – to non-UN missions in the Nuba Mountains in Sudan, in Aceh and in Sri Lanka. While DPKO had tried to approach Nepal’s demands with flexibility, it had been limited by existing practices within the UN. In the meantime an awareness that expertise in light-footprint arms monitoring lay outside the UN contributed to the appointment of Brig. Gen. Jan Erik Wilhelmsen of Norway, who had headed the Nuba Mountains mission, as military adviser to Martin’s advance team in October 2006 and as chief arms monitor upon UNMIN’s establishment.

Wilhelmsen had led the negotiations of the AMMAA, with the support of John Norris, the future head of UNMIN’s political section; he worked hard to build relations with

both parties as he did so. A “joint concept” of arms monitoring was evident in the central role given to the JMCC.⁸ The JMCC met for the first time in December 2006, some six weeks before approval of UNMIN’s mandate. Early meetings were difficult, but it gradually grew into an effective mechanism for solving problems and building trust between the parties (as an indicator of the transformation one participant noted that in its first meeting the JMCC took two and a half hours to resolve nothing, whilst in the last meeting he attended – the JMCC’s 60th – six difficult issues were resolved in 45 minutes). Several participants cited the confidence developed within the JMCC as critical to UNMIN’s ability to respond to and defuse potential crises – notably preparations for military operations by the Nepal Army, including surrounding the Maoist headquarters, to compel the release of soldiers abducted off-duty in the tense days before the constituent election. The “joint concept” extended also to the mobile JMTs, whose visits to the countryside demonstrated the parties’ ability to work together.

Registration and verification proceeded relatively smoothly; violations of the AMMAA occurred, but not of a scale that threatened the integrity of the process.

UNMIN relied on the good will of interested states and UN agencies both for “theater enabling” – help with equipment, air assets and logistics - and for the funding of elements (including the JMCC and JMTs) it saw as essential to the implementation of the mandate, but which the UN was unable to finance. India had been closely involved in the negotiation of the arms monitoring arrangements in the CPA, particularly as regards the question of a dual or single key to the Maoist weapons’ containers (the Maoists insisted on retaining control of their weapons under a single key system, but accepted surveillance cameras and an alarm device), and supplied containers as well as the first batch of vehicles. Norway provided critical resources in the early phases of the mission and remained a key supporter. The United Kingdom, with its deep ties

⁸While JMCCs have been engaged in the context of UN operations since Namibia, the Nepal case drew directly upon a similar mechanism employed in the Nuba Mountains.

to Nepal, also contributed directly to the UN effort. UN agencies loaned vehicles at the beginning of the mission, and UNDP brought valuable combatant registration experience from Afghanistan, which was paid for by donor contributions outside UNMIN’s budget.

The small number of arms monitors within UNMIN placed a high premium upon their quality. Participants again praised the disposition of states with suitable personnel to make them available to UNMIN. However, some criticized the exclusive military nature of the monitors as unnecessary and argued that the UN needed to demonstrate more flexibility in this area, including by creating the capacity to deploy a discrete category of “civilian monitors”. Insistence on serving or retired military personnel contributed to the small number of women monitors – particularly serious given that 19% of Maoist combatants were women. It also undermined attempts to introduce a more genuinely civil-military approach that would have had an important demonstration effect upon Nepal’s two armies. Difficulties were created by the distinction in contracts between serving and retired military – the former were contributed as gratis personnel provided through DPKO’s force generation channels whereas the civilians were recruited as UN staff at the P-3 level - and by poor communication from UN headquarters regarding the rank and suitability of those individuals it was deploying to Nepal.

UNMIN’s monitoring would be complicated by a number of different factors. The number of Maoists who presented themselves to the cantonments exceeded estimates of the strength of the Maoist People’s Liberation Army (PLA) quite considerably. This reflected both a lack of attention to the increase in size of the PLA during the months preceding the ceasefire and post-ceasefire recruitment into the cantonments. There were predictable disputes over the number of weapons presented for storage and ongoing concerns regarding the poor conditions in the cantonments (for which the UN was not responsible). Despite these obstacles, registration and verification proceeded relatively smoothly; violations of the AMMAA occurred, but not of a scale that threatened the integrity of the process; and the constituent assembly election was able to take place in a fairly acceptable atmosphere.

There were, however, persistent problems with expectations of the UN's monitoring role and repeated allegations of UN bias in Nepal's lively but contentious media. The AMO's role was always going to be limited by the terms agreed in the AMMAA, as well as the frequency with which a maximum number of 186 monitors could visit the 7 main and 21 satellite cantonment sites insisted on by the Maoists, as well as hundreds of Nepalese Army barracks and installations. Criticism of UNMIN was described by one participant as rooted in "a fundamental tension". The Maoists understood that these were two armies that ought to be treated equally in every way; the Nepal Army, on the other hand, saw itself as the legitimate state army and the Maoists as "a bunch of rebels on their way out". That the UN sought to maintain an impartial role between the two inevitably led to accusations that it was "pro-Maoist".

Participants offered distinct perspectives on the AMO's coordination with other UN actors – in part a reflection of the fact that relations within different regions between arms monitors and other components of the UNMIN regional offices, as well as OHCHR, varied. In some instances OHCHR sought out accompaniment by the AMO; more generally the situations in which human rights and arms monitors could work together were limited by concerns about the military "creeping into civilian roles". Relations with UNICEF had been complicated by differing approaches to the issue of child soldiers, a problem that had characteristics in Nepal quite different to the West African experience that UNICEF initially sought to draw upon. While some participants praised peace process support packages (PPSP) – an ad hoc means by which the AMO (with the financial backing of Norway) could support small community level projects as a confidence-building measure – others cautioned that the PPSPs represented an inherently risky model, likely to be a cause of concern for both development and humanitarian actors.

The discussion strongly suggested that that monitoring of arms and armies is "something the UN can do" – not least if it considers and acts upon the lessons to be learned from UNMIN. However, it also raised serious questions regarding the immediate future in Nepal. The most

worrying aspect of UNMIN's arms monitoring in Nepal emerged as its relative – and increasing - disconnect from the political process, which was evident both in the lack of a political counterpart to the JMCC and the diminution of the latter's role after the constituent assembly election. With a legitimate government in power the parties sought alternate channels to resolve their differences. Moreover,

UNMIN was broadly successful in providing assistance to the constituent assembly election, although not without both political and technical challenges.

as efforts to move forward towards the integration and rehabilitation of the Maoist army had stalled, the dangers of UNMIN's arms monitoring perpetuating an increasingly unstable status quo had become more evident. Participants noted that UNMIN's light monitoring – now conducted by a skeletal group of 70 AMOs – had never been intended for an extended period, and was wholly unsuited to contend with a deteriorating security situation. If the political situation continued in its present trajectory the potential for violence around the cantonments or the use of cantoned personnel in clashes would increase. UNMIN's light monitoring would by no means be in a position to monitor, let alone avert or address the consequences of, large scale violations. Politicians would nevertheless use UNMIN as a scapegoat for their failure to agree on timely implementation of their commitments regarding the future of the armies.

Assisting the Constituent Elections

A central element of UNMIN's activities was providing assistance to the constituent assembly election. Participants agreed that the EAO, which was headed by Fida Nasrallah, had been broadly successful in this undertaking, although not without both political and technical challenges. These were rooted in the fluidity of the political context in which the electoral process developed – the election was originally scheduled for June 2007, but postponed first to November 2007 and then to 10 April 2008 – as well as elements of ambiguity in the mission's electoral mandate.

Nepal's original request for electoral observation had been modified to specify that the UN would provide technical assistance to the electoral process as well as a small expert monitoring team that would report confidentially to the Secretary-General. However, discussions of UNMIN's mandate had been completed in the latter part of 2006 when the full five-person Electoral Commission (EC) and its Secretary had yet to be appointed, which one participant identified as a source of an initially complicated relationship with the EAO. The EAO's structure, size and composition (it aimed to support the EC by twinning technical experts in its offices at all levels) was not supported by a consensus within the Commission. Within the EAO there was a clear sense that the level of assistance offered to the EC was neither always necessary nor heeded. Meanwhile the visible UN presence in the districts of electoral advisers and civil affairs officers, intended to build confidence and mitigate potential conflicts, at times created resentment from some local actors. Yet the UN's electoral team was also aware that Nepalis continued to value the credibility and legitimacy that UNMIN's engagement in the electoral process brought with it.

Participants countered criticism of the EAO's size by arguing that an extended presence in the countryside was an important addition to the presence of OHCHR and other internationals.

This situation had been more problematic for some participants than others. Former members of the EAO pointed to "a fundamental tension in being wanted and not wanted at the same time"; others noted that a degree of ambiguity in the provision of UN electoral assistance is almost always present even as they recalled areas (such as the complicated issues of quotas) where UNMIN's advice had quite evidently been useful and appreciated. Participants strongly defended the "bottom line" that UNMIN made a positive contribution to the electoral process in Nepal, and that the UN's role was not to do "elections as we might have wanted". Assistance could not ensure decisions consistent with advice provided; rather it sought to enable such decisions to be taken on an informed basis. Given the difficult

circumstances within which Nepal's fluid electoral process took shape, credibility and assistance could not be separated.

The emergence of new sets of demands by marginalized groups who sought adequate representation in the constituent assembly was one factor that greatly complicated progress towards the elections. UNMIN's EAO was both relieved and challenged by the postponement of elections for which neither a revised legal regime, nor technical or security provisions were in place. It had benefitted from the early deployment of a small number of electoral advisers, and the capacity to draw upon the roster of electoral experts maintained by DPA's Electoral Assistance Division, but was able to pull back in its efforts to fill a staffing table that required 177 international and 122 local staff once it became clear that a June election was not possible. The repeated postponement of the elections was nevertheless described as a "human resources nightmare". The EAO was downsized and built up again on two separate occasions as the election date slipped back. This had an inevitable impact on the quality of the electoral advisers engaged and increased reliance on UN Volunteers (UNVs). Participants acknowledged the enormous benefit offered by the flexibility that the use of UNVs allowed, even as they recognized the drawback inherent in the UN presenting young volunteers as "election advisers" and expecting them to perform as trusted interlocutors with local communities.

Several participants countered criticism of the EAO's size by arguing that an extended presence in the countryside was an important addition to the presence of OHCHR and other internationals. India, as well as national actors, had indeed encouraged as many internationals, UNMIN staff amongst them, as possible to get into the field in order to improve the atmosphere in which the election took place. At the district and sub-national level, including in districts where campaigning had long been impossible for the mainstream political parties because of the Maoist presence, UNMIN's achievements had real importance. Together with OCA and OHCHR, the EAO contributed to the mission's ability to prevent conflicts at the local level. Reporting of the OCA and EAO allowed UNMIN to be

among the first to realize that elections were not going to happen in November 2007. UNMIN also came “very close to observation”, as one participant put it, as it published weekly monitoring reports in the period before the April election.

Participants agreed that a critical element in the success of the election was the courage, competence and independence of the EC - something that was not assured when it first took shape. They recalled that the EC had been acutely aware of the need to negotiate with political parties and encouraged its success to be considered as something from which lessons could be drawn on elsewhere. They also noted that with time, and as the multiple demands involved in the preparations for the April 2008 elections took over, many of the complications in UNMIN’s early relationship with the EC had been overcome.

One area where UNMIN had little success, however, was in its attempt to provide advice on electoral policing. An eight-person team of police advisers had been included in the mission as the UN had foreseen the importance of election security. However, they met with resistance from the Nepal Police and no effective support from the Home Ministry.

The discussion suggested that it was not possible to assess the impact of UNMIN’s electoral role without considering the broader political context within which the UN had been engaged. A desire for a substantial UN role in the electoral process had been shared amongst the Nepali parties and consistently counted with the strong support of India. Support for the UN presence, however, had been based on the widespread expectations that the Maoists would face defeat at the polls. Politicians and diplomats alike had looked to the UN to ensure that the Maoists would accept their loss peacefully. This view of elections as a means “to put the imprimatur of legitimacy on the old political parties”, as one participant put it, was quite different from the UN’s understanding of its electoral responsibilities.

That the Maoists won a total of 240 seats in the 601-strong constituent (to the Nepali Congress party’s 120, the United Marxist-Leninist party’s 103, and 81 seats won by Madhesi

parties) changed Nepal’s political landscape dramatically, but also proved a complicating factor. A Nepali participant pointed out that many domestic actors still see the Maoist victory as a product of intimidation and a fluke, and thus consider all internationals responsible for “having awarded the elections to the Maoists.”

The tension between mandate and expectation evident throughout UNMIN’s trajectory was particularly acute with regard to its good offices role.

In the aftermath of the elections questions have been raised as to whether Nepal’s elections were not held “too early”. Participants recalled that similar concerns had been discussed within UNMIN at different stages of the process; they recognized, however, that deciding when to hold an election is the prerogative of national actors. Moreover, the need to settle the future of the monarchy, the inclusion of unelected Maoists in an interim government and a parliament whose mandate had expired, as well as the necessity of establishing a representative basis for a new constitutional settlement, all militated in favor of an election. That the results had not been as many parties had foreseen could not detract from this assessment.

Keeping the Peace Process on Track: UN Good Offices

The tension between mandate and expectation evident throughout UNMIN’s trajectory was particularly acute with regard to its good offices role. Good offices were inherent in a UN political mission headed by a representative of the Secretary-General (in January 2009 Karin Landgren became Representative of the Secretary-General (RSG), succeeding Martin as head of UNMIN) but not specifically referred to in the mandate.

Participants were divided as to whether the spelling out of “good offices” in the mandate would have made a difference. Good offices had encountered, and continue to encounter, resistance of varying degrees both from Nepalis concerned about losing “ownership” of the peace process and, more critically, from India, whose views are

shaped by wariness of a strong independent role for the UN in international diplomacy and, more immediately, fear of “outsiders” meddling in its backyard. Some participants felt that India had been shortsighted on this point: precisely because of its proximity and complex relations with Nepal it might actually have benefitted from having the UN do things it could not do.

The negotiating teams with whom the advance team had been able to build close relationships during the negotiation of the CPA had not remained in existence beyond its signing in any structured way. The obvious exception was with regard to arms monitoring, where UNMIN’s chairing of the JMCC created a clear link to implementation that was absent on the political side.

While the space for effective good offices had always been a narrow one, it diminished over time.

Repeated attempts to establish a high level mechanism to oversee implementation had come to naught as politicians of all hues became increasingly mired in internal power struggles. In the process, the ability of the UN to relate to those elements of the political process that might directly have impacted upon the peace agenda was diffused.

The UN’s good offices had been strongly resisted when unrest stirred amongst the Madhesi – the people of the Tarai plains bordering on India, who were beginning to protest against their exclusion from the process that had culminated in the CPA and demand adequate representation in any constituent assembly. In December 2006 Martin held a meeting with Madhesi representatives who sought to inform the UN of their concerns. It had provoked a strong reaction from India, thwarting any possibility of UNMIN playing a bridging role that might perhaps have contributed to a better management of the violence that developed from early 2007.

Despite this setback, UNMIN remained able to pursue discreet good offices through bilateral engagement with all sides. This involved carrying messages from one party to another, proposing short term measures to build

confidence or avert crisis, and advising on longer-term strategies to address distrust and tension among the parties. A rare attempt at direct facilitation was made in late 2007, at a point when UNMIN was publicly suggesting that it could and should do more on the political front. Martin and Samuel initiated a series of discussions among senior political party representatives with the aim of helping them address the deep differences between them. The discussions were, however, short lived. Once the parties had reached a 23-point agreement amongst themselves, pre-electoral priorities took hold, reinforced, UNMIN could only assume, by concern about antagonizing India.

Meanwhile, almost all Nepali parties on occasion expressed, and continued to express (quietly) their desire for UNMIN to play a more active good offices role. Whether and how the UN’s good offices might be engaged to address the current situation in Nepal was the subject of lively discussion, sharpened by the knowledge that UNMIN’s mandate was due to expire in January 2010. Participants raised three issues in particular: the political impasse and its relationship to the peace process initiated in 2005-2006; whether UNMIN had the space to play a more proactive good offices role; and the implications if, as several participants suggested, it did not.

The political impasse was described as being rooted in fear and insecurity on the part of the mainstream political parties, and in the ambition and dogma of at least a large section of the Maoists. In May 2009 an attempt by Nepal’s Maoist prime minister, “Prachanda” (Pushpa Kamal Dahal) – who had been elected to the post in August 2008 by the constituent assembly - to dismiss the army chief had led to a stand-off with the country’s president, Prachanda’s resignation and the Maoists’ departure from government. It was no longer clear that the peace process as such represented a common understanding amongst the major parties. Rather a variety of political processes - electoral, constitutional, local level political conflicts – had come to take its place. Short term interests were determined by the overriding objective of both India and a powerful if fragmented domestic constituency: keeping the Maoists out of power. Under these conditions the persistence of Nepal’s two armies was symptomatic of the wider

problem and could not be addressed in isolation. Some sort of resolution could only come on the basis of a broad package deal including a clear delineation of the role of the president and cabinet; a power sharing arrangement with the Maoists; and a new constitution encompassing federal arrangements and land reform.

Whether UNMIN had the space to play a more proactive political role was questioned. It was noted that while the space for effective good offices had always been a narrow one, it had diminished over time. The original two sides to the peace process had fragmented, with the situation further complicated by the appearance of new, still less cohesive, actors such as the Madhesi groups. In the meantime the broad convergence of interest between India and the UN that had sustained their relationship through the occasional difference up until the election was no longer present. A serious divergence had opened up, as Indian concern to exclude the Maoists outweighed the imperatives of the peace process. Matters were not helped by the lack of interest in Nepal demonstrated by other members of the international community, most of whom had many items of business with India more pressing than Nepal. At a moment at which effective engagement would require more than “the pursuit of better mechanisms of implementation”, as one participant put it, the prospect of mobilizing the UN Security Council and other states to a degree that it would be possible to “turn things around” seemed slight.

Participants were clearly concerned both by the gravity of the situation in Nepal and by its possible implications for UNMIN. The mission had been reduced after the election by the withdrawal of the EAO and OCA and the closure of its regional offices. It was, as was noted above, in no respect equipped to address a deteriorating security situation, still less an acute crisis. Its achievements to date – and with them the credibility of the broader involvement of the UN and Security Council – were at stake. Some participants, recognizing the risks of UNMIN's situation, urged it to make some sort of dramatic protest or start working on exit strategy; others cautioned that a pull-out could only be undertaken from a very weak position and carried the risk of not being noticed. Creative proposals would be re-

quired, as well as renewed efforts to ensure that the gravity of the situation in Nepal was understood outside the country, and UNMIN itself prepared to respond to whatever might transpire.

Beyond Kathmandu: The UN's Local Role, Outreach and Marginalized Groups

Discussion of UNMIN's public information efforts and the work of the office of civil affairs highlighted both UNMIN's determined attempt to reach out to Nepali society, and particularly its marginalized groups, and the challenges

UNMIN's mandate did not position the UN to take the lead in promoting information about the peace process, yet Nepali authorities took no such initiative of their own.

this had entailed. These included factors intrinsic to Nepal itself as a country of 27 million people, speaking more than a hundred languages, and encompassing a high level of physically isolated communities, the most conflict-affected of which are also the most information-poor. Marginalization is exacerbated by the complex nature of Nepali identity – with differences cutting across ethnic, caste, class, gender and geographic lines – as well as the extreme centralization of the country's elites in the Kathmandu valley. The discussion identified both the work of the translation unit and UNMIN's own hiring policies as critical elements of the mission's outreach, even as it addressed internal challenges to its work deriving from its mandate, scale and management.

Public information

UNMIN's public information strategy benefited from continuity: as the head of public information Kieran Dwyer followed Ian Martin from OHCHR, having already provided support to Martin and the advance team and participated in the TAM. Yet despite the advantages that this transition brought with it, UNMIN's public information office (PIO) was described as missing important opportunities at mission start-up – a critical moment for public information work. Staff could not be hired in a timely fashion, and

recruitment problems, a lack of resources and restrictions on outsourcing contributed to impede the production of brochures, flyers and other materials to explain the presence and purposes of UNMIN.

Throughout UNMIN's existence the PIO struggled to "right-size" its approach. Gauging how much to do was difficult, in part because there was little comparative experience to draw upon. UNMIN was larger than the average special political mission or peacebuilding office, and smaller than a typical peacekeeping operation. Its mandate did not position the UN to take the lead in promoting information about the peace process, yet Nepali authorities took no such initiative of their own. In the meantime, the country's thriving civil society and media sector brought with it many advantages not present in other transitional settings, whilst also distinct problems of their own. Core challenges included countering the ambivalence within Nepal's political mainstream regarding the UN role and ensuring accuracy of messaging in a politically charged environment.

Balancing an obvious imperative to reach out to marginalized communities with pressure from the political class in Kathmandu was difficult.

Over time the PIO built the capacity and strategies to share information – for example through weekly radio programs broadcast in Nepali and five local languages. However, it never ceased to question how best to communicate UNMIN's work to the diverse audiences representing its public. Balancing an obvious imperative to reach out to marginalized communities with pressure from the political class in Kathmandu was difficult. It was also in some respects complicated by UNMIN's own success in diversifying its national recruitment, which became a subject of complaint in "the drawing rooms of Kathmandu", as one participant recalled.

The PIO had initially been charged with helping implement a recruitment policy that was based on an understanding that when operating in an area of profound ethnic, linguistic and religious diversity, the composition of the national staff must reflect it, even as it pursued an

equitable representation of women, including women from marginalized groups. This approach met with initial resistance from UNMIN's administration (clarified by one participant as a "learning curve" as administrative staff came to understand the value of diversity to UNMIN). However the engagement of credible interlocutors with the communities it worked in became a fundamental part of UNMIN's outreach effort. Participants noted several elements identifiable as a legacy of UNMIN's recruitment policy. These ranged from an as yet mixed experience within the UN system as it tried to institutionalize diverse hiring practices in a fair and transparent manner, to positive effects UNMIN had had in empowering former employees with skills and experience that were now being applied at the community level.

Participants praised the work of UNMIN's translation unit, noting the importance of its location within the substantive arm of the mission, under the authority of the Chief of Staff, and physical proximity to the PIO. These factors were reinforced by the quality of the unit's leadership and the mission's social affairs adviser. They allowed the unit to function as a cultural resource within UNMIN, taking on extra tasks such as running Nepali language lessons, assisting with national staff recruitment and the mission induction course, in addition to its primary responsibilities.

Despite these efforts, UNMIN was described as having "lost the propaganda war". There were consistent divergences between public perceptions of the UN role and what UNMIN was actually able to do. Some of the blame for this could be attributed to the weakness of the Nepali media, as well as the deep political differences underlying the peace process. It was nevertheless suggested that the PIO could have increased its mobility and reached out more consistently to the media, especially below the editor level in Kathmandu. Participants also questioned whether UNMIN could – and should – have done more to explain the work of the AMO in order to prevent the misunderstanding of UNMIN's role and responsibilities with regard to cantonments. Countering this argument was the suggestion that greater understanding of the thinness of the UN presence and mandate might not

necessarily have led to greater public confidence in its role. The need for media and communications training amongst the UN's military personnel was noted, as well as the fact that the Maoists themselves had resisted greater media attention to the cantonments.

Marginalized groups were described as a key source of support for UNMIN outside Kathmandu, especially in the Tarai. One participant noted that such groups appreciated being listened to by UNMIN, in part because they had never had the chance to interact with national and international actors. UNMIN met opposition in its efforts to reach out to marginalized groups from a variety of quarters – elements within the Nepali state, as could be expected; Indian officials nervous that UNMIN was “all over the country”; but also some analysts and experts wary that UNMIN was seeking to insert itself into negotiations with Madhesi armed groups. In the meantime, in the Tarai itself, public reactions to UNMIN swung from enthusiasm to indifference, as local interlocutors became disappointed that UNMIN was unable to exert more influence than the writing of reports they never got to see suggested.

Civil Affairs

Discussion of the role of civil affairs suggested that OCA had encountered difficulties in both central aspects of its work – support to the monitoring of the ceasefire and, at the district and local level, its effort to help create propitious conditions for the constituent assembly election. Participants agreed that the failure to establish the national ceasefire monitoring commission that OCA had been intended to assist restricted the office's ability to achieve its full potential; in the meantime its local role had been complicated by the weakness and politicization of the police, the absence of local administration and other community structures, intimidation and violence. Contrasting views of the value and contribution of civil affairs remained. Some participants recalled that, in the absence of counterparts and given the weakening of organized civil society in the period following the jana andolan, it had been very difficult to play the proactive role to which UNMIN's civil affairs had aspired. One wondered whether, if the UN had had a clearer sense of

the limitations within which OCA would be working, it might have decided not to establish a distinct civil affairs capacity at all. Others had a clear sense of the contribution that civil affairs had made, particularly at the district level, yet believed that the information it had provided the political section and mission leadership had consistently been underutilized.

UNMIN could have taken more risks with civil affairs, especially in sharing the information gathered with political parties and other relevant actors.

Like other components of UNMIN, OCA had benefitted from continuity. John Bevan had been Martin's ceasefire monitoring adviser in the advance team; he became the first head of civil affairs and was succeeded by his deputy, Arjuna Parakrama. In addition to the role foreseen with regard to assistance in ceasefire monitoring, participants involved in UNMIN's planning recalled that the establishment of the OCA had responded to a clear perception of the benefits of a field presence, particularly as it could affect the electoral climate and enhance understanding of developments outside Kathmandu. The establishment of UNMIN as a mission with a limited time frame had precluded discussion of the possible merging of the OHCHR into the new political mission. However, it was suggested that it might have been easier to ensure a more cohesive UN field presence if human rights had become a component of UNMIN, rather than remaining a separate office.

Several participants expressed regret that that civil affairs had not been able to push the boundaries that it had encountered more actively, including by seeking alternative means of working once it became clear that a national monitoring mechanism was not going to take shape. Some participants saw self-censorship in OCA's activities out of fear of a backlash from those opposed to a more proactive UN role. They recalled that restrictions in the mandate as well as the lack of institutional interlocutors negatively affected OCA's ability to engage with national actors. Others agreed that UNMIN could have taken more risks with civil affairs, especially in sharing the information gathered with mid-level members of the political parties and other

relevant actors. Several linked some of the problems encountered by OCA to a lack of clarity in the structural relationship of mission components with complementary responsibilities, both within the regional offices and in their communication with UNMIN's headquarters. The interface between OCA and the political affairs office with regard to information gathering and reporting emerged as one particular source of tension.

Without a civil affairs presence after the election, UNMIN's understanding of what took place outside Kathmandu had effectively been brought to an end.

Such observations, however, did not detract from recognition of what the OCA had been able to achieve at the regional level, at least once it was able to overcome early delays in recruitment. That this was achieved through a gradual shift toward a preponderance of national hiring was cited as an example of OCA's own learning experience. A strong case was made for the fact that civil affairs capacity improved as the ratio of international to national staff moved from an early (and unsatisfactory) 4:1, to a prevalence of national staff, the majority of them women, in a 1:5 ratio. Such a shift was facilitated by a deliberate decision not to prioritize fluency in English or formal academic qualifications as essential criteria for staff recruitment and led to excellent results with regard to both diversity and quality of staff.

OCA's contribution at the regional level was described as being in five core areas: monitoring and analysis, including of critical issues such as verifying or refuting reports that members of the Maoist army were leaving cantonments and participating in the election campaign; conflict prevention, particularly in the period immediately prior to the election (most notably in Dang, where members of the Maoist Young Communist League were ambushed and killed in what seemed an attempt to provoke the Maoists and derail the elections); liaison and coordination with other UN agencies and UNMIN sections; gathering information from local interlocutors; and sharing it with mission headquarters and others. OCA's regular conduct of joint field missions with OHCHR, OCHA and other

UNMIN sections was described as a good example of UNMIN's principle of integration in action. However, more thought could have been given to benefitting from the differences in mandate and capacities between OHCHR (with its protection mandate) and civil affairs officers (with broader analytical skills).

A determined effort to reach out to women, as other marginalized groups, was a core element within all of OCA's activities, as of UNMIN as a whole (the importance of UNMIN's use of radio was noted in this context). This had its complications, some of which were rooted in confusion created by the fact that Security Council Resolutions 1612 and 1325 both extend far beyond UNMIN's gender mandate, which was only to ensure gender-sensitive implementation of the mission's limited mandate overall. Lack of understanding of this essential element frustrated some UNMIN gender personnel and led to the misperception that UNMIN leadership lacked a commitment to gender issues. With UNICEF and UNFPA retaining lead responsibility for much of the UN system's gender-related work, UNMIN was generally most successful when working in collaboration with other agencies (for example in a women's street theater project undertaken with UNFPA). Other challenges were those of multiple levels of marginalization: the fact that, as one participant put it, "very marginalized sectors in the Tarai are not good at women's participation".

Participants regretted the rapid draw down of OCA in mid-2008 for the damage done to some of the mission's relationships at the regional level as well as the impact upon UNMIN's capacity. There had been no means to justify OCA's presence after the election, but without it, UNMIN's understanding of what took place outside Kathmandu had effectively been brought to an end.

Peacebuilding: UNMIN, the UN Country Team and Donors

A final session addressing the interlocking roles of UNMIN, the UN Country Team (UNCT) and donors as they related to peacebuilding presented a complex picture, with worrying implications for the future. UNMIN was not a

peacebuilding mission, nor was ever conceived as one. However, a desire for leadership in the development of a peacebuilding strategy had led some within the UNCT and donor community to develop heightened expectations of what the mission would be able to deliver. UNMIN had neither the resources nor mandate to respond to this demand, but had nevertheless tried to contribute to the UN system's effort to respond to the expectations of donors.

Participants cautioned that to consider the UNCT a "team" in the full sense of the word was a mistake, particularly as it stood in the early period of UNMIN's involvement. Heads of agencies and programs differed widely in their post-conflict experience and readiness to adapt activities under their authority to the particular circumstances of Nepal. The relative inability of the UNCT, with the exception of OHCHR, to get people on the ground with any experience of a post-conflict or transitional setting had proved a real challenge. Another had been the lack of familiarity with conditions outside Kathmandu, despite the long standing presence of the UN system in Nepal. The office of the Resident Coordinator (RCO) was now addressing the peacebuilding needs of Nepal energetically, but the challenges ahead remained considerable, not least because of the uncertainty inherent in Nepal's current political impasse.

Donors were not only far from unified on the substantive issues at hand (neither China nor India even attend meetings of the "donor group") but engaged in Nepal on the basis of a long and difficult history of the instrumentalization and misappropriation of aid. This had led many Nepalis to associate development assistance with the creation of conditions that gave rise to the conflict and to regard the motivation of donors themselves as suspect. In recent years donors had differed hugely in their ability to countenance the emergence of the Maoists as a valid political interlocutor. While some had developed a greater degree of sophistication during the years of conflict and transition, the donor community at large was still struggling to develop an optimum means of engagement with Nepal, as with other fragile states seeking to emerge from conflict.

The overall assessment of UNMIN's performance in this area was mixed, principally because mutual expectations between UNMIN and the UNCT were, as several participants saw it, never clearly established. However, what UNMIN did do, as one of these participants put it, "it did extremely well". This included providing highly appreciated information on political developments, including local analysis drawn from the field reporting of the civil affairs office.

UNMIN did not systematically analyze the root causes of the conflict, or provide the comprehensive peacebuilding strategy that donors would have liked. However, at an early stage in the UN's political involvement John Norris had developed the first peace and development framework for the UNCT. In the following years two experienced development professionals, Joerg Frieden of the Swiss Development Cooperation and then David Wood, formerly of the UK's Department for International Development, had been recruited by UNMIN to work with it and the RCO to help the UNCT and donors consider how they could better address the peace and development nexus in Nepal.⁹ Their efforts had met with mixed results for a variety of reasons.

The donor community was still struggling to develop an optimum means of engagement with Nepal, as with other fragile states seeking to emerge from conflict.

Participants noted with concern both the absence of a shared analysis on the present state of the peace process within the donor community and the fact that work on peace and development had been halted by the political crisis. In the meantime the underlying indicators were not good. Development was described as a casualty rather than a beneficiary of the peace process. Nepal was more fragile than before and substantive progress on central elements of the peace agenda had not been achieved. There had been no real action on social development, or social inclusion in public institutions; no real action on

⁹Frieden developed an "Action Plan for a Peace Dividend" in 2008; Wood prepared a "Peace and Development Framework" on behalf of the donor group for the Nepali government in advance of the 2009 Nepal Development Forum. However, the Forum was cancelled after the Maoists left the government in mid-2009.

human rights, on land reform, or on social protection – all of which were foreseen within the CPA.

The political impasse that had set in since mid-2009 had created further strain. Participants recalled that no legislation had been possible for 4-5 months; there had been a very poor response to a food crisis in the far west as well as to an energy crisis and to the demands of marginalized groups. Industrial relations were in an appalling state and the economy remained dependent on remittances. Donor support had increased substantially in the past three years, but less than 10% of it was devoted to supporting the peace process. Two funds - the Nepal Peace Trust Fund (NPTF) administered by the government and the UN Fund for Peace in Nepal (UNFPN) administered by UNDP – had been created to channel support to the peace process. The UN Peacebuilding Fund contributed \$10 million to the UNFPN. However, both funds remained underfunded even as the government had demonstrated serious problems of absorption. Indeed, as one participant recalled, it had pulled back from projects around local peace committees and land reform for which funding had been obtained for obviously political reasons.

This worrisome picture highlighted the extent to which an effective peacebuilding strategy was a function of government will and capacity. UNMIN had struggled in its interactions with a Peace Ministry that it came to see as failing to prioritize forward movement in the peace process. At the current juncture, even as donors were seeking to define new rules for how they operate in circumstances such as Nepal, it was important to recall that their influence was limited. Given Nepal's history, that donors were conscious of the need to avoid donor driven development was welcome but, in itself, an insufficient response to the task at hand.

Participants encouraged the RCO's efforts to put together a strategy for an effective response to the challenges of peace and development in Nepal, but also acknowledged the difficulty of what lay ahead. Distracted as it was by the political crisis, the government was not ready to engage and donors neither naturally attuned to the challenges of peacebuilding, nor ready to hear a critical perspective.

Nepal, as elsewhere, demonstrated that a core issue remained the capacity of an RCO to respond to a post-conflict or transitional situation with the support of the full UN system. In Nepal's case this obviously included UNMIN, at least in the immediate future.

Lessons Identified and Recommendations

The workshop identified a number of lessons that could be extracted from UNMIN's experience as well as some specific recommendations for the United Nations as it considers the planning and deployment of missions elsewhere. While some of these lessons and recommendations are valid across the spectrum of UN peace operations, emphasis was placed on those lessons from UNMIN that may be most relevant to political and monitoring missions, of a variety of sizes and scope, that may be required in years to come.

For ease of reference the lessons identified and recommendations (in italics) are grouped under two general headings, "Launching the mission" and "Fulfilling the mandate".

Launching the Mission

- UNMIN benefitted from the **prior engagement** of both DPA and OHCHR in Nepal. The good offices work carried out since 2003 presented a good example of the advantages of early engagement and DPA's investment in mediation support. While a direct mediation or facilitation role never developed, the UN was able to provide input to a national process that paved the way to the involvement of a UN special political mission.
 - *The UN (DPA) should invest more time and resources in early engagement than it does at present without expecting immediate or sure returns. While early and consistent engagement is not a guarantee of successful good offices, the UN cannot expect to be accepted as a serious interlocutor without a good understanding of the ground reality and*

the national and regional players, and without establishing a level of rapport and confidence with key actors.

- **Continuity of personnel** was a critical element in the planning of UNMIN. It highlighted the benefits of planning being led from the field, and conducted on the basis of a sound knowledge of national conditions and actors. The deployment of a senior political representative of the Secretary-General, supported by a small group of advisers, was an helpful innovation, not least for the leadership this advance team gave the TAM.

- *When possible, planning for a special political mission should be led from the field, or least draw upon more in-depth experience of the field than that that can be provided by a headquarters-led TAM.*

- The particular requirements of UNMIN highlighted the rigidity of some of the approaches adopted by the UN to **mission planning**. While DPKO was persuaded to adopt a more flexible approach to issues such as arms monitors and the use of the ITF, the experience suggested the need to encourage the system as a whole to be open to “tailor-made” approaches to mission planning.

- *There can be no “template” or “blueprint” for a special political or monitoring mission; the UN should improve its capacity to design and launch missions appropriate to the needs at hand.*

- UNMIN’s **limited mandate** brought with it a number of challenges, many of which were related to the mismatch between expectations and the reality of what the mission was able to deliver and complex calculations regarding visibility.

- *In circumstances in which the Secretary-General seems likely to be charged with a similarly limited mandate, he/she and his/her*

representatives should at an early stage clarify with national interlocutors, and bring to the attention of members of the Security Council, conditions for the UN’s involvement, including, for example, regular interaction with a national implementation or monitoring body. If such a body does not take shape, the Secretary-General may wish to suggest modifying the UN’s activities accordingly.

- *If a problematic mandate nevertheless transpires, further thought should be given to the communication of its limitations – particularly with regard to sensitive subjects such as cantonment and monitoring – as well as specification of the need to introduce modification to the mandate if the operating environment changes substantially.*

- UNMIN’s start-up demonstrated the benefits of prompt action by the Secretary-General and both the flexibility offered by, and limits of, his **pre-mandate commitment authority**. UNMIN’s efforts to address the restriction on its spending beyond this authority by seeking assistance from within the UN system and from friendly states able to provide resources proved essential, if no substitute for effective UN procedures.

- *The Secretariat and member states should explore greater flexibility in the budget structures of missions of this nature in order to enable them to respond more effectively to unforeseen needs that may arise and reduce the dependence on the availability of donors.*

- The mission’s start-up exposed weaknesses in the UN’s current **recruitment and procurement** practices (an observation by no means limited to UNMIN). Although slow, UNMIN’s recruitment highlighted the benefits of reaching outside the UN system to staff with substantive knowledge and experience of the mission environment; the critical contributions made by national staff; and

the importance of paying attention to diversity in local recruitment both as a means of addressing issues of marginalization and for the qualitative contribution made to a mission's interaction with local communities.

- *Urgent attention should be paid to the issue of recruitment. Priorities include a review of the Galaxy system and measures to improve the speed of recruitment, particularly for short-term missions that cannot wait months for the arrival of critical staff. A greater facility to have recourse to staff on temporary duty (TDY) assignments in the interim is required, as well as better systems for identifying qualified candidates, including those from outside the UN who may have specialized knowledge required for a particular mission.*
- *Regarding procurement and logistics, greater flexibility for outsourcing should be delegated to mission management; missions should be encouraged to work with friendly donor states willing and able to fill essential gaps in a mission's preparedness in a timely manner.*

Fulfilling the Mandate

- UNMIN was not established as an integrated mission; its experience demonstrated both the benefits and challenges of **an integrated approach**, as opposed to structural integration of the UN presence in a country. It also demonstrated the critical importance of leadership from the RCO in working with the donor community to develop an integrated **peacebuilding strategy**.
 - *In similar circumstances, consideration should be given to integration of existing field presences (such as that of OHCHR) into the broader framework of a peace operation or otherwise at least greater emphasis on a more planned coordination of work. Leadership from the RCO on a peacebuilding strategy is essential, wheth-*

er from within an integrated mission or working in coordination with it.

- UNMIN's launch had exposed particular reticence within DPKO regarding the use of **qualified civilian personnel** for arms monitoring. The mission's subsequent experience suggested that the use of such personnel might help forge a constructive civil-military approach, whilst also improving the possibility of recruiting a higher proportion of women monitors.
 - *The UN should consider undertaking a study of arms monitoring, to be jointly prepared by relevant departments and programs, with a view to considering the creation of a capacity to field civilian arms monitors and their appropriate relationship to monitors drawn from serving military officers. If civilian arms monitors are to become part of the UN 'toolbox' the issue of their status as UN personnel (gratis personnel vs. mission staff) would need to be addressed in order to avoid differences in their conditions of service.*
- The **JMCC** proved an exemplary mechanism, although its limits were exposed by the lack of a similar political mechanism with which it could interact and the shift in its status after the constituent election. In this respect, UNMIN's trajectory exposed the risks of arms monitoring when separated from the political process and clearly brought out the need to ensure that the monitoring does not become a guarantor of an unstable stalemate.
- The UN's capacity to influence the Nepal Army - an army with a long history as a **troop contributor** to UN peacekeeping operations - was minimal, in part as a consequence of institutional reluctance to employ such leverage as might have been available to it.

- *The UN should undertake further consideration of the relationship between the conduct of its peacekeepers and their behavior in a national context as a means to prevent inconsistencies in the UN's relationship with a given armed force.*
- The operational needs of UNMIN's **electoral affairs office** may have been served well by the first postponement of the constituent assembly election originally scheduled for June 2007. However, the difficulties in ensuring its preparedness indicated that the UN may find itself in a situation in which slow and inflexible procedures prevent the provision of committed support to an electoral process – and contribute to its failure. Overall, the experience of UNMIN's EAO revealed a degree of ambiguity between assistance and credibility in the UN's contribution to the elections. This was perhaps unavoidable, and in part a consequence of the capacity and independence of the Electoral Commission.
 - *The UN should develop the means to enhance speed and flexibility in its provision of electoral assistance, particularly with regard to recruitment and in circumstances in which an extended involvement leads to changes in the terms of its engagement.*
- The difficulties encountered in sustaining a public **good offices** role highlighted the challenge for the UN in providing support to individual aspects of a national peace process in the absence of either a broader mandate or robust national mechanisms for monitoring and/or implementation.
- Some of the challenges encountered in **public information and outreach** were probably an inevitable consequence of the uneasy interplay between the demanding characteristics of Nepal and UNMIN's mandate. Others highlighted the need for enhanced strategies and capacities for outreach to the media and some sectors of civil society which turned against the mission. Discussion within the meeting suggested that that greater attention to the latter could have gone some way to addressing the former, but not resolved the ambiguity coloring UNMIN's projection of a public role.
 - *Efforts should be made to enable missions to benefit from a higher proportion of staff –including military personnel – with media training and to reach out to media and other sectors of civil society outside the capital and including journalists below the editor level.*
- UNMIN's efforts to reach out to **marginalized communities** in Nepal represent a rich experience that can be drawn upon in other circumstances.
 - *UN missions in other environments of profound ethnic, linguistic and religious diversity should prioritize efforts to ensure that the composition of the national staff reflects this diversity, including through an equitable representation of women, including from marginalized groups. In doing so, it may be necessary to waive some standard requirements (for English language proficiency, academic degrees, for example) in the interest of other benefits such staff can bring the mission.*
- UNMIN benefitted greatly from a strong **translation and interpretation unit**, its location within the substantive arm of the mission and the extent to which the mission leadership drew upon the unit and the social affairs adviser as cultural resources for the mission as a whole. The translation of reports of the Secretary-General to the Security Council into Nepali ensured wider readership and more accurate reporting by the Nepali language media.
 - *Other missions should consider placing the translation and interpretation unit within the substantive branch of the mission and encouraging both the unit and social affairs advisers to assist mission staff in their*

understanding of the cultural context in which they are working.

- The mixed experience of the **office of civil affairs** highlighted the difficulty of work undertaken in the absence of national institutional counterparts even as it reaffirmed the value of UNMIN's field presence for purposes of outreach, conflict prevention, monitoring and evaluation, and information gathering. It also highlighted the potential for difficulties in the relationship between the different components of a mission with complementary responsibilities (the interface between the OCA and political affairs office with regard to information gathering and reporting within UNMIN, for example), as well as between the mission and other UN entities – in this instance OHCHR – with potentially overlapping competencies.

- *Further thought should be given to the structural relationship of different components within a mission with complementary responsibilities as well as the integration of efforts between distinct components (through effective coordination in regional offices) and with other UN actors with whom they may be engaged, including human rights officers, within their respective competencies.*

- UNMIN's experience validated the utility of an "integrated approach" to issues (children in conflict, questions related to gender) on which specific UN agencies, who will remain engaged long beyond the limited life span of a political mission, may have the lead. However, it also highlighted a lack of understanding of the limited aspects of a **gender mandate** related only to ensuring the gender-sensitive implementation of the mission's mandate overall, and of a similarly limited **child protection mandate**.

- *Political missions with a limited time-frame should prioritize collaboration with UN agencies and other international actors with*

the mandate and resources for long term engagement on issues that will require attention beyond their own mandated presence, such as those related to child protection and gender, without prejudice to the important work of gender advisers and others within the mission.

- UNMIN's experience illustrated the challenges of engagement in a peace process in which critical decisions will be taken by an interested **regional power**. At different moments the actions of India affected UNMIN not only with regard to its activities in Nepal, but also acted as a brake upon members of the Security Council who were inclined to follow India's lead. With India assuming a more partisan stance in the wake of the Maoists' unexpected emergence as Nepal's single most powerful political force in the constituent assembly election, UNMIN's ability to play its impartial role became very difficult.

United Nations Mission in Nepal (UNMIN) Lessons Learned Workshop New York, 2-3 November 2009

Participants

Introductory remarks

Ambassador Peter Maurer
B. Lynn Pascoe
Teresa Whitfield
Ian Martin

**Permanent Representative of Switzerland to the UN
UN Under-Secretary-General for Political Affairs
Center on International Cooperation, NYU
formerly SRSG, UNMIN**

Invited UNMIN and other expertise

Aditya Adhikari	Journalist, Kathmandu Post
Richard Bennett	Rep. of UN High Commissioner for Human Rights, Nepal
Rhoderick Chalmers	South Asia Deputy Project Director, International Crisis Group
Elizabeth Cousens	formerly Chief of Staff, UNMIN
Kieran Dwyer	formerly Spokesperson/Chief, Public Information, UNMIN
Maarten Halff	formerly Electoral Adviser, UNMIN
Karsten Herrel	formerly Chief, Mission Support, UNMIN
Prashant Jha	Journalist, Nepali Times
Karin Landgren	RSG, formerly DSRSG, UNMIN
Fida Nasrallah	formerly Chief Electoral Adviser, UNMIN
John Norris	formerly Chief, Political Affairs, UNMIN
Arjuna Parakrama	formerly Chief, Civil Affairs, UNMIN
Suman Pradhan	formerly Political Affairs Officer, UNMIN
Fred Rawski	Human Rights Officer, OHCHR-Nepal
Tamrat Samuel	formerly DSRSG, UNMIN
Aracelly Santana	formerly DSRSG, UNMIN
Bandita Sijapati	formerly Civil Affairs Officer, UNMIN
Maj. Gen. Michael Smith (rt)	Executive Director, Asia Pacific Civ.-Mil. Centre of Excellence
Lena Sundh	formerly Rep. of UN High Commissioner for Human Rights, Nepal
Capt. Eduardo Ulery	Chief Arms Monitor, UNMIN
Brig. Gen. Jan Erik Wilhelmsen (rt)	formerly Chief Arms Monitor, UNMIN
David Wood	Senior Adviser on Peace Support, UNMIN/Res. Coordinator

United Nations Headquarters

Nadia Assouli	DPKO
Anthony Banbury	Department of Field Support (DFS)
Tania Belisle-Leclerc	DPA
Christian Bender	DPKO
Tanja Bernstein	DPKO

Laura Bologna	DPA
Yhi-Peng Chia	DPKO
Patrice Chiwota	Peacebuilding Support Office
Christopher Coleman	DPA
Kendra Collins	DPA
Hitoki Den	DPA
Sebastian Einsiedel	DPA
Michele Griffin	DPA
Eiko Ikegaya	DPA
Craig Jenness	DPA
Gordana Jerger	UN Development Operations Coordination Office
Jared Kotler	DPA
Kishore Mandhyan	Executive Office of the Secretary General
Edmond Mulet	DPKO
Toshihiro Nakamura	DPKO
Bryan Norman	DPKO
Kelvin Ong	DPA
Dawn Peebles	DPA
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Ian Sinclair	DPKO

Center on International Cooperation (NYU)

Rahul Chandran
Michele Shapiro



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**CENTER ON
INTERNATIONAL
COOPERATION**

**New York University
418 Lafayette Street, Suite 543
New York, NY 10003
(212) 998-3680
cic.info@nyu.edu
www.cic.nyu.edu**