



## Role of United Nations Mission to Nepal on Peace process: A Historical Prospective

Bishnu Prasad Khanal

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## Role of United Nations Mission to Nepal on Peace process: A Historical Prospective

Bishnu Prasad Khanal<sup>1</sup>

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### **Abstract**

The article entitled "Role of United Nations Mission to Nepal on Peace process: A Historical Prospective". Integration and rehabilitation of arms cadres are the most important processes in post-conflict countries. The facilitation of the United Nations Peace Mission agency, UNMIN, resolved Nepal's decade-long armed conflict. The main objective of this article is to explore the role of UNMIN in the peace process and armed conflict resolution in Nepal. The article depends on secondary data and qualitative research methods. The article covers only the peace process and describes the mandate, role, monitoring of the management of arms, PLA integration, peace process of the UNMIN in Nepal, and identified the lessons learned from UNMIN as the every conflict has its national character, it should be understood in detail and supported where possible without interfering with the national character, and UNMIN tried the same in the context of Nepal. The UN should support the peace process if required or demanded by the warring faction and needs to use local conditions for negotiation and integration of PLA with livelihood and dignity in the society and security sectors for the sustainable peace process.

**Keywords:** Armed conflict, Guerrilla, Integration, Negotiation, , Peace process, Principles, War strategy.

**Declaration:** There is no any conflict of interest.

### **Background**

The political, social, economic, and topographical realities of Nepal are the source of the conflict. Therefore, some of the reasons why conflicts broke out date back several centuries. The "Panchayat," or non-party system, was a more recent process that had an impact on the current state of affairs (1960-1990). The first effort at parliamentary democracy (1951–1960) had not provided the anticipated stability and growth to the kingdom, according to King Mahendra. As a result, he disbanded the legislature and outlawed political parties in 1960. Numerous political groups gone underground from the public eye, and some of their leaders—including those from Communist-leaning parties—spent many years behind bars or living in exile in India' (ICRC, 2006). To overcome the problem of the people and the country; CPN Maoist started Guerrilla warfare, later stage it had developed to Armed Revolution in larger scale with its regular army known as people's liberation army ( PLA) .



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**Guerrilla warfare and armed revolution:** The history of guerrilla warfare stretches back to ancient history. The Chinese general and strategist Sun Tzu, in his *The Art of War* (6th Century BC), was the earliest proponents of the use of guerrilla warfare. In his book it is explained as “The general who thoroughly understands the advantages that accompany variation of tactics knows how to handle his troops” (Tzu, 2024 (5 Cen. BC)). This directly inspired the development of ‘modern guerrilla warfare, communist leaders like Mao Zedong’ (Ingalls, 2013), and North Vietnamese Ho Chi Minh. It was explained as “In their struggle against the United States, the DRV skillfully and creatively used not only Soviet military equipment and the methods of its use in combat, but also the fundamental strategic principles of Sun Tzu, adapted to the conditions of modern warfare. After the Tet Offensive other strategic offensive operations followed again and again. From January 1968 to the spring of 1975, Hanoi carried out 5 major offensive operations in South Vietnam, which led to the defeat of the United States in the war” (Kolotov, 2022) They both implemented guerrilla warfare in the style of Sun Tzu, which served as a model for similar strategies elsewhere, such as the “Ernesto Che Guevara's ‘Foco’ Theory and the ‘Foco’ represents the insurrectionary force” (CHILDS, 1995) and the anti-Soviet Mujahedeen in Afghanistan.

Militant organization (*Mukti Sena*) of Nepali Congress 1948 and CPN (Maoist) militant organization of People's Liberation Army (PLA) and ‘formulated based on guerrilla warfare (Hit and run) principles and in ‘13<sup>th</sup> February of 1996, it was started with attacks on police posts in six districts (Sebastian von Einsiedel, David M. Malone, and Suman Pradhan, 2012)’ The Maoists launched their “people’s war” to establish “a rule of the proletariat”. The Maoists called for a secular republican state, and a constituent assembly to draw up a new constitution. At the heart of their agenda was socio-political transformation of the state’ (Pradhan, 2021) both parties, congress militant organization known as *Mukti sena* started an armed revolution against the Ranas regime (Khabar, 2021)’ and overthrown 104 years of autocratic Rana Regime. Likewise the Maoist militant organization the Maoist militant organization PLA overthrew the 240 years autocratic kingship from Nepal. ‘They launched the people's war. Against general predictions, the Maoists insurgency sustained its guerrilla war for ten long years and succeeded in influencing the entire country by 2006, (Shrestha, 2008); this was possible due to Peoples liberation army (PLA).”To do this, the CPN (Maoist) was applying Mao's strategy of a protracted people's war - establishing base areas in the countryside and aiming to surround the cities, seize nationwide power, and establish a new democratic republic as a step towards building a new socialist society... The people's war in Nepal has advanced from primitive fighter groups to disciplined and trained squads and platoons. The people's army has established guerilla zones and is sinking deep routes amongst the people. Women continue to play a major role as fighters in the people's army” (Crane, 2002) .



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### Causes of People's war

“Massive disparities in wealth and political influence are the main reasons behind the formation of the Maoist movement in Nepal. Before the war start in February 1996; they had put 40 demands under three major themes and these major themes were as i- **Concerning Nationality**, ii ; **Concerning Peoples Democracy and iii- Concerning livelihood** ran through the 40 points of demands made by the Maoists. **The first nine demands of concerning Nationality (1 to 9)** were to do with nationalism and included ending the foreign capital monopoly in Nepal's commerce, industry, and economic sectors, as well as the termination of any unfair treaties with India.

**The second concerning people's democracy (10-26)** were the right for their chosen representatives to create a new constitution and the elimination of all the King's special rights and privileges

of his family and transferring power to the people over the army, police, and administration; establishing Nepal as a secular state; granting equal property rights to men and women; ending caste-based exploitation and discrimination; granting ethnic nationalities autonomy; ending the Dalit community's status as untouchables; granting equal

status to all languages; arranging for education in the children's native tongue up to the high school level; and guaranteeing freedom of speech and the press.

**The third was Concerning the Livelihood (27-40):** These demands were concerned to the means of subsistence, including the rights of landowners and tillers, assurances of employment and welfare payments to the unemployed, universal access to free, high-quality healthcare, and education. Unfortunately, rather than granting any of these requests or reaching a mutually agreeable agreement, the government decided to repress the Maoist” (Shrestha, 2008). These demands were highly neglected by Sherbadur Deuba led government and the CPM Maoist was forced for armed revolution.



Source: detail of 40 points demand.  
<https://www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm>



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### **Expansion of Maoist armed struggle with people's mandate**

The CPN (Maoist) started armed activities from the Hill districts (i.e. Gorkha, Rolpa, Rukum, Salyan, Sindhuli, Jajarkot etc.) by attacking local police posts and cadres of political opponents. As the aftermath of the Maoist's armed attacks to the security agency and the people, the government led by the late Girija Prasad Koirala decided to mobilize the Nepal Police (NP) to control the armed, illegal, and unconstitutional activities of the CPN (Maoist).

“Yet, another ruthless police operation on an extended scale covering 18 Maoist infested districts in 1998, code named ‘Kilo Sierra-2’, further facilitated the Maoists in getting new recruits and enhanced public support and sympathy. It helped them to spread their ‘people’s war’ into an increasing number of Nepal’s districts, reaching 45 out of a total of 75 districts by 2001” (Muni, 2011). As a result of the excessive use of force, there were gross human rights violations by the police, and they severely suppressed the innocent Nepali people on the pretext of controlling the Maoist's violent activities.

However, NP could not control the Maoist's activities despite the oppression of the people. Instead, the local people and opposition political parties heavily criticized the extra-judicial killings, arbitrary arrests, torture, and gross human rights violations. Consequently, the government and the Police became unpopular and the CPN (Maoist) got support from the local people to some extent, in the given context. “In less than ten years, the Maoist insurgency has transformed Nepal. The Communist Party of Nepal (Maoist) has spread armed conflict across the country and reshaped its political environment irrevocably (Group, 2005)”.

Despite the suppression by the government using security agencies with international support, the armed conflict emerged as one of the major challenges to the government in the given context and the CPN (Maoist) succeeded in drawing attention of the opposition parties, media, civil society including the international community. “Maoist strategy is of a protracted people’s war, both political and military -- the two cannot be separated. They have a long-term vision, and they have patience. They can be extremely astute politically (their September 2005 unilateral ceasefire announcement)” (Group, 2005).

“...Gyanendra decided to deploy Royal Nepal Army (RNA) IN November 2001 six months after the royal massacre to suppress Maoist insurgency and it was also incapable and it lead to a massive escalation of the conflict sky rocketing number of battle death (Sebastian Von ein-siedel, David M. Malone, and Suman Pradhan, 2012)” The CPN (Maoist) also followed counter military strategy to restrain the government's coercive operation. The CPN (Maoist) also followed the same kind of retaliation tactics against innocent people, and they killed and issued death warrants, a number of innocents were blamed for spying against the people’s war.



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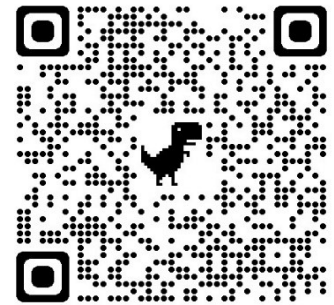
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And the CPN (Maoist) also followed the much debated 'annihilate strategy' against their 'political opponents'. They declared people's enemy to all those who did not support them and their armed activities and executed them under the pretext of 'people's action'. This violence and counter-violence caused irreparable human and socio-economic loss to the poor country like Nepal.

**CPA and SPA:** 'The Twelve-Point Agreement between the then-Seven Party Alliance (SPA) and the CPN (Maoist) on November 22, 2005, marked the informal beginning of Nepal's peace process, which was legally launched when the government and the Maoist party signed the CPA on November 21, 2006. According to Pandit (2019), "The Twelve-Point Agreement between the SPA and the CPN (Maoist) established strong, historic foundations for political parties to fight for democracy and peace, whereby the parties had agreed to fight jointly against the despotic regime of King Gyanendra" (Pandit, 2019). The April 2006 movement was remarkable not only because it ended monarchical rule in Nepal but also because it marked the beginning of the transformation of the Communist Party of Nepal, Maoist or CPN (Maoist) from an insurgent group to a competitive political party. At the request of the Nepal government, the UN mission was established with the mandate of assisting in the election of the Constituent Assembly and the monitoring of the entire peace process. The UNMIN played a significant role in such mandate with global representation.

Hope for peace was evaporated after the collapse of the first ceasefire and peace talks between the of Nepal and CPN (Maoist) in 2001. King suspended the parliament in 2002. A second ceasefire and peace talk between the Government and CPN (Maoist) collapsed in August 2003 in an atmosphere of mutual mistrust. The situation became complicated after the royal takeover and the Nepalese conflict turned from a tri-polar conflict to a bipolar conflict. In November 2005, the Seven-Party Alliance of parliamentary parties and CPN (Maoist) signed a 12-point understanding vowing to "establish absolute democracy by ending autocratic monarchy".

CPN (Maoist) expressed its commitment to democratic norms and values including competitive multiparty politics, civil liberties, human rights, the rule of law, and fundamental rights. Both sides expressed their desire for the United Nations to play an important role in the peace process leading to the election of a Constituent Assembly (Upreti, 2009). Transformation of Nepal's conflict into durable peace and democracy would require smooth implementation of the peace process and its logical conclusion. The 12-point understanding between the Seven Party Alliance (SPA) and CPN (M) and the subsequent people's movement of April 2006 provided a fundamental basis for ending armed conflict and restoring peace' (Upreti, 2009)



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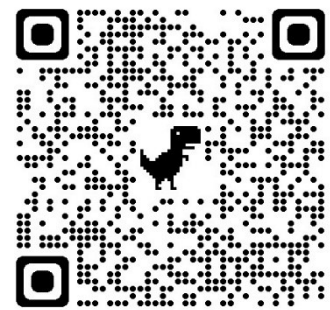
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## UN engagement in Nepal

“The UN’s political engagement in Nepal can be divided into three phases. **Phase I: 2002 to 2005**, in this phase the UN began fostering relationships with the parties to the conflict and other actors in the region. **Phase II: 2005 to 2006**, the UN leveraged human rights to increase accountability and begin moving the parties toward a negotiated solution. **Phase III: 2007-2011**, The UN Mission in Nepal (UNMIN) was deployed in 2007 and remained in the country until 2011 to support the implementation of the 2006 Comprehensive Peace Agreement ( Rebecca Brubaker & Akhilsh Upadhyya, 2021)”

‘In September 2002, Secretary-General Kofi Annan offered good offices to help Nepal's peaceful solution to Nepal's conflict (UN, 2002)’.<sup>4</sup> ‘Since 2003, Mr. Samuel has been Senior Political Affairs Officer responsible for the South Asia region within the Department of Political Affairs, with a primary focus on the United Nations efforts to help resolve the conflict in Nepal. He was closely involved in the conceptualization and operationalization of the current United Nations role in support of the Nepalese peace process, which is being implemented by UNMIN under the leadership of the Secretary-General’s Special Representative, Ian Martin ’ (UN, 2007). He developed good relations with political actors, Indian officials, and other representatives of the diplomatic communities. His role became significant for bringing conflicting parties into one place. Then SPA Government and the Communist Party of Nepal (Maoist) sent a letter to the Secretary-General on 9 August 2006 requesting the United Nations’ assistance in creating a free and fair atmosphere for the election of the Constituent Assembly and the entire peace process and the UN “respond to the requests transmitted in separate letters dated 9 August 2006 by Girija Prasad Koirala, Prime Minister of Nepal, and Pushpa Kamal Dahal (Prachanda), Chairman of the Communist Party of Nepal (Maoist), or CPN(M) (S/2006/920) as well as the 16 November 2006 letter from the Deputy Prime Minister and Minister for Foreign Affairs of Nepal, K. P. Sharma Oli, reiterating the request for United Nations assistance (S/2006/920,) (UNSC, 2007). Then SPA Government and the Communist Party of Nepal (Maoist)

sent a letter to the Secretary-General on 9 August 2006 requesting the United Nations’ assistance in creating a free and fair atmosphere for the election of the Constituent Assembly and the entire peace process. On 16<sup>th</sup> November, then Deputy Prime Minister and Foreign Minister KP Oli dispatched a letter request for the UN Assistance’. ‘A



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Then SPA Government and the Communist Party of Nepal (Maoist) sent a letter to the Secretary-General on 9 August 2006 requesting the United Nations' assistance in creating a free and fair atmosphere for the election of the Constituent Assembly and the entire peace process. On 16<sup>th</sup> November, then Deputy Prime Minister and Foreign Minister KP Oli dispatched a letter request for the UN Assistance'. 'A peace talk agreement was held between seven party alliance and CPN (Maoist) on 8 November 2006. This agreement was consolidated by signing CPA between SPA led government and CPN (Maoist). In which both the parties agreed to a free and fair election for CA, a basic arrangement for the cantonment of the combatants (4.1) and storage of arms and munitions of both sides. Both parties declared the commitment to transform the existing ceasefire into permanent peace (CPA, 2006)'.<sup>5</sup>

'On 22<sup>nd</sup> November 2006, the Secretary-General wrote a letter to the president of the Security Council requesting the technical assessment mission to develop an integrated concept of operations for the UN political mission. He also proposed the deployment of an advance group of up to 35 monitors (civilians with military backgrounds or military personnel with civilian clothes) and an initial 25 electoral personnel. The president of the Security Council agreed to the Secretary General's proposal at the 5676<sup>th</sup> meeting of the Security Council. On 28<sup>th</sup> November, tripartite negotiation of SPA, CPN (Maoist) and witnessed by the UN prepared the modalities for monitoring of arms and armies. The then Secretary-General Ban Ki-moon called for a small new United Nations political mission in Nepal on 9<sup>th</sup> January 2007. This comprised of unarmed military inspectors, electoral experts, and police and civil administration teams, to monitor the peace accord between the Government and Maoist rebels that ended a deadly decade-long war. He recommended that UNMIN be established for a period of 12 months - a period which extends beyond, when results of the 2007 Constituent Assembly election would be carried out. On 11<sup>th</sup> January 2007, the Security Council backed Secretary-General Ban Ki-moon's call for the speedy deployment of a United Nations political mission in Nepal to monitor the cantonment of weapons and help organize elections for a constituent assembly (Wagle, 2013)'.<sup>6</sup>

'UNMIN was established on 23<sup>rd</sup> January 2007 under the leadership of Ian Martin, a Special Representative of the Secretary-General, mandated to monitor the management of arms and armies, ceasefire, and assist in the election of a Constituent Assembly.



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At the request of the Government of Nepal, the Security Council unanimously extended the tenure of the office for seven consecutive terms. Finally, it was flagged down from Nepal on January 15<sup>th</sup>, 2011 (UNMIN, 2008)<sup>7</sup>.

After the departure of UNMIN, integration, and rehabilitation of PLA had been completed, however, the 2<sup>nd</sup> election for constituent assembly had not been assisted by UNMIN. After the Integration of PLA, a decade of arm conflict came to an end, and the peace and development process began in Nepal.

**Objectives:** The main research objectives are mentioned below.

- 1.To identify the role of UNMIN in armed conflict resolution in Nepal.
- 2.To analyze the achievement of the UNMIN in the peace process of Nepal.

**Research Methodology:** The study plan employed a qualitative technique based on secondary data and literature that had been released in government of Nepal papers, research journals, UNMIN and UN publications. These are reviewed at, and the findings are interpreted accordingly.

### **Limitations and delimitations of the Study**

There are some theoretical limitations since the peace process does not move in a straight line and it has entangled in between different stake holders, any theory could not be established this should be solved with this model. "Peace building priorities will be different in every post-conflict country and will vary over time (Judy Cheng-Hopkins, 2010)". The limited access to very recent printed publications on the subject matter is a restriction for the study to review the most relevant recent views from the various individuals and factions. Many people are confused with Peace Keeping, Peacemaking and peace building; these words have different meaning and approaches. Research scholar focused on the role of the UNMIN, its achievement in peace building of Nepal. There is a time constrain to explore more in the focused article.

When there is a way of delimit the limitations, most of the reports, scholarly articles being published will have searched by the Google Scholar and the UN library. This includes literature reviews published on the issue of Nepal's peace process and role of UNMIN. The article, reports, agreements and the view of the political parties are also considered, the peace process constitutes the constitutional election and its monitoring responsibility.





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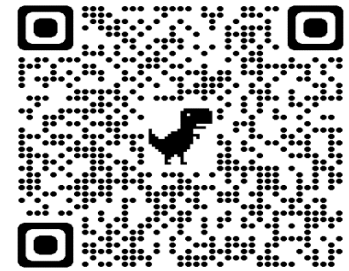
### Finding according to the objectives.

Role of the UNMIN and PLA Integration: “All PLA who show up at the cantonments must be registered, and UNMIN is in charge of confirming that these fighters fulfill the requirements stated in the Agreement on the Monitoring of the Management of the Arms and Armies (AMMAA), which was signed on December 8, 2006. This proposal is for UNDP to assist UNMIN with the comprehensive registration and verification procedure. The 10 UNMIN Verification Units will get technical and administrative support from UNDP, and 16 registration desks will be staffed and placed at each of the seven major locations in turn.” (UNDP/A-2, 2024 (Retri).

### Mandate of the UNMIN

Role of the UN missions were defined by the mandate given by the Security Council. UNSCR 1740 decided to establish a United Nations political mission in Nepal (UNMIN) under the leadership of a Special Representative of the Secretary-General and with the following mandate based on the recommendations of the Secretary-General in his report (AMMA, 2006) . In this agreement the major areas explained as below. The detail of the agreement is presented in the QR code which is given right-side of the paragraph.

- To monitor the management of arms and armed personnel of both sides, in line with the provisions of the Comprehensive Peace Agreement;
- To assist the parties through a Joint Monitoring Coordinating Committee in implementing their agreement on the management of arms and armed personnel of both sides, as provided for in that agreement;
- To assist in the monitoring of the ceasefire arrangements;
- To provide technical support for the planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere, in consultation with the parties;
- To provide a small team of electoral monitors to review all technical aspects of the electoral process, and report on the conduct of the election (UN G. , 2006) .’



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### Role in Monitoring and Management of Arms and PLA

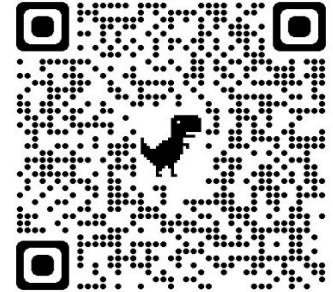
“In this 12-point agreement, the parties pledge to work towards democracy, peace, prosperity and social advancement and ending autocratic monarchy. The parties agree that the National Army and the Maoist army shall be under the supervision of the UN or any other reliable international actor, to conduct fair elections, and to accept international mediation during the dialogue process” (UN, 2005). The 12 point agreement is provided in the QR Code as a reference.

So, both parties had requested to UN for monitoring and management of arms and armies of both sides. It was projected in the various agreements like CPA and AMMAA signed between the government and

CPN (Maoist) and letters were sent to the UN. Arms monitoring would be the core of UNMIN's activities, and that is what Nepal was demanding of the UN. UN mission in Nepal would be quite distinct from the UN's traditional peacekeeping activities, with a light monitoring presence dependent on a relatively compassionate security environment and the cooperation of the parties.

**Methods and processes Of AMO:** Arms Monitoring Offices that were active during the course of the AMO operational period in Nepal between 12<sup>th</sup> October 2006 and 22<sup>nd</sup> January 2007 (Planning Period), and 23<sup>rd</sup> January 2007 and 22<sup>nd</sup> July 2008 (Deployment and Sustainment Period), included the downscaling and termination period, 1<sup>st</sup> June till 22<sup>nd</sup> July 2009, respectively.

The Arms Monitoring Office (AMO) started its operations in the second week of January 2007 as the team of 13 first Arms Monitors completed their five-day training period in Kathmandu. Prior to that, an advanced team of a handful of officers had completed reconnaissance and familiarization tours in the country and prepared for the mission. Already before that, the Chief Arms Monitor (CAM) had an important role when the Parties were negotiating and preparing the agreements. The first mission of AMO was to observe closely the initial cantoning of the Maoists and developing effective liaison with both armies and gather vital information for planning the coming mission, and additionally to prevent the situation in the coming area of operations from deteriorating. There was political pressure to begin registering the PLA and their weapons as soon as possible. With the help of the Norwegian Government, this started in mid-January 2007.



[https://peacemaker.un.org/sites/peacemaker.un.org/files/NP\\_051122\\_12%20Point%](https://peacemaker.un.org/sites/peacemaker.un.org/files/NP_051122_12%20Point%)



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In the very beginning, a small AMO Headquarters (HQ) was in Kathmandu and two Sector HQs were established, Eastern in Kathmandu and Western in Nepalgunj. Already by mid-January the whole advanced team of 35 UN-authorized Arms Monitors was in the country and their deployment to all seven Main Cantonment Sites (MCS) commenced. At that time, the third sector in Biratnagar was also established.

As UNMIN got its mandate on 23rd January 2007, more monitors could be recruited. It had been decided by the UN that AMO's organization would follow the geographical division of Nepal into five Regions. As the six senior officers selected by the UN, with the rank of colonel, arrived in the last week of March, the establishment of all five sectors could begin in mid-April. The first step was to establish two Liaison Offices, one in Pokhara and the other one in Dangadhi. When the number of monitors in AMO approached the authorized level of 186 in July, all five Sectors could be manned to be fully operational and the MCSs were reallocated.

UNMIN's 186 arms monitors were based in each of the seven main cantonment sites of the PLA. The weapons were stored and where they maintained a 24-hour presence, as well as in regional headquarters. Arms monitors regularly visited the 21 Maoist army satellite cantonment of Nepal and the CPN (M) jointly proposed an Interim Task Force (ITF) to support the UNMIN Arms Monitors as they as the UNMIN staff could identify the lack of UN ability for rapid deployment. Joint Monitoring Teams (JMTs), led by one UNMIN monitor together with one monitor from the Nepal Army and one monitor from the PLA carried out their task as given by the AMMAA. The tasks of the JMTs include:

- Investigation of complaints related to alleged violations of the AMMAA.
- Help the Nepal Army and PLA create a favorable environment for the ceasefire, by information sharing between the parties.
- Village and community visits and liaison with the civilian community, as well as coordinating with UN agencies and other organizations.

### Role on Disarming Maoist PLA

‘On 17<sup>th</sup> January 2007, the United Nations began registering and storing weapons of Maoist combatants in Nepal, marking a new phase in the peace process following last year's comprehensive agreement ending the long-running civil war. The registration of combatants was a joint effort with experienced teams from UNDP. The Arms registering was commenced after a couple of days. Registration of all the combatants, weapons, and munitions in the seven divi- 11 sions was completed on 18<sup>th</sup> February 2007. The parties reached the final



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The registration of combatants was a joint effort with experienced teams from UNDP. The Arms registering was commenced after a couple of days. Registration of all the combatants, weapons, and munitions in the seven divisions was completed on 18<sup>th</sup> February 2007. The parties reached the final agreement on the type and number of stored weapons on 8<sup>th</sup> March 2007. Altogether about 3,500 weapons of different types and conditions were registered and stored in containers. Only security weapons were allowed for the protection of cantonments and satellite camps. In addition, ninety-six weapons for CPN (M) Leadership protection were in Kathmandu. The same number and type of Nepal Army (NA) weapons were stored in the NA barrack in Kathmandu on 12th March 2007. UNMIN verified and registered 32,250 combatants among which 19,602 were qualified' (Accord, 2015).

Content	Registered	Verified	Disqualified
Registered in phase -I	31,318	18,923	12,395
Registered in phase II	932	679	253
<b>Total</b>	<b>32,250</b>	<b>19,602*</b>	<b>12,648**</b>

**Table 1: Numbers of PLA verified by the UNMIN (June 19 to December 23, 2007)**

Source: UNMIN: 2008 . \*Total Qualified Male - 15,756, female-3,846 \*\*Total disqualified -12,648 (Absent-8,640; lately recruited-4,008; underage-2973)

The UNMIN verified 4,008 or 12 per cent PLA as disqualified personnel including 2,973 minors and 1035 as late recruitment. After several months of intensive discussions, the Government- Maoist signed an action plan to discharge the disqualified-on December 16th, 2009. The UCPN Maoist president, Peace Minister, and Special Representative of the SG for Children and Armed Conflict Radhika Kumaraswamy attended as a witness of the action plan. The discharge of disqualified MA began later by 10 days than the time set for December 27th. However, it was completed within the stipulated time of 40 days.



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During transformation from military to civilian life, the first group of minors discharged was from the cantonment in Sindhuli on January 7th, 2010. The UN provided NRs.10, 000 and the Maoist NRs.12, 000 as transportation and transition allowance to each person. The local organization of the Maoists welcomed the discharged persons at their concerned destination. Detail of the Disqualified personnel discharged from cantonments is shown in table 2.

**Table-2: Disqualified PLA Discharged from Cantonments  
(January 7 to February 8,2010)**

Main Cantonment	Children (a)	Late recruit May 2006 (b)	Unqualified (a+b)
Chulachuli- Division I	617	259	876
Dudhauri - Division II	277	95	372
Shakti Khor- Division III	367	219	586
Jhyaltung Danda -Division IV	424	198	622
Dahavan - Division V	396	56	452
Dasarathpur- Division VI	525	104	629
Masuria - Division VII	364	103	467
Kathmandu	3	1	4
	2,973 (74%)	1,035(26%)	4,008 (100%)

**Source:** Civil-Military Relations: Theories to Practices: November 2011

The rehabilitation package by the United Nations includes formal schooling, vocational training, training as health workers, and setting up small/micro-enterprises. By November 2010, a total of 2,225 discharged former combatants were counseled under the packages. By December 2010, 399 enrollees (267 male and 132 female) had completed training and 105 graduates (62 male and 43 female) had started their own business. The United Nations Inter-Agency Rehabilitation Project, managed jointly by UNICEF, UNDP, the United Nations Population Fund, and the International Labor Organization, continued to support the socio-economic rehabilitation of the 4,008 disqualified personnel verified as minors and late recruits who were discharged from the Maoist PLA in February 2010. Of those disqualified, over 1,800 have received counseling on their rehabilitation options, over 420 have completed their training, and over 100 graduates of the program have achieved gainful wages or self-employment.



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## **Role of JMCC in Conflict Resolution**

The JMCC played an important role in coordinating between Maoist, the Nepal Army, and UNMIN. The JMCC is the monitoring, reporting, and coordinating body chaired by UNMIN, with membership of both the Nepal Army and the Maoist PLA. The JMCC was responsible for supervision compliance by the parties with the AMMAA. The JMCC had nine members, three each from UNMIN, Nepal Army, and Maoist PLA. The JMCC had three main functions.

- To assist the parties to the AMMAA implement the agreement.
- To serve as a dispute resolution mechanism to resolve all disputes and military or operational difficulties, complaints, questions, or problems regarding the implementation of the AMMAA.
- To assist in confidence-building; the JMCC works to gain the trust and confidence of the parties and promote the overall goals of the AMMAA among the people of Nepal.

The JMCC reached its decisions by consensus, in the event of a deadlock, the representative of the UN Secretary-General had final authority for reporting on the compliance of the parties with this agreement to the Secretary-General and to the interim government for resolution.

The Chairman reported regularly to the representative of the Secretary-General and to the designated representatives of the parties regarding the activities of the JMCC. In order to achieve these goals, the JMCC resolved all problems and disputes at the lowest level possible. That meant delegation of authority to the Joint Monitoring Teams in the Sectors. The JMCC also promoted joint problem-solving and built trust and confidence through active efforts to appropriately investigate and report on all incidents of concern to the parties. The first JMCC meeting was held in Summit Hotel on 17<sup>th</sup> December 2006. The intention was to meet twice a week. However, by the end of the second mandate period 80 meetings had taken place, the last one on 20<sup>th</sup> July 2008. JMCC had proven to be an important element of confidence building and problem-solving before any unwanted situation could escalate. The advantage of the JMCC was that the same military personnel, NA, MaoA, and UNMIN/AMO, who negotiated the AMMAA, also manned the key positions in the JMCC from day one. Although there were in-way relations between the two armies, these relations had to be developed over time and fixed meeting time was a must to develop this, apart from having meetings only when there was a problem' (AMO, 2006).



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A detail of integration, voluntary retirement, and rehabilitation is shown in table- 3

**Table 3: Voluntary Retirement, Integration and Rehabilitation Phase I & II**

Name and no. of Division	Number verified by Government Secretariat	Phase I (Nov. 12-19, 2011)		Phase II (Apr. 12-19, 2012) (a)		Final Recruitment into NA(b)
		Integra- tion (a)	Voluntary Retirement	Integra- tion (b)	Voluntary Retirement	
Chulachuli-I	1,517	796	711	248	548	125
Dudhauri – II	1,296	805	493	357	448	195
Shaktikhor-III	3,347	2,214	1,115	626	1,588	218
Jhyaltung Danda – IV	2,622	1,282	1,335	484	798	270
Dahavan – V	2,181	1,287	952	523	764	195
Dasarathpu – VI	2,958	1,559	1,378	571	988	238
Masuria -VII	3,131	1,762	1,363	314	1,448	219
<b>Total</b>	<b>17,052 (100%)</b>	<b>9,705 (56.9%)</b>	<b>7,347 (43.1%)</b>	<b>3,123 (32.2%)</b>	<b>6,582 (67.8%)</b>	<b>1,460 (46.7%)</b>

Source: Transformative Harmony and in harmony: A Case of Former PLA in Nepal

(Forthcoming book from Madras University and <https://www.transcend.org/tms/2013/02/transitional-security/>)

‘In the course of updating the records of the PLA in the main and satellite cantonments, there had been a lot of disturbance initiated by the commanders, deputy commanders, and others. The regrouping process was intended to be completed within five days, but it took seven additional days than the scheduled date. Prime Minister-led Special Committee for SIR was given an order to the Nepal Army and Armed Police Force (APF) to control cantonments, arms, and containers, and the MA along with physical properties of the cantonments on April 10th, 2012 unilaterally. The dramatic decision came while Prachanda faction-led division commander and two deputies at the Chalachuli cantonments in Elam fled the cantonment fearing for their lives on April 9th, 2012 ’ (Pathak, 2013).

### Handing over of Cantonment:

After the departure of UNMIN, UCPN (Maoist) handed over the cantonments and combatants to the Special Committee for supervision, integration, and rehabilitation and their arms and armies on 22<sup>nd</sup> January 2011.



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The seven-party deal was signed by the four mainstream parties namely UCPN Maoist, Nepali Congress, CPN (UML), and United Democratic Madhesi Front on November 1st, 2011. It was a landmark in Maoist PLA integration and power-sharing among the agreed parties. Nepal's domestic actors initiated, led and concluded indigenous and home-grown peace process.

**Positive indicators of the peace process:** Combatants had been discharged from cantonments, cantonments had been closed and weapons were under the control of the Nepal Army. Monitoring teams, situation center, and secretariat was dissolved, a miniature structure of a 3-member "Army Integration Coordination Committee" was established as decided by the Special Committee on 14<sup>th</sup> December 2012 to facilitate Nepal Army throughout the process of rank determination and resolve the upcoming challenges of integration. Furthermore, the cost of peace building was being down-sized and paving the way to invest conflict economy in the productive sector.

At the moment, it called for the formation of an effective mechanism to monitor especially those ex-combatants who were integrated into society, and those in the army. Among 1,444 combatants selected for integration, 13,532 had completed their training at various training centers in July and 21 combatants quit the training, and 71 officers had completed their training at the Army Academy, Kharipati in September and integrated into the newly formed General Directorate.

Top leaders of the main political parties claimed that the peace process had been concluded with the integration and rehabilitation of PLA into the Nepal Army. But several questions had been raised regarding the peace process that integration of PLA wasn't the only goal of the peace process, there was much more work to be done regarding the investigations of extrajudicial killings, disappearance, kidnapped, displaced, and disabled, formation of the Truth and Reconciliation and Disappearance commission and formulation of constitution as well. However, the Constituent Assembly elected in 2008 couldn't draft the constitution and collapsed. Again, political parties had formed government under the leadership of the Chief Justice, and the second election for the constituent assembly was just finished. Major parties promised to promulgate a constitution within a year, but Maoist including 33 parties boycotted the election, and CPN (Maoist) and other fringe parties were dissatisfied with the result. So, it became challenging ahead for Nepal's future.





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### **Research Findings**

International cooperation is ever more necessary in meeting these challenges. Besides contributing to a greater understanding of the UN's role in Nepal's peace process, the article seeks to identify lessons from the experience of UNMIN that can help strengthen the UN's ability to design and manage 12 missions in other circumstances. Some of the lessons learned from UNMIN are as follows:

- ◆ UNMIN benefitted from the prior engagement of both DPA and OHCHR in Nepal. The good office work carried out since 2003 presented a good example of the advantages of early engagement and DPA's investment in mediation support.
- ◆ Direct mediation or facilitation role was not carried out, the UN was able to provide input to a national process that paved the way for the involvement of a UN special political mission. This highlights the importance for the UN system to draw upon the expertise of those who have relevant experience when establishing new missions and developing new concepts.
- ◆ 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. This advance team provided crucial leadership to the 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.
- ◆ 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.
- ◆ 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.



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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.

### **Conclusion**

The UN resolution had tasked for the mission, which would manage arms and armed personnel from both the Government and the Communist Party of Nepal (Maoist). UNMIN provided technical support for the planning, preparation, and conduct of the first election of a Constituent Assembly in a free and fair atmosphere, in consultation with the parties. The role of UNMIN is vital in the overall peace process. UNMIN had been monitoring, cantoning, and storing the army, arms, and weapons. UN agencies and UNMIN are working with local authorities, civil society, and local communities to provide humanitarian support and to identify effective ways to prevent violence and manage tensions in the future. UNMIN has provided support to ensure gender equality in peacemaking as well as in the development process of Nepal.

### **Recommendations drawn from the study**

- **Early engagement** :with the different stake holders and get to know the core aspects of culture and their ways of negotiations, since the people have been carrying out these exercise almost every day in their community.
- **Being patience**: Peace process and building are different approaches, peace process also important to bring different stake holders of peace making in the dialogue forum since it has been entangled with different interest groups and communities.
- **Technical support**: If the conflicting party desired to have a mediator in peace making process, then after it should be provided purely technical support without interfering their internal matters, no matters how long it takes.
- **Determining minimum common agenda**: It should be carried out intensively with depth of understanding of the situation; it should be well informed/ researched.



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- **New Approach emerged:** The Peace process normally conducted in Disarm, Disengage and Reform (DDR) or Security Sector Reform (SSR), it has clearly indicated it should be carried out as per the local condition. Social Integration with Livelihood Creation and Security Integration and Reform with Dignity (SILCASID). This approach could be useful in other situation as well.

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