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Breaking the Mold: Lessons from Sixteen Years of Innovative UN Political Engagement in Nepal

REBECCA BRUBAKER with contributions from AKHILESH UPADHYAY

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Cover Photo: Members of the Madheshi community of Biratnagar attend a political rally to demand autonomous federal regions and greater representation in parliament, 2008. UN Photo/Agnieszka Mikulska.

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ABBREVIATIONS

AMMAA	Agreement on Monitoring of the Management of Arms and Armies
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal (Maoist)
DPA/DPPA	Department of Political Affairs/Department of Political and Peacebuilding Affairs
LO	Liaison Office
NHRC	National Human Rights Commission
NC	Nepal Congress Party
OHCHR	Office of the High Commissioner for Human Rights
RNA	Royal Nepal Army
UNCT	UN country team
UNDP	UN Development Programme
UNMIN	UN Mission in Nepal
UML	Unified Marxist-Leninist

Executive Summary

UN political engagement in Nepal between 2002 and 2018 has long been considered a successful example of sustained and innovative support to a critical peace process. Many governments in the broader region, however, have largely eschewed international assistance in resolving conflicts, perceiving it as an unnecessary infringement on state sovereignty or a threat to regional balances of power. Thus, examining how the UN established a political presence in Nepal, and how that presence eventually concluded, has important lessons for the UN more broadly.

The UN's political engagement in Nepal can be divided into four phases. First, from 2002 to 2005, the UN began fostering relationships with the parties to the conflict and other actors in the region. Second, from 2005 to 2006, the UN leveraged human rights to increase accountability and begin moving the parties toward a negotiated solution. Third, 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. Finally, a UN political liaison office remained engaged in Nepal following the mission's departure through 2018.

UN actors have been heralded for a range of best practices during these sixteen years of political engagement. The UN effectively used its good offices to engage early in the conflict and used a human rights mission to lay and then maintain the groundwork for peace talks. UNMIN used innovative approaches to monitor arms and armies while deploying rapidly. It also reached out to Nepalis across the country and collaborated with the wider UN system to ensure the sustainability of its efforts.

At the same time, the UN's ability to contribute to peace in Nepal was limited by several challenges. Over time, UNMIN lost support among an influential portion of Nepal's traditional political elite. Rapid turnover made it difficult for the UN to engage with the Nepali government. Both India and China opposed efforts to enhance the role of the mission. There was a mismatch between Nepalis' expectations about what the UN, and UNMIN in particular, could and could not do. Finally, the UN was faced with the constant challenge of maintaining impartiality, both real and perceived.

Taking the story of the UN's sixteen years of political engagement in Nepal, its innovative practices, and the challenging environment into consideration, this paper offers eight lessons:

- Foster relationships with key conflict parties before there is a need for an active UN political role;
- Use indirect means to keep the regional players positively engaged, when direct means fail;
- Draw on or generate high-quality, fast, actionable and representative conflict information;
- Design UN missions according to context;
- Manage a mission's (perceived or real) footprint in order to maximize leverage;
- Build a dedicated communications strategy to help set and manage expectations regarding what a mission can and cannot do;
- Consider using human rights monitoring as the groundwork for conflict resolution; and
- Be willing to make unpopular decisions, if they are the right decisions for sustaining the peace.

Introduction

UN political engagement in Nepal between 2002 and 2018 has long been considered a successful example of sustained and innovative support to a critical peace process. Many governments in the broader region, however, have largely eschewed international assistance in resolving conflicts, perceiving it as an unnecessary infringement on state sovereignty or a threat to regional balances of power. Thus, examining how the UN established a political presence in Nepal, and how that presence eventually concluded, can highlight important lessons for the UN more broadly.

This report is divided into five parts. First, it provides an overview of the conflict situation at the time of the UN's initial political engagement. Second, it briefly summarizes the four periods of the UN's involvement, beginning in 2002 with the quiet diplomacy of one UN official and ending in 2018 with the closing of an embedded political liaison office. Third, it highlights best practices from the sixteen years of UN political engagement. Fourth, it reviews the particular challenges faced and looks at how they shaped the range of actions available to the political arm of the UN and its representatives on the ground. Finally, it offers conclusions and recommendations for the consideration of the Department of Political and Peacebuilding Affairs (DPPA) as it continues to examine how to most effectively engage in the region and beyond.

UN political engagement in Nepal between 2002 and 2018 has long been considered a successful example of sustained and innovative support to a critical peace process.

Interviews for this report were conducted between June 2019 and May 2020. All interviews were conducted off-the-record unless stated otherwise. Interviewees included more than seventy individuals, half from Nepal and half from the broader region, the United Nations (current and former officials) and the international community of experts on Nepal. Transcripts of the interviews are on file with the author. In addition, the author was granted access to personal archives on UN political involvement in Nepal between 2002 and 2009. The report draws heavily from both interviews and the archives given the sensitive nature of the topics explored.

Brief Overview of the Conflict

In 1996, the Communist Party of Nepal (Maoist) launched a violent insurgency against the state, protesting inequality and exclusion within Nepali society and seeking to replace the capitalist system with one based on the tenets of Maoism. The insurgents began by attacking police stations in the remote (and generally disenfranchised) mountain districts of Rolpa and Rukum in the west and Sindhuli in the east. The conflict escalated as police retaliated and the Maoists counterattacked. Successive civilian governments attempted to counter the Maoists' advances, using the police rather than the Royal Nepal Army (RNA), which initially refused to be involved. The unexpected severity and scale of the insurgents' attacks on police stations demoralized the force and led to the officers' withdrawal into regional centers, leaving the countryside exposed.[1]

Poverty, ethnic and caste discrimination, and the unequal distribution of land, key resources, and access to necessary services exacerbated the conflict dynamics.[2] The Maoists enlarged their ranks, in part through the appeal of their class-conscious ideology, which called for the enfranchisement of Nepal's long-marginalized and dispossessed, including ethnic and caste minorities and women.[3]

1 Aditya Adhikari, *The Bullet and the Ballot Box: The Story of Nepal's Maoist Revolution* (New York: Verso, 2014), pp. 49–51.

2 For example, human rights violations were especially widespread in remote districts with higher proportions of indigenous people. For example, in cases documented by OHCHR, members of the Tharu community, who make up 52 percent of the population in the western Bardiya district, accounted for 85 percent of those disappeared by the state.

3 For example, around 30 percent of Maoist recruits were women. The Maoist movement had a strong appeal in a traditional society that often considered women to be second-class citizens. As one researcher described it, "It was not perfect equality, but it was better than the rest of society…The Maoists' appeal was also based on their strong stance against gambling, domestic violence, early marriage, forced marriage, and early childbearing. Moreover, they established people's courts, which meted out swift and transparent (though sometimes brutal) justice. In addition, the Maoists cultivated women for leadership roles." External analysis in personal UN archive.

But the movement also grew its numbers by force, involuntarily conscripting from rural communities, especially in the western districts. While the Maoists claimed to be fighting a war for the downtrodden and marginalized, these same disenfranchised groups were often the primary victims of the conflict.[4] In contrast, the Kathmandu elite, the monarchy, affluent landowners, those with the means to flee to the cities or abroad, and even the Maoist leadership, which took refuge in India, remained largely unscathed through the initial years of the conflict.

In 2001, Nepal's constitutional monarch, King Birendra, and his immediate family were unexpectedly killed in the course of an intra-family dispute. This tragedy was swiftly followed by a change in the conflict's dynamics when the Maoists, taking advantage of a weakened state, attacked army garrisons in the west and east of Nepal. They successfully overran the Dang garrison in the west, and the RNA was finally forced to engage.

Before the RNA's entry into the conflict, casualties were limited, and most of the fighting was isolated to remote pockets of Nepal's countryside. But Birendra's successor, King Gyanendra, who was already deeply mistrusted by Nepalis, chose to use the army to escalate the state's response to the insurgents.[5] This escalation was further compounded by Gyanendra's fateful decision, in 2005, to use the army to launch a coup d'état against the elected government on the pretext of taking charge to more effectively rein in the Maoists. The fighting intensified, casualties increased, and human rights violations soared given a pervasive culture of impunity.[6] Nepali civilians, particularly those in villages throughout western Nepal and the Terai, were caught in the crossfire. Many were forced to choose between aligning with the Maoists for protection against the army or informing on the Maoists to save their own lives.[7]

Novel Approaches to UN Political Engagement (2002–2018)

The UN's political engagement in Nepal can be divided into four phases. First, from 2002 to 2005, the UN began fostering relationships with the parties to the conflict and other actors in the region. Second, from 2005 to 2006, the UN leveraged human rights to increase accountability and begin moving the parties toward a negotiated solution. Third, 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. Finally, a UN political liaison office remained engaged in Nepal following the mission's departure through 2018.

Fostering Relationships with the Conflict Parties while Keeping the Region Engaged (2002–2005)

Most sources tracking UN political involvement in Nepal cite the 2001 royal massacre as the beginning of international interest in the conflict. The massacre captured the international media's attention while exposing the world to a conflict that had been slowly escalating since 1996. Although the royal massacre may have marked the beginning of the international press's interest in Nepal's conflict, members of the international community had started engaging with the relevant parties long before 2001. As a result, they had succeeded in establishing critical relationships and communication channels away from the cameras, press conferences, and sensational accounts of the tragedy.[8] The Centre for Humanitarian Dialogue, a Swiss private mediation organization, was already supporting secret talks between the palace and the Maoist

4 Interviews, Kathmandu and Delhi, July 2019.

5 According to Rhoderick Chalmers, the RNA demanded a state of emergency as a condition for its mobilization. Initially "the prospect of a rapid resolution tempered the public's concerns about the new measures." See: Rhoderick Chalmers, "State Power and Security Sector," in *Nepal in Transition*, Sebastian von Einsiedel, David Malone, and Suman Pradhan, eds. (Cambridge: Cambridge University Press, 2012), pp. 68–69.

6 OHCHR internal reporting between 2002 and 2005. See also: OHCHR, "The Nepal Conflict Report," 2012.

7 Adhikari, *The Bullet and the Ballot Box*, Chapters 3–4.

8 For a more extensive discussion of international peacemaking efforts in Nepal, see: Teresa Whitfield, "Nepal's Masala Peacemaking," in *Nepal in Transition.* C. K. Lal offers a stinging critique of the crowded field during the period following the successful People's Movement. "DDR, SSR, RRR and the SPA," *Nepali Times*, September 1, 2006.

leadership in 2001.[9] The Swiss, UK, and US departments of international development, the International Crisis Group, and the Carter Center were all following the conflict and offering their services to the parties.

The UN Department of Political Affairs (DPA, since renamed the UN Department of Political and Peacebuilding Affairs) was not a significant part of this initial wave of engagement, lacking a presence on the ground. Instead, the UN resident coordinator and his human rights adviser worked with Nepal's National Human Rights Commission (NHRC) and the Nepal Bar Association to call the international community's attention to the impunity for crimes committed over the course of the conflict.[10] They urged the conflict parties to exercise restraint and respect human rights, believing that these were crucial confidence-building measures in the lead-up to renewed talks.[11] But the conflict persisted, and disappearances, summary executions, detentions, and torture continued.[12]

> Those who supported the UN's involvement in the peace process saw value in the range of capacities and expertise it could deploy.

In September 2002, in response to growing frustration at the lack of progress in ending the conflict, then Secretary-General Kofi Annan offered the government of Nepal his "good offices" to help the parties find a peaceful way out.[13] The secretary-general's good offices exist independently of a Security Council mandate and are available to all parties in a conflict. They can be exercised by the secretary-general personally or delegated to special representatives and envoys. In this instance, Annan nominated Thailand's former permanent representative to the UN to visit Nepal on an exploratory mission. DPA informed the then Indian permanent representative, Vijay Nambiar, of this plan. Nambiar reverted days later with the following instructions from New Delhi: such affairs were well under control and best dealt with "in the neighbourhood."[14]

At first, the UN acceded. But the conflict intensified, and further efforts to agree and abide by a cease-fire failed. Domestic and international constituencies increasingly began calling for third-party involvement to help stop the conflict. Some even criticized the UN for not playing a more proactive role in providing good offices.[15] In answer to these growing calls for action, DPA decided to try a different tactic: it sent a mid-level political affairs officer to begin quietly fostering relationships with key stakeholders in Nepal and the region.

Tamrat Samuel first arrived in Kathmandu in summer 2003, at a time when the parties' second cease-fire attempt was breaking down.[16] DPA had charged him with encouraging a return to dialogue and respect for human rights, as well as deciphering how best the UN could support the parties in these endeavors. With the assistance of John Bevan, the human rights adviser in the UN country team, and Sushil Pyakurel, a senior member of Nepal's National Human Rights Commission (NHRC), Samuel established a direct channel with the Maoists. Subsequently, internal UN memos document how Samuel emphasized to both Nepali government officials and to the Maoist leadership that "the UN was not actively seeking a mediation role and it was up to the Government to give an indication of [any desire for the UN to become involved]."[17] It also took some effort to assuage the concerns of political leaders, who assumed political involvement by the UN would mean that Nepal would be placed on the agenda of

9 Interview, August 2019.

10 As part of joint efforts to address impunity, the UK had funded a human rights adviser position within the UN resident coordinator's office.

11 Interview with senior UN human rights official, August 2019; Interview with two members of the National Human Right Commission (NHRC) and senior members of the Maoist leadership, Kathmandu, July 2019. Interviewees also cited the role of the International Committee of the Red Cross, in collaboration with the NHRC, in impressing on Maoist commanders the importance of compliance with the Geneva Conventions.

12 OHCHR's "Nepal Conflict Report" provides an extensive review of violations over this period. It indicates a clear asymmetry in the degree of violations.

13 UN General Assembly, *Report of the Secretary-General on the Work of the Organization,* UN Doc. A/57/1, August 28, 2002, para. 25.

14 Interview with senior UN official, August 2019.

15 Interviews in Kathmandu and New York, July and August 2019.

16 Interviews with UN officials privy to the circumstances of this initial mission, June–August 2019.

17 Internal UN documents shared with the author and held on record with the author.

the Security Council. It was quite a revelation for some senior political officials to learn that the secretary-general's good offices "were available to any country without necessarily entailing a Security Council mandate."[18]

According to Samuel's initial assessments, while civil society groups were generally open to UN involvement in the peace process, the Nepali government was more divided.[19] Those who supported it saw value in the range of capacities and expertise the UN could deploy to support Nepal's peace process—from monitoring of agreements and cease-fire arrangements to electoral assistance, and from human rights monitoring and promotion to development support. No other single institution, they felt, could offer so much.[20] Those who opposed the UN playing a political role generally opposed any formal third-party role, believing it would threaten the integrity of what was otherwise a Nepali-owned and Nepali-led process.

The Maoists, in contrast, were generally united in their support for a UN role. Their leadership was beginning to realize that victory would have to come through a negotiated rather than a military settlement.[21] After two failed attempts at domestically led talks, they also increasingly felt that a third-party role would be needed to help monitor compliance with any future agreement. Among the possible third-party candidates, the Maoists took the position that "only the UN could be trusted" when compared to the US or India—both of which had demonstrated strong opposition to the Maoists.[22]

The combined preferences of Nepalis, however, were overridden by India's continued opposition to the UN playing a political role in its backyard.[23] Understanding the importance of India to addressing the conflict in Nepal, Samuel combined each of his visits to Kathmandu with a side visit to New Delhi.[24] During subsequent UN visits, which were complemented by visits from European states, the UK, and the US, India's top political leaders came to feel that a third party might be essential for achieving a political rather than a military solution within Nepal.[25] But India also understood that "[India] could not be the third party, and that from among the other candidates, the UN look[ed] less threatening" when compared to the alternatives.[26] In turn, Samuel and other senior UN officials continued to assure India that the UN "recognized their security and other interests and that it intended to work with India collaboratively" if Nepal asked the UN to play a role in the peace process.[27]

Looking back, many experts in the region attribute Nepal's, and even India's, eventual openness to a UN role in the peace process, in a region otherwise reluctant to accept the UN's political engagement, to DPA's tactic of early and quiet engagement. Not only was it quiet, but it prioritized fostering relationships with a broad range of key parties while keeping the region engaged. Had DPA's engagement started a few years later, relied exclusively on a more senior envoy, presumed its own relevance, or neglected to slowly build trust

18 DPA's under-secretary-general, Kieran Prendergast, and Samuel would have preferred a constant presence on the ground, but this was not politically and financially possible. Moreover, others in DPA's senior ranks were not persuaded of the merits of their department's forays into the conflict, especially in light of India's opposition. Internal UN document, shared with the author and held on record with the author.

19 On the one hand, one of the national facilitators, Padma Ratna Tuladhar, formally requested the UN's assistance following the collapse of the 2003 peace talks (at the time of Samuel's first visit). Similarly, Royal Adviser Prabhakar Rana is said to have told Samuel on one of his visits that Nepalis would accept "no one but the UN." On the other hand, leading party members feared external interference in what was meant to be a Nepali-owned process.

20 Internal UN document, shared with the author and held on record with the author.

21 Whitfield, "Nepal's Masala Peacemaking," p. 163.

22 Internal UN document, shared with the author and held on record with the author.

23 During this first period, the dominant consideration regarding the UN's political involvement in Nepal was India's opposition. While a broad coalition within Nepal supported the idea of third-party, and especially UN, meditation, India's outsize influence in both New York and Kathmandu prevented senior officials from exploring this option further. However, the discreet, quiet diplomacy of Samuel, supported by national stakeholders and complemented by a broader network of peace initiatives, kept the space open for future involvement.

24 Interviews with senior UN and Nepali government officials, July 2019. According to one senior UN official, Samuel's visits were meant to "to assuage Indian concerns and discuss developments in the country."

25 Internal UN document, shared with the author and held on record with the author.

26 For example, political analysis at the time suggested that "UK leadership/facilitation [would] likely be rejected by the Maoists due to its assumed proximity to the US and the assumption that it would therefore be following the US lead." Internal UN document. The US, in turn, had listed the Maoists as terrorists and was generously funding the RNA.

27 The secretary-general also reassured India, at the highest levels, that the UN understood its concerns regarding international involvement. Internal UN document.

and address India's concerns, it is unlikely that the UN would have emerged as the preferred choice.[28]

Leveraging Human Rights to Increase Accountability and Socialize the Parties to a Negotiated Solution (2005–2006)

Between 2001 and 2005, the tempo of the conflict vacillated, with first one side then the other gaining ground. A cease-fire was negotiated in early 2003 and was followed by talks. But the talks fell apart, and fighting resumed within the year. In this context, King Gyanendra, who had been taking increasingly draconian measures since 2002, launched a coup in 2005, unseating the elected government. He defended this extreme measure as necessary in light of the political parties' perceived incompetence in addressing the Maoist threat. But many saw his primary aim as reestablishing an absolute monarchy in Nepal.[29]

Drawing on his newly consolidated powers, Gyanendra "took the reins off" the army, giving them "full freedom to operate" against the Maoists.[30] With political oversight significantly curtailed, the RNA scaled up its attacks, committing gross human rights violations against the Maoist combatants and their supporters.[31] Furthermore, it began to apprehend and detain political party members and Nepali human rights defenders.[32] Popular discontent with both the king and the army increased, and calls for international action against abuses grew.

Gyanendra's "regression," as it became known, had three critical effects on the prospects for peace. First, it drove the political parties that had been targeted by the draconian measures away from the king and toward the Maoists.[33] The Maoists, in turn, saw an opportunity to forge relationships with the traditional political parties to increase their legitimacy and enable them to operate on an equal footing with the political establishment. This realignment shifted the conflict chessboard from a party-monarchy alliance against the Maoists to a party-Maoist alliance against the monarchy. This new configuration led to the signing of a far-reaching agreement between the Maoists and the political parties, which called for abolishing the monarchy in favor of a republic.

Second, the king's undemocratic crackdown began to cost him much-needed international support. While India had always supported a constitutional monarchy in Nepal, its leaders had also firmly opposed an executive one. According to interviews conducted in New Delhi, India's backing of the king began to dwindle as Gyanendra repeatedly demonstrated that he was unwilling to take its advice on how to defuse the growing domestic opposition.[34] The US government, in turn, was in the midst of revising its policy of unequivocal support to King Gyanendra and the RNA. Yet rather than reversing course, Gyanendra pushed ahead with his clampdown, seemingly blind to the changing tides of public and international opinion.[35]

Third, the king's repressive measures and the army's intensified approach opened up space for international human rights monitoring. Through systematic reporting in the UN Commission on Human Rights (the predecessor of the UN Human Rights Council) and coordinated lobbying efforts, a coalition of twenty-five Nepali human rights

28 For more on the use of counterfactual reasoning to evaluate UN preventive diplomacy interventions, see UN University's Preventive Diplomacy Assessment Framework. United Nations University Centre for Policy Research, "Assessment Framework for UN Preventive Diplomacy: An Approach for UN Mediators and International Policymakers," 2018.

29 The king's popularity had been challenged from the start, as many Nepalis viewed his accession to the throne as illegitimate and saw him as benefitting unduly from his brother's and his family's tragic deaths in 2001. The February 2005 coup, however, cemented popular opinion against him. Adhikari, *The Bullet and the Ballot Box*.

30 Interviews with former members of the RNA, Kathmandu, July 2019. See also: Gopal Sharma, "Nepalese Army Ordered to Crush Resurgent Rebels," *The Guardian*, November 26, 2001. On the RNA's frustration with political parties' earlier restraints, see: Chalmers, "State Power and Security Sector," pp. 62–64.

31 These violations included extrajudicial executions, disappearances, torture, and illegal detention in army barracks. For a comprehensive overview, see: OHCHR, "The Nepal Conflict Report."

32 International Crisis Group, "Nepal: Dealing with a Human Rights Crisis," 2005, pp. 1–4.

33 Their decision to ally with the Maoists arose both from their own marginalization from politics over the course of the 2005 coup and from their commitment to a democratic form of government, something the king's actions had all but made impossible.

34 Whitfield, "Nepal's Masala Peacemaking"; Interview, New Delhi, July 2019.

35 Internal UN document.

advocacy groups and European member states mounted sufficient political pressure to force the king to accept one of two choices: either risk the appointment of a UN special rapporteur focused on human rights abuses in Nepal or consent to an in-country UN human rights monitoring mission.[36] In previous years, India and the US had helped shield Nepal from criticism during states' annual reporting to the commission.[37] But in the lead-up to the commission's 2005 session, Switzerland and other concerned states persuaded the US to "stand offline," leaving India isolated and, therefore, less able (and likely less willing) to block the commission's censure of Nepal's deteriorating human rights record.[38]

Faced with this difficult choice, King Gyanendra's advisers reasoned that accepting the monitoring mission would be less damaging to his government's reputation than being monitored by a special rapporteur. He was also advised that it would be "easier to control."[39] Such advice proved incorrect. Members of both the Nepali military and the domestic human rights community interviewed for this report characterized this decision as "a great misstep" from the perspective of Nepal's king, for it opened up the country and its military to the scrutiny of international human rights officials, who, in turn, held a megaphone to the world.[40]

Following a formal agreement between the Office of the UN High Commissioner for Human Rights (OHCHR) and the government of Nepal, the in-country monitoring mission was inaugurated in spring 2005. Ian Martin, an internationally known and respected human rights advocate, was charged with heading the mission. At its peak, the office boasted over 160 national and international staff and seven offices. Its mandate was comprehensive, including nationwide investigation and verification powers in addition to a technical assistance mandate.[41] Crucially, the mandate agreed between OHCHR and the government called for the mission's engagement "with all relevant actors, including non-State actors." This essential clause formalized the UN's ability to engage directly with the Maoists. As OHCHR's largest in-country mission at the time, the office possessed "one of the most robust mandates ever seen for a UN human rights field operation."[42]

Once the mission was established, there were a few ways in which OHCHR, in collaboration with DPA and the resident coordinator's team, leveraged human rights monitoring and reporting to build momentum toward a peace process. For example, national human rights activists and those vulnerable to attacks relied on international attention to deter further attacks. They spoke of OHCHR's essential ability to shine a spotlight on abuses, thereby prompting investigations or discouraging further violations. There was a general belief that an international monitoring mechanism with such a high profile could not be easily silenced and, therefore, that its presence would curtail the most rampant human rights abuses in the ongoing conflict and provide the necessary cover for domestic actors to continue their advocacy efforts.[43]

For their part, the Maoist leadership, through

36 Internal OHCHR documents. See also: Frederick Rawski and Mandira Sharma, "A Comprehensive Peace?" in *Nepal in Transition.* These efforts were reinforced by DPA's political engagement. Interview, written correspondence, December 2019.

37 See the April 20, 2004, article in *The Kathmandu Post* arguing that the US was trying to block human rights monitoring in Nepal for fear that the abuses of the NRA would be revealed and hurt the Bush administration—one of the largest donors to the RNA—in an election year. In contrast, the article notes how the Maoists would be open to "any investigation" as they were "desperate to acquire legitimacy," as "refusal to do so would harm them."

38 This decision reflected a shift in US policy to align more closely with the EU, Swiss, and UK position on the need for both the RNA and the Maoists to respect human rights. Internal UN document. The position can be contrasted with US actions in the lead-up to the Commission on Human Rights' 2004 session, where the US permanent representative attempted to block the chair's statement on Nepal. Internal UN document.

39 Interview, July 2019.

40 Interviews with former OHCHR and Nepali government officials, June–August 2019.

41 See: *Agreement between the United Nations High Commissioner for Human Rights and the Government of the Kingdom of Nepal Concerning the Establishment of an Office in Nepal*, April 2005.

42 Rawski and Sharma, "A Comprehensive Peace?"

43 Consider the reflections of the Nepali Congress Party's (NC) influential leader and parliamentarian, Gagan Thapa. He recalled, "My own detention was treated differently from what it appeared to be for those outside [who feared the king's regime]. Since the state mechanism feared OHCHR's presence, security officers treated us political detainees with respect." Interview, Kathmandu, August 2019. Another Nepali civil society activist recounted, "With the OHCHR's arrival, Nepal people and democratic forces felt a sense of security. Civil society and human rights activists also had similar feelings…. [OHCHR's presence] created deterrence against the trigger-happy security forces. It provided a sense of security for the marginalized communities and pro-democracy forces." Most civil society representatives, journalists, and members of the opposition who were interviewed shared these sentiments. Given these views, it is less surprising that, by 2006, many Nepalis began demanding not only that the UN have an enhanced role in the peace process but also that Ian Martin, the much-respected head of the OHCHR mission, be nominated to head the future UN initiative.

interactions with members of the mission, DPA, and the wider UN country team (UNCT), came to understand the public relations advantages of cooperating with OHCHR's monitors and, by extension, the international press.[44] In the context of the king's crackdown, the traditional political parties also welcomed OHCHR, recognizing the role it could play in protecting their right to assembly, free speech, and representation.[45]

In addition, OHCHR's substantial presence helped to socialize the conflict parties to a negotiated solution by framing human rights compliance as a confidence-building measure.[46] Two rounds of talks had already collapsed.[47] Cease-fires had been broken. Yet publicly demonstrating commitments and follow-through on common human rights obligations helped build trust between the Maoists and political parties as they began to sketch out, together, what a negotiated end to the conflict might look like. Overall, in its first eighteen months, the mission gained a reputation for even-handedness, and its international and local staff were generally granted unrestricted access and welcomed into communities throughout the countryside.[48]

The army, however, had the most strained relationship with the OHCHR mission and, by many accounts, was initially resistant to its influence. As one former general recalled, "We were humiliated [by OHCHR's monitoring]. We were told what to do, and in the process our soldiers were dying."[49] Despite the tense relationship, following OHCHR's arrival, disappearances carried out by the RNA abated, and prisoners held in military barracks were moved to civilian prisons.[50] Most famously, soldiers refrained from launching a violent crackdown on civilians protesting in what culminated in the April 2006 "People's Movement."[51] Some attribute these improvements to High Commissioner Arbour's public warning to the government that "the RNA's involvement in extrajudicial executions, disappearances, and torture, could threaten its peacekeeping participation."[52] Others credit the change in behavior to the government's desire to avoid international isolation and bilateral sanctions.[53] Overall, the combined risk of international stigmatization and punitive measures helped curb abuses during this period.

Beginning in 2005, the coalition of traditional political parties, known as the Seven Party Alliance (SPA), gradually coalesced around a common position regarding the need for third-party assistance in monitoring compliance with and implementation of a possible future peace agreement. In particular, the SPA was faced with a dilemma: only two institutions in Nepal had access to arms: the army and the Maoists. The Maoists had aligned with the political parties to overcome their impasse with the army and the king. But some within the SPA worried that the Maoists might one day turn against them.[54] Others saw a need for restraining the RNA, which had recently targeted and detained members of the SPA's own ranks.[55] In order to address this double risk, members of the SPA agreed that a third party would be needed to act as a security guarantor during the period of transition and prior to the demobilization, disarmament, and reintegration of the Maoists and the assertion of civilian control over Nepal's army.

44 Journalists interviewed for this report recalled receiving a summons from Maoist leaders wanting to report on the treatment of prisoners or announcing their release to the Red Cross.

45 Interviews with former senior members of dominant political parties, Kathmandu, June–July 2019.

46 In the case of Nepal, as early as December 2002, OHCHR's regional director for Asia and then resident coordinator argued that there was more of a need for human rights monitoring, given the lack of a UN political presence. They saw such monitoring as a potential confidence-building measure for talks and as a way to increase accountability on the battlefield. At the time, the resident coordinator's office did not feel comfortable engaging in such monitoring itself, and some of its members urged OHCHR to take on this role. UN correspondence from archival review.

47 Bishnu Raj Upreti and Bishnu Sapkota, "Case Study on Nepal: Observations and Reflections on the Peace and Constitution-Making Process," swisspeace, 2017.

48 Internal OHCHR document.

49 Interview, Kathmandu, July 2019.

50 Ian Martin, "The United Nations and Support to Nepal's Peace Process," in *Nepal in Transition*.

51 Also referred to in Nepali as the "Jana Andolan II," following the previous mass movement (or "Jana Andolan I") against the absolutist monarchy of the 1990s.

52 Internal UN document.

53 Interview, April 2020.

54 Many interviewees spoke of a broader fear among a subset of Nepal's elites of Maoist "state capture." This fear was enhanced following the CPN-Maoists' surprising 2008 victory in the Constituent Assembly elections.

55 According to one international expert privy to these consultations, "G. P. Koirala, in particular, was also concerned with restraining the RNA [rather than just the Maoists]—not surprisingly, as it was then the king's army which had carried [out] his repression of the political parties." Interview, April 2020.

The "12-Point Understanding," signed by the SPA and the Maoists in November 2005, spelled out that the future Nepal Army and the Maoist army would be put under "the United Nations or a reliable international supervision" to ensure a free and fair Constituent Assembly election and the accompanying dialogue process on a political transition.[56] Given significant fear regarding the Maoists' intentions at the time of drafting, the SPA had inserted language committing the signatories to a "new peaceful political stream" and an institutional commitment to "democratic norms and values like the competitive multiparty system of governance, civil liberties, fundamental rights, human rights, principle of rule of law, etc."[57]

Following the signing of the twelve-point agreement, the April 2006 People's Movement forced King Gyanendra to reinstate the parliament and step down as commander-in-chief of the army.[58] He was stripped of all executive powers, and the traditional political parties and the Maoists committed themselves to electing a Constituent Assembly and drafting a new constitution. Mutual cease-fires were declared, and a common code of conduct developed. The government of Nepal and the Maoists signed a Comprehensive Peace Agreement (CPA) on November 21, 2006, formally ending the decade-long war. As part of the process leading up to the signing of this agreement, the conflict parties made clear their intention to invite the UN to play a formal role in supporting the implementation of the agreement.

According to most accounts, Prime Minister Girija Prasad Koirala, a veteran Nepali Congress Party politician and leader of the SPA, was key in convincing a reluctant Indian establishment to accede to Nepal's decision to invite the UN to play the third-party role, which was spelled out in the twelve-point agreement.[59] In part due to pressure from India, the SPA and the Maoists agreed that the UN's political mandate would be quite narrow: it would play no formal role in facilitating or mediating implementation of the political agreement.[60] But it would play a crucial role in monitoring the cease-fire, helping to document both sides' compliance with respect to their arms and armies, and providing crucial technical assistance to the first post-CPA elections. The formal invitation was laid out in identical letters, signed by the respective parties and conveyed to the secretary-general on August 9, 2006.[61] A UN mission, led by Staffan de Mistura, helped secure these identical letters. But it was understood by all parties involved that de Mistura only traveled to Nepal for consultations after India had signaled that it would accept an enhanced UN role.[62]

> OHCHR, in collaboration with DPA and the resident coordinator's team, leveraged human rights monitoring and reporting to build momentum toward a peace process.

In response to the parties' identical requests, the secretary-general appointed Ian Martin, the head of OHCHR's office in Nepal, as his personal representative to Nepal. Relying on a good offices mandate, Martin and his small team supported the parties as they negotiated what became the Comprehensive Peace Agreement and the Agreement on the Monitoring of the Management of Arms and Armies (AMMAA).[63] These agreements, in turn, paved the way for the establishment of a UN special political mission in January 2011.

56 United Nations Peacemaker, *12-Point Understanding Reached between the Seven Political Parties and Nepal Communist Party (Maoists)*, November 22, 2005, para. 3.

57 Ibid., para. 4.

58 Government of Nepal, "Proclamation to the Nation from His Majesty King Gyanendra," April 24, 2006, available at https://reliefweb.int/report/nepal/nepal-proclamation-nation-his-majesty-king-gyanendra-bir-bikram-shad-dev-24-apr-2006 .

59 Interview, Kathmandu, June 2019.

60 According to one interview, G. P. Koirala informed Martin and Samuel that he had sought a more robust political role for the UN in the CPA, but India was adamantly opposed to the idea. Interview, May 2020.

61 UN Security Council, *Letter Dated 22 November 2006 from the Secretary-General to the President of the Security Council*, UN Doc. S/2006/920, November 27, 2006.

62 Interview, December 2019.

63 Although the UN was not at the table of the CPA negotiations, the personal representative and his team were active on the margins of the process. In contrast, the UN directly facilitated the talks between the parties in what became the AMMAA.

The period immediately preceding the establishment of the UN mission was one of the most active periods for DPA's provision of good offices. Nonetheless, the establishment of the mission was not without its challenges. For example, once the CPA was signed, the parties expected the UN to deploy immediately. Martin and his team, despite their preexisting relationships with the parties, did not have direct input into the drafting of the CPA, which would have enabled them to better manage the parties' expectations. As one interviewee recalled, "[If the UN had been in the room], we could have explained to the parties that mission deployment is not a matter that happens overnight—that you need a Security Council resolution with a[n arms monitoring] mandate, a budget approved by the General Assembly, a concept of operation, a planning mission, staff recruitment, procurement, etc."[64] Recognizing this disconnect, Martin and his small advisory team worked with the parties to find innovative approaches that both met the parties' needs and adhered to UN procedures and practices, all under extremely tight deadlines. The result was a tailored rather than a template mission.

UNMIN: A Rapidly Deployed and Focused Mission of Somewhat Limited Duration (2007–2011)

The Security Council established the UN Mission in Nepal (UNMIN) through Resolution 1740 in January 2007—six months after the parties issued their joint requests to the secretary-general.[65] The mission was charged with assisting in registering combatants, storing and monitoring arms in cantonment sites, and preparing for the first Constituent Assembly elections following the signing of the CPA. As mentioned previously, UNMIN was a comparatively focused UN mission, tailored to the parties' needs, with an expected duration of about one year. In his first report to the Security Council, the secretary-general called UNMIN a "focused mission of limited duration," emphasizing that the mission's exit was already anticipated at the moment of its establishment.[66] Such reassurance was needed to ensure that India and the more reluctant political parties would continue to tolerate the plan.[67] Moreover, the Security Council adopted the resolution and agenda item with specific language signaling that its involvement was "at the invitation of the Government of Nepal" in order to help protect the idea that the peace process, despite UN involvement, would continue to be both Nepali-owned and Nepali-led.[68]

This mission design was unique for its time—rather than following a template, it was tailored to the particular needs of the situation and requests of the parties.[69] As described in more detail below, the designers used a number of innovative approaches that have since come to be used in other missions, including the UN Mission in Colombia. Moreover, once established, the mission benefited from a unique degree of leadership continuity. Ian Martin, the previous head of OHCHR-Nepal and the secretary-general's recently appointed personal representative to Nepal, served as its first head. Karin Landgren, as the second head of UNMIN, then saw the mission through to its closure in 2011. Over this four-year period, as a strong example of the benefits of staffing continuity, first Tamrat Samuel and subsequently Landgren served as Martin's deputies.[70]

64 Interview with senior UN official, May 2020.

65 UN Security Council, "Security Council Establishes United Nations Political Mission in Nepal, Unanimously Adopting Resolution 1740 (2007)," Press Release SC/8942, January 23, 2017.

66 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2007/7, January 9, 2007, para. 25.

67 Interviews, Kathmandu and New Delhi, July 2019.

68 For example, each of the secretary-general's reports to the Security Council referenced the following mandate: "Report of the Secretary-General on *the request of Nepal* for United Nations assistance in support of its peace process" (emphasis added).

69 See: Ian Martin, "All Peace Operations Are Political: A Case for Designer Missions and the Next UN Reform," in *Review of Political Mission 2010*, Richard Gowan, ed. (New York: Center for International Cooperation, 2010).

70 United Nations, "Secretary-General Appoints Ian Martin as His Special Representative and Head of United Nations Political Mission in Nepal," Biographical Note SG/A/1035-BIO/3837, February 8, 2007; United Nations, "Secretary-General Appoints Karin Landgren as His Special Representative in Nepal," Biographical Note SG/A/1173-BIO/4059, February 3, 2009; United Nations, "Secretary-General Appoints Tamrat Samuel of Eritrea as His Deputy Special Representative for Nepal, Deputy Head of United Nations Mission in Nepal," Biographical Note SG/A/1073-BIO/3886, June 20, 2007; United Nations, "Secretary-General Appoints Karin Landgren of Sweden Deputy Special Representative, United Nations Mission in Nepal," Biographical Note SG/A/1158-BIO/4030, September 17, 2008.

Monitoring of Arms and Armies

The AMMAA Agreement outlined the parties' agreement to "seek UN assistance in monitoring the management of the arms and armies of both sides by the deployment of qualified UN civilian personnel."[71] Not only were the civilian personnel to be unarmed, but they were also meant to be out of uniform. This was a compromise for the UN, especially its Department of Peacekeeping Operations, which would normally have preferred to deploy armed, uniformed peacekeepers to help maintain a fragile peace between two armed parties. But voices at UN headquarters advocating for compromise, flexibility, and moderate risk-taking prevailed, reflecting an understanding that the deployment of blue helmets to a country famous for its role in UN peacekeeping would be a nonstarter.[72]

> Rather than following a template, the UN Mission in Nepal was tailored to the particular needs of the situation and requests of the parties—a design that was unique for its time.

UNMIN's monitoring role, as described in the AMMAA, consisted of conducting round-the-clock surveillance of stored weapons, patrolling Maoist cantonment sites and selected army barracks and weapons, and chairing the Joint Monitoring Coordination Committee charged with receiving and investigating incident reports. The monitors were made up of civilian and retired military personnel, with the exception of the chief arms monitor, who was a serving senior military officer.[73]

Originally, the UN presence was established to ensure a period of calm and relative security in the lead-up to the first Constituent Assembly elections. However, following the elections, plans for the release and integration of combatants were delayed. As a result, the government called for several extensions of UNMIN's arms-monitoring mandate, finding that the UN monitors were essential to maintaining confidence between the parties and projecting a sense of calm, despite their light footprint.[74]

Civil Affairs

UNMIN's civil affairs section assisted with the "nonmilitary" aspects of the CPA in the lead-up to the Constituent Assembly elections, ensuring that issues such as gender, child protection, and social inclusion were not sidelined in the push to reach other goals in the peace process. For example, in the lead-up to the elections, the civil affairs team helped a Nepali women's coalition set up a database of more than 3,000 female leaders, drawn from seventy-four districts, to furnish party leaders with qualified nominees. Civil affairs officers also participated in a social inclusion action group, devised to bring the UNCT and marginalized groups together to generate strategies for reducing exclusion, both in the lead-up to the elections and in Nepali society more generally. In addition, some characterized their role as filling in for a much needed but conspicuously absent independent national commission to evaluate progress in implementing the many nonmilitary elements of the CPA.[75] The civil affairs section was cut halfway through UNMIN's mandate, however, as part of a reform that reduced the mission's size and narrowed its mandate following the successful conclusion of the elections.

The presence of civil affairs officers in UNMIN had not always been a foregone conclusion. Both Ian Martin and Tamrat Samuel lobbied for their inclusion during budget negotiations at UN headquarters. Other senior officials questioned whether their inclusion went beyond a strict interpretation of UNMIN's mandate, while Martin, Samuel, and others argued that their addition was

71 CPN (Maoist) and Government of Nepal, *Agreement on Monitoring of the Management of Arms and Armies*, November 28, 2006.

72 Internal UN documents.

73 The agreement called on these UN officers "to monitor, according to international norms, the confinement of Maoist army combatants and their weapons within designated cantonment areas and monitor the Nepal Army to ensure that it remains in its barracks and its weapons are not used against any side."

74 This point is made in both public reports of the secretary-general to the Security Council and in internal documents summarizing conversations among the parties.

75 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2008/5, January 3, 2008, para. 32.

essential to ensure the sustainability of UNMIN's efforts.

Electoral Assistance

UN assistance in the lead-up to the Constituent Assembly elections consisted of a range of services. Primarily, UNMIN provided technical assistance to Nepal's Election Commission on the legal, procedural, and logistical aspects of the elections, relying on electoral advisers spread throughout the country.[76] The mission was also mandated to coordinate election support, which ultimately included around 60,000 national and 800 international observers.[77] In parallel, the government requested that the UN provide a small team of electoral monitors, appointed by the secretary-general and separate from UNMIN, to independently report to the secretary-general on the "conduct of the election."[78] The secretary-general, in turn, shared this team's reports with the government of Nepal.

Despite the rapid deployment of international assistance, the elections were twice delayed due to a series of domestic political developments. The second delay alarmed the broader population and generated predictions of renewed violence if a date were not set. Reports of voter intimidation and extortion and attacks against candidates contributed to the growing unrest.[79] But the coalition government held together, and a new date was finally fixed for April 2008.

The elections took place with minimal disruption although there were some reports of voter intimidation. Both domestically and internationally, they were deemed to have been largely "free and fair."[80] The results, however, shocked Nepal's traditional establishment: the Communist Party of Nepal (Maoist) (CPN-Maoists) won a plurality of seats in the Constituent Assembly and thereby earned the right to head the government. The traditionally dominant parties of Nepali politics—the Nepali Congress (NC) and Unified Marxist-Leninist party (UML)—were reduced to 115 and 108 seats respectively, compared to the Maoists' 229.[81] In another shock to the status quo, a higher percentage of women and underrepresented groups were elected than ever before, resulting in a Constituent Assembly that more accurately reflected the vast diversity of Nepal.[82] Analyses primarily credit tireless domestic activism and shifting voter demographics for these results. But UNMIN's electoral officials were also cited as having helped build confidence among electoral officials at the district and regional levels.[83] While the results were initially accepted by the traditional political parties, there were those within them who began to feel threatened by the shifting balance of privilege and political power.[84]

Human Rights

In addition to requesting the UN's assistance in monitoring arms and armies and the elections, the conflict parties had also requested that the UN

76 These aspects included, but were not limited to, "legal framework development; overall operational planning; voter registration; voter education; political party certification and candidate nomination; the regulatory framework for the media campaign; political campaign financing; logistics and communications; observer accreditation; training and capacity-building; and dispute resolution, in addition to advisers to assist the Secretariat with the development of the electoral framework and operational planning." UN Doc. S/2007/7, para. 37.

77 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2008/313, May 12, 2008, para. 4.

78 UN Doc. S/2007/7, para. 39. While the UN was reluctant to serve as a formal election observer, the parties pressed the UN to play this narrower role.

79 UN Doc. S/2008/5.

80 UN Doc. S/2008/313, para. 4: "The election was the most observed in Nepal's history: more than 60,000 national and nearly 800 international observers were deployed across the country. In public statements, major international observer groups, including the European Union, the Asian Network for Free Elections, the Carter Center and others, and major national observer groups concurred that the election was conducted in a relatively peaceful manner and that the administration of the polls had been well executed." This view is supported by the remarks of an international observer present in Nepal at the time: "Before there was any indication of how each party performed, UNMIN convened a meeting of those who observed the elections. The overall assessment (including by those close to the Nepal Congress and UML parties) was that the balloting largely went well and there were no significant violations that could compromise the integrity of the vote. The backtracking and complaints of violations began after the results, showing the Maoists' overwhelming victory, were disclosed." Interview, written correspondence, April 2020.

81 Interviews, Delhi, July 2019. The conventional wisdom in Kathmandu's media and political circles was "the Maoists will come a distant third after the Nepali Congress and UML." In order to illustrate the degree of shock key stakeholders felt upon learning of these results, consider the following story: a high-level Indian official, eager to see the elections go smoothly and to ensure that the Maoists did not derail the peace process, reportedly fretted to members of the election commission and UNMIN's leadership, "May the Maoists at least win a few seats, so that they do not walk away from this peace process!" Interview, Kathmandu, July 2019.

82 UN Security Council, *Letter Dated 22 July 2008 from the Secretary-General addressed to the President of the Security Council*, UN Doc. S/2008/476, July 22, 2008, para. 37.

83 UN Doc. S/2008/5, para. 28. The report notes that "during the months of preparations, District Election officers of the Election Commission as well as Regional Resource Centre managers felt empowered by the presence of the UNMIN electoral team."

84 Interviews, Kathmandu and Delhi, July 2019; Interviews, New York, August and October 2019.

extend OHCHR's monitoring presence, expanding its mandate to include monitoring the CPA's broad human rights provisions.[85] UNMIN, unlike many UN missions, was a nonintegrated mission, meaning that the human rights component and the UNCT were separate from, rather than under, UNMIN's umbrella.[86] OHCHR's leadership saw this separation as an advantage in that it accorded the office more independence while shielding its members from the political compromises that "can arise in a political mission's work."[87] During this period, OHCHR's leadership reported feeling that their work was the perfect complement to UNMIN's; their office could take certain liberties and speak out on issues where UNMIN, as a technical mission with a narrow mandate, was more constrained.[88] Yet OHCHR's monitors also collaborated closely with UNMIN's dispersed civil affairs officers, and their human rights reporting was integrated into the secretary-general's frequent briefings to the Security Council. Officials from both UNMIN and OHCHR reported that UNMIN essentially operated as "a nonintegrated mission with an integrated approach."[89]

While abuses diminished following the 2006 cease-fire and the signing of the CPA, sporadic skirmishes among the parties continued, and new fault lines emerged. Yet, following the 2008 elections, OHCHR's ability to leverage human rights monitoring and reporting to address this unrest had diminished. As the former conflict parties now shared power in government, their leaders had a new, common interest in deflecting, rather than amplifying, their counterparts' transgressions.[90] In other words, as one of the secretary-general's reports to the Security Council characterized it, human rights concerns were beginning to be sidelined in the interest of the political process.[91] OHCHR's mission mandate had been created in the urgent context of an ongoing armed conflict. Now that the conflict was over, members of the government found it distressing that they should continue to be externally monitored on human rights grounds.[92] This change in attitude was particularly marked amongst the Maoists, who had strongly supported OHCHR's monitoring mandate before joining the government. The change was also noticeable among the previously dominant UML and NC parties, which had become more defensive of the army, in the months following the Maoist victory in the 2008 elections.[93]

There were two prominent exceptions, however, to this newly restricted environment. First, working with UNMIN and UNICEF, OHCHR did manage to press for the successful release of minors from the cantonment sites.[94] And second, for those living far from Kathmandu, the presence of OHCHR's regional offices and staff—particularly following UNMIN's downsizing in 2008—continued to help deter further violence, foster accountability for ongoing violations, and defend women's and minority rights.[95]

UN Good Offices and Political Affairs

UNMIN's leadership, with the support of the mission's political affairs team, continued DPA's earlier practice of quietly providing good offices within Nepal. Even when the mission's political affairs section was severely cut in the final two years

85 UN Doc. S/2006/920, Annexes I and II. More specifically, this expansion was understood to include "(a) working to end impunity and secure accountability for human rights abuses; (b) promoting a well-functioning law enforcement and criminal justice system that fully respects human rights and is accessible to all… and (c) addressing long-standing discrimination against women and other excluded groups." UN Doc. S/2007/7, paras. 43–44.

86 Initially, this decision was primarily a practicality—for a mission with such a short duration, it made little sense to integrate its components only to disentangle them twelve months later.

87 Interview, September 2019.

88 Interview, September 2019.

89 According to one senior UN official interviewed, "The links both at the management and operational level between the mission and OHCHR-Nepal and UNCT were quite strong—stronger than I have seen in some structurally 'integrated' missions." Interview, December 2019.

90 Interviews, September 2019.

91 UN Doc. S/2008/5, para. 57.

92 Interview with senior UN official, September 2019.

93 Interview, May 2020.

94 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2010/214, April 28, 2010. The pressure was the result of the special representative of the secretary-general for children and armed conflict's reporting on and listing of the CPN-Maoists and visits to Nepal; reports by High Commissioner for Human Rights Navi Pillay to the Human Rights Council; efforts by UNMIN's head, Karin Landgren, in collaboration with the UNCT; and reports of the secretary-general to the Security Council. This combined pressure led to the release of children and their non-recruitment.

95 Interview with Madhesi activist, September 2019.

of its tenure, the mission supported the establishment and functioning of the technical committee (established at the end of March 2009) of the special committee responsible for supervising, integrating, and rehabilitating Maoist army personnel. Before these committees became operational, the mission leadership also held extensive discussions and briefings with all parties and partners on the future of these personnel, including their integration into the military. In addition, anticipating the mission's closure, UNMIN convened small closed-door "review meetings," beginning in 2010, with senior leaders of the main political parties to discuss how best to transition UNMIN's functions. In reality, these meetings touched on numerous aspects of the peace agreement and fell into the "good offices" category of quiet support. UNMIN also consulted extensively to avert the looming collapse of the Constituent Assembly, as the drafting of a new constitution was a centerpiece of the peace agreement.[96] Most of this work, however, was behind the scenes.

UNMIN's use of its good offices was perhaps most apparent through its response to two mounting security risks. The first of these risks was a growing militancy among the youth wings of political parties and ethnic-affiliated groups throughout Nepal. The second risk was the increasing unrest in the Terai region of Nepal prompted by clashes between the state and ethnic groups such as the Madhesis and Tharus that were agitating for further rights.[97] Fatalities were reported in clashes between these groups as they sought not to be shut out of future governing structures and denied benefits from the post-conflict government.[98] Some national officials, along with India, perceived these issues as outside of UNMIN's mandate, especially as the mission possessed no explicit good offices role. UNMIN's leadership, in contrast, argued that these issues had direct implications for the success of the peace process and, therefore, fell under the UN's implicit good offices mandate.[99]

At critical moments, UNMIN's political affairs team also helped the parties to overcome political differences, which became increasingly pronounced after the Maoists' 2008 electoral victory and subsequent mainstreaming into Nepali politics.[100] This team also helped ensure continuity in analysis and reporting to UN headquarters and the Security Council.[101] Over eighteen secretary-general reports were issued between January 2007 and January 2011, providing the Security Council with frequent and rich analyses on the swiftly changing dynamics on the ground.

UNMIN's Closure

At the end of 2010, following a request from the government, the Security Council decided to close UNMIN. As this occurred before the closing of the cantonment sites, the decision left some in the mission and on the ground feeling that UNMIN's closure was premature in light of the "unfinished business."[102] Yet Under-Secretary-General Lynn Pascoe, in his briefing to the Security Council on the occasion of UNMIN's pending closure, cited the "growing political divides between the parties" and the "dwindling common ground" as conditions that were rendering UNMIN's continued presence untenable.[103] Moreover, there was growing concern among some in New York that the mission's light monitoring footprint, predicated on trust between the parties and, initially, designed as a temporary measure in the context of the Constituent Assembly elections, was ill-suited for an increasingly polarized environ-

96 Interviews, April 2020.

97 According to one interviewee, "The emergence of the Madhesis, Janajatis, Tharus, and others as a major political force was largely a post–[Constituent Assembly] election phenomenon, which complicated the equation. These groups were not parties to the CPA and were now demanding far-reaching political and social transformation, which neither the Maoists nor (much less) the traditional politicians were prepared to entertain. While the Maoists claimed they represented the interest of the marginalized groups, the latter did not agree and wanted to have their own seat at the table. Some prominent Madhesi leaders parted ways with the Maoists and the NC to form their own Tarai-focused parties." Interview, May 2020.

98 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2007/442, July 18, 2007; *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2008/5, January 3, 2008; *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2009/1, January 2, 2009.

99 Interviews with former senior UNMIN officials, December 2019.

100 Interviews with former leadership of the political affairs team, September 2019.

101 Teresa Whitfield, "Focused Mission: Not So Limited Duration," Center on International Cooperation, 2009.

102 Interviews in Kathmandu and New York, July–August 2019.

103 UN Security Council, *6398th Meeting of the United Nations Security Council*, Meeting Record S/PV.6398, October 14, 2010.

ment. Indian pressure at both UN headquarters and on key Nepali political actors also played a role in the decision to close UNMIN. New Delhi's pressure was made more effective when it joined the Security Council as an elected member in January 2011.[104]

While the cantonment sites were not closed before the mission's departure, UNMIN's representative, Karin Landgren, in collaboration with UNICEF and OHCHR, managed to assist in the discharge of the more than 4,000 individuals disqualified during the verification process. Crucially, more than 2,000 of those disqualified were minors at the time of the cease-fire. Following their release, UNMIN worked with UNICEF to rehabilitate and reintegrate these minors during the last year of its tenure.

DPA's Embedded Political Liaison Office (2011–2018)

One of the more innovative measures taken to ease the transition following UNMIN's eventual departure, was the establishment of a political liaison office, housed within the resident coordinator's office. As part of the UN's transition planning, select UNMIN staff, as well as their counterparts in DPA, began consulting with key Nepali stakeholders on how to minimize the vacuum that would result from the mission's exit. There was particular concern that UNMIN's downsizing, prior to its closure, would diminish the UN's capacity to provide analysis and substantive support, especially beyond Kathmandu.[105] The problem was not new for the UN in times of mission transitions, but, in this case, the stakeholders found an original, compromise solution in the form of a small political liaison office. This office served as a bridge between DPA's previous political activities and longer-term sustainable outcomes by offering DPA a continued presence on the ground.

DPA's political liaison office served as a bridge between its previous political activities and longer-term sustainable outcomes.

This political liaison office (LO) came about through consultations with politicians from the main political parties (the UML, NC, and CPN-Maoists), on the one hand, and the ethnic identity-based groups such as the Madhesis, Tharus, and Janajatis, on the other. Few of the ethnicity-based groups felt comfortable with a "clean break" following UNMIN's departure.[106] The UN also consulted civil society groups and media representatives, who expressed that "some kind of continuity was important."[107] With the blessing of the UN's Executive Policy Committee, DPA's Asia Pacific Division in New York developed a plan for a presence that would tackle some of UNMIN's unfinished business, especially regarding the closing of the cantonment sites and the reintegration of the combatants.[108] The goal of the initiative was to "maintain capacity for active political engagement to minimize the negative effects of UNMIN's withdrawal and to help fight against deterioration of the situation and collapse of the peace process."[109] Its mandate included analyzing political dynamics, providing political advice to both the resident coordinator and DPA in New York, and, finally, helping coordinate the international community's political support to the peace process.[110]

There were four important steps the first head of the LO took to help establish it in Nepal and pave the way for implementing its mandate. First, the office made the strategic decision, in partnership with the Asia Pacific Division and DPA's leadership, that it would not simply continue to offer much-needed political analysis to the UN system but would also directly support the government of Nepal's efforts to implement the remaining aspects of the peace agreement. The motto, one staff

104 Given these combined factors, UNMIN might have closed sooner if it had not been for others at UN headquarters and within the mission arguing that an increasingly tense environment necessitated an extension of the UN's monitoring presence to reassure the parties. UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2010/17, January 7, 2010, para. 46.

105 Ibid.

106 Interview, October 2019.

107 Interview, written correspondence, April 2020.

108 Executive Policy Committee Decision of December 16, 2010.

109 Interview with Asia Pacific Division team, October 2019.

110 Internal UN document. Official LO mandate on file with author.

member recalled, was to be "proactive," offering "not just a description of the problems, but also ideas for solutions.… We wanted to be seen as helpful to the implementation, not just as monitoring implementation and then complaining when it was lacking."[111]

Second, the LO worked to cultivate a strong relationship with its government counterparts in the Ministry of Home Affairs to ensure that future support was based on mutual trust and served to build confidence between the government and the UN, on the one hand, and the government and the Maoists, on the other. The success of the partnership relied on the third and fourth strategic decisions: that the office would conduct itself discreetly, under the radar; and that it would tackle the issues that were most likely to make progress politically while avoiding those perceived as controversial.[112] This decision was also based on a calculation that with such a small team (four to five individuals), it was better to "do less, but do it well" rather than to tackle all of the issues still pending under the CPA.[113]

Senior UN leadership spoke of the office's invaluable contributions to headquarters, providing high-quality, fast, actionable, and—perhaps most importantly—representative information on the conflict.[114] It also provided DPA a crucial continued presence on the ground, in addition to the department's engagement through periodic senior-level visits. Over the seven years of its existence, the LO is said to have helped sustain DPA's primary political goals in Nepal: supporting the delivery of longer-term peace dividends through the quality and speed of its analysis, the representativeness of its staff, and its discreet and selective approach to engaging with the government.

In 2014, DPA began exploring the idea of transforming its liaison office in Kathmandu into a UN regional political office for all of South Asia. There were two justifications for such a transformation. First, it was recognized that once Nepal had completed its constitution-drafting process, which was one of the final remaining steps in its peace process, DPA would need to rethink its role in Nepal and the purpose of the LO.[115] Second, DPA recognized the need to explore ways "to better connect [the Asia Pacific Division], the LO and its Peace and Development Advisers (PDAs) in South Asia so as to strengthen DPA's capacity to analyse the regional trends and engage with regional actors more effectively."[116] This sentiment stemmed, in part, from the increasing engagement of states in the region with the South Asian Association for Regional Cooperation (SAARC) and the UN's own growing engagement with the Association of Southeast Asian Nations (ASEAN).[117] Moreover, resident coordinators and peace and development advisers working in the region were progressively recognizing the prevalence of transboundary issues, which would require integrated analysis in order to better spot risks, build partnerships, and devise solutions.[118]

Proponents at UN headquarters believed that Nepal would be the ideal host for such an initiative given its direct experience with DPA since 2002 and its relative openness to the UN's political arm when compared to many of its neighbors.[119] The advocates of the idea assumed it would appeal to the Nepali government; rather than hosting a UN presence that analyzed and, some felt, scrutinized the government's unfinished business vis-à-vis the peace process, Nepal could host South Asia's first UN regional political office—a step that would bring prestige to the country as the UN Office for

111 Interview with UN official, October 2019.

112 These included transitional justice, land reform, and democratization of the Nepal Army.

113 A few examples stand out in the early years of this office: First, LO personnel accompanied the government on visits to cantonment sites to help complete the process of disarmament—a process that both UN and Nepali government interviewees described as having gone much more smoothly given the trust LO officials—especially Yohn Medina—had developed with the Maoist leadership and his Ministry of Home Affairs counterparts. Second, the LO helped the government with early warning of potential election-related violence and then assisted in addressing it. Third, the LO informally mediated between Madhesi leaders and government officials on one occasion.

114 Interview with UN officials, New York, October 2019.

115 Interview, New York, October 2019.

116 Internal UN document, on record with author.

117 Ibid.

118 Interview, October 2019.

119 Interview with Asia Pacific Division team, October 2019.

West Africa and the Sahel has for Senegal or the UN Office for Central Africa has for Gabon.[120]

The idea, however, did not bear fruit. First, there was a changing of the guard at UN headquarters, at the LO, and in the resident coordinator's office. As a result, the idea was temporarily shelved for want of an advocate to push it forward. Second, by 2018, when the initiative regained momentum within the UN, the window to collaborate with the government on this initiative had closed; the new administration preferred to draw the UN's political engagement in the country to a close, considering that the peace process was, by its assessment, "complete."[121] Overall those at UN headquarters and within the LO saw this as a missed opportunity for both the UN and for the region, which could have used such a presence to further cement regional cooperation around the most pressing cross-border challenges.[122] Others interviewed, however, wagered that India would have been unlikely to countenance such a permanent presence and that the UN may have inadvertently saved itself an uncomfortable standoff with New Delhi on this issue.[123]

Sources within Nepal argued that there was a second missed opportunity—to maintain the OHCHR mission. To provide some context, in the years following the CPA, OHCHR's leadership began to interpret the office's mandate as pertaining to both the remaining elements of the CPA (such as transitional justice) and the promotion and protection of the social, economic, and cultural rights essential to the durability of the agreement (including land reform).[124] This decision, however, put OHCHR's Nepal office in direct conflict with some of Nepal's longstanding civil society groups, especially those linked with the influential UML party (including members of the National Human Rights Commission). This largely Kathmandu-based coalition generally wished to maintain a narrow focus on political and civil rights and saw OHCHR's strategy as an attempt to "socially engineer" Nepali society.[125] In contrast, representatives from Nepal's historically marginalized groups, including many Madhesis, Janajatis, Dalits, and women, who had experienced not just political but also structural exclusion due to their status in society, welcomed this expanded approach and sought to assist OHCHR in its new endeavors.[126]

OHCHR's new strategy also caught the attention of China and India. Whereas both countries had paid the office scant attention when it focused on conflict-era violations, its foray into issues of more direct national concern to New Delhi and Beijing contributed to the decision to advocate for its closure in 2011, when its mandate was up for renewal. In the lead-up to the 2008 Beijing Olympics, "Free Tibet" protesters descended on Nepal and congregated in Kathmandu. OHCHR chose to visibly monitor these protests to ensure the safety of the demonstrators and create space for their voices to be heard.[127] Even though the protests swiftly dispersed following the games, according to experts interviewed for this study, "China's resentment towards OHCHR persisted."[128] In a separate vein, India had been growing increasingly uncomfortable with the presence and number of both OHCHR and UNMIN regional offices in the Terai—a region that shares an open border with India.[129] Human rights monitors in Nepal's capital city was one thing, but, interviewees recalled, UN monitoring so near the Indian border was quite another.[130] India felt that both UNMIN and OHCHR, in establishing these offices and engaging in ethnic-based groups' contestations with the state, were exceeding their original mandates.[131]

120 Ibid. See also: Rebecca Brubaker and Dirk Druet, "Back from the Brink: Assessing UN Preventive Diplomacy in West and Central Africa through Two Recent Cases," UN University, 2020.

121 Interview, New York, October 2019.

122 Interview with Asia Pacific Division team, October 2019.

123 Interview, New York, April 2020.

124 Interviews with former OHCHR officials, August 2019.

125 Interview, September 2019.

126 Internal UN document.

127 Interview, September 2019.

128 Interviews, Kathmandu, August–September 2019.

129 While UNMIN closed its field offices during the 2008 downsizing, OHCHR had maintained its regional presence.

130 Interviews, New Delhi, July 2019.

131 Interview with regional expert, New Delhi, July 2019.

China and India's combined regional opposition dovetailed with the Nepali government's shifting stance on OHCHR. This united front forced High Commissioner Navi Pillay to consider closing OHCHR's more remote missions or risk a nonrenewal of the mandate. Each mandate extension thereafter was a battle.[132] The pressure culminated in 2011, and, just a few months after UNMIN's departure, the OHCHR office decided to close its doors.

While OHCHR felt it had no choice at the time, the decision first to consolidate its team in the capital and then to close its doors was strongly criticized by Nepali civil society groups operating outside of Kathmandu. They had come to rely on the office to feel safe and supported.[133] These groups, as well as senior UN officials in Geneva and New York, had assumed that the OHCHR mission would remain well beyond UNMIN's closure to help smooth the post-mission transition.[134] The abrupt closure contributed to the sense among these groups that the UN—first through UNMIN and now through OHCHR—had abandoned them and their causes before the work was complete.

Highlighting Best Practices: Breaking the Mold

UN actors have been heralded for a range of best practices during this sixteen-year period of political engagement.[135]

Engaging Early and Discretely

In the first phase of UN involvement, DPA's envoy engaged all key conflict parties early while managing to reassure regional players that the UN understood their interests and that they would be consulted and kept informed. Moreover, the fact that DPA's envoy was a mid- rather than a senior-level envoy enabled the UN to keep a low profile throughout this process, preserving the space for the type of discreet diplomacy required.[136] In-between Samuel's visits, the UN Development Programme's (UNDP) human rights adviser, the resident coordinator, and the Conflict Prevention and Peace Forum's on-the-ground consultant all helped keep headquarters informed of developments in the conflict and maintained communication with the parties.

Using Human Rights Monitoring to Lay the Groundwork for Conflict Resolution

In the second phase of UN political involvement, OHCHR played a crucial role both in curbing human rights violations by the Maoists and the army and in preparing the groundwork for a mediated solution. On the first front, the mission's presence helped incentivize public compliance with international standards in a conflict that was garnering increasing media attention. Its monitoring and meticulous reporting helped challenge widespread norms of impunity for actions taken during the conflict. On the second front, OHCHR's in-country office encouraged the parties to think of compliance with international human rights norms as a confidence-building measure on the path to direct talks. Trust between the parties and a belief that they could rely on the other side to make good on its commitments were important ingredients keeping the parties at the negotiation table.[137]

Using a human rights mission to help lay and then maintain the groundwork for peace talks is not an obvious choice. Despite the success in this case, former OHCHR mission staff argued that the

132 Interviews with former senior members of OHCHR's team in Nepal, August 2019.

133 According to one prominent local human rights advocate, the regional NGOs particularly resented the abruptness of the closure and the fact that they were not warned. This decision soured relations between them and OHCHR's remaining team. Interview, Kathmandu, August 2019.

134 Interviews with former UN officials, September 2019.

135 For more detailed accounts of particular policy interventions, see: Sebastian von Einsiedel, David Malone, and Suman Pradhan, eds., *Nepal in Transition: From People's War to Fragile Peace*; Ian Martin, *Nepal's Peace Process at the United Nations, Vol. 1* (Kathmandu: Himal Books, 2010); Sebastian von Einsiedel and Cale Salih, "Conflict Prevention: A Case Study of Nepal," UN University, 2017; Whitfield, "Focused Mission: Not So Limited Duration"; Sebastian von Einsiedel, "Nepal, 2007–2015," in *What Works in UN Resident Coordinator-Led Conflict Prevention: Lessons from the Field*, Sebastian von Einsiedel, ed. (Tokyo: UN University, 2018).

136 As one former senior DPA official observed, "Things do not happen in one visit or even periodic visits. While some [within DPA] saw [Samuel's] four trips per year as wasteful, interlocutors in Nepal thought these were too few and far between. They needed a UN political person to speak to on an almost daily basis." Interview, December 2019.

137 UN archives, exchange between the field and OHCHR headquarters, on file with author.

potential for human rights monitoring to lay the groundwork for conflict resolution is not always widely recognized within the UN's political wing.[138] A precondition for the success of the OHCHR mission in Nepal, however, was the basic public commitment by both the Maoists, who controlled about 70–80 percent of Nepal's territory at the time, and the monarchy-backed government, which controlled the cities. Without this commitment, the assessment was that "monitoring missions risk putting the monitors, the victims, and the mission as a whole at risk."[139] This was the experience of OHCHR in Afghanistan, where the human rights monitoring mission, without the public support of the relevant parties, was said to have put the monitors at risk.[140]

UNMIN is heralded by its designers and others as a goldmine of innovative practices.

The Innovative Practices of UNMIN

UNMIN, which was deployed as the third phase of UN political engagement in Nepal, is heralded by its designers and others who have compared it to contemporary peace operations as a goldmine of innovative practices. First, DPA, working with the Department of Peacekeeping Operations, the Executive Office of the Secretary-General, and other key UN partners, set up the mission in almost record time.[141] Rapid deployment was crucial for such a short mission and in the context of a fragile peace.

Second, to assist with the monitoring of arms and armies before the mission could fully scale up, the parties agreed to use an "Interim Task Force" composed of Nepali personnel retired from the UK and Indian Gurkhas—a unique form of what would now be called a hybrid mission arrangement.[142] Third, once the UN observers arrived, it was agreed that they would be both unarmed and out of uniform.[143] In other words, to meet the parties' needs, the UN took a calculated risk by providing only a light monitoring presence in a situation still at high risk of relapse into conflict.[144] Fourth, rather than defaulting to a dual-key monitoring approach, with the UN holding all the responsibility, the parties agreed to an original configuration: twenty-four-hour video surveillance combined with alarms mounted on weapons-storage containers. Control over the arms, however, remained with the respective parties—not the UN.[145]

Finally, once the UN monitoring presence was established, UNMIN led joint monitoring missions, composed, in certain circumstances, of representatives from both the Maoists and the army.[146] Such a practice, now known as "three in a jeep," had only been tested previously in Sudan, following the Nuba Mountains Ceasefire Agreement.[147] It was later used as a model for the tripartite monitoring mechanism included in the 2016 Colombia peace accord. According to interviewees from all three constituencies, it successfully built confidence between the parties

138 According to one OHCHR-Nepal veteran, "Many in DPPA assume human rights are not political. Human rights are political but not in the same way that DPPA is political. Human rights people will say, we have standards and they cannot be compromised." "Interview with former senior UN official, September 2019." Due to this difference in understanding, this individual felt it was not always an obvious choice for DPPA to include OHCHR in its conflict-resolution planning, despite the success of the approach in this case.

139 Internal UN document.

140 OHCHR-Nepal was welcomed by the Government of Nepal in part because it was assumed that OHCHR would be "more pro-government" than the human rights adviser embedded in UNDP, who was alleged to have a bias in favor of the Maoist cause. The US ambassador to Nepal wanted the UN human rights adviser at the time dismissed for his "failure to play ball with the Government of Nepal and the US." UN internal document.

141 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2007/612, October 18, 2007, para. 25.

142 UN Doc. S/2007/7, para. 35.

143 Nepal, as one of the foremost troop-contributing countries to UN peacekeeping, was averse to being seen as the recipient rather than the provider of blue helmets.

144 The use of CCTV cameras and alarm systems installed on the containers holding the Maoists' weapons, instead of the "dual lock/key" approach was a key innovation that reassured the Maoists but placed a heavy responsibility on them.

145 This modification was particularly important to the Maoists.

146 The AMMAA envisioned tripartite monitoring. However, according to a senior UN official involved in this process, tripartite monitoring, in practice, was limited to certain areas: "[Nepal Army Chief] Katawal refused to allow joint teams with Maoists to monitor the Nepal Army's sites or obligations, so the Maoists reciprocated by not letting the [Nepal Army] monitor their cantonments. Thus, they were excluded from the heart of the monitoring and could only operate in the villages—useful, but far short of Jan Erik [Wilhelmsen]'s conception and what he had achieved in the Nuba Mountains." Interview, April 2020.

147 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2007/442, July 18, 2007, para. 20.

and deterred most future violations.[148]

Beyond the monitoring of arms and armies, UNMIN's outreach and staffing efforts provided a good example of how to reach and reflect the concerns of dispersed populations in the lead-up to a contentious election. Considering lower levels of literacy, challenges to direct access, and the wide diversity of languages in Nepal, UNMIN's communications team created a biweekly radio program and broadcast it in multiple languages. In addition, staff delivered public service announcements in five languages, deployed UNMIN's leaders to give in-person briefings throughout the country, and charged UNMIN's well-staffed translation unit with ensuring consistency in the translation of key terms for all Nepali-language outputs.[149] UNMIN's leaders also worked to ensure that mission staff reflected the diversity of Nepal, publicly reporting staffing figures for both women and traditionally marginalized groups in each of the secretary-general's reports to the Security Council.[150]

Through each stage of the UN's political engagement, DPA demonstrated its ability to actively and effectively provide good offices without an explicit good offices mandate. In this vein, some UN interviewees contended that one of the UN's greatest contributions throughout this period was its assistance to the parties in keeping the peace process on track through "endless massaging of the actors, especially the Maoists when they threatened to walk away from the process."[151] On the other hand, concerns that UNMIN had overreached its mandate through the exercising of good offices were used to justify what some felt was a premature closure.

Highlighting another best practice, UNMIN and the UN resident and humanitarian coordinator took on the responsibility of raising significant funds to support CPA implementation efforts. Funding for core issues such as the upkeep of cantonment sites, salaries for cantoned combatants, compensation for victims and families of the disappeared, and the discharge and reintegration of minors was channeled through both a nationally managed and a UN-managed trust fund. Moreover, in 2008, the UN Peacebuilding Fund and the World Bank contributed significantly to these efforts, enabling UNMIN and the government to help stabilize what could have been unsustainable conditions in the cantonment sites during the prolonged period of confinement.[152]

Furthermore, UNMIN's collaboration with the wider UN system, especially OHCHR, the resident coordinator, and UNICEF, in order to better deliver on a broader prevention mandate, provided an example of how to sustain prevention programming following a mission's departure.[153] While UNMIN lasted about two and a half years longer than initially anticipated, its departure, as will be touched on in the next section, did not result in a programming cliff or vacuum, despite the "unfinished business" of reintegration and transitional justice. Rather, the mission took a number of steps to help prepare national authorities and the broader UNCT for the transition, such as encouraging the creation of a special committee, as foreseen in the CPA, "to supervise, integrate and rehabilitate Maoist army personnel" and a "high level political mechanism" to rebuild consensus among the key parties, which had eroded since the signing of the CPA. Moreover, the intimate involvement of both the head of the resident coordinator's office and OHCHR in joint programming on social inclusion, more equitable development, and the general fight against impunity for ongoing violations of the rights of vulnerable groups ensured that when first UNMIN and then OHCHR closed in 2011, the joint programming was able to continue.[154]

148 UN Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2010/453, September 2, 2010, para. 32. "It is the view of many that UNMIN contributes to maintaining continued calm and avoiding escalation through its presence and a successful arms monitoring and dispute resolution regime."

149 UN Doc. S/2007/612, paras. 61–63.

150 Ibid., para. 25.

151 Correspondence with former senior UN official, April 2020.

152 United Nations Security Council, *Report of the Secretary-General on the Request of Nepal for United Nations Assistance in Support of Its Peace Process*, UN Doc. S/2008/670, October 24, 2008, paras. 51–52. The Peacebuilding Fund approved $10 million, channelled through the UN Peace Fund for Nepal, and the World Bank approved an emergency peace support operation of $50 million.

153 They benefited from a coordination unit, "in the fashion of an integrated mission," which helped ensure the UNCT's strategic coherence and operational cooperation. For a detailed account of the resident coordinator's role, see: von Einsiedel, "Nepal, 2007–2015."

154 Ibid.

Providing for Continuity through a Mission Transition

In the final phase of UN political engagement, DPA initiated an innovative and effective approach to the mission's transition. Rather than simply handing over operations to the national authorities or the UNCT, DPA reconfigured its activities by establishing a discreet but effective post-mission presence in the form of a political liaison office. Interviewees cited this compromise approach as an effective means for achieving programming continuity during the transition while respecting the government's request for UNMIN to close. Overall, interviewees deemed the LO to be an "innovative and cost-effective" approach that enabled DPA to "sustain access to and influence on political leaders after the withdrawal of UNMIN."[155] It was the "presence on the ground that DPPA does not normally have in countries in which it becomes actively engaged in peace efforts."[156]

In summary, UN political engagement in Nepal broke the mold in a number of key areas, adopting novel approaches to diplomacy, monitoring, confidence-building, security guarantees, analytical support, the integration of human rights, and the post-mission transition strategy. The innovative approaches were not without risk, and they had varying degrees of success. But overall, the case provides a useful example of creative and calculated risk-taking from which later UN missions—such as the mission in Colombia—have benefited.

UN political engagement in Nepal broke the mold in a number of key areas: diplomacy, monitoring, confidence-building, security guarantees, analytical support, the integration of human rights, and the post-mission transition strategy.

Highlighting Challenges

While considering these achievements, it is also important to note that the UN's ability to contribute to peace in Nepal was limited by challenges—challenges that are fairly common across instances of UN political engagement. These challenges included changes in Nepali elites' perceptions of UN political engagement over time, the frequent turnover of national political actors, regional players' comfort level with an enhanced UN role, unrealistic expectations about what a UN mission could and could not achieve, and the struggle of the UN (especially UNMIN and the LO) to maintain impartiality.

Changes in Elite Perceptions of UN Political Engagement

In the 1990s and early 2000s, the UN, as an abstract institution, enjoyed high esteem among Nepal's elite and a fairly close relationship with both the monarchy and the RNA. This positive image of the UN has a longer history. Nepal was one of the first nations to seek to join the international body.[157] It saw UN membership as a way to further cement its independence in the international arena and bolster itself against undue interference from its powerful neighbors.[158] The participation of Nepalis in UN peacekeeping forces emerged as a point of great pride, even among the most fervent of Nepali anti-internationalists.[159] Interviewees also spoke of Nepal's substantial contributions in drafting key General Assembly resolutions, serving on UN committees, and heading UN entities such as UNICEF.[160]

155 Internal UN document.

156 Interview, December 2019.

157 United Nations, *Letter Dated 22 July 1949 from the Director-General, Foreign Affairs, Kathmandu to the Chairman of the Committee on the Admission of New Members*, UN Doc. SC/2/16, August 8, 1949.

158 Interview, Kathmandu and New Delhi, July 2019.

159 Interviews, Kathmandu, June–August 2019.

160 Interview, April 2020. See also the following site for a brief overview of Nepal's contributions. "The Permanent Mission of Nepal to the United Nations," accessed September 24, 2020, available at https://www.un.int/nepal/ .

As the UN took on a more prominent role in the Nepali-led peace process, however, elite perceptions began to shift. A few reasons were offered for this change. One Nepali journalist elucidated this shift in the following way: "The United Nations' value to provide justice to all was much resisted by the ruling elite, who were part of the political inertia [before the 2008 Constituent Assembly elections]. Under Ian Martin, the UN was only doing what he had done earlier with the OHCHR: to bring all groups to the negotiating table. But the traditional powerhouses deeply resented the broader engagement."[161] Another journalist offered a slightly different explanation of this shift, putting more responsibility on the institution than on Nepal's elite:

> After the 2008 elections, a large section of Nepali society and India both began to feel that the UN, which was supposed to tame the Maoists, was beginning to overread its mandate. There was a serious mismatch of expectations. The UN saw itself as neutral and that [it] would play by itself in the game and would not take sides, while others saw that it only suited the Maoists. [Thus] after the [2008] elections, there was a deficit in trust between the non-Maoist political side and the UN group.[162]

In other words, while the UN had a clear mandate to treat the parties impartially, powerful sectors of Nepal's elite saw UNMIN's primary role as to "defang the Maoists."[163] Therefore, many interviewees in the region argued that UNMIN's reputation was critically damaged in the aftermath of the 2008 elections, when a subset of the elite, alarmed by the Maoists' electoral success, became frustrated by UNMIN's insistence on "maintaining impartiality in the face of the [group's] determined effort to undermine the new [Maoist] government from the start of its term."[164] As one former senior UNMIN official characterized the challenge, "Maoists were a signatory to the CPA and other agreements. They were there to participate and enter peaceful politics on equal terms with other parties. They were not there to be "tamed" by UNMIN. [But] when UNMIN stated this clear position, it was deliberately misconstrued as demonstrating the UN's sympathy and support to the Maoists."[165] Relations soured further following the infamous "Katawal incident," in which the Maoists attempted to have the army chief, Rookmangud Katawal, dismissed, and the leaking of a controversial video alleging that a Maoist leader had cheated during the UN-overseen verification process.

A third interviewee offered a more nuanced account, explaining that, before 2008, the elite primarily had links to the monarchy—and the monarchy, in turn, had traditionally represented a single voice in support of the UN. After the dissolution of the monarchy and the Maoist's rise to power, the UN, in a sense, "lost its years of investment in one single institution."[166] In other words, the change in elite perceptions was due, in part, to the fragmentation of power within Nepal and, therefore, the emergence of a multiplicity of elite voices and opinions, some of which came to be critical of the UN's more political endeavors.

> In the 1990s and early 2000s, the UN enjoyed high esteem among Nepal's elite. But as the UN took on a more prominent role in the Nepali-led peace process, elite perceptions began to shift.

Whatever the precise cause—and it is likely a combination of all three—by 2011, the reputation of UNMIN in Nepal had suffered among an influential portion of the traditional political elite. This group had successfully called the mission's impartiality into question. The result was a much more difficult operating environment for the LO, the remaining UNCT, and DPA.

161 Interview, Kathmandu, July 2019.
162 Interview, September 2019.
163 Interview, April 2020.
164 Interview, May 2020.
165 Interview, April 2020.
166 Interview with former journalist covering Nepal, April 2020.

National Political Turnover

Political stability following the signing of the 2006 CPA remained elusive. Between the time of the establishment of UNMIN in 2007 and 2013, for example, there were six prime ministers. As one senior UN official described it, "It is a challenge to push for political accountability and follow through when your interlocutor is changing almost every year!"[167] This turnover was, in large part, a result of the parties departing from their original commitment to remain in a coalition until the completion of the peace process.[168]

Such rapid national political turnover posed a number of challenges, however, both for UN engagement with the Nepali government and for Nepal itself. It thwarted efforts to maintain momentum on the outstanding elements of the peace accord, such as the closing of camps and the reintegration of combatants, as well as the finalization of the constitution. It also frustrated OHCHR's efforts to push for progress on transitional justice and greater ethnic, caste, class, and gender inclusion. UN officials reflected that improvement on these files would have required the sustained engagement of government counterparts invested in a common, long-term vision for Nepali society.[169]

Regional Players' Comfort Level with an Enhanced UN Role

The UN's political engagement in Nepal would not have been possible without at least tacit approval from Nepal's two powerful neighbors. India and, to a lesser extent, China shaped the scale and duration of the UN's political interventions. Neither country actively obstructed the UN and UNMIN's critical enabling role during Nepal's volatile 2005–2008 transition. Rather, India "grudgingly" accepted first OHCHR and then UNMIN.[170] India tolerated UNMIN until it felt the mission began to overstep its initial purpose through its action in the Terai and the subsequent extensions of its mandate.[171] China, in turn, tolerated OHCHR's mission until it felt that it had crossed a line by monitoring the "Free Tibet" protests in Kathmandu in the context of the 2008 Beijing Olympics. But these were exceptional circumstances, and it is unlikely that either country would invite the UN to play a similar political role in the region in the foreseeable future.[172]

Given this unique context, a challenge for the UN in Nepal was the fact that neither India nor China would have condoned a more robust Security Council mandate for UNMIN—something that many UN and regional experts interviewed for this study called for—either from the start or following a potential renegotiation of its mandate. It is equally unlikely that Nepal's powerful neighbors would have allowed the UN to operate politically in Nepal for a sustained period. Thus, evaluations of UNMIN's contribution, in particular, must be considered in the context of what was possible rather than what some have argued would have been ideal, given a broader mandate or a longer tenure.

Managing Expectations

A subset of Nepalis reported that, in one way or another, the UN let them down. It is important to seek to understand this sentiment given that OHCHR's early achievements are widely recognized within Nepal, that UNMIN is often described as one of the UN's more successful missions, and that many in the UN heralded the LO as a model for other missions.[173] The primary source of this sentiment, it appears, is the mismatched or misunderstood expectations

167 Interview, September 2019.

168 According to interviews with senior officials in Kathmandu and New Delhi, this decision was, in many ways, provoked by the Maoist refusal to have G. P. Koirala as president and Prachanda's attempt to fire the chief of the Nepal Army, Katawal. The "Katawal Incident," as it became known, led to Prachanda's decision to withdraw his party from the government. These actions led India, the army, and influential sectors of the political establishment to try to shift the balance of power away from the Maoists, who had been in a position of strength since the signing of the CPA and the 2008 Constituent Assembly elections.

169 A few interviewees tempered this point, however, by arguing that while the governments may have been weak and unstable, the (deep) state has remained strong, held up by the military and a collection of influential individuals with common interests in preserving the status quo. Interviews, Kathmandu, July 2019.

170 Interview, New Delhi, July 2019.

171 According to the International Crisis Group, India had a "genuine fear that a serious international presence, even with a limited mandate, might reduce India's almost unfettered influence on Nepal and dilute its exclusive role in the peace process. This could be a blow not just to India's dignity but also to its scope for intervention." "Nepal's Future: In Whose Hands?" 2009, p. 29.

172 Interviews, New Delhi and Kathmandu, July 2019.

173 Interviews with senior UN officials, June–October 2019.

regarding what UNMIN, in particular, could and could not do.

This sentiment among some Nepalis draws on three distinct narratives. One version is that UNMIN's mandate was too limited to be effective. Proponents of this view emphasize that UNMIN should have been mandated to facilitate the political process or to prevent rather than simply report on violations of the AMMAA.[174] But a review of internal UN correspondence during the formation of UNMIN's initial mandate suggests that a broader mandate would not have been politically feasible, either among the conflict parties or in Delhi. Others contend that UN officials could have better managed the public's expectations if the UN Secretariat had renegotiated UNMIN's mandate to reflect a broader set of duties following the 2008 elections.[175] Others have even suggested that the UN Secretariat should have advocated UNMIN's withdrawal when a broader mandate was not granted.[176] However, those who were present at the time strongly argued for the added value the UN could bring to the peace process and that its absence risked a return to conflict in 2007, 2008, or 2009. But some members of the press, pundits, and influential politicians played a critical role in stoking misinformation about the reasons and interests behind the mandate extensions.

The second narrative, in direct contrast to the first, holds that the UN (namely UNMIN and OHCHR) let a key sector of Nepali society down by leaving before the job was done. In the process, the UN "abandoned" stakeholders that were relying on it to make their voices and their platforms heard. This is primarily the viewpoint of the range of marginalized groups that found their voices amplified and their political space expanded during the period of the UN's political engagement. Ironically, one of the reasons for UNMIN and OHCHR's early departure was the Nepali establishment's discomfort with UN efforts to back the enfranchisement of these very same groups. Thus, it is not clear how UNMIN and OHCHR might have better balanced these conflicting expectations other than by collaborating with the UN system's broader efforts to foster inclusivity and address the root causes of the conflict. This approach, described in an earlier study, went some way toward easing the transition resulting from the mission's departure, even if its results received less media attention.[177]

Some reviews of UN activities in Nepal recommend that UNMIN could have better communicated its limited role in order to help set expectations. But this view is directly contradicted by the experiences of this second group. Unlike those in Kathmandu, these constituencies reported that the ambiguity around the reach of UNMIN's mandate actually benefitted the UN's confidence-building efforts and violence-prevention initiatives in remote areas of the country. While the sight of UNMIN's white jeeps and blue badges may have caused frustration and, to an extent, embarrassment among certain segments of the Kathmandu elite, those same international symbols were reported as having made ethnic minorities, women, and other more vulnerable groups living far beyond the Kathmandu Valley feel better protected from violence and repression by the state, Maoists, or ethnicity-based groups.[178]

The third version of the narrative is expressed by Nepal's traditional elites, described in the previous section. In brief, their frustrations center on the idea that UNMIN, OHCHR, and the LO all overstepped their mandates by venturing into the "social engineering" of Nepali society, both through the promotion of the inclusion of women and ethnic minorities in the peace process and Constituent Assembly elections and through their hiring practices rooted in considerations of diversity.[179] When questioned about this critique,

174 Interviews, July–August 2019.

175 Interview, August 2019. The UN did in fact renegotiate, or rather clarify, its good offices role with the government in July 2008, but a further renegotiation of the mandate was not politically feasible for the same reasons spelled out above.

176 Interviews, August and December 2019.

177 Einsiedel and Salih, "Conflict Prevention."

178 Interviews, remote districts of Nepal, July–September 2019. Ian Martin provides the following description of this tension: "[UNMIN] was the most visible foreign presence Nepal had seen. The visibility was in part desired to have an impact on the pre-election context, just as OHCHR-Nepal's arrival in 2005 had a psychological reach beyond its actual resources. Yet it also exposed UNMIN to resentment at the inevitable white vehicles, and to appearing toothless when unable to enforce compliance with agreements, even when they were outside its mandate." Ian Martin, "The United Nations and Support to Nepal's Peace Process."

179 One of the most stinging critiques was penned by a former UNMIN employee, Yubaraj Ghimire. See: Yubaraj Ghimire, "Nepal Government Closes Down UN-DPA Office With Immediate Effect," *The Indian Express*, June 11, 2008.

senior UN officials across the board (from OHCHR, to UNMIN, and from the LO to DPA) were unapologetic, defending UN principles as the basis for the organization's added value and, in some cases, as squarely within their government-requested mandate.[180] While the UN's actions in this sphere may not have met the expectations of some of Nepal's traditional powerbrokers, they still elicit strong praise from representatives and allies of marginalized groups within Nepal, as described above.

Maintaining Impartiality amid Difference

Through the sixteen years covered in this study, the UN Secretariat and its representatives on the ground were faced with the constant challenge of maintaining impartiality—as well as the perception of impartiality—while engaging with unequal parties. Interviewees differed, however, in their assessments of whether impartiality meant treating different actors equally or treating them according to their differences. In the last two stages of the UN's political involvement in Nepal, UNMIN, OHCHR, and the LO each struggled with accusations of bias. This criticism contrasted sharply with the public and conflict parties' initial demands that the UN play a role in the peace process precisely because of its perceived impartiality.

The Maoists were a signatory to the CPA and other agreements and were there to participate and enter peaceful politics on equal terms with other parties. The choice of the term "armies" in the agreement is striking in this case, as it implies a certain equivalence between the Maoist combatants and the state's army, thereby conferring the Maoists with a degree of legitimacy. From the Nepal Army's perspective, this perceived sense of equivalence was the root of the problem. One retired general blamed UNMIN for, in his view, adhering to this original, textual conflation: "[UNMIN] treated the [Nepal Army] and the Maoist fighting force as equals. But it was not so: the Maoist combatants had to be merged into the national army, which had national and international commitments that needed to be fulfilled."[181]

Staff in UNMIN and at UN headquarters defended their equal treatment of the "arms and armies" on the grounds that they were simply following the terms the parties themselves had defined and enshrined in a joint agreement—an agreement that spoke of the "integration of two armies." Moreover, the parties had been equals in the context of the CPA negotiations—both feeling themselves to have come to the table as victors.[182] Some interviewees argued that it was precisely because of the equivalent treatment, in the context of the negotiations, that the Maoist leadership felt comfortable negotiating in the first place and, subsequently, abiding by the terms of the UN-monitored agreement. If the Maoist leaders had felt themselves to be treated differently than the Nepal Army, on grounds contrary to those outlined in their joint agreement, it is far more likely that the Maoists would have withdrawn from the agreement and returned to the battlefield.

Yet once the Maoists were part of the government and elected to lead, they "could no longer be considered 'underdogs,'" as one former senior Nepali official phrased it.[183] Accordingly, some senior government officials interviewed felt that the officials leading the UN's political engagement in Nepal may not have sufficiently readjusted their relations and strategies vis-à-vis the conflict parties in a way that would best reassure the general public and the traditional elite of their continued impartiality.[184]

This challenge of maintaining impartiality amid difference is not unique to the UN's work in Nepal or to the UN in general. Other international actors

180 For example, consider the comments of one former UNMIN senior staffer: "[Inclusive hiring] is what I'm most proud of. When we set up UNMIN we were determined to include national staff, from all categories, both genders, etc., and we really did make an excellent effort. It's had an extremely positive effect on the UN.… Our recruitment was really significant in terms of people going on into other positions in Nepal. But the people who were accustomed to being called on [for] these jobs didn't like it. This was perceived as discrimination against them." Interview, New York, July 2019.

181 Interview, July 2019.

182 Interview, July 2019.

183 According to a former Nepali journalist, "UNMIN was still treating the Maoists like underdogs, while the rest of Nepal [and India] had come to see them as power-hungry and in need of being reign[ed] in." Kathmandu, July 2019.

184 Interview, Kathmandu, September 2019.

serving in facilitative roles have often struggled with how best to balance the equivalent treatment necessary for talks or embedded in peace agreements with real differences between parties outside the negotiation room.[185] As a result, it is not immediately clear what the UN could have done differently, in this case, to avoid such criticisms.

Summarizing Lessons Learned

Taking the story of the UN's sixteen years of political engagement in Nepal, its innovative practices, and the challenging environment into consideration, what lessons can be drawn? Broadly, this paper offers eight lessons aimed at informing DPPA's work as it seeks to continue to contribute to conflict resolution and sustaining peace in South Asia and beyond:

1. **Foster Relationships with Key Conflict Parties Before There Is a Need for an Active UN Role**

Trust is not built swiftly. But trust was essential to the UN's ability to contribute to Nepal's peace process at key moments. For example, DPA had the foresight to deploy an envoy more than three years before the UN was asked to play a formal role in the process. While DPA did not have a permanent presence on the ground, regular visits provided a crucial opportunity for fostering relationships with key conflict parties. Furthermore, by choosing Tamrat Samuel—an official who had played a discreet but critical role in Timor-Leste in the past—the UN was well represented at an early stage in the process. The choice of a more mid-level envoy was also important, allowing DPA to operate under the radar during the first phase of its engagement. In addition, Samuel's willingness to take risks, such as opening up direct channels with the Maoists, eventually gained recognition within the UN system for having established a political role for the UN in the country.[186]

Each subsequent relationship built on the success of the previous one: Samuel's interactions with the parties helped smooth the way for the establishment of the OHCHR mission. Martin's initial role as the head of the OHCHR monitoring mission helped pave the way for UNMIN's initial acceptance. Martin's existing reputation and relationship with a broad sector of Nepalis reassured individuals who may otherwise have been more reluctant to countenance a foreign monitoring role.[187] At later stages, this interpersonal trust-building was also evident between the UN military adviser, Jan Erik Wilhelmsen, and the commanders of the parties involved in the Joint Monitoring Coordination Committee and between the second head of UNMIN, Karin Landgren, and the parties involved in securing the successful release of underaged combatants and the establishment of the LO.[188]

The efforts of Samuel, Martin, Landgren, and the LO would have been far more challenging if they had been engaging only from headquarters. This case helps demonstrate why DPPA cannot easily provide good offices or even quality analysis from the distance of New York, relying only on periodic visits. As one interviewee put it, "There was an expectation on the ground that if the UN was serious [about engaging politically in Nepal], it needed to be there."[189] Some now argue that this is why, with limited political and financial capacity to open offices in-country, DPPA needs to continue to make the argument for opening more regional offices as staging posts for political engagement, including in South Asia.

2. **Explore Indirect Means for Keeping Regional Players Positively Engaged**

The UN's political involvement in Nepal would not

185 Consider, for example, the challenges faced by Norway in striking this balance in Colombia: "Members of the Colombian government expressed their unhappiness with the fact that their delegation was received [by Norway] on exactly the same terms as the FARC-EP, given that many had long-standing visas or even international passports. What to some seemed to be an effort by Norway to be egalitarian in its treatment of both parties resulted in the Colombian government being reaffirmed in its conviction that using an international mediator was not to its advantage." Renata Segura and Delphine Mechoulan, "Made in Havana: How Colombia and the FARC Decided to End the War," International Peace Institute, 2017, p. 12.

186 One interviewee referred to Samuel as "the type of international civil servant the system should breed." Interview, September 2019.

187 Many interviewees cited Martin's "willingness to sit for hours in a folded metal chair listening to grievances," ensuring the speakers would know that the UN had heard them. Interviews, Kathmandu, July 2019.

188 One interviewee described Wilhelmsen as "professional" and someone with whom "the Nepal Army had good relations." Interview, July 2019.

189 Interview, December 2020.

have been possible without the openness of key regional actors, especially India. In this case, there was a rare alignment of regional and great-power support for an impartial third-party presence by the time of the twelve-point agreement—a role that they eventually judged would best be filled by the UN. Efforts to keep India onside, however, required constant engagement by Samuel, Martin, Landgren, and UN headquarters. Even then, the UN alone was unable to gain India's confidence regarding its intentions and potential impact. Rather, UN engagement in the peace process depended on the willingness of Nepali leaders to vouchsafe for the UN's intent and its potential value. This dynamic was most clearly demonstrated in 2005 and 2006, when Nepali Prime Minister G. P. Koirala—a unifying figure in Nepali politics—advocated for a UN role directly with senior members of the Indian government in New Delhi.

In later years, when Nepal's leaders were less willing to intervene with India on UNMIN, OHCHR, and the LO's behalf, a continued political presence became untenable. The lesson is both that regional players matter and that they can be influenced indirectly.

The UN's political involvement in Nepal would not have been possible without the openness of key regional actors, especially India.

3. **Maintain High-Quality, Fast, Actionable, and Representative Conflict Information**

It is well recognized that having high-quality, actionable information is crucial. The Nepal case demonstrates the importance of ensuring that this information includes multiple local viewpoints. At each stage of its political involvement in Nepal, senior UN officials benefited from fast, actionable, and representative information. There is extensive evidence that UN headquarters, especially DPA and the Executive Office of the Secretary-General, relied on this analysis to take key decisions. Senior officials cited the quality of information and analysis available to them at each stage as invaluable for navigating the quickly shifting political dynamics in Nepal.

During the period of quiet good offices, both the human rights officer embedded in UNDP and DPA's envoy provided critical reporting to UN headquarters on the swiftly changing political dynamics on the ground. The OHCHR mission benefitted from both representative national staffing and from its in-country, decentralized presence. Moreover, UNMIN could draw not only on its political affairs section, which boasted skillful international and national analysts, but also from a large civil affairs component. Civil affairs officers acted as "the eyes and ears" of the mission in remote parts of Nepal. Their analysis and reporting helped ensure that UN staff in Kathmandu and New York understood the diversity of reactions to developments in the peace process and new government policies.

In the final phase of DPA's political involvement, the political liaison office, despite its tiny size, continued to provide both the resident coordinator and DPA with invaluable information regarding developments in Nepal. This was possible, in part, due to the continuity of staff between UNMIN and the LO and the trust they had built with key parties over the years. It was also due to the high percentage of national staff within the office.[190] The latter were indispensable for following domestic developments, even as various doors for further UN political engagement in Nepal began to close.

While this information allowed the UN—both at headquarters and on the ground—to engage more effectively, there is also evidence that it contributed, in the later years, to some senior UN officials operating in an echo chamber. Several onlookers in Nepal at the time described an environment in which key UNMIN, OHCHR, and LO officials began to meet increasingly with those who would confirm their existing positions rather than with those who were becoming more critical of the UN's involvement in the peace process. As a result, they argued, UNMIN, the LO, and even DPA may have been caught more off guard by government reactions to UN political engagement than in the earlier phases of their involvement. A key lesson here is to keep multiple viewpoints

190 This percentage ranged from approximately 80 to 100 percent over the course of the office's tenure.

reflected in analysis while not becoming overcommitted to a single or small number of sources.

4. **Design Political Engagement According to the Context**

DPA's early diplomatic approach, OHCHR's mission, UNMIN, and the LO are all examples of political engagement tailored to a specific context rather than based on existing templates. It was not a foregone conclusion that the Secretariat and the Security Council would accede to the parties' requests for unarmed, out-of-uniform, civilian or retired military monitors in the presence of two heavily armed contingents. It was also not certain that the UN would agree to such a short and narrow mandate, given the volatility of the situation in 2006. The innovative mission design, developed to suit the particular context and the needs of the parties in Nepal, helped convince the more skeptical parties at UN headquarters to accept the request to engage. Moreover, the particular approach used in Nepal has since served as a model for the UN monitoring role requested by the parties in Colombia. In sum, by tailoring missions to the context, DPPA can increase the likelihood both of local acceptance and of their eventual effectiveness.

5. **Manage a Mission's Footprint (Perceived or Real) to Maximize Leverage**

A UN mission's visibility is both a liability and an asset. In the earliest phase of the UN's political engagement in Nepal, discretion and near invisibility were key to the success of its political endeavors. In contrast, OHCHR's visibility was its strength. Logos, cars, vests, and flags all served to reassure protesters and warn security forces that the international community was present and active. UNMIN's legacy is more mixed. By UN standards, it was a narrow mission of fairly limited duration. It boasted only 1,000 staff at its peak, in a country of 27 million people. It relied on fewer than 186 unarmed and ununiformed staff to monitor over 100,000 combatants. And UNMIN's price tag was dwarfed by that of contemporary UN field operations.[191] But even such a small mission was the "most visible foreign presence" in Nepal and thus left a larger footprint than its designers and managers ever anticipated.[192]

From the perspective of many of those living in Kathmandu, the mission's existence felt, at times, overwhelming. A number of individuals interviewed in the capital spoke of the conspicuous, "large white jeeps stuck in the city's bicycle, motorcycle, and small vehicle traffic," the foreigners "eating at expensive restaurants," or the UN officials "congregating in lavish hotel lobbies."[193] In the eyes of Kathmandu's traditional elite, these manifestations of the UN presence seemed to begin as curiosities, shift to annoyances, and, particularly following the 2008 elections, end up as provocations. Moreover, UNMIN's omnipresence in Kathmandu contrasted with descriptions of its limited mandate and raised expectations among the broader population about UNMIN's ability to manage the continuing unrest.

Reactions to UNMIN's presence in remote regions such as Rukum and Rolpa were quite different. Here, criticism centered not on the UN's visibility and overreach but on its absence. Remote regions were accustomed to being neglected by Kathmandu-based NGOs, the diplomatic community, and the UN during the height of the conflict.[194] But first OHCHR and then UNMIN and the UNCT made concerted efforts to reach out to and work directly with communities beyond the Kathmandu Valley.[195] The UN's dispersed presence, as noted earlier, reassured such communities that their rights were being looked after and that they had additional channels for making their voices heard in Kathmandu. Visibility served as an important deterrent, especially in the months preceding the Constituent Assembly elections. Yet when first UNMIN and then OHCHR closed their regional offices and,

191 Ian Martin, "All Peace Operations Are Political."

192 Ian Martin, "The United Nations and Support to Nepal's Peace Process."

193 Interviews, Kathmandu and New Delhi, July 2019.

194 Einsiedel and Salih, "Conflict Prevention." Former Resident Coordinator Robert Piper noted that "prior to OHCHR and UNMIN's arrival there was no international staff working for UN entities in Nepal stationed outside of Kathmandu." "What I Learned from Nepal and the Sahel," UN Sustainable Development Group, October 13, 2015.

195 For a detailed account of the UNCT's efforts, particular under Robert Piper, see: Einsiedel, "Nepal, 2007–2015."

ultimately, left the country well before key elements of the CPA were resolved, their sudden disappearance caused a rift between certain remote communities and the elements of the UN that remained.

Given these contrasting experiences, more thought could be put into minimizing a mission's footprint in urban centers while increasing its visibility in areas less likely to receive protection or services from the state or civil society networks.[196] The UN Mission in Colombia, for example, offers a helpful illustration of this approach. In other words, future UN missions should seek to actively manage their footprint in a way that maximizes their leverage. This strategy, of course, would need to be coordinated with the UNCT so that any gaps in service provision—whether perceived or real—can be better managed when the mission eventually departs.

More thought could be put into minimizing a mission's footprint in urban centers while increasing its visibility in areas less likely to receive protection or services from the state or civil society networks.

6. **Implement a Communications Strategy to Help Set and Manage Expectations Regarding What a UN Mission Can and Cannot Do**

A dedicated communications strategy can help set and manage expectations. In the case of UNMIN, the communications team had a particularly challenging task; Nepal is a country of more than 30 million people, the majority of whom are dispersed across remote, mountainous regions. Its many ethnic groups speak over one hundred languages, and many have limited access to news sources out of Kathmandu.[197] Despite these challenges, three factors helped UNMIN to communicate its mandate and activities effectively. First, UNMIN benefited from staff continuity. Kieran Dwyer served as Ian Martin's head of communications at both OHCHR and UNMIN, allowing for a deeper and sustained understanding of the national dynamics at play. Second, UNMIN committed to translating all official documents into a number of local languages to ensure its messaging reached a wider portion of Nepali society. Third, widespread community outreach through civil affairs officers, national staff, and a radio program allowed for a degree of human contact with remote communities that was unprecedented in earlier UN programming in Nepal. Overall, significant efforts were made to tailor UNMIN's messages to the diverse audiences at hand.[198]

At the same time, misinformation was pervasive, making it difficult at times to parse fact from fiction. One interviewee quipped that "fake news" was invented in Nepal, when characterizing the press's coverage of UNMIN's role following the 2008 elections and subsequent incidents.[199] Another former senior official reflected, "We could not have responded to each (frequently false) line of criticism, but we should have done more."[200] A 2009 International Crisis Group report observed that while UNMIN was an easy "scapegoat" and suffered "half-hearted diplomatic and political support," it also "should have developed better strategies to deal with public criticism."[201]

UNMIN's communication challenges reflect a broader challenge that UN field missions were facing at the time—one decade after the Brahimi Report and the ensuing reforms. In 2010, just prior to UNMIN's closure, Alain Le Roy, at the time the under-secretary-general for peacekeeping operations, offered the same public reflections on a path forward, urging missions across the board "to improve how we manage consent issues and how we address and respond to public perceptions of

196 One simple step to reduce a mission's footprint could be the provision of saloon cars instead of four-by-fours for staff in urban centers.

197 As noted in a report on UNMIN, conducted in its final year, "The number and physicality of isolated communities [in Nepal] and the fact that the most conflict-affected areas were also the most information poor" made a communications strategy particularly difficult to implement. Whitfield, "Focused Mission: Not So Limited Duration."

198 Ibid.

199 Interview, August 2019.

200 Interview, August 2019.

201 International Crisis Group, "Nepal's Future: In Whose Hands?" p. 29.

peacekeeping's role and impact on the ground… in order to prevent creating expectations that cannot be met." He called on missions "to become better at communicating both with the authorities and the population of our host countries what peacekeeping can and cannot do."[202]

Future missions should seek to craft a single, simple message that can be shared with all parties to reduce the risk of confusion and mistrust. But such an approach should not negate mapping out all government, military, development, diplomatic, and civil society actors and acknowledging the different communication channels needed to reach them. In this vein, one of the strategies recommended by the International Crisis Group at the time was to "better leverage the public support of Kathmandu-based diplomats and donors, many of whom initially found their UNMIN counterparts uncommunicative."[203] Most importantly, as was ably demonstrated in this case, missions can play an essential role in communicating the UN's values. Even if this is not well received in some sectors, these values are what make the UN distinct and set it apart from more technically oriented international bodies.

7. Human Rights Monitoring Can Lay the Groundwork for Conflict Resolution

It is uncommon for a UN peace operation to be preceded by a human rights monitoring presence. Nepal, El Salvador, and Guatemala are a few of the cases where the UN has taken this approach. The scarcity of examples is due, in part, to the political barriers to entry for such a presence, as OHCHR relies on the financial and political support of donors to launch such a mission.[204] Yet OHCHR's mission in Nepal is broadly understood to have helped pave the way for a negotiated solution by drawing the attention of the international community to the way in which the conflict was being fought, signaling to the conflict parties that their behavior could have consequences, and, thereby, further constraining the parties' ability to seek victory on the battlefield. Moreover, the monitoring built confidence between the parties, increasing their willingness to pursue a negotiated settlement. OHCHR is uniquely placed to play such a monitoring role in countries without a peacekeeping or special political mission. The UN should consider further integrating human rights monitoring into pre-mission planning or even exploratory planning for possible mediation support.

It is important to note, however, that such an approach is not always an option. For example, while OHCHR's overtures may have contributed to conflict-resolution efforts in Nepal, Sri Lanka presents an interesting counterpoint. High Commissioner for Human Rights Louise Arbour also pushed for a comprehensive OHCHR monitoring mandate in Sri Lanka, but the government in Colombo refused. According to one regional expert, it feared that international witnesses might constrain its plans to achieve a decisive military victory against the Liberation Tigers of Tamil Eelam.[205] In contrast, Nepal watchers suggest that OHCHR's proposal was successful in Nepal because there was greater will on the part of the conflict parties to bring the conflict to an end through talks, as both felt unable to do so on the battlefield; in other words, they had reached a mutually hurting stalemate.[206] Another striking difference between these two cases is their geography; whereas Sri Lanka is an island with no land border with India, Nepal has an open border with India, and instability in the former could more easily spill into the latter. As a result, India may have been more willing to tolerate a monitoring presence in Nepal, so long as the presence helped ensure that the simmering conflict did not boil over its borders.[207]

In sum, an OHCHR office may be the appropriate

202 Statement to the 4th Committee, October 22, 2010.

203 For example, the same International Crisis Group report observed that "UNMIN's own public relations effort in Nepal did not effectively address criticisms of substance or working methods. It could have done more to leverage the public support of Kathmandu-based diplomats and donors, many of whom initially found their UNMIN counterparts uncommunicative—not to mention upsetting some development officials by making the pretence of business as usual even less sustainable." "Nepal's Future: In Whose Hands?" p. 29.

204 In the case of Nepal, support from the Swiss and Danish governments was instrumental to the establishment and the success of the OHCHR mission. Internal UN documents.

205 Interview, August 2019.

206 Interviews, Kathmandu, July 2019.

207 Interview with former Indian government official, July 2019.

initial presence for a mission when the conflict parties have reached a mutually hurting stalemate but are not yet ready to engage in a peace process. The mission, however, must have the support of all parties. Under these conditions, a human rights monitoring presence can reduce the risk of escalation, foster a climate of accountability, and build trust between the parties.

8. **Be Willing to Make Unpopular Decisions If They Are the Right Decisions for Sustaining the Peace**

In his first report on the situation in Nepal, which formed the basis for the introduction of UNMIN, the secretary-general warned that "if Nepal fails to meaningfully include traditionally marginalized groups in the peace process and in the election, the country will… leave some of the key underlying causes of the conflict unaddressed."[208] He concluded that, if unaddressed, the conflict was more than likely to reemerge. Looking back to the period of this study, 2002–2018, how well did the UN heed this warning? To what extent did its interventions over this period seek not simply to silence the guns but also to build a sustainable peace?

> Future missions should seek to craft a single, simple message that can be shared with all parties to reduce the risk of confusion and mistrust.

There are a few lessons one can draw from this case in terms of linking political activities aimed at conflict resolution in the short term with longer-term efforts to sustain the peace. First, the UN continuously considered not only the immediate effects of the conflict but also its root causes—political and economic exclusion. OHCHR and the resident coordinator's office, in particular, shifted their programming to address broader structural exclusion.

Second, the relatively high proportion of national staff in UNMIN, OHCHR, and the LO made the UN more effective and enhanced its reputation. The UN's broad-based hiring policies for national staff gave opportunities to women and members of marginalized groups that have since opened further doors for these same individuals in Nepal and elsewhere. This approach also provided a significant contingent of Nepali elites with the experience of working in a mixed-ethnic and mixed-gender environment. This led to alliances and familiarity across groups that otherwise would have been difficult to foster.

Third, the proactive use of good offices, even in the absence of an explicit good offices mandate, though risky, helped to build a more inclusive peace process and ensure the Maoists' participation throughout. At key moments, these behind-the-scenes efforts helped to keep the peace process on track. While disagreements, deadlock, and power shifts have continued, they have, until present, been dealt with through the political process rather than the use of force.

But there were also a few missed opportunities for linking the UN's work to longer-term issues, especially justice, democratization of the army, and perhaps even the UN's regional engagement. Understanding these lacunae, however, requires understanding that once the UN, having been brought in to address an emergency, begins to address longer-term issues, it is working on borrowed time; the very fact that UN staff are working on sustaining the peace may, in turn, limit their political presence. Key stakeholders across the board felt that, whether for UNMIN, OHCHR, or the LO, this trade-off was well worth it.

Others, however, argued that these efforts did not go far enough. A former senior UN official in Nepal summed up this delicate balance between planning for the future and managing immediate crises: "It is imperative that the important does not get crowded out by the urgent. Someone needs to keep their eye firmly on the structural issues that are generating so much fragility and suffering."[209] Otherwise, these are likely to be the source of the next conflict.

208 UN Doc. S/2007/7.

209 Piper, "What I Learned from Nepal and the Sahel."

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