

Annex I Coordination in practice, an analysis of three milestones

I.1 Milestone I: 2008 CA Elections

Article 3.2 of the CPA committed the parties to hold elections to form the constituent assembly by June 15 2006. Development partner support for the electoral process began long before the CPA with support for the capacity building of the Election Commission. Development partners had also advocated for independent figures to be appointed to the commission. A former Danida employee was appointed as Chief Election Commissioner on 30 October 2005.

Late 2006: The electoral commission starts work

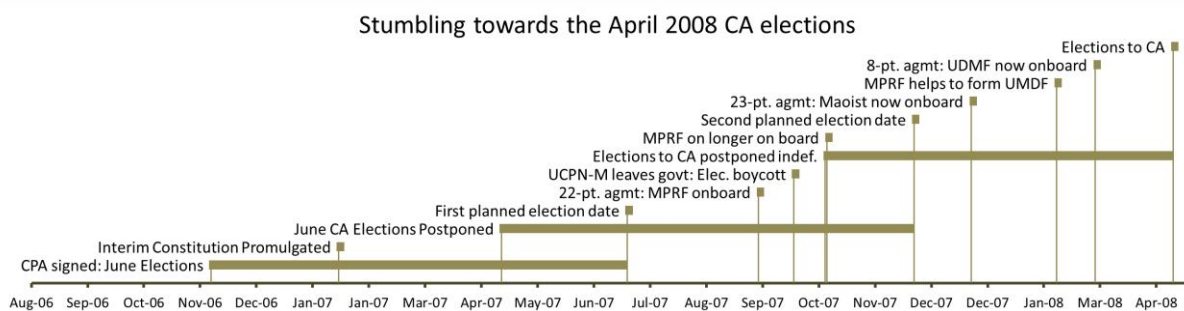
After the signing of the CPA, the Election Commission set to work and immediately sought development partner assistance to build up the capacity of the commission for the registration exercise. There was no specific development partner coordination about who was going to support which element, but different development partners contributed in sometimes complementary ways. For example, Danida provided computers for registration, and USAID provided printers. Some partners, such as Danida, supported the Election Commission bilaterally, while other such as Switzerland and Finland did so through the NPTF.

April 2007: The first postponement

Questions were already being raised in December 2006 about the election date (ICG, 2006, p. 1). The first hiccup on the road to the elections began in mid-January with violent protests in the Terai over claims that the interim constitution did not address the marginalisation of Madheshis. In March the Chief Election Commissioner flagged up logistics and technical problems with the planned June elections, including the lack of several pieces of key legislation. The Elections were postponed to November, as the monsoon season from July to October places severe constraints on access to remote locations. Development partners raised no particular concerns over this postponement, and most commentary focused on the need to resolve the Terai issue before elections could be held.

The Terai protests continued for several months and led to a series of talks with the government culminating in the 22-point agreement of August 2007 with the Madheshi People’s Right Forum (MPRF) (Government of Nepal and MPRF, 2007).

Table 1: The timetable for the first June 2008 CA elections



Sources: (IRIN, 2012b), UNMIN and media reports.

October 2007: The second postponement

However the first postponement led to problems elsewhere. The Maoists had threatened to launch a popular protest to remove the monarchy if the elections are not held on time, and UML had threatened to walk out of the Government. Soon after, the fifth plenum of the UCPN-M produced an 18-point charter of proposals demanding that Nepal be declared a republic by the interim parliament and that the CA poll be by proportional representation.

The Maoist leadership proposed postponing November elections to April 2008 but this was rejected by the other two government parties. By mid-September the four Maoist ministers withdrew from the government and announced that the party would not submit candidates for the election. This was accompanied by popular protest organised by the Maoists. On October 5th the Government yielded and postponed the planned November elections indefinitely.

The Maoists were eventually brought on board by the 23-point agreement of December 2007 (Seven Party Alliance, 2007). This increased the number of seats to be filled by PR from 240 to 335 and established that Nepal would become a Republic once the CA met to ratify the decision.

While this agreement brought the Maoists back on board, Madhesi groups continued to complain that their 22-point agreement had not been implemented. The three leading Madhesi parties formed the United Democratic Madhesi Front (UDMF) and threatened to disrupt the elections unless concessions were made. The Terai was again racked by protest, but an agreement of 28 February 2008 (Government of Nepal and UDMF, 2008) between the Government and the UMDP broke the deadlock. This agreement increased the CA quota for Madheshis and guaranteeing them access to the Army etc.

October 2007: Development partner advocacy around the second postponement

This second postponement was the subject of significant advocacy by development partners. However, interviewees noted that the second postponement split development partners, with some development partners (such as India, the US, and China) pushing for holding elections as scheduled, and others emphasising that it was better to wait until all parties were on-board before holding elections. Part of the difference between the development partners stemmed from the differing position of elections in their Theories of Changes. For some, elections were an end in themselves, for others, they were only another element in a broader peace-building fabric.

However, one common advocacy message from all the development partners was on the need to move forward by engagement and negotiation. Development partners continued to press this message home to the parties.

Voter education and election monitoring

During all of this period development partners had been supporting voter education. However, this education was not coordinated between the development partners, but each partner did their own thing. Typically they worked with their traditional partners. One interviewee noted that, at the time, there was no “who’s doing what and where” database as such now exists at the RCHCO to facilitate such coordination. The Carter Center noted that “*Some NGOs engaged in civic and voter education in particular suffered from a lack of coordination and oversight.*” (Carter Center, 2009, p. 35).

Similarly, interviewees confirmed that individual donors took individual decisions over their support for election monitors. However, there was better coordination here, in part through the coordinating efforts of UNDP and UNMIN. The Carter Centre review noted the lack of coordination by observer groups was a problem (Bartulac-Blanc, 2008b, p. 5). The Election Commission took the view that any attempt by the commission to coordinate observation might be seen as infringing on the independence of observers.

Coordination between the three largest international observer groups¹ took place by agreeing to monitor different constituencies where they found more than one group in a district (ANFREL, 2008). However, while this prevented duplication, it did not address gaps and as a result, some ten districts were not covered by the big three (ANFREL, 2008, p. 133). The EU mission also highlighted the lack of coordination of national observer missions (EU EOM, 2008, p. 33).

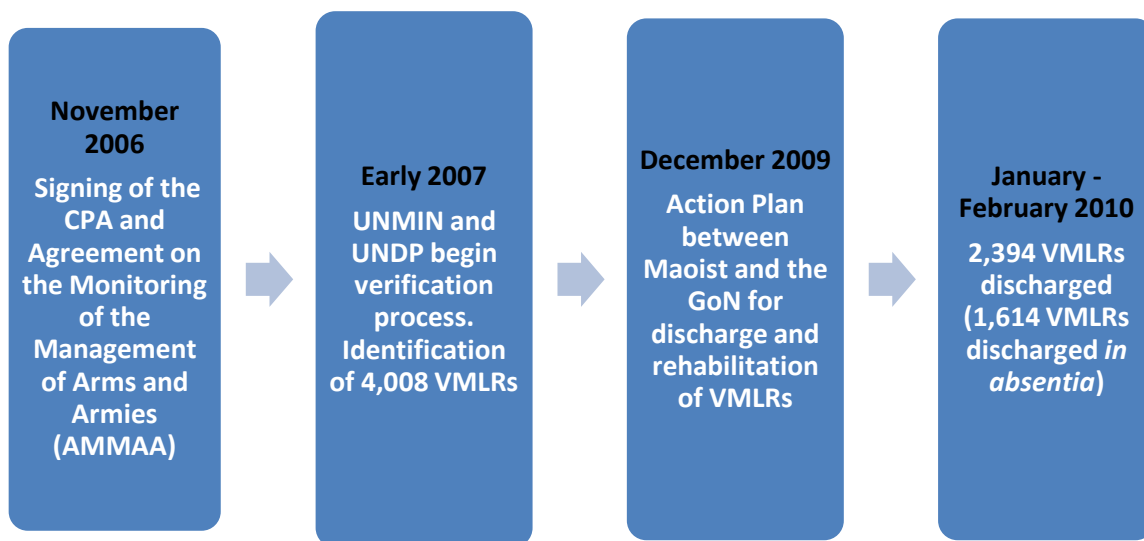
In the end, the elections were a success. This was in part due to the support provided by development partners. However, development partners did not make any great effort to coordinate their efforts, either in support to the Election Commission, in voter education or in election observation. The lack of coordination for assistance to the Election Commission was resolved by the Commission itself, and the lack of prior coordination for international observers was resolved in part by the procedures adopted by the observers.

Development partner advocacy was limited to broader advocacy on the need for engagement and negotiation. Where there was specific advocacy on, for example, the postponement of the elections, the development partners held different views and did not speak with one voice. The negotiations between the parties that eventually allowed the elections to go ahead were negotiations between national political stakeholders, and there was little space for donor advocacy on the horse-trading that delivered the results. The results were not always in accordance with international norms.²

I.2 Milestone II: Release of VMLRs

The main events in the timeline of the VMLRs release are presented in Figure 1, and discussed below.

Figure 1: *Timeline of main events in VMLRs release*



2006: Agreement on the Monitoring of the Management of Arms and Armies

The Agreement on the Monitoring of the Management of Arms and Armies (AMMAA) in November 2006 established VMLRs as a distinct group from other Maoist ex-combatants. Minors were defined as child soldiers because they were under the age of 18 when the ceasefire agreement was signed in May

¹ The European Union Election Observation Mission, the Asian Network for Free Elections mission and the Carter Center's mission.

² For example agreements sometimes feature the requirements that all cases filed against leaders and cadres be withdrawn ((Government of Nepal and UDMF, 2008 Article 7) or that all charges be annulled (Government of Nepal and MPRF, 2007 Article 3). This is regardless of whether the offence is essentially political or was a serious human rights violation.

2006, and thus were recruited into the Maoist army contrary to international law. Late recruits were defined as those who joined the Maoist army after the ceasefire was signed. The clauses relating to VMLRs in the AMMAA were agreed to by the Government, political parties and Maoists. Denmark, Switzerland and Finland did not play a role individually or collectively regarding these provisions.

2007: The verification Process

UNMIN and the UNDP led the verification process of the VMLRs beginning in 2007. This was described by the UN as “*a complex task particularly given that few of those eventually deemed a VMLR offered this information willingly.*”³ Final approval of the verification list was provided by the Joint Monitoring and Coordination Committee made up by the Nepal Army and the Maoist army under the chairmanship of UNMIN. Of the 19,602 total of ex-combatants, 2,973 were identified as minors and 1,035 were late recruits. This was a total of 4,008 VMLRs.

The Swiss and Danish development partners did not take part in any activities or direct discussions relating to the verification process. It was felt that the UN had sufficient in-country resources and expertise to manage this process with the key national stakeholders.

2009: Action Plan between Maoist and GoN for discharge and rehabilitation of VMLRs

The cantonment of the VMLRs was longer than intended and it was observed that the Maoists tried to closely control this process and only allowed the UN very limited access to the minors in the cantonments.⁴ Unlike the other donors, GIZ was very active in the cantonments and therefore had access to the VMLRS. However, after what the UN described as “several years of unsuccessful advocacy” a discharge plan was signed in mid-December 2009 between the Maoists and GoN.⁵

It was felt by one of the development partners that there was much less coordination between the donors on the issue of VMLRs than in regard to the larger groups of ex-combatants.⁶ However, it was also felt that despite some frustrations, the UN had enough expertise and resources to do what it needed to do.⁷

January-February 2010: Release of VMLRs

During this time, 2,394 VMLRs were formally discharged and 1,614 VMLRs were discharged *in absentia*. The rehabilitation and support for VMLRS to return to civilian life was led by the UN Interagency Rehabilitation Programme (UNIRP). VMLRs were offered one of four rehabilitation choices: (1) vocational skills training; (2) training and start-up capital for a micro-enterprise; (3) education; or (4) health-sector training. In addition, the VMLRS received a monthly cash stipend while in training. Beyond the financial ceiling set by the Government, rehabilitation services were complemented by counselling services, health and psychosocial support, job placement support and life-skills training.

The UN Resident Coordinator has acknowledged that “*expectation-management has been the greatest challenge for this programme from day one. From the outset we were aware that for many, this would be seen as a ‘compromise’.* Some had been informed by their Commanders only a matter of weeks before the discharge ceremonies took place that they had been verified as a VMLR by the UNMIN-led verification process. A few expressed their disappointment very directly to the UN, a small minority violently... We also anticipated expectation-management would resurface as a problem, if the final negotiations around the remaining 19,000 were heavily cash-focused. This might have been avoided if

³ “Putting the Recorder Straight,” E-Kantipur, February 2012: <http://www.ekantipur.com/2012/02/12/oped/putting-the-record-straight/348830.html>

⁴ Evaluation interview, March 2013.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

*the discharge of these VMLRs had been done several years earlier as anticipated in the peace agreements and the dust had been allowed to settle.*⁸

Dissatisfaction among small contingents of VMLRs has continued to manifest since 2010. According to an article by IRIN in 2012, *“Although the former combatants (disqualified VMLRs) have been protesting every year since 2006, it appears they are intensifying their protests, which they claim will be violent unless their demands are met. As part of their demands, the men are calling for the immediate removal of the ‘ayogya’ or ‘disqualified’ label, as it is fast becoming a derogatory term among local communities, implying “useless or “incapable.”* Despite these setbacks DFID has highlighted that, *“Rehabilitation support to over 2,000 child soldiers and late recruits has helped Nepal to be removed from the special monitoring conditions set by the UN Security Council under its resolution 1612 in relation to child soldiers. By June 2012, there have been no reports of any violations. This is a remarkable achievement by international standards.”*¹⁰

Overall engagement in this milestone by Denmark, Switzerland and Finland

Through interviews with current and previous staff at the Embassies of Switzerland and Denmark, some general observations can be drawn about the development partners’ engagement and contribution to the release of VMLRs:

- At all stages leading to the release of VMLRs, the development partners felt that this was a process that should be managed by national stakeholders and the UN in-country team. Despite encountering some frustrations, it was felt that the UN did a good job in this process. The purposive decision to enable the UN to mediate and manage was an appropriate strategy to ensure that communication and coordination with the key national stakeholders could be maximized rather than diluted with further engagement of the development partners, individually or jointly.
- Switzerland provided indirect support through the secondment of a Swiss expert to the UN. The UK and Norway were the key funders of the Assistance to the Peace Process in Nepal project (APPN) which supported the discharge process.

I.3 Milestone III: Departure of UNMIN

The following table highlights the key events leading up UNMIN departure.

Table 2: Key events leading up UNMIN departure

November 2006	Signing of the CPA
January 2007	UNMIN mandate begins
January 2009	UNMIN mandate renewed again.
End of 2010	GON requests departure of UNMIN (no more extensions)
January 2011	UNMIN operations end

UNMIN pioneered a low-key light touch approach to UN missions, with no armed peacekeepers and has made a significant contribution by monitoring the cantonment process, assisting with the elections, and being an active watchdog of implementation as stipulated in the CPA. It is generally agreed that the

⁸ Ibid.

⁹ Nepal: "Disqualified" Maoist ex-combatants threaten to step up protests," (IRIN, March 2012).

¹⁰ DFID Annual Review, Nepal Peace Support Programme (February 2013), p.2.

mission's presence helped to build confidence in the peace process. Development partners took an active – if sometimes different from each other – interest in the Mission's work and mandate.

Signing of the CPA

The CPA includes agreement among the sides “*for the monitoring of the management of arms and the armies by the United Nations Mission in Nepal*”, and agreement that the “*United Nations supervise the election to the Constituent Assembly.*”

The development partners were active in Nepal before and during the signing of the CPA. The Swiss peacebuilding adviser conducted shuttle diplomacy between parties when the Maoists were underground. DFID also engaged directly with the Maoists, and the then head of the OHCHR mission helped facilitate the agreement.

Mandate begins

UNMIN was established two months after the signing of the CPA. Immediately after the peace agreement the Government and the Maoists both requested the UN to monitor the ceasefire and support elections. Unusually for mission discussions, the Nepalese conflict had not been on the Security Council's agenda because some member states were unwilling to view Nepal as a threat to international peace and security. The focal development partners did not have a direct influence on this but shared their views through their representatives in New York.

The Secretary-General soon recommended a political mission of limited duration. The mission Resolution (1740) contained no transition clauses though the possibility for an extension was kept open, if requested by the Government of Nepal. The head of the OHCHR mission had a close relationship with many of the heads of mission, some of whom were interviewed by the evaluation team, and who appreciated his leadership in engaging with the Nepali Government. The development partners also sought to engage with the American and Indian ambassadors but they did not reciprocate. Little, or no effort, was made to engage China.

Mandate renewals

UNMIN's one-year initial duration was extended seven times at the request of the parties for a total duration of four years. UNMIN's limited mandate, which precluded both a 'good offices' role and a role supporting security sector reform, was largely a result of India's objection to an overtly 'political' peace support mission. The mission had a small staff, which was gradually reduced from 883 in January 2008 to 202 in July 2009 after the elections when all of its election staff left together with half of the arms monitors. While UNMIN was widely seen as contributing positively to the constituent assembly election the staff reduction created a mismatch between public expectations of its role and its actual responsibilities.

The necessity of UNMIN was now discussed more openly. The Mission was a regular agenda point at Utstein coordination meetings, though renewals ultimately was P5 issue. The new head of mission had a lower rank (a Representative of the Secretary-General, rather than a Special Representative of the Secretary-General), thereby making her influencing power more limited. This was problematic for the smaller development partners who made their voices heard through the Mission. During 2010, for example, when there was widespread donor fatigue with the peace process, UNMIN was the first to speak out and thus was able to speak on behalf of many.

The previous head of the mission understood, however, that his time had come to an end. Nepali Congress felt he was too close to the Maoists, which was a bias shared with many development parties at the time. They understood the problems Prachanda had with soldiers sitting in the camps.

GoN requests departure

UNMIN's transition discussions began in earnest when the mission ran into difficulties during the political crisis of 2009 during which the Maoists withdrew from government. The Mission attempted to remind the political parties of their commitments to the CPA, which prompted criticism from India and some Nepali actors that the Mission was overstepping its mandate, or that it was too sympathetic to the Maoists. This led to pressure for UNMIN closure from both India and the Nepal Army.

As government support for the Mission was fading quickly, smaller development partners, including Denmark, Norway, Switzerland and Finland were eager for UNMIN to stay. They were afraid the situation would deteriorate without UNMIN. A round of meetings was held at the Norwegian ambassador's house. Unable to establish a joint EU approach, they saw the P5s make the decisions. UK supported by France suggested that UNMIN was getting too costly. Meanwhile, the US and India were increasing cooperation. As India was aiming for a seat in the Security Council, it became increasingly difficult to maintain a mission in Nepal. India was reluctant to deal with an issue in its own 'backyard' during its Security Council tenure.

UNMIN departure

UNMIN's departure left many observers very concerned, but the results were less negative than expected. The effect of the mission's departure was a focussing of minds and a plan to integrate and demobilise the Maoist army, while hastening the transition of the Maoist party in to a civilian organisation. Still, the UN Country Team was unable to check and control cantonment areas and the development partners felt left in the dark on this issue.

The focal development partners recall the end of 2010 as a difficult time. They held discussions on what could replace the monitoring of the cantonments, and – true to form – they argued in favour of areas where they had made prior investments. Norway supported UNDP that had completed the VLMRs issue and Switzerland and the UK favoured NPTF, which had the stronger government capacity building element. Ultimately, the UN Country Team was not sufficiently equipped or mandated for taking on arms monitoring and the government proved its capacity.