



























































abundance of missions, consultants and advisers who struggled to find a way to make a useful contribution. In September Lal published a piece – subtitled “let’s oppose all foreign interference except the UN’s” – that declared the “conflict tourism season” to be well underway.<sup>76</sup>

Accommodation to the reality of Nepali ownership was complicated by questions of role definition amongst the international actors already well-established in the process, as well as significant problems in the negotiations. A substantive UN engagement in the peace process seemed increasingly likely, but its contours lacked definition, even as the reinstated parliament moved quickly to endorse plans for a constituent assembly, the Royal Nepal Army was stripped of its “Royal” attributes – if not any of its authority as the power behind the status quo – to become the Nepal Army (NA) and reciprocal ceasefires were declared.

In early May Prachanda, Bhattarai and Mahara met with Andrew Marshall of the HD Centre, Günther Baechler and Padma Ratna Tuladhar in New Delhi. The Maoists were struggling over the issues of sequencing – whether to seek political power sharing or a security agreement first – and asked HD and the Swiss government to play the role of independent observers to all future negotiations with the SPA government. The role was not one that the HD Centre believed played to its comparative advantage – working to facilitate dialogue and mediation that would not take place without it – and it decided to bring its engagement in Nepal to a conclusion soon afterwards. Baechler’s involvement, however, only intensified. Indeed from Delhi he contacted Hannes Siebert in Kathmandu and the two began providing support to the emerging negotiation teams of the SPA government, now led by Prime Minister G.P. Koirala, and the Maoists, as they worked on a draft of the ceasefire code of conduct that would be agreed on 25 May.<sup>77</sup>

In the meantime, discussions regarding the assistance the United Nations could provide continued. Although Indian support of some kind of UN role now seemed assured, and was being actively encouraged by the United States, resistance to its mediation, or even facilitation, remained. Tamrat Samuel visited Kathmandu and Delhi in mid-May with the chief military planner of the UN’s department of peacekeeping operations. Their meetings confirmed that Nepali actors – in the government, the political parties and the Maoists – envisaged a major UN role in the peace process. Indeed during a June visit to Delhi, G. P. Koirala put it starkly to India that either a UN role had to be accepted or India itself should assume responsibility for arms management in Nepal. Unwilling to take this on, Indian officials eventually accepted the utility of UN involvement, not least for the international credibility that it alone could bring to the process. “I was not against a UN role for specific jobs”, a senior Indian official recalled in March 2008, “so long as they did not want to take over the process”.<sup>78</sup> In public, Nepalis joined with India in saying that a facilitating role was not needed; in private the government and the Maoists reiterated that that they would like an international “witness” to the negotiations, and would not oppose the presence of the United Nations if India would agree.

In the end a loose amalgam of support structures fell into place as the political process progressed through the eight-point understanding reached on 16 June (establishing the general objective and

---

<sup>76</sup> C.K. Lal, “DDR, SSR, RRR and the SPA,” *The Nepali Times*, 7 September 2006.

<sup>77</sup> Baechler, “Adapt Facilitation to Changing Contexts”, 22. The composition of the three-man Maoist talks team, led by Krishna Bahadur Mahara, was announced on 10 May and that of the government team, led by Minister of the Interior Krishna Prasad Situala, on 19 May 2006.

<sup>78</sup> Interview. The extent to which the UN presence in Nepal was a sensitive issue for domestic Indian politics was suggested by an interview with Brajesh Mishra, who had been national security adviser and principal secretary to Prime Minister Atal Bihari Vajpayee. He stated that the UN role in Nepal “could not have happened if we had been in power”, attributing it, in part, to neglect on the part of the UPA government: “If you are not being active, not doing something, then obviously others will step in”. Interview, March 2008.

course of the political transition) and towards the signing of the comprehensive peace agreement on 21 November. Baechler and Siebert provided close support to the peace secretariat and two talks' teams, and Baechler in particular developed a capacity to build confidence and, on occasion, facilitate informal dialogue between the Nepali parties at the highest levels. They also worked in increasingly close contact with the UN, as it dispatched a "pre-assessment mission" to Nepal in late July to help forge an understanding between the government and the Maoists on the nature and scope of the UN role.

From the outset, however, the negotiations lacked the structure to guide the process in a manageable way. Rather the talks – despite the existence of identified negotiation teams, a peace secretariat, national observers and international advisers – reflected both the dominance of a narrow political elite, and a rapid return by the mainstream political parties to exclusionary practices of the past. Decision-making remained the province of a few individuals, most of whom who had been in leadership positions throughout the 1990s.<sup>79</sup> Meanwhile, the civil society movement that had played such a prominent role in the mass mobilizations seen in the preceding few months, receded quickly from the scene. As one analyst commented, this appeared to reflect, "an unstated assumption that the interests of civil society were wholly represented by the political parties, combined with a shift in focus by NGOs from the protests of the April 2006 movement to ensuring their participation in donor-funded 'peacebuilding'".<sup>80</sup> Within this difficult context many of the efforts of the international advisers closest to the process went unrewarded. Nepal's politicians proved surprisingly resistant to external inputs and sound ideas - ranging from non-papers from Baechler on process design and architecture; to advice on the interim constitution provided by Professor Yash Ghai, whom UNDP had engaged to head a new constitutional advisory support unit; or proposals for an effective monitoring mechanism drafted by UN officials and others - found little traction.<sup>81</sup>

Despite these limitations, external actors were able to make constructive contributions to a number of the different negotiations that developed in the latter half of 2006. In late July Baechler and Siebert provided support to a meeting between the army general staff and the Maoist leadership that focused on the development of a common understanding of the requirements of UN monitoring. The meeting went some way to overcoming the setback created by the government's earlier request for assistance from the UN in terms that clearly violated the understanding reached in mid-June.<sup>82</sup> It also looked forward to the discussions that took place

---

<sup>79</sup> While the Maoists held re-vindication of the rights of Nepal's ethnic minorities, women and excluded castes to be at the core of their revolutionary platform, their leadership, like that of the political parties, was overwhelmingly drawn from the *pahadi* or "hill" high castes.

<sup>80</sup> John Tynela, Final report, Conflict Prevention and Peace Forum Nepal Consultancy on Civil Affairs Monitoring, 27 March 2007, 12.

<sup>81</sup> Interviews, Baechler, Yash Ghai, Siebert, Tuladhar, UN officials, March and April 2008. Baechler would attribute the difficulties encountered to "the spontaneously chaotic nature of all negotiations and summit meetings that take place in Nepal"; the characteristics of the lead government negotiator, K.P Situala; and cultural differences that would have rendered any actual third party facilitator or moderator a direct threat to the authority of the national actors present. "Adapt facilitation to changing contexts", 22. A National Monitoring Commission on the Ceasefire Code of Conduct (NMCC) had been established soon after the agreement on the code of conduct, but it was flawed by a politicized composition and a lack of ceasefire monitoring competence. It was dissolved in November 2006, as the code of conduct ceased to be an operational document, but never replaced.

<sup>82</sup> A letter from Koirala to Annan of 2 July 2006 had asked the United Nations for assistance in "monitoring the combatants of the Maoist and decommissioning of their arms..." and to "monitor to ensure that the Nepali army is inside barrack". The Maoists were furious with the introduction of "decommissioning" which had neither been included in the earlier agreement in the 16 June understanding the parties agreed to ask the UN to "assist in the management of the armies and arms of both parties and to monitor them for a free and fair election of the Constituent Assembly") nor defined. Letter from Prime Minister Girija P. Koirala to Secretary-General Kofi Annan, *Nepal*

during the UN's pre-assessment mission, which arrived the next day, although the terms of an agreement were still not clear. Baechler and Siebert were also closely involved in an exhausting session of negotiations between the parties before the UN's departure, and helped them conclude the identical letters that were eventually dispatched to Kofi Annan on 9 August. In these letters the parties asked for the assistance of the United Nation in continued human rights monitoring, monitoring of the ceasefire, management of arms and armed personnel of both sides, and in the electoral process.

Annan immediately named Ian Martin his personal representative to Nepal and authorized a small team of advisers to support him as the organization followed-up on this request.<sup>83</sup> Martin began work in early September amidst a complicated political environment. All talks appeared stalled and the lack of trust between the parties was palpable (Koirala and Prachanda had not met or spoken for weeks). The law and order situation was deteriorating rapidly; OHCHR was increasingly concerned by human rights abuses committed by CPN (M) since the declaration of the ceasefire and making little headway in its efforts to combat the impunity of state forces; tensions in Kathmandu were high and there were indications that the Maoists were preparing for serious armed action if the security forces repressed peaceful agitation. Expectations of what the "UN" – at this point only Martin himself – might be able to do were unrealistically high.<sup>84</sup>

The government was keen for Martin to get discussions on arms management underway, but the Maoists (understandably) insisted that political and arms management issues had to be discussed in parallel. Over time, and as a series of summit meetings between Koirala and Prachanda defused the tensions of September, an informal division of labor developed, whereby Baechler and Siebert worked with the parties on drafts of possible political agreements, sharing them regularly with Martin, while Martin himself, who was joined in October by Brig. General Jan Erik Wilhelmsen of Norway as his senior military adviser, and other advisers soon afterwards, held consultations and provided input on the areas identified for UN assistance. Talks on the difficult and intertwined issues of transitional power-sharing, the status of the monarchy and the management of arms and armed personnel progressed rapidly in October. Key problems for the UN were the speed at which the parties obviously expected it to be able to assume its monitoring responsibilities; their insistence that the management of arms and armed personnel be monitored by civilian (ex-military) monitors, a formula that was new to the UN - and therefore initially resisted by the New York bureaucracy - and operationally complicated; and broader political considerations regarding whether a mandate of the General Assembly, or Security Council was more appropriate.

The comprehensive peace agreement signed on 21 November specified the extent and scope of UN assistance. The parties committed themselves to finalizing an interim constitution; forming an interim assembly and government, in which the Maoists would take part; and determining the fate of the monarchy in the first meeting of a constituent assembly, for which elections were to take place by mid-June. On the following day the secretary-general wrote to the Security Council – the limited nature of the UN role foreseen and India's confidence that Council would do nothing on Nepal that was not to its liking having calmed sensitivities on the Council's involvement – to seek its agreement to his dispatch of an assessment mission and the deployment of an advance group of up to 35 monitors and 24 electoral personnel to Nepal. In the meantime,

---

*Monitor*, <http://www.nepalmonitor.com>. Eight-point Agreement of the top leaders, available on the website of Nepal's ministry for peace and reconstruction, [www.peace.gov.np](http://www.peace.gov.np)

<sup>83</sup> "Statement attributable to the spokesman for the Secretary-General on UN Support for the Peace Process in Nepal", 25 August 2006.

<sup>84</sup> Interview, Ian Martin, September 2006. Tilak P. Pokharel, "The 'coming' of the UN", *The Kathmandu Post*, 29 August 2006.

tripartite negotiations between Martin and his advisers, the government, and the Maoists on the modalities for the UN's arms monitoring moved ahead. In some respects the most classically structured and orderly of Nepal's varied negotiations, these talks, which were chaired by General Wilhelmsen, supported by Martin's senior political advisor, John Norris, concluded in an agreement on 28 November that was signed on 8 December.

## VII. GETTING TO ELECTIONS

The UN responded to the requests made of it in Nepal with remarkable speed. By 11 January 2007, when Martin briefed the Security Council in informal consultations, 29 of the 35 authorized arms monitors were in Nepal, an Interim Task Force of former Nepali members of the Indian army was in place to reinforce their efforts, and the technical assessment mission had completed its work. Martin was able to present the Council with proposals for the UN Mission in Nepal, UNMIN, as a "focused mission of limited duration" that would: monitor the management of arms and armies of the government and CPN (M), in part through a Joint Monitoring Coordinating Committee (JMCC) chaired by the UN; assist in monitoring the ceasefire arrangements; provide support for the conduct of the election of the constituent assembly; and provide a small team of electoral expert monitors to review the technical aspects of the electoral process.<sup>85</sup> On 23 January 2007 the Security Council approved resolution 1740 establishing UNMIN for a 12 month period, its smooth passage reflecting a broad consensus within the international community to help Nepal move forward in this critical moment of its history.

UNMIN would work throughout 2007 and 2008 – as the two postponements of the constituent assembly elections led it to be extended for six months to 23 July 2008 and the continuing existence of two armies (with the Maoists still in cantonments) beyond that time in a reduced form for a further six months – with the clarity of an agreed mandate, but under a constant tension between the limits of that mandate and the complexity of the political situation that developed. These tensions were exacerbated by the speed with which the ambiguities and deficits of the CPA became apparent, as the demands from the marginalized populations in the Madhes and elsewhere gathered force and Maoist militias left out of the CPA reconstituted as an irregular - and increasingly violent - force, the Young Communist League (YCL). Meanwhile, implementation of many of the provisions the agreement did contain lagged badly, in part because of the absence of any national monitoring mechanism and the inadequacies of the peace ministry established by the interim government. The high regard in which the UN was held, combined with a deep ignorance of the limitations of its mandate and the ever more visible presence of its deployment, contributed to unrealistic expectations regarding what UNMIN might be able to achieve. As these – inevitably – went unmet, UNMIN became the target of increasing criticism.<sup>86</sup> Yet it continued to play a prominent role, weathering complexities in the cantonment process with professionalism, and maintaining close contact with the Maoists and political parties, as well as other actors including representatives of traditionally marginalized groups, in the context of its good offices and other responsibilities.<sup>87</sup>

---

<sup>85</sup> United Nations, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2007/07, 9 January 2007.

<sup>86</sup> See, for example, Krishna Hari Pushkar, "What UNMIN Should Do to Manage Nepal Peace Process", *Nepal Monitor*, 31 October 2007. <http://www.nepalmonitoronline>. The unrealistic expectations were shared by some who were close to or insiders of the political process.

<sup>87</sup> UNMIN's meetings with the latter was a sensitive issue, particularly after July, when one of the Madhesi armed groups asked it to mediate its talks with the government – something UNMIN always insisted it could do only if the government were to request it as well. UNMIN did not meet with representatives of the armed groups, although others within the UN system held meetings in the context of their humanitarian and/or human rights responsibilities.

The presence of UNMIN inevitably changed the shape and means with which other actors engaged with Nepal's peace process. Indian support of, and at times direct involvement in, Nepal's political process remained critical to its forward progression, but its relationship to the United Nations was never without its complications. Meanwhile, the mission assumed the coordination of the broader UN effort in support of the process – UNDP in particular developed a slate of programmes under a peacebuilding and recovery unit established in early 2007 - and also remained in close contact with other members of the diplomatic and donor community. With a new, and notably more pragmatic U.S. ambassador in place from mid-2007, western support for UNMIN's role was never in question. However at times – and particular in the discussion of its mandate renewal in late 2007 – it would be coloured by concerns rooted in differing perceptions of what was or was not acceptable to India, as well as desired by the mission's Nepali counterparts.

The Carter Center had built on its contacts in Nepal to move into a role in support of the electoral process. It opened an international election observation mission in January 2007 and deployed 13 long-term observers in March. Former President Carter himself traveled to Nepal on three separate occasions, and made a point of meeting with Maoist leaders, as well as political party representatives, leaders of the army and other key actors when he did so. A senior envoy, Peter Burleigh, with deep knowledge of Nepal, was a yet more frequent visitor, helping to ensure that the Center's efforts in terrain less controversial than the conflict resolution efforts of earlier years would be broadly and genuinely appreciated by all stakeholders, including India. After the Maoists' surprisingly strong showing in the April 2008 elections, the Carter Center's finding that the elections had been "relatively peaceful" and "well-executed" and President Carter's own description of them as being "the most transformational" of the 70 elections monitored by the Center made a significant contribution to the credibility with which the process was received.<sup>88</sup>

Less public were the continuing efforts of both Günther Baechler, who remained working on Switzerland's behalf until October 2007,<sup>89</sup> and Hannes Siebert. Both maintained frequent contact with UNMIN, representing valued conduits of information regarding processes from which the mission's mandate excluded it. Untied by such constraints himself, Baechler divided his energies between support to implementation of the CPA, attention to the emerging conflicts between the Tarai and the highlands, the centre and the outlying districts, and a determined effort to draw on the Swiss experience of federalism as Nepal contemplated its own reform of the state. This, of course, was an extraordinarily ambitious agenda and Baechler's own account of his efforts suggests that they were both spread thinly and frequently frustrated. Initiatives were launched and "conflict transformation options" outlined, but they rarely led to the outcomes envisaged. Meanwhile Swiss expertise - including a study trip to Switzerland in January 2007 and a separate visit by Maoist leaders in July – informed the emerging debate on federalism within Nepal, but also provoked criticism that Baechler was pushing too hard and that parallels between Switzerland and Nepal would be limited.<sup>90</sup>

Siebert's assignment to the NTTP should have placed him in a prime position to contribute to implementation of the provisions of the CPA. However the effort as a whole – and Siebert's contribution to it – was both complicated and compromised by the appointment of Ram Chandra

---

<sup>88</sup> "Preliminary statement by the Carter Center", 12 April 2008; "Trip Report by Former U.S. President Jimmy Carter to Nepal: April 6-14, 2008", 15 April 2008. [www.cartercenter.org](http://www.cartercenter.org).

<sup>89</sup> He would be replaced by Markus Heiniger, who arrived in Nepal in November 2007.

<sup>90</sup> Baechler recalled that before their visit to Switzerland in July 2007 the Maoists had always said Nepal "should be like Switzerland". Once they had been there they "forgot about Switzerland as a particular model." Telephone interview.

Poudel, a senior leader of the Nepal Congress party, as peace minister. Partisan in his approach and lacking in both interest and competency in the agenda outlined in the CPA, under his leadership the peace ministry became a major obstacle to forward movement and lost the support of all donors other than USAID.<sup>91</sup> A peace ministry task force, attended by both Siebert and Baechler (and in the latter part of 2007 a representative of UNMIN as well) addressed the core agenda of the peace process and facilitated a series of talks between the government and the various agitating movements. But Poudel's leadership was distrusted by the Maoists, and directly inhibited progress in implementing important elements of the CPA. Siebert came in for criticism for his advocacy of local peace councils and approaches to transitional justice modeled on South Africa that many observers thought stood little chance of working in Nepal.<sup>92</sup> Meanwhile, a special committee to consider the future of the Maoists combatants met just once in July, and neither a commission of inquiry into disappearances nor a truth and reconciliation commission were constituted.<sup>93</sup>

By October 2007, the peace process was in crisis. The date for the constituent assembly elections had been postponed from June to 22 November, and then again from November to an unspecified date in the future. The level of insecurity and the incidence of human rights violations had risen across the country. The government had reached agreements with both janajati groups and the Madhesi People's Rights Forum (MPRF), a group that had originally led the Madhesi movement. However, as both entities fractured further, the agreements came in for criticism from key stakeholders. Neither was implemented and a new series of negotiations developed.<sup>94</sup> Meanwhile, no progress had been made in addressing long term issues that would be necessary to move beyond the cantonment and confinement of troops towards a durable solution for Nepal's security sector. On 18 September the Maoist members of the interim government resigned, demanding the declaration of a republic before the election of a constituent assembly and the adoption of a fully proportional electoral system, rather than the mixed system to which they had earlier agreed. In a report to the Security Council issued in mid-October, Secretary-General Ban Ki-moon bluntly stated that Nepal's peace process stood "at a crossroads" and indicated the UN's readiness to "extend all necessary assistance" to help Nepal overcome the difficulties it faced. Before the Security Council and in press conferences in Kathmandu, Ian Martin went further in suggesting areas where "greater support" by the United Nations would be of value.<sup>95</sup> He knew that at this stage a push for an expanded mandate stood little chance of succeeding. The mission's high profile and resources had fueled discontent and made it an easy target of the media. India's opposition was communicated both at Martin's level and over his head to UN headquarters, specifically resisting a UN role in security reform. But he pressed on regardless, confident that he

---

<sup>91</sup> In November 2007, at DFID's instigation, European funding of the peace ministry was put on hold.

<sup>92</sup> Critics of the peace council proposal expressed concern that the peace ministry would have placed local peace councils at the service of the NC's electoral strategy.

<sup>93</sup> The drafts of both were described as falling far short of international standards Interviews, UN officials, March 2008 and United Nations, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2007/612, 18 October 2007, para. 74.

<sup>94</sup> As an example of the fragmentation of the new protest movements, Baechler describes how in 2007, "the government held more than 70 rounds of negotiations with over 20 groups in which it set out to pursue a strategy of *divide et impera*". "Adapt facilitation to changing concepts", 41.

<sup>95</sup> To the Security Council he spelt out that: "These include support to the implementation of the peace process and agreements reached; assisting a discussion on the future of the country's security sector, including a managed transition from the current temporary cantonments and arms management to long-term solutions; and greater advisory support on promoting public security towards the Constituent Assembly election". Briefing by Ian Martin, Security Council Informal Consultations, 25 October 2007. See also "Q and A: On Extending UN Role in Nepal, and More: Another grilling exchange between media people and Ian Martin in Kathmandu", *Nepal Monitor*, 6 November 2007. <http://www.nepalmonitor.com>



was fulfilling the UN's fundamental responsibility to speak out about the real challenges facing the peace process.<sup>96</sup>

Tensions over the expansion of UNMIN's mandate reflected broader differences over the shape and future of the peace process.<sup>97</sup> India prioritized defeat of the Maoists and was prepared to push for an electoral process that did not include them if need be. During the course of 2007 intervention in favor of its traditional allies in Nepal – the mainstream political parties – had consequently become increasingly evident. Moreover, some elements of the Indian polity had engaged in a veiled attempt to undermine the likelihood of a strong Maoist showing by, as one analyst put it, “poking a stick in the Madhes” to stir up royalist and other anti-Maoist forces.<sup>98</sup> The emphasis of UNMIN and the most active of the western donors, on the other hand, remained on broader concerns of Nepal peace, democracy and the realization of the promise for the transformation of Nepal held out by its peace process. In this context UNMIN's insistence on the need for inclusion of Nepal's traditionally marginalized peoples, or reminders of the fundamental importance of tackling military impunity and security sector reform, was perceived by some Indian officials – as well the mainstream parties - as strengthening the hand of the Maoists and at times the Madhesis.

These differences did not prevent international actors providing support and encouragement to talks between the government and the Maoists that concluded in an agreement on 23 December 2007 that appeared to put the process back on track. Promises were made to implement outstanding provisions of the CPA, while new commitments included agreement that Nepal would be declared a republic at the first sitting of the constituent assembly and an increase of the number of seats within it to be elected through proportional representation. The Maoists rejoined the government at the end of December and a date for the long-postponed elections was agreed. This rapid progress, however, proved short-lived. Political representation of the Madhesis had taken a new direction in December with the formation of a broad alliance called the United Democratic Madhesi Front (UDMF). Excluded from the December talks, in late January the UDMF launched a new wave of protests and strikes. With the election calendar imperiled once again, the pressure for more negotiations mounted. Unusually, India stepped in with a public role and on 28 February a final, eight-point agreement was signed after the direct mediation of the Indian ambassador.<sup>99</sup> The political path was cleared for an election campaign that would be buffeted by intimidation and violence, but culminate nonetheless in relatively orderly elections on 10 April 2008.

## VIII. CONCLUSION

Most representatives of the international community in Nepal, as well as the country's own political analysts and commentators, had expected the Maoists to come a “poor third” in elections. Consequently the Maoist victory over the NC and UML – the Maoists won a total of 240 seats in the 601-strong constituent assembly to the NC's 120 and the UML's 103, alongside a strong showing of 65 by Madhesi parties – came as a dramatic surprise.<sup>100</sup> Analysis of the reasons for the political sea-change these results represented lies beyond the scope of this paper,

---

<sup>96</sup> Interview, Ian Martin, March 2008. Martin's attempts to engage the Madhesis (see note 88 above) remained an additional bone of contention with India.

<sup>97</sup> International Crisis Group, “Nepal: Peace Postponed”, *Asia Briefing No. 72*, 18 December 2007, 12-14.

<sup>98</sup> See Kanak Mani Dixit, “India and Nepal's Constituent Assembly”, *The Hindu*, 7 March 2008.

<sup>99</sup> On 1 March 2008 an agreement was signed with *janajati* groups in the Federal Republican National Front.

<sup>100</sup> See International Crisis Group, “Nepal's Election: A Peaceful Revolution?” for further discussion of this.

but they clearly included disenchantment with political business as usual; a desire for change in the social and economic fabric of Nepal the breadth and depth of which had escaped many; and the Maoists' skill in both political mobilization – facilitated in some areas by elements of intimidation – and articulation of a party political platform that reflected the aspirations of large numbers of their country-men and women.

Nepal's political drama did not end with the elections to the constituent assembly, or even with its first seating, declaration of the country as a federal republic and ousting of the king. A period of protracted political wrangling before the new government could be formed in late August was rooted in a lack of trust between the parties to the peace process launched by the *jana andolan* of April 2006, but also a persistent tendency towards the exclusion of Madhesi and other smaller parties from decision-making concentrated in the Maoists, the NC and the UML. The complexity of the negotiations that preceded the election of Ram Baran Yadav, a Madhesi and member of the NC, as president in late July and Prachanda's swearing in as prime minister the following month suggested the extent of the challenges that lay ahead. But the fact that they concluded as they did – peacefully and with a coalition government – also underlined the extent to which the constituent assembly elections had marked a milestone. Beyond lay many of the hardest challenges the peace process would face and a long, difficult and undoubtedly tumultuous transition.

A hallmark of the period since the signing of the CPA had been the extent to which conflict dynamics that had, for much of decade, pitted three contending forces against each other had been overtaken by new and more complex demands, rooted in deep seated issues of identity and exclusion. Fulfilling the pending agenda of the first process, beginning with a resolution of the future of the countries' two armies and the provision of security and local administration across the country, whilst addressing the requirements of the second in a federal and democratic republic will be extraordinarily challenging.

This paper has concentrated on international efforts specifically directed towards the promotion of dialogue and political support to the peace process in Nepal. Assessing their impact is complicated by three factors. The first is that none of the efforts to promote dialogue before February 2005 resulted in a conventionally structured dialogue taking place, even as the various discussions, sharing of advice and carrying of messages undoubtedly constituted a sort of informal dialogue of its own. The second is that, in the post-April 2006 period, while elements of the good advice proffered by the UN, Baechler and others were picked up and reflected within the ongoing process, much of it was simply not heeded. The third, somewhat paradoxical element, is that external actors – despite at times pressing or even advertising their own involvement – would agree that the great strength of the Nepali process, and the single factor that kept it moving forwards, was that it was nationally-owned. That what was authentically Nepali was frequently frustrating, and sometimes perceived as short-sighted and even conflict-escalating by Nepal's international partners was in many respects a secondary matter.

Questions regarding impact therefore both tend towards the counterfactual and defy easy answers. They also should be considered whilst recalling that one of the central features of the peace process in Nepal – and perhaps the critical lesson to be drawn upon for other processes – is the extent to which its long and complex trajectory demonstrated the benefits of talking. Across conflict lines, with India and with a wide range of interested outsiders, the parties to Nepal's conflict kept talking – and in the case of the Maoists in particular, thinking about talking even when the talking itself was not taking place. In 2001 and 2003 this talking took formal shape in unsuccessful rounds of dialogue between the Maoists and the governments of the day. But the contacts in between, in the margins and in the wake of these formal talks, as well as the public discussion of dialogue that they fuelled, were no less significant for the maintenance of the idea

that it was possible to talk to the other side – and thus lay the groundwork for the solution of the conflict by political means.

It is in this area that the benefits of the early efforts by external actors – notably the HD Centre and then the UN – can perhaps be most clearly perceived. HD’s involvement in the early 2000s has justifiably been credited with helping initiate “a discourse of dialogue” in Nepal.<sup>101</sup> For a number of reasons the prime beneficiaries were undoubtedly the Maoists: they were both the most isolated political force and the one with most to gain from interaction with outsiders; they benefited directly from the ideas and reading material with which they were furnished; moreover the constancy of their leadership (in obvious contrast to the revolving doors of Nepal’s various governments) allowed for relationships of trust with their international interlocutors to develop. Public attention to the conflict by the United Nations from 2002 on lifted the discussion of dialogue to a different level: the secretary-general’s various offers of his good offices and the frequent visits by Tamrat Samuel prompted a healthy public debate of the possibilities of dialogue and a UN role that the low-key profile of the HD Centre had neither wanted or been able to generate. This process was continued by the involvement of the Carter Center and others who organized a variety of workshops, study trips and seminars. A direct correlation between these various efforts and developments in Nepal’s peace process is dubious, but their contribution to a landscape in which discussion of dialogue and negotiation became commonplace is undeniable.

The sustained interest in Nepal by the UN secretary-general came no closer than the HD Centre to initiating a formal and structured dialogue – indeed HD’s near misses were undoubtedly “nearer”, even as it secured greater access to the palace than the UN had ever enjoyed – but it brought with it other benefits. First and foremost, it helped spur interest in Nepal at an international level at a time when the gravity of the situation in Nepal and the country’s escalating human rights abuses were largely ignored. Secondly, Samuel’s visits managed to ensure that the UN became a regular political interlocutor of all parties in Nepal, as well as India and other members of the international community, without giving the impression that the UN was over-asserting itself in looking for a role. That he was someone who all felt comfortable in talking to laid the groundwork for the UN role that gradually developed, initially through the opening of the OHCHR presence, then through the elevation of that office’s head, Ian Martin, to a position in direct representation of the secretary-general and finally to the establishment of UNMIN. Without this progression it is unlikely that a special political mission of the United Nations would have been acceptable either to Nepal or India. Finally, that substantive discussion of issues such as cantonments, weapons lock-up, monitoring and international supervision of elections had begun well before 2005 undoubtedly helped them find their way into the twelve point agreement and CPA.

The establishment of UNMIN under a limited mandate brought clarity to the roles of a number of external actors in Nepal and a legitimacy to the process as a whole that was of significant benefit to India, as well as Nepal. HD understandably withdrew as the shape of the UN’s presence was emerging. Other actors – including Switzerland’s special advisor for peacebuilding – filled roles that were largely complementary to the United Nations, but at different moments, none the less useful for that. The process that ensued was in many respects messy and unsatisfactory, but given the forces at play within the Nepali polity, and in India, it is difficult to assess to what extent a more assertive, and influential, international presence might have been possible.

---

<sup>101</sup> Rajendra Dahal, “Personal view: Nepal’s conflict and the HD Centre”, Centre for Humanitarian Dialogue, Annual Report 2006, 7.

There are undoubtedly lessons to be learned from the multiple efforts to pursue peacemaking in Nepal. Non-governmental actors who were not resident in the country and were simultaneously engaged in other activities elsewhere had insufficient capacity to understand the full complexity of the conflict's dynamics and thus the wider context within which their efforts were sited. That they visited Nepal at irregular intervals, and were rarely able to travel outside Kathmandu when they did, did not help. Meanwhile, the rapid turnover and diminishing legitimacy of Nepal's governments complicated their endeavors, even as it suggested the limitations of any dialogue that might have ensued. All the external actors struggled with what to do about India's firmly held suspicion of their involvement. While the United Nations could at least engage Indian officials from a solid institutional basis, interaction with New Delhi by a country as small as Switzerland, let alone non-governmental organizations, was more complex. Tolerance of their interest was the most that could be expected, whether direct engagement was pursued – as in the case of the Carter Center – or, as in the case of the HD Centre, avoided for many years despite the assumption that the Indian establishment was well aware of what it was up to.

But there are questions to be asked about India's role as well, not least the perception that India's "twin pillar" policy towards Nepal caused it to be, for too long, passively accepting of the country's descent into conflict and institutional decay. The dramatic events of February 2005 and, perhaps particularly, April 2006 precipitated a fundamental change in India's attitude and actions, but it is not too much to have expected a more proactive and less reactive engagement from Delhi at an earlier stage. Similarly, it is important to ask whether, given the trajectory followed by external actors engaged within Nepal's peace process, India's neuralgia towards international involvement – and particularly that of the United Nations - was justified. With the benefit of hindsight it is difficult to argue that that it would not have been in India's interest to work with other key international actors from an earlier stage in a manner that did not require it to give up its special relationship with Nepal, but might have avoided exposing itself to repeated criticism that it was overly controlling of Nepal's own process.

A proliferation of international actors was in itself confusing for their Nepali counterparts, who accepted the multiple offers of assistance with goodwill, even as they found the fragmentation of their partners, and their sensitivity towards closer collaboration confusing (a problem perhaps particularly acute in the case of the HD Centre – a Swiss NGO after all - and the formal efforts of the Swiss government). Padma Ratna Tuladhar saw all the outsiders come and go, worked particularly closely with the HD Centre through 2005 and then alongside both Baechler and Siebert, as well as UNMIN officials, in the years that followed. He recalled constantly trying to encourage his foreign friends to work together. But his efforts were to no avail. "I suppose it is just not in their culture," was his somewhat rueful conclusion.<sup>102</sup>

The abundance of initiatives – and at some points a multiplicity of experts and consultants flying in and out of the country to address seminars of perhaps 25 or 30 individuals – did not necessarily represent an effective use of resources. And while the overall impact of the external actors was, for the most part, less than the perception of the external actors themselves suggested, it was nevertheless helpful. Yet in the end, as in its beginnings, Nepal's peace process is its own, including its myriad problems. As its government and people move forward to tackle the difficulties that lie ahead, the challenge for outsiders will be to work with the country's new authorities to uphold the rights and aspirations of the Nepali population in its full diversity. It will not be easy.

---

<sup>102</sup> Interview, March 2008.