CONFLICT PREVENTION AND PEACE FORUM

MASALA PEACEMAKING:
NEPAL’S PEACE PROCESS AND THE CONTRIBUTION
OF OUTSIDERS

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I. INTRODUCTION

Nepalis are rightly proud of the ownership of their peace process. The three and a half years between 1 February 2005, when King Gyanendra seized power in a coup, and 18 August 2008, when Pushpa Kamal Dahal, the Maoist leader long known as “Prachanda”, was sworn in as the country’s prime minister, were turbulent, laced with episodes of violence, unimplemented agreements and some dubious political compromises. Yet the distance traveled from war to peace, as Nepalis elected a constituent assembly in which the Maoists represented the largest single party, abolished the monarchy and declared the country a federal republic, was enormous. And the opportunities before a country whose history had been that of an isolated Himalayan kingdom, sandwiched between India and China and held hostage to a feudal form of politics unrepresentative of its diverse population, were quite unprecedented. For this the people of Nepal – who in April 2006 had taken to the streets in their masses in a “people’s movement” that forced the king to cede power - as well as its leaders, deserve great credit.

It is, however, a characteristic of the peace process in Nepal that, although both led and driven by Nepalis, it has been consistently open to assistance of different kinds from a wide range of external actors. Non-governmental and bilateral peacemakers, as well as the United Nations, in communication to different extents with India, as well as China, the United States and European Union and other donors, have been variously involved since 2000. None of them came to fill a role of formal facilitation, or still less mediation. Their efforts to encourage dialogue, introduce expertise gleaned from peace processes elsewhere, or provide other unspecified support served a variety of purposes, yet at times appeared to crowd the peacemaking field in a confusing fashion. In the meantime the positions assumed by India, with its multiple interests in Nepal and strings into Nepali political life, proved a critical factor in a peace process that could not have advanced without its support.

This paper explores these varied involvements in an attempt – necessarily somewhat preliminary given the ongoing nature of Nepal’s transition and the many serious challenges that lie ahead – to assess what the contribution of these external actors has been. In doing so, it seeks to analyze some of the dilemmas the external actors faced with regard to their peacemaking in Nepal. These include issues relating to their entry into peacemaking activities, which for the most part were undertaken on an entrepreneurial basis rather than in response to a clear invitation; the extent to which their efforts were articulated within a long-term strategy of engagement; the confidentiality of their efforts; and questions of coordination and even competition between and amongst them.

After a brief summary of the contours of Nepal’s conflict and the efforts to end it, the paper provides an overview of the circumstances that drew external actors to peacemaking in Nepal and some of the obstacles they encountered. It then analyzes the efforts they made during four distinct phases of Nepal’s progression towards peace: that of dialogue promotion, between 2000 and the coup instigated by King Gyanendra on 1 February 2005; the period between the coup and the people’s movement, or jana andolan, of April 2006 that saw Nepalis’ demands for change take centre stage; the development of the peace process, through negotiations culminating in the signing of a comprehensive peace agreement in November 2006; and the complex period between 1

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that time and the April 2008 elections to the constituent assembly, which was accompanied by a variety of international support.

The paper focuses on the most prominent and committed of the international peacemakers involved – among them the Swiss-based non-governmental organization (NGO), the Centre for Humanitarian Dialogue, or HD Centre, that worked in Nepal from 2000 – 2006; the United Nations, whose secretary-general first offered his “good offices” in 2002, and whose presence later grew into a large Office of the UN High Commissioner for Human Rights (from 2005) and a special political mission, the United Nations Mission in Nepal (from 2007); the Carter Center, whose conflict resolution program engaged with Nepal from 2004 – 2006; and the government of Switzerland, which dispatched a special adviser for peacebuilding to Nepal in mid-2005 – whilst also including attention to the role played by India. The latter’s presence as an unseen arbiter of much of what does and does not transpire in Nepal has, of course, been a central factor in both Nepal’s receptivity to potential third party actors as well as the limits with which they were confronted. While reference is made to the engagement of other international actors – among them China, the United States, the United Kingdom and other EU donors – in Nepal’s transition to peace, a concentration on peacemaking per se and considerations of space preclude a full account of the varied impacts of their policies towards Nepal in this period.

The unique mix of factors that contributed to what is here termed masala peacemaking will not be replicated in other circumstances. However the experience of external actors and the challenges they encountered in an environment that was both peculiarly open, and peculiarly resistant, to their advice is one that will resonate elsewhere as outside actors continue to balance issues of national ownership, best practice and competition in the crowded and unregulated field of international peacemaking.

II. FROM CONFLICT TO CONSTITUENT ASSEMBLY

With the exception of a brief interlude between 1959 and 1960, Nepal was ruled by a feudal and exclusionary monarchy for more than 200 years, and from 1846-1951 had hereditary Rana prime ministers as well. The constitution of 1962 declared the country a Hindu state and launched a party-less panchayat system of government. This was brought to an end in 1990 when a pro-democracy “people’s movement” forced the then King Birendra to agree to multi-party democracy within the framework of constitutional monarchy.2 Elections were held in 1991 and expectations for the new democracy were high. The 1990s saw rapid improvements in many development indicators and healthy economic growth, but also widespread disillusion. The political system was undermined by factionalism, shifting coalitions and alliances among and between parties, and consequently a rapid succession of governments, particularly in the years of a hung parliament between 1994 and 1999. Political parties and their leaders came to be perceived as corrupt, nepotistic and out of touch, even as the population as a whole continued to suffer deep poverty and systemic inequality rooted in exclusion on the grounds of ethnicity, caste, class and gender, as well as geography.

The start of the “people’s war” waged by the Communist Party of Nepal (Maoist), CPN (M), against the Nepali state dates back to February 1996 when the government rejected a forty-point list of demands – for an end to foreign domination and intrusion (especially by India) in Nepal;

for a secular state free of discrimination and oppression; and for a wide range of social and economic reforms – presented on the Maoists’ behalf by their most prominent ideologue, Baburam Bhattarai. Under the overall leadership of Prachanda, a violent insurgency was launched in Rolpa and Rukum, Maoist strongholds in the country’s mid-west. Organizing in the east of the country contributed to the conflict’s rapid extension, with the political parties, particularly the dominant Nepal Congress party (NC) and local government structures, the initial objects of Maoist attacks. Over the next ten years the conflict would claim over 13,000 lives – more than 8,000 of which were victims of government forces, even as the majority of casualties on both sides were civilian - inflict severe damage on the country’s infrastructure and economy, and erode the presence of the state across Nepal. By 2006, nearly all of the country’s 75 districts had been affected by the conflict and at least 68 per cent of Village Development Committees, the key basic unit of the state, were not operative.

The government response was confused and inadequate. As the Maoists laid plans for a protracted conflict, it addressed the insurgency as a problem of law and order. Repressive security measures introduced by a poorly trained and equipped police force, supplemented from 2001 by a new armed police force formed specifically for the purposes of counterinsurgency, led to human rights abuses and unnecessary loss of life. Whether to mobilize the Royal Nepal Army (RNA) against the Maoists was a controversial issue, principally because the army – as its name implied - was not under the control of the civilian government, but the king. Nepal’s history fuelled mutual distrust. In 1960 the then king had used the army to launch a coup against the country’s incipient multi-party political system; as the insurgency intensified the political parties, and especially the NC, remained wary of the possible appeal to the palace of some aspects of the Maoist threat to parliamentary democracy. Maoist gains, and in particular the killing of fourteen policemen and seizure of a district police headquarters in 2000, contributed to the realization that countering the insurgency lay beyond police capacity. On 1 June 2001 the crown prince massacred ten members of the royal family, including King Birendra – an event that shook Nepal to the core. The army was finally deployed later that year by Birendra’s successor, his brother Gyanendra. But suspicions of Maoist-palace ties of some kind were not allayed. After the massacre, Bhattarai had claimed that the CPN (M) had had an “undeclared working alliance” with the palace (a claim the palace never denied), and asserted that the late king had never been in favor of the NC Prime Minister G. P. Koirala’s plan to mobilize the army.

The political origins of the Maoist movement, the existence of a wide range of leftist parties within Nepal’s political spectrum – the largest of which, the Communist Party of Nepal (United Marxist Leninist), or UML, was second in strength only to the NC – and the essentially political demands of the Maoists themselves contributed to discussion of the advisability of a political solution to the insurgency. Individual political party leaders and other prominent figures

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3 Deepak Thapa, “The Maobadi of Nepal”, in State of Nepal, eds., Kanak Mani Dixit and Shastri Ramachandaran (BP Koirala India-Nepal Foundation, 2002), 81-82. The establishment of the CPN (M) followed the merger of a number of smaller political parties and factions the year before.


5 One report revealed a meeting between Ramesh Nath Pandey, a close associate of the king, and Maoist leaders. See Krishna Hachhethu, “The Nepali State and the Maoist Insurgency, 1996-2001”, in Himalayan People’s War, ed., Hutt, 70. The International Crisis Group noted that Dhirendra, Gyanendra’s younger brother (also killed in the palace massacre), had been the palace contact for secret dealings with the Maoists while Birendra was on the throne. International Crisis Group, “Nepal’s New Alliance: The Mainstream Parties and the Maoists”, Asia Report No. 106, 28 November 2005, 5.
maintained links of some sort to several members of the Maoist leadership. Meanwhile, at the more public level, a commission formed in January 2000 to suggest ways to resolve the conflict, led by Sher Bahadur Deuba, a Congress party leader, made contact with the Maoists and recommended a political settlement. An informal dialogue between the then deputy prime minister, Ramchandra Paudel, and a member of the Maoist politburo took place in October 2000, but was soon disrupted. After the royal massacre the Maoists intensified the conflict. When Prime Minister Koirala resigned and was replaced by Deuba, his government launched the first official dialogue effort. A ceasefire was announced by both sides and three rounds of talks were held before the process collapsed in November 2001. Formal talks would not begin again until 2003, but informally contacts across the conflict lines, between the palace, the Maoists, and individual members of political parties and civil society continued.

In the meantime a separate conflict between the palace, with the RNA behind it, and the increasingly discredited political parties intensified. Parliament was dissolved in May 2002 at the recommendation of Prime Minister Deuba; on 4 October 2002 King Gyanendra dismissed the elected government, replaced it with one of his own choosing led by Prime Minister Lokendra Bahadur Chand and suspended the elections that had been planned for the following month. Chand undertook a new series of talks after both parties declared a ceasefire. But Chand’s replacement by Surya Bahadur Thapa in May 2003 - handpicked by the king, amidst widespread protests and strikes (or bandhs) supported by the Congress Party and the UML, Thapa was 75 years old, and had been prime minister three times during the panchayat era and once in the mid-1990s – did nothing to inspire confidence. The talks collapsed in August 2003, with the government clearly unprepared to countenance the Maoist demand for the country’s problems of injustice and discrimination to be addressed by the restructuring of Nepal’s feudal state by a constituent assembly. In the meantime, and with perhaps greater significance for the long term, in the margins of the formal talks the Maoist representatives held unofficial talks with representatives of the Congress party and the UML, aided by the support and initiative of like-minded persons within some political parties and civil society. Although not successful at the time, these talks helped to build confidence and promote interaction with the Maoists that would contribute directly to the peace process’s advance after 2005.

Thapa was dismissed in June 2004 after weeks of street protests. Gyanendra reappointed Deuba, who was now the head of his own Nepal Congress (Democratic) party (which had split from the NC in 2002), and tasked him with holding elections. But while Deuba pressed for renewed negotiations, appointing an High Level Peace Committee to this end, his government had little

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6 Krishna Bahadur Mahara, the CPN (M) spokesman, had, for example, been a member of the 1991 parliament. Devendra Raj Panday, a former finance minister who would become a leading figure in the people’s movement of April 2006, recalled a three-hour meeting with Prachanda in 2001; after the meeting he had contacted G. P. Koirala, prime minister at the time, to offer his services as intermediary. Like others who maintained links between the Maoists and the mainstream political parties – including Narayan Kaji Shrestha (Prakash), the general-secretary of both the underground Communist Party of Nepal (Unity Centre) from which Prachanda and Bhattarai had broken away, and later Janamorcha Nepal, and the leftist intellectual Hari Roka - Panday became increasingly active in efforts to promote dialogue in the period following the king’s coup of February 2005. Interview, Devendra Raj Panday, March 2008, and email, August 2008.

7 In October 2001 senior leaders from six leftist parties, including Madhav Nepal, general secretary of the UML met with Prachanda, Bhattarai and others for talks in Siliguri, West Bengal. Nepal recalled meeting with Prachanda and Bhattarai on at least two other occasions in 2002 and 2003. Koirala held talks with Prachanda and Bhattarai in Delhi in April 2001. Babarum Bhattarai recalled that the CPN (M) “had direct contact with the palace - an emissary from the king and close relatives would come and meet with us, especially in 2003 – 2004. With the political parties we were in constant touch. Always in contact. But they had no legitimacy and no capacity.” Interviews, Madhav Nepal and Babarum Bhattarai, March 2008.

credibility in part because the NC (D) was joined in the cabinet only by the UML. Key international players, including both India and the United States, pressed other political parties – particularly the NC – to join it, but they refused to do so. Meanwhile the king’s increasingly authoritarian ambitions forestalled hope of a return to anything resembling a democratic political system. On 1 February 2005 Gyanendra seized power in a coup, imprisoned the leaders of the political parties and civil society and declared a state of emergency. As he did so, he cited the need to intensify the war against the Maoists and defeat them militarily and bestowed new freedom of action upon the army to allow it to do so.

The coup was to prove an enormous mistake. It precipitated a profound shift in the country’s political forces whilst also triggering the marked displeasure – albeit with important differences between them - of Nepal’s most influential neighbor and partners: India, the United States and the United Kingdom. In the following months, as he defied international pressure to return Nepal to a democratic process and respect the rights of his people, King Gyanendra in effect provided the incentive for the demoralized and divided political parties to come together into a new Seven Party Alliance (SPA), drove that alliance into talks with the Maoists, and mobilized civil society against his regime and the monarchy as never before. The talks, which were held in New Delhi, with the tacit support of India, led to a twelve point agreement that was made public on 22 November 2005. A second “people’s movement” gathered force in the early months of 2006 with a series of violent strikes and protests. These culminated in late April when the king was forced to abandon direct rule and agree to the restoration of the parliament elected in 1999.

Peace talks between the government and the Maoists resumed in May 2006, as the parliament voted unanimously to curtail the king’s political powers. They took an erratic and unstructured form. An inability to delegate prevented anything other than a linear process and rendered all decisions the province of the various parties’ senior leaders, with the octogenarian (and ailing) G.P. Koirala, who was named prime minister for the fourth time in April, the most authoritative among them. Moving through a series of partial agreements – including a twenty-five point code of conduct for the ceasefire reached on 25 May, an eight-point understanding agreed on 16 June 2006, and a request for UN assistance sent to Secretary-General Kofi Annan on 9 August 2006 – they culminated in the comprehensive peace accord (CPA) signed in November 2006. The CPA brought a formal end to the ten year conflict. It provided for the Maoists to enter a transitional government, and an interim constitution to be put in place, while preparations were made for elections to a constituent assembly.

The CPA had looked towards constituent assembly elections that were to be held by mid- June 2007. The agreement had not been as “comprehensive” as its name implied, in that it had left many critical issues, such as security sector reform, to be negotiated at a later date. But its efficacy as a tool to advance the peace process was undermined by inadequate implementation and limited monitoring of the provisions it did contain and, most fundamentally, the rapid erosion of the consensus on which it was based. Consequently, even while the basic framework of the peace process held firm – the ceasefire remained in force; the two contending armies were separated; an interim constitution and interim government were put in place – a struggle for political power within and between the parties in the interim government (in which the NC, the UML and the Maoists quickly emerged as the dominant actors), and a deteriorating security situation undermined progress. Constituent elections were postponed from June to

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9 At the time, G. P. Koirala was criticized for his stubbornness; he would be praised later for refusing to play into the hands of the king while the UML suffered a loss in credibility from its participation in the Deuba government.

10 The parliamentary parties composing the seven-party alliance were: the NC, the UML, the Nepal Sadbhavana Party (Anandi Devi), the Nepal Congress (Democratic) party, Janamorcha Nepal, Nepal Workers and Peasants party, and the United Left Front.
November 2007 and then again, after a Maoist withdrawal from the government in September, to early 2008.

Meanwhile the CPA’s inadequate attention to the demands and rights of groups long subject to discrimination and exclusion – people of the Madhes (or Tarai plains) that stretches the length of Nepal’s southern border and is home to approximately half of Nepal’s population; Janajatis, or indigenous peoples; and Dalits, or those deemed “untouchable” under the caste system; as well as women and the young – led to the emergence of regional and ethnic political forces, some of them armed, across the country. These forces transformed the nature of Nepal’s peace process in fundamental ways.

Among the various mobilized constituencies the Madhesi stood out. Defined as non-hill origin (or pahadi) peoples, with plains languages as their mother tongue, they comprised about two thirds of the residents of the Tarai, with pahadis making up the remaining third. In early 2007 they launched a robust movement that pushed for greater representation within the constituent assembly and the devolution of power through federal arrangements. A poor response from a government the Maoists had yet to join, and missteps by the Maoists themselves – who believed unrest in the Tarai to be at least in part provoked by Indian and royalist forces bent on undermining their popular support – proved indicative of the reluctance of Nepal’s body politic to embrace an inclusive form of politics in anything but name. As the political process struggled forward towards the constituent assembly elections that were eventually held in April 2008, and then to form a government in their wake, the significance of this as an impediment to Nepal’s future would gradually become apparent.

III. EXTERNAL ACTORS AND THE APPEAL OF NEPAL

Donor dilemmas

A long history of international assistance to Nepal pre-dated the involvement of external actors in efforts to bring its conflict to an end. But it also brought with it a decidedly mixed legacy. International aid began flowing in to Nepal in the early 1950s, but grew exponentially during the years of the panchayat. Assistance nominally directed towards poverty alleviation and development was thus perceived by many to be complicit in strengthening a discriminatory and exclusionary state and to have contributed directly to problems that triggered the armed conflict. This history left a somewhat paradoxical legacy: Nepal maintained a heavy dependency on international assistance, but many Nepalis were instinctively critical of its achievements and wary of those who offered more.

The donor community in Nepal, within which the most important actors have been United Kingdom and other representatives of the European Union, the United States, Japan, the Asian Development Bank, the World Bank and the United Nations Development Programme (UNDP), was slow to understand the implications of the conflict. The early declarations and military
actions by the Maoists were dismissed out of hand. In 2000 the United Kingdom – whose long
diplomatic relations to Nepal, ties to the army forged through officer training and the recruitment
of Gurkha soldiers, and large aid programme ensured a particular interest and influence in Nepal -
commissioned an early assessment of the conflict. But it was only in 2002 that donors began to
grapple with the impact that conflict had on traditional development programs in any systematic
way. The international response hit a nadir in October 2002 as diplomats offered tacit support
to King Gyanendra’s abrupt dismissal of the government. Its overall impact had been to
strengthen the state rather than to reform it.

In 2003, as the peace talks foundered, donors adopted a set of “basic operating guidelines” to
delineate the responsibilities of all parties to the conflict with respect to the maintenance of
development space and access to beneficiaries, while increasing their attention to the possibilities
of promoting assistance to the conflict’s resolution. As Jörg Frieden, for many years head of
Swiss cooperation in Nepal, described it, aid agencies were able to maintain their operations in
almost all areas of the country – and in the process act as a some kind of restraint on the conflict
parties - as a consequence of three interrelated factors: the parties to the conflict were rational and
predictable in their use of violence; the CPN (M) sought to achieve international recognition and
thus interaction with international agencies; and successive governments maintained the fiction of
state presence in areas controlled by the CPN (M) by tolerating development assistance. These
factors underpinned inherent tensions for donors whose work was predicated on acceptance of
“technical alignment” with government development policies, yet a refusal to endorse the
legitimacy of the state.

Such tensions escalated after February 2005, leading to protracted discussions over whether to
provide general budgetary support to an isolated and discredited government, but were largely
resolved when Nepal embarked on a recognizable peace process in April 2006. However, the
emergence of the movements in the Tarai in early 2007, and the demands of other populations
from across Nepal long excluded on the basis of ethnicity and/or identity, caught the
internationals (as many Nepalis) off guard. The results of the April 2008 constituent assembly
elections further confounded even those who had held themselves to be amongst Nepal’s most
knowledgeable observers. As the political parties struggled to absorb the implications of
Nepal’s transformed political landscape and to contemplate what federalism might mean in the
Nepali context, members of the international community who had had very little engagement with
the ethnic movements sought to re-focus their understanding of the peace process as something
much more complicated than a political contest between the Maoists and the traditional political
parties.

2007. Five European Union states have individual diplomatic representation in Nepal: Denmark, Finland, France,
Germany and the UK. In practice Denmark, Finland and the UK have worked particularly closely with both Norway
and Switzerland in shaping donor responses to the conflict.
assessments. A synthesis report: Kyrgyzstan, Moldova, Nepal and Sri Lanka”, King’s College, University of London,
2000.
14 This was true even for as committed a donor as the Swiss Development Cooperation (SDC) which had provided
assistance to the rural areas of Nepal, especially the central hilly regions, for almost fifty years before formally
considering addressing the conflict in a 2002 addendum to its 1998-2004 country strategy. Tania Paffenholz,
“Peacebuilding through conflict sensitive development”, in Federal Department of Foreign Affairs, Nepal, Swiss Peace
Policy, No. 1, 2008 (Berne 2008), 65.
Political Landscape”, Asia Reports Nos. 155 and 156, 3 July 2008.
Enter the Peacemakers

The non-governmental and other external actors who became involved in efforts to end the conflict in Nepal did so against this complex background. In each instance the motives of those that undertook major commitments to peace efforts in Nepal, as well as those more tangentially involved, were fundamentally humanitarian. Would-be peacemakers saw potential to contribute to a process that might reduce the level of suffering of those affected by the conflict and the future development of a peaceful Nepal. (There were a range of other factors involved too, from which a degree of self interest – the possibility that Nepal might offer an opportunity for conflict resolution “success” – cannot be discounted. But this did not belittle the primary motivation.) All the external actors worked from a starting assessment that, as this was a political conflict over the nature of Nepal’s government and social and political inequities, rather than one rooted in secessionist or separatist demands, a compromise between the contending parties could be found. Moreover, while Nepal’s strategic position between India and China brought its own complications, there was a general consensus within the international community regarding what a desirable outcome might look like: no violent takeover by the Maoists, and the emergence of a peaceful, stable and democratic Nepal. These two factors, in addition to the growing realization that a military victory was not possible, combined to encourage Nepalis and internationals alike to believe that peace, on the other hand, should be.

How to relate to India was a critical question for all other external actors with an interest in Nepal’s conflict. It would be complicated by the mixed messages they heard from both Nepalis and Indians. These could be attributed to a number of different factors. Firstly, resentment of Indian influence was a fundamental element in the allure of non-Indian international partners for many Nepalis, even as they well knew that no solution to the conflict could be found that was not to the liking of India. Secondly, Indian policy towards Nepal, although since 1990 rooted in the “twin pillars” of constitutional monarchy and multiparty democracy, was shaped by a complex set of interests and priorities, with different perspectives dominant in different government ministries, but also within distinct political parties, intelligence agencies, the neighboring states of Bihar and Uttar Pradesh, and so forth. Thirdly, India, with its open border to Nepal, many Nepalis living in its territory and deep political ties to its ruling elites, engaged with Nepal on a variety of levels and with an array of political and economic levers that outsiders struggled to understand. Finally, India held well-established views on outside intervention in its neighborhood, and was categorically “against third party mediation, UN or otherwise”, as a senior Indian official put it. “Regardless of the irritants, no one understands each other better than India and Nepal”, this official continued, “everyone else could come and meddle… and if it went wrong they could dash off with their first class tickets. We could not trust anyone else to look after our concerns.”

Relations with Nepal’s other neighbor, China, were more distant, reflecting its own lesser visibility in its dealings with Nepal as well as both its long-held views on non-intervention in the affairs of others and an underlying concern that the more than 20,000 Tibetan refugees living in Nepal not be a source of disturbance. With a critical perspective on the Maoists as an unruly force that besmirched the good name of Chairman Mao, this stance had translated into unfailing support of the government of the day. However, China began to take a much greater interest in Nepal in 2005 (in part as a consequence of Gyandendra’s efforts to mobilize support for his coup); it made its first public comment on Nepal’s internal affairs in January 2006, calling on “all

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17 Interview, March 2008.
parties” to narrow their political differences through dialogue; and after that quietly sought to increase its knowledge and engagement across the political spectrum. While never challenging Indian influence overtly, increased Chinese interest helped give Nepali actors a degree of confidence in their dealings with their more voluble neighbor.

The presence of outside actors specifically engaged in efforts to promote dialogue and negotiation at the political level grew slowly. The Centre for Humanitarian Dialogue was from 2000-2003 the only international third party involved in a sustained way, even as offers from elsewhere began to trickle in. The UK’s Department for International Development (DFID), for example, had begun thinking about building local capacity for a future peace process in the wake of the failure of the negotiations of 2001. Assisted by the knowledge and connections of a consultant, Liz Philipson, it developed close ties to a small group of Nepalis thought likely to be involved in the facilitation of future negotiations, including the facilitators of the 2001 talks, Padma Ratna Tuladhar and Daman Nath Dhungana. In addition to the provision of materials and advice, DFID’s support extended to the first workshop – held in October 2002 in Sri Lanka – to take a comparative look at a different peace process. As the 2003 talks took shape, the facilitators (again including Tuladhar and Dhungana) asked DFID whether it could help provide them with access to those with direct experience of facilitating or mediating the end of an armed conflict. At short notice DFID was able to organize visits to Nepal both by representatives of the the Community of Sant’Egidio, a lay Catholic organization that cut its teeth as a peacemaker in Mozambique, and the former president of Finland, president of the Crisis Management Initiative and veteran negotiator, Martti Ahtisaari.

Increasingly concerned by the gravity of the conflict and its relative neglect by the international community, the UN secretary-general offered his good offices to help achieve a peaceful solution in 2002. However Tamrat Samuel, the secretariat official tasked with visiting the country on his behalf did not do so until August 2003. He arrived as the talks were collapsing and would become a regular visitor in the coming years. He sought to establish contacts and build trust across the political spectrum, and, in the process, both lower expectations of those who championed a UN role (the Maoists’ preference for the involvement of the UN and the legitimacy this would bring them was well known) and reassure others, including India, that the United Nations was not pushing itself forward where it was not wanted.

The 2003 talks were by all accounts, and despite the best efforts of the facilitators, an object lesson in how not to conduct a peace negotiation. Quite apart from the wide gulf separating the political demands of the Maoists from the minimalist position assumed by the government and the exclusion of the political parties, they were poorly run and managed: the negotiators and

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18 Statement by Kong Quan, foreign ministry spokesman, 24 January 2006, cited in “Nepal’s Crisis: Mobilizing International Influence”, International Crisis Group, Asia Briefing No. 49, 19 April 2006. In the wake of his February 2005 coup Gyanendra had sought support not only from China, but also Pakistan and Russia.
19 Telephone interview, Mark Segal, September 2008. DFID, like the government of Switzerland was a funder of the HD Centre.
20 Telephone interview, Segal. Email communications, Andrea Bartoli, Community of Sant’Egidio; and Meeri Jaarva, Crisis Management Initiative, August and May 2008. Liz Philipson remained a frequent visitor to Nepal on DFID’s behalf and as an international resource person for the Nepali-run Nepal Peace Campaign. In addition to these initiatives, both Mahdav Nepal and Padma Ratna Tuladhar remembered offers of assistance from Norway in the early 2000s in the context of its efforts in Sri Lanka at the time. Nepal traveled to Oslo on several occasions, “raising the eyes of India”. Norwegian officials, however, were wary of jeopardizing their delicate relations with India over Sri Lanka and did not seek a direct facilitation role. (Vidar Helgesen, the state secretary of Norway directly involved in the Sri Lanka process deliberately avoided traveling to Nepal in order not to create the impression that Norway was pushing itself forward.) Interviews, Nepal and Padma Ratna Tuladhar, March 2008; Vidar Helgesen, June 2008.
facilitators lacked training; the talks themselves lacked structure (the government delegation in particular changed frequently; no process for the discussions were agreed, nor records kept of their proceedings); and communications by both parties were used to undermine the other. Conflict resolution practitioners took note, and offers of assistance – and with them more workshops, training sessions, international experts and trips to far away places - began to multiply.

They fell on ground that was, in some respects, extremely fertile. Some of those close to the talks, including Dhungana and Tuladhar, who was known to be something of a gatekeeper with regard to access to the Maoists, openly appealed to international interlocutors for more help. Many politicians and members of civil society welcomed the exposure to outside ideas offered by international assistance. Others, while rarely inclined to question or reject help when it was offered, remained skeptical as to the benefits to be reaped from well intentioned people who knew more about mediation than they did about Nepal falling over themselves and each other to play their part in Nepal’s peace process. Articles in the Nepali press began to appear bemoaning the “peace industry”; world-weary members of Nepal’s civil society lamented the fact that Nepal suffered from governments and institutions who were isolated from the real problems of Nepal by the English-speaking bubble they inhabited in Kathmandu and just “needed something to do”; some of the more reflective members of the donor community gradually came to wonder whether, “we talk about national ownership – but want their ownership of our own ideas”.

IV. DIALOGUE PROMOTION

HD Centre and the early days

Such overcrowding of the conflict resolution field was a distant prospect when, in August 2000, Martin Griffiths and Andrew Marshall, director and deputy director of the Centre for Humanitarian Dialogue (HD Centre) visited Kathmandu for the first time. The Centre was barely a year old, and was still something of a work in progress. Created to champion the innovative but ill-defined concept of “humanitarian dialogue”, it had rapidly expanded its understanding of the term to include political dialogue and fell rather quickly into the facilitation of talks between the

23 Between 2002 and 2006 international non-governmental organizations that sought to support peace efforts of one kind or another in Nepal included the Carter Center, the Centre for Humanitarian Dialogue, Crisis Management Initiative, Community of Sant’Egidio, Friedrich Ebert Stiftung, International Alert, Transcend and the United States Institute for Peace. This was in addition to numerous workshops organized inside and outside the country – in Denmark, Finland, Germany, Switzerland, the United Kingdom, the United States and elsewhere – as well as attempts to draw comparatively on peace processes in Aceh, Cambodia, Central America, India, Northern Ireland, Peru, South Africa and Sri Lanka and offers of specific help in mediation from the governments of Norway and Switzerland. [This list is inevitably incomplete.] One notable contribution was that made by International IDEA, which opened an office in Nepal in 2004 and dedicated resources to developing thinking and capacity on constitutional reform; this work achieved particular focus once the parties had agreed, in the twelve-point agreement, to the Maoists’ demand for a constituent assembly.
24 A paper co-authored in 2004 by Dhungana stated, “Nepal needs to invited expert facilitators from neutral countries like Switzerland, Sweden, Norway, or many other African countries to support the negotiation process. We should also use the experiences of organizations like UN, EU or ICRC in the mediation process… Many ethical, experienced professional mediators from neutral countries or UN can help our facilitators and negotiators.” Upreti and Dhungana, “Peace Process and Negotiation in Nepal”, 2004
government of Indonesia and the separatist Free Aceh Movement (known by its Indonesian acronym GAM) in early 2000. Although HD’s trajectory in that process was to follow a checkered path, its non-governmental status worked to its advantage in the early stages in that its involvement promised neither legitimacy to the rebels nor great political cost to the government if things went awry.  

With an interest in involvement in conflicts in which other international peacemakers were not present, the exploratory visit to Nepal was facilitated by an introduction made by the regional head of the United Nations Children’s Fund (UNICEF) While in Kathmandu, the two men met with a small number of well-connected journalists, representatives of civil society and human rights activists, including Padma Ratna Tuladhar - who promised to relay their offer of assistance to leaders of the CPN (M) - in addition to Sher Babadur Deuba, then the government negotiator for a dialogue process that was scarcely in existence. HD was warmly welcomed by Deuba and returned to Kathmandu in late October with initial drafts of a HD-facilitated dialogue. Gaining the confidence of the Maoist leadership, who were outside Kathmandu and wary of contact with an international organization of which they knew little, was understandably more complex. Intermediaries from the Maoists visited Geneva on a “vetting mission” in late September and the Centre was finally able to meet with a representative of the CPN (M) in December. But communication with the Maoist leadership would remain through others until direct telephone contact was established, including telephone calls with both Prachanda and Bhattarai, in August 2002.

The HD Centre sought to bring the two parties together for talks that would first address the humanitarian consequences of the conflict and then provide the basis for its peaceful settlement. It worked within a strict confidentiality requested by its Nepali interlocutors and, demonstrating admirable tenacity, remained engaged on Nepal until mid-2006. At that time the pace of political developments and the wide variety of other international actors involved led HD, quite sensibly, to end its involvement.

In many respects it was a frustrating endeavor, constrained by factors both intrinsic to Nepal’s political process and more directly linked to HD’s own approach. Among the most significant were the problems created by the frequent changes in Nepal’s governments and the diminishing legitimacy with which they were able to act. The Centre worked hard to maintain access to the constantly changing cast of characters inside the king’s government(s), but it paid less attention to the politicians whom the revolving door of Nepal’s political process had pushed out of power and into increased opposition to the palace, in part because of the confidentiality on which its interlocutors insisted. Nor did it engage directly with Indian officials until late 2005, on the well-founded assumption that India would not welcome its involvement. Meanwhile, the lack of a consistent presence in Nepal – with the exception of a brief period in 2003 when it had an international representative in Kathmandu, it managed its engagement through periodic visits, generally by Andrew Marshall, interspersed with meetings outside the country and telephone and email contacts – limited its capacity to keep fully abreast of the context within which it was working, and how its initiatives might intersect with, or relate to, other developments.

26 The peace agreement in Aceh negotiated by the HD Centre between 2002 and 2003 was to prove shortlived. For a critical account of HD’s involvement, see Konrad Huber, “The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation”, East-West Center, Washington, 2004.
27 Kanak Mani Dixit, a prominent Nepali journalist who knew of HD through the UNICEF contact, wrote a three page memorandum to Prachanda and Bhattarai suggesting that as a professional organization, capable of working with the utmost discretion, the Centre could be useful to the process and “sent it through the system”. Interview, March 2008.
28 This account of the HD Centre’s work draws on interviews with HD staff and some of their Nepali interlocutors in January and March 2008 respectively.
On several occasions HD came close to facilitating direct meetings between the parties. Most dramatically, in early 2003 it secured agreement to the holding of a series of confidential talks between two representatives of the government and two senior Maoists in Geneva. Both the political and logistical arrangements were complex. However at the last moment – with passports for the Maoists secured and a chartered jet in place at Kathmandu airport – a security breach led the government to get cold feet and the plan to be abandoned. How such dialogue between armed actors, necessarily un-representative of the more democratic forces within Nepali society, and at the time not articulated within a broader and more inclusive strategy, might have developed is of course impossible to assess. But at the time the disappointment of those involved was intense.

The Centre’s effort was quickly overtaken by that of Lt. Col Narayan Singh Pun, a former helicopter pilot and minister in the Chand government who carried out back-channel negotiations with the Maoists in late 2002 and early 2003 that culminated in the announcement of a ceasefire on 29 January 2003 and the initiation of the second series of peace talks. HD shifted its emphasis to an attempt provide advice and resources to the parties and the national facilitators through a new peace talks coordination secretariat. However, the political environment was changing rapidly. Representatives of the CPN (M), including Babarum Bhattarai, were above ground for the duration of the talks and deliberately seeking contacts with diplomats and others in order to present the Maoists to the international community. Offers for assistance to the flagging peace process were coming in from all sides, and Nepali interlocutors appeared ready to receive it. The Community of Sant’Egidio, for example, built upon the contacts it made with political circles close to the king and to the Maoists during its DFID-sponsored visit. Its discreet follow-up included both the organization of a visit to Rome by a Maoist delegation and continuing contacts with both the Maoists and the palace in the coming years.  

United Nations’ “good offices”

Most significant – and not least for the Maoists – was the attention beginning to be paid to Nepal’s conflict by the United Nations. Padma Ratna Tuladhar recalled how press reports in Nepal and India of UN day celebrations in 2002 had mentioned Kofi Annan’s recent offer that “if requested”, he would “consider the use of his good offices to help achieve a peaceful solution” to Nepal’s conflict. Prachanda had telephoned Tuladhar at once, with the request that he seek from UNDP a copy of the report to the UN General Assembly in which the offer had been made. From that time forward the Maoists made no secret of their interest in UN involvement in any process towards the conflict’s settlement, and discussion of its potential benefits and drawbacks became increasingly common. That an explicit UN role was, at the time, quite unthinkable for

29 Sant’Egidio never saw its engagement in Nepal as a major initiative. One of its representatives would describe its contacts in Nepal and the support offered to the parties to explore alternatives to conflict as “only a small fragment in the larger political setting emerging in Nepal [that] never had enough ‘traction’ to align all other priorities around it”. However, continuing contacts provided the basis for what would be described in 2008 as a “bond of trust that still remains”, particularly with the Maoists. Email, Bartoli, August 2008.


31 Interview, Tuladhar. On the Maoist call for UN mediation, see the statement issued by Prachanda two days after a renewed offer by Annan, “to be available… in any manner the parties consider useful” (statement of 22 March 2004) in the light of a marked escalation of fighting in Nepal in early 2004. Prachanda replied: “Having taken the recent appeal of Kofi Annan, the General Secretary of the United Nation, for the peaceful solution of the existing crisis of the civil war in Nepal and the inherent conception as a responsible initiative of the international community, our Party has humbly welcomed it. We have been making public our proposal for the need of mediation of the United Nations on the background of the deception and conspiracy demonstrated by the feudal autocratic old state in the period of past negotiation.” CPN (M) Press Statement, 25 March 2004, available on www.cpmn.org. For a detailed discussion of the
India was underlined quite promptly when Tuladhar, whose house is located just down the road from the Indian embassy in Kathmandu, received a visit from India’s deputy chief of mission to deliver the message that India saw no need for a third party to get involved. (In public India’s line was a little more restrained, exemplified by the remark of the outgoing ambassador – and future foreign secretary – Shyam Saran in mid-2004 “Nepal itself should decide whether it wants the United Nations or any other country to mediate to solve the Maoist problem.”)\textsuperscript{12}

In Kathmandu a UN human rights advisor attached to UNDP met with Bhattarai to discuss a draft human rights accord prepared by the National Human Rights Commission in May 2003.\textsuperscript{33} The draft represented a concerted effort to address the deteriorating human rights situation in the country and, at the same time, build confidence between the parties. Meanwhile in New York officials within the UN’s department of political affairs contemplated how to follow-up on Annan’s offer. A first idea had been to send to Nepal a mid-ranking envoy, a former ambassador of Thailand to the United Nations, to see what might be done. But a meeting with India’s ambassador to inform him of the initiative was interpreted as a request for permission - which India promptly denied. The secretariat was told, as it would be on many other occasions, that Nepalis had the situation under control, competent national facilitators were available, and there was no need for third party involvement in any effort to end the conflict. Undeterred, the under-secretary-general for political affairs, Kieran Prendergast, decided to send instead a mid-level official from his own department, Tamrat Samuel, on a mission to familiarize himself with the political actors in Kathmandu and assess the level of interest for some kind of UN role.

Samuel arrived in August 2003 as the peace talks between the government and the Maoists were foundering. He did not manage to meet with Bhattarai – who like other members of the Maoist delegation had just gone underground – but spoke with him on the telephone several times. In the process he was plunged into a delicate negotiation between the Maoists and the government over how to maintain the ceasefire. This he found somewhat alarming, given the low-key profile he sought, but it certainly confirmed the readiness of Nepali interlocutors to engage with the UN. The ceasefire collapsed anyway after the RNA arrested and then killed nineteen suspected Maoists in Dhoramba on 17 August, but in the coming months, as violence surged and clashes between the police and student and other activists became more frequent, Samuel established a pattern of regular visits. These were supplemented by telephone conversations with Bhattarai, who would call every month or two, often forcing Samuel to leave some UN meeting as he tried to find a quiet place from which to attempt to follow Bhattarai’s rapid-fire English, distorted by the static on the line from a distant satellite-phone.\textsuperscript{34}

A key interlocutor became Bhekh Bahadur Thapa, who in the latter part of 2003 was Nepal’s ambassador at large and in early 2004 became foreign minister. Although initially wary of the UN’s interest in the conflict – he met with Annan in the fall of 2003 to underline that Nepal appreciated the secretary-general’s interest, but would call when it needed help – and of Samuel’s visits in particular, Thapa knew the United Nations well. He had served as resident representative of UNDP in Sri Lanka and had remained on good terms with his deputy, Matthew Kahane, who by 2003 held the position of UN resident coordinator in Kathmandu. Kahane helped smooth Samuel’s relationship with him and the two men met frequently. Indeed when Thapa became foreign minister, Samuel became the conduit for a series of back channel communications with the Maoists. (Thapa would recall that the government welcomed external assistance both because

\textsuperscript{32} Cited in Adhikary, “UNseemly debate in Nepal”.
\textsuperscript{33} John Bevan was the UN human rights advisor. Interview, March 2008.
\textsuperscript{34} Interview, Tamrat Samuel, March 2008.
it offered “some restraint on our immediate neighbor” and because contacts outsiders might have with the Maoists promised both information and opportunities.)

This parallel track appeared to develop well. Thapa assured Samuel that he had told the Indians that Nepal had decided to use the UN “to talk about talks” with the Maoists. Samuel intensified his contacts with Maoists, even preparing to travel to Rolpa to meet with them to discuss the modalities required to initiate direct talks. In the meantime, in an effort to improve the level of confidence between the UN and India, every one of his trips to Nepal included a stop in Delhi. But the political situation was deteriorating, and the king’s cabinet under increasing pressure from street and other protests. In June Prime Minister Surya Bahadur Thapa was dismissed, and the king re-appointed Deuba in his stead. Samuel met with both Deuba and his advisers, assuring them that he believed that the Maoists were ready for serious talks and that it was his understanding that India would not object. In a somewhat clumsy political move Deuba consulted with the Indian embassy. He met with the response that India’s opposition to the UN playing such a role had not changed, and there the initiative died.

In some respects the difficulties Samuel and the UN encountered were not dissimilar to those met by the HD Centre; in others the UN’s involvement was always going to be different from that of any other actor. Despite assistance provided by UNDP, the disadvantages of working without a political presence on the ground, and with the ability to visit Nepal only infrequently due to its distance from New York and a lack of financial resources for the UN’s preventive diplomacy, were self-evident. Moreover, while acting with the legitimacy of the secretary-general, the UN had no clear mandate for its role in Nepal and was no less vulnerable to the political and other purposes of the parties with which it was interacting than any other entity. Yet, given the public nature of Annan’s offer of help and his own visits, Samuel was able to consult more broadly than the HD Centre and meet regularly with the leading members of Nepal’s diplomatic community, including India, without jeopardizing the confidentiality of his individual discussions. He and his colleagues were also able to send consistent messages regarding the nature of the secretary-general’s good offices, which many Nepalis were surprised to learn did not necessarily involve the Security Council, and the consent-based nature of the United Nations as a whole. Samuel reiterated that the UN could and would do nothing that the government of Nepal did not ask it to do and nothing that would jeopardize India’s fundamental interests in its troubled neighbor. Yet if the UN were to get it involved, it was able to offer a range of resources - from limited technical involvement in issues such as human rights, arms monitoring and electoral assistance to direct mediation and a full scale peace operation – that no other organization could match.

It was perhaps inevitable that the relationship between the HD Centre and the UN would be complicated. (Indeed when Samuel first arrived in August 2003, the Centre’s representative refused to meet with him.) Over the years their engagements in Nepal would be subject of lengthy discussions in which they sought to avoid misunderstandings. While each would try to be open about its activities with the other, the openness was not without limits. HD knew that that its entrepreneurial, slightly maverick practices were frowned on by some within the UN, and could see, and understand, that if the political conditions were ever ripe for a full scale UN involvement, its own role was likely to become obsolescent. At one point it suggested an explicit

35 Interviews, Samuel; Bhekh Bahadur Thapa, March 2008.
36 Rather than asking Bhekh Thapa about his consultations with India, Deuba called in the Indian chargé (the ambassador, Sham Syran, was away from Kathmandu at the time).
37 This contrasted quite openly with the operating style of HD, which, prioritizing the confidentiality of its contacts with the parties, met with selective members of the diplomatic community – not including India – and then briefed them only partially on what it was up to, to some of their frustration. HD interview, January 2008. Telephone interviews, western diplomats, April and September 2008.
division of labor, whereby the Centre would conduct the clandestine contacts required at the early stage of the process and then hand over to the UN when conditions allowed it. But there were difficulties with such an approach: the UN was already able to maintain many of the more discreet contacts itself – like HD it had frequent, useful and genuine interaction with the Maoists – and remained convinced that it was not up to the external actors to decide upon their roles, but rather the province of the conflict parties. The UN was consistently told by the Maoists that they wanted its involvement, and would hear from the government, “yes, but at the right time”, even as public discussion of its potential role grew. The Maoists and the HD Centre’s other interlocutors were no less clear in their assurances that their involvement was desired.  

**The High Level Peace Committee and the Carter Center**

Deuba had claimed that a negotiated settlement was his highest priority and created the High-Level Peace Committee and a peace secretariat to support it. However, the prospects for success were dim. Real power rested with the king and the Maoists increasingly insisted that, on this basis, it was only Gyanendra they would negotiate with.

An August 2004 CPN (M) central committee meeting had highlighted considerable differences on this issue, even as it had reinforced the understanding that no military victory to their struggle would be possible. Babarum Bhattarai had favored a more conciliatory approach to the political parties, in part because it might win the support of India and pave the way to a constituent assembly, but Prachanda’s preference for reaching an understanding with “patriotic forces” (including the king) to counter the threat of “Indian intervention” had prevailed. Although in contact with Deuba and his deputy, HD opened a highly confidential parallel track of dialogue that directly involved the palace. But while intermittent discussions regarding the possibility of a meeting between the king and Prachanda continued, tensions between the king and his government grew worse. In December Gyanendra threatened to take over executive powers, appearing to hold back only because India and key western governments offered firm opposition to the idea. They insisted that what the conflict required was a united front of “constitutional forces” - meaning the king and the political parties - against the Maoists.

In the latter part of 2004 the Carter Center appeared on the scene as a new actor in efforts to foster dialogue in Nepal. It had sent two missions to the country earlier in the year and had been encouraged by the palace and Deuba to invite members of the High Level Peace Committee to meet with President Carter in Atlanta in November. The involvement had developed slowly and by means of a circuitous route that was originally a consequence of the persistence of Duman Thapa, a Nepali who ran a U.S.-funded NGO that worked on poverty reduction in the west of the country. By 2000 the severity of the conflict had made continuation of the NGO’s work impossible. After explaining his plight to one of his funders, the McConnell Foundation in California, Thapa was put in contact with U.S. conflict resolution experts Bill Ury and John Paul Lederach, who in turn introduced him to the Carter Center and themselves began to push the Center to become involved. Matt Hodes, director of the Center’s conflict resolution efforts, had been receptive to these overtures, but remembered increasing attention to Nepal after the failure of the talks in 2003; a first assessment mission was conducted in early 2004 after Thapa, who had

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38 “It was clear that the Maoists were playing all sides of the fence while saying that we were the only channel”. Interview, Andrew Marshall, January 2008.
good connections in the palace, received reassurance that the king would welcome an exploratory visit and the interest of President Carter.\footnote{Interviews, Matthew Hodes, Duman Thapa, March 2008.}

The High-Level Peace Committee had in September called upon the Maoists to return to the talks; in Atlanta two months later it enlisted the Carter Center’s help to this end. But while the meetings in Atlanta had appeared productive, and provided opportunities for the Carter Center to interact with senior politicians, there were a number of problems: none of the king’s actions favored dialogue; the Carter Center was ill-prepared to initiate contacts with the Maoists that were already readily available to both the HD Centre and the UN and members of the peace committee itself (Thapa was eventually able to arrange a low level meeting for his US colleagues in Belgium and a telephone conversation between Hodes and Bhattarai in early 2005);\footnote{Hodes recalled being told that the Maoists, “were open to us starting a conversation”. Interview. Madhav Nepal, who led the HPC delegation to Atlanta, had spoken with Prachanda before he traveled; he recalled that Prachanda had said that Carter was, “personally in good standing, with credibility from his role in other conflicts... if his involvement would facilitate the process and put pressure on the king, it could be good”. Interview.} and Carter Center staff located in the United States were poorly placed to understand the complexity of the situation with which they were becoming involved.\footnote{As one associate of the Carter Center put it, “Factors lined up against a U.S.-based organization not really present within the country being able to play a central role in conflict resolution.” Interview, March 2008.} The Carter Center made a point of briefing key diplomatic interlocutors, particularly India and the United States, on its activities and “being as collaborative as humanly possible” with other external actors, especially the United Nations. While its overtures were politely received, several of its interlocutors harbored doubts about its suitability for a conflict resolution role in Nepal, given the confusing signals given by its identity as a non-governmental organization headed by a former US president and in frequent contact with Washington.

In the Nepali context, obvious complications arose in the Carter Center’s attempt to navigate both relations with the CPN (M) – which had been included on the US ‘terrorism exclusion list’ since 2003, although was never designated a “foreign terrorist organization”\footnote{This distinction received emphasis only after the Maoist victory in the constituent assembly elections, and particularly in the context of U.S. Ambassador Nancy Powell’s first meeting with Prachanda on 1 May 2008.} – and with India. US officials had been told by the Carter Center from its earliest days in Nepal that the Center would be contacting the Maoists. They were not happy, but immediately asked for briefings when it did. Yet regular contacts with Washington and with the U.S. embassy in Kathmandu, which was headed between 2001 and 2007 by two ambassadors, Michael E. Malinowski and James F. Moriarty, vocal in their articulation of views that aligned the Maoist threat with global terrorism, fuelled suspicions on the part of some that the Carter Center, despite its professed independence, was somehow aligned with U.S. government interests, if not, as the more conspiracy-minded would have it, reporting to the CIA. Meanwhile Carter’s own history with India, and continuing stance on issues such as the Non-Proliferation Treaty, did not contribute to establishing any trust with Indian authorities ill-disposed under any circumstances to look kindly upon non-governmental “freelancers” volunteering themselves a role in Nepal’s complex internal conflict. In retrospect, Carter Center staffers would come to view their efforts in Nepal to have been “systematically blocked” by India.\footnote{Interviews, former Carter Center staff, February and March 2008. A senior Indian official interviewed in March 2008 signaled out the “ignorance” and “arrogance” of the NGOs he met with as particularly irritating, “half my objection to NGOs is that – for heaven’s sake – you should know something about this place”.

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V. AFTER THE COUP

The international response

The robust international response with which King Gyanendra’s coup of 1 February 2005 was met was one critical element in the changes that followed. India led condemnation of the king’s actions and was joined by the United States, the United Kingdom and other EU countries (China considered the coup an internal affair and maintained business as usual with Nepal). Vocal diplomatic protests were made, lethal military assistance was suspended, and ambassadors recalled. But as the months went by with little discernible impact on the king’s behavior, the initial unity with which the international community had responded began to fracture. Fissures emerged between India and the United States, which was instinctively more sympathetic to the palace’s stance on terrorism and viewed India’s emerging encouragement of talks between the political parties and the Maoists with concern.\(^{46}\)

National political developments came to the fore in a gradual realignment of the triangular dynamics of Nepal’s conflict into a broad front of opposition against the king. Three critical processes had lasting impact on the shape of things to come: reconciliation within the Maoists, who overcame their internal divisions with an accommodation that left Prachanda’s authority in place but followed the political path – through negotiation with the political parties towards a constituent assembly – outlined by Bhattarai;\(^{47}\) amongst the country’s mainstream political parties, who agreed to work together within the Seven Party Alliance (SPA); and critically, between these two forces as the SPA and the CPN (M) reached agreement in November 2005 on a joint strategy against the monarchy. In none of these processes were international actors other than India centrally involved, even though their presence in Kathmandu and degree of interaction with the various political actors was multiplying, and they flocked to offer support to follow-up of the twelve-point agreement. Meanwhile, the quiet role played by individual Nepalis, within the political parties and from civil society, who invested time, energy and in some instances their personal resources in flying back and forth between Kathmandu and Delhi represented a notable contribution to the emerging political process.

In the immediate aftermath of the coup a surprising development was agreement by the government of Nepal (and India behind it, albeit reluctantly) to the creation of an Office of the UN High Commissioner for Human Rights in Nepal. The agreement, which was endorsed within the UN’s Human Rights Commission on 20 April 2005, owed a lot to the heightened attention to the dramatic curtailment of human rights since 1 February and India’s frustration with the king. However, it would not have been achieved without the efforts a few individuals amongst Nepali human rights activists and the international community who had been struggling to focus attention on the deteriorating human rights situation.\(^ {48}\) Encouraged by indications from the Maoists that they would accept international human rights monitoring,\(^ {49}\) these individuals embarked on effort to wean the donor community away from the idea that human rights training

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\(^{47}\) One element in this reconciliation was the need to maintain unity before the Maoists’ international interlocutors, all of whom had interacted more with Bhattarai than Prachanda. Individual Nepalis, including Devendra Raj Panday, played a helpful role in encouraging reconciliation amongst the Maoists.

\(^{48}\) Interviews, John Bevan, Martin Herman, Sushil Piyakurel and Mark Segal, March, April and September 2008.

\(^{49}\) In early 2004 Prachanda stated that the CPN (M), “…has been taking the calls and concerns for peace from the UN, European Union and other international human rights organizations and individuals seriously, we have been welcoming that… We have also made it clear that we would accept mediation and observation from the UN toward creating an environment whereby people’s mandate could be solicited peacefully.” The Kathmandu Post, 5 February 2004.
was a sufficient response to the gravity of the situation. They were eventually able to build a broad international coalition in support of a more robust engagement that would involve monitoring as well as an attempt to establish oversight mechanisms and to end impunity. The active involvement of Louise Arbour, the new high commissioner for human rights, who visited Nepal in January 2005, was a critical element in the mix, as was the championing of the resolution in the Human Rights Commission by Switzerland. In the final instance, the government of Nepal was convinced that agreeing to the deployment of UN human rights monitors under terms it could negotiate was preferable to having a special rapporteur imposed upon it by the Human Rights Commission.  

The office, which began deploying to Nepal in May 2005, represented a significant change in international involvement in Nepal’s conflict. Headed by Ian Martin, a former secretary-general of Amnesty International with extensive experience in UN missions elsewhere, it was able to attract staff of a high caliber and extend its presence throughout Nepal. This field presence was a critical confidence-building measure for Nepal’s beleaguered civilian population, but also an effective means to promote communication with the conflict parties and a vital source of information on human rights abuses across the country. Martin was pleased to discover that OHCHR had relatively receptive audiences in both the Maoists and the RNA, albeit for very different reasons – the Maoists welcomed the legitimacy that interaction with the UN gave them (both at the field level and with representatives of the leadership, whom Martin met in Delhi on a regular basis from June 2005), while the RNA was increasingly sensitive to discussions regarding the possible curtailment of lucrative UN peacekeeping assignments as a consequence of (mis)behaviour in a national context. With the obvious benefit of a Maoist declaration of a unilateral ceasefire between September 2005 and January 2006, the office reported a marked reduction in killings of all kinds, and the standing of the United Nations within Nepal grew.

Martin knew Tamrat Samuel well from a period of collaboration on East Timor and they quickly established a productive working relationship. Samuel’s visits had continued in the months following 1 February, but he had no illusion as to any leverage the UN might have over the king. (He had hand-delivered a letter to him from Annan only a week before the coup; the king had assured him of his commitment to democracy and explained that he was keeping above the political fray.) The secretary-general had met with Gyanendra in late April in Jakarta and had not been taken in by promises that Nepal’s problems would be resolved before the latter visited New York for the General Assembly meeting that September (as they weren’t, he didn’t). While Annan had urged him to release political leaders, reach out to the Maoists and create conditions for a national consensus, Gyanendra’s priority had been to complain about the communication assistance that Matthew Kathane had given human rights defenders and others (“terrorists”, in his eyes) in the immediate aftermath of the coup. Annan remained engaged, despite India’s opposition to a more active UN role, and dispatched his most senior and trusted envoy, Lakhdar Brahimi, to Nepal in July. The king’s lack of political judgment and respect for the United Nations was a major problem.  

50 This strategy built deliberately on the experience of Colombia, where a relatively large presence of OHCHR has been in place since 1997.  
51 The high commissioner for human rights addressed the issue publicly, both in her 16 September 2005 report to the General Assembly (A/60/359) and in her 16 February 2006 report to the UN Commission on Human Rights, Report of the High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (E/CN.4/2006/107), which stated, “Nepal’s security forces must hold accountable perpetrators of violators within their ranks, who should be excluded from participation in UN peacekeeping operations”.  
52 Samuel had been the lead desk officer on East Timor within the department of political affairs, as well as the primary contact for the UN with the Timorese resistance leader Xanana Gusmão, and Martin special representative of the secretary-general during the popular consultation that paved the way for East Timor’s independence in August 1999.  
53 Only significant internal and external pressure caused the king to cancel his plans to travel to New York.
Nations once again came to the fore. Hours after meeting with Brahimi, and assuring him that things would be moving in a positive direction, he expanded his cabinet to fill it with hardliners and former officials of the panchayat.\textsuperscript{54}

Other external actors sought to accommodate themselves to the changed situation after the coup, even as the focus of political developments began to shift to the emerging dynamics between the political parties and the Maoists. The Maoist leadership had contacted HD in early February to communicate their unhappiness with the king’s actions. HD met with emissaries from the palace the following week and was told that, despite his public rhetoric, the king continued to be eager to engage the Maoists in talks – although would insist on multi-party democracy and a constitutional monarchy as a bottom line – and wanted the Centre to facilitate them, secretly and preferably outside Nepal. Three months would go by before HD met again with the emissaries (the delay was attributed by them to a series of confusing signals from the Carter Center and the Community of Sant’Egidio) who now insisted that the king would like HD to facilitate a meeting with Prachanda. But since 1 February the Maoists had categorically refused to engage with the palace, other than to receive messages through HD, and they confirmed the next day that there was no likelihood of Prachanda meeting with the king in the new circumstances.

For its part, the Carter Center had found its contacts to the palace interrupted by the events of February. Concerned for the well-being of its interlocutors within the political parties, almost all of whom had either been imprisoned or fled to India after the coup, a staff member visited Delhi and Nepal in May in part to ensure that its partners “knew that we were watching out for them”.\textsuperscript{55} In the coming months the Carter Center would also put in place preparations for a four-day workshop to discuss negotiation and conflict resolution at Harvard University in October. (This was well attended by senior members of the political parties – although not the NC, which was out of government at the time - selected on the basis that they were likely negotiators in any future talks, and other representatives of civil society, including Padma Ratna Tuladhar. However, as late October was a critical moment in the talks already underway between the political parties and the Maoists it was viewed by some in Nepal as insensitive to the country’s needs and an unnecessary “junket” for its participants.) Meanwhile, a lack of institutional support from within the Carter Center hierarchy for its efforts in Nepal, continuing hostility from India and a failed attempt to secure a license from the U.S. government to provide “pre-negotiation technical advice” to the Maoists all complicated its efforts.\textsuperscript{56}

A new development was the arrival in Kathmandu of two individuals – one a representative of the Swiss government, the other a South African consultant contracted by USAID – specifically tasked with the provision of support to peace efforts. Günther Baechler’s assignment as special adviser on peacebuilding derived both from Switzerland’s long presence in the country as a development actor and from a determined effort by the Swiss foreign ministry to become more engaged in conflict resolution. An assessment of the conflict carried out in 2004 had concluded that Nepal offered potential for a constructive role to be played.\textsuperscript{57} While Switzerland had some

\textsuperscript{54} Suman Pradhan described Brahimi’s mission to Nepal in “In Jest: Mission (Im)possible”, \textit{Kantipur online}, 18 July 2005.

\textsuperscript{55} Interview, Brian McQuinn, February 2008.

\textsuperscript{56} Consultations in Washington had suggested that the Carter Center should apply for a license from the Office for Foreign Asset Control (OFAC) at the Treasury Department, which administers the US’ consolidated terrorist group list and is responsible for granting licenses to NGOs wanting to undertake efforts in situations that might be perceived as contravening US legislation. The Carter Center had obtained similar licenses in Cuba and Sudan, but never obtained one in Nepal.

hope that it might also be able to build on the work of HD, which was after all a Swiss-located NGO whose work in Nepal it had funded, in practice the relationship between Baechler and HD would be somewhat strained. The HD Centre’s protection of its independence, even from its funders, was staunch, and it was little inclined to imperil its identity as a non-governmental organization by working in direct partnership with, or handing over sensitive contacts to, a government. Baechler’s advantage was that, being located in Kathmandu, he could build relationships with a broad range of political and other actors. This he did to good effect, and the contacts he made amongst all parties in 2005 positioned him well to play a useful role in support of the peace process, particularly as it evolved in 2006.

The profile of Hannes Siebert, a South African conflict resolution expert whose most recent experience had been in Sri Lanka, was necessarily more complicated. He had first been engaged to provide support to the peace secretariat established to work with the High Level Peace Committee in the fall of 2004 (in that context he had frequent interaction with the Carter Center). When he returned to Nepal in mid-2005 the political situation had changed quite dramatically, and the peace secretariat with which he began working as part of an emerging Nepal Transition to Peace Initiative was that of the post-coup government of the king. Siebert would be insistent in explaining, including to U.S. officials, that he had not been engaged as an instrument of U.S. policy but to support the Nepali process. But the tension between his role as a USAID-funded consultant – and the suspicions that gave rise to amongst the parties – and an independent expert whose first priority was support to the national process, was real. Notwithstanding the complexity of his profile, the government sent him to Delhi in December 2005, and in early 2006 he began to engage with the Maoists there. In the coming years, Siebert remained an expert adviser to the peace secretariat, at times engaging in coordinated initiatives with Baechler, but never able to establish the independent profile that the latter’s representation of Switzerland allowed him.

**Nepalis to the fore**

The dialogue that began in May 2005, moved through a June meeting in Delhi between Koirala and the Maoists, took on new seriousness in meetings in Rolpa in October and culminated in the discussions in Delhi in November that led to the twelve-point agreement was qualitatively different from anything that had happened before. This was both because of the tacit backing it received from India and because of the substantive agenda for a future process with which it concluded. The twelve-point agreement looked forward to an elected constituent assembly; a Maoist commitment to multiparty democracy; and outside supervision of the armed Maoist force and RNA during the electoral process, led by the United Nations “or any other reliable international supervision”, all as part of a broader effort to bring an end to “autocratic monarchy”.

The coup had sharply underlined the gulf separating the political parties from what they saw as their proper place at the heart of Nepal’s democratic system. The palace controlled the government; but the opposition had been captured by the Maoists, both in their articulation of

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58 The Nepal Transition to Peace Initiative (2005-2007) is described on the website of Nepal’s peace ministry as “a national peace support program, designed in consultation with the Government of Nepal, its Peace Secretariat and political parties to build their capacity to engage in the peace process, create an inclusive multi-party dialogue to address all stakeholders’ concerns, and institutionalize government and peace structures.” http://www.peace.gov.np.

59 The text of the letter transmitting the twelve point agreement is reproduced as an appendix in, “Nepal’s New Alliance”, 29-30.
demands for change and in their physical presence across the country. The parties’ inability to engage in dialogue with the palace and loss of popular support rendered an attempt to seek accommodation with the Maoists the logical – if not the only - way forward. Smoothing the way was that the coup had put paid to the Maoists’ exploration of engagement in dialogue with the palace. Divisions between Prachanda and Bhattarai would heal over the summer months. But in the meantime the many years the Maoists had devoted to thinking about negotiations and their pragmatic assessment of the strategic possibilities open to them well-positioned them for talks.60 Dialogue with the political parties represented an opportunity to achieve both the legitimacy they craved and central elements – most importantly a constituent assembly – of the political agenda they had long pursued.

Indian support to the process offered both the SPA and the Maoists important guarantees, but was never overly intrusive. It was a product of both an evolution in the thinking of the United Progressive Alliance (UPA) government with respect to the Maoists since it came to power in 2004 and – especially - broader shifts in policy towards Nepal precipitated by the coup.61 Both lagged some way behind both the political and institutional crisis facing Nepal in the early 2000s, as well as Maoist efforts to communicate directly with the Indian government and politicians. These had had begun in 2003, when Bhattarai had enlisted the help of a professor, S. D. Muni, with whom he had remained in contact since his days as a student at the Jahwaharlal Nehru University (JNU). Muni had been able to convey a message to the government of Atal Bihari Vajpayee at very high levels with some positive effect, but at the time had found no willingness to meet the Maoists amongst the Indian politicians he approached (these included several individuals – Sitaram Yechury, of the Communist Party of India (Marxist), CPM, and D. P. Tripathi and Digvijay Singh of the Congress Party - who had been colleagues of Bhattarai’s at JNU).62

With the UPA in power, and the CPM a critical supporter of its fragile coalition, a gradual shift in approach to the Maoists began to emerge. Yechury recalled that he had been approached by Prime Minister Mammoohan Singh in about September 2004 and asked whether he would use his JNU contacts to talk to Maoists and help “bring them in to the mainstream democratic process”. With the assistance of Professor Muni, he met with Maoist representatives in Delhi for the first time in early 2005. After the coup his involvement, and that of a Nepal Democracy Solidarity Committee he had formed with D. P. Tripathi, intensified.63 The two began working first with political party leaders already engaged in efforts to form the SPA and then, more discreetly, to encourage the latter’s engagement with the Maoists.

Rumors of Indian involvement in Nepali discussions in Delhi were fanned by a report published in the Times of India in late May that stated that Bhattarai was “being quietly chaperoned around… by Indian intelligence agencies” and had recently met with CPM Secretary-General

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60 Bhattarai had been formerly suspended from CPN (M) posts in January 2005 and was restored to the leadership only after a central committee meeting held in Rukum in October 2005. This meeting committed the Maoists to the more moderate path evident in the twelve-point agreement and in Maoist support for the popular movement of April 2006. International Crisis Group, “Nepal’s Maoists: Purists or Pragmatists?”, 4-5.
61 On the latter, see S.D. Muni, “Neighbourly Concerns”, in “Democracy derailed: A symposium on the subversion of democracy by the monarch in Nepal”, Seminar 548, April 2005, 21-23. A clear articulation of the shift in Indian policy was given by India’s ambassador to Nepal, Shiv Mukherjee, in a television interview on 8 January 2006. “King’s roadmap is incorrect: Indian envoy”, Kantipur online, 8 January 2006.
The report was true only in some respects. Muni had managed to put Bhattarai in contact with Karat after the latter assumed his position at the head of the CPM, but there had been no intelligence agency facilitation involved in their meeting (although of course Indian intelligence kept its tabs on the movements of the Maoist leaders, the Maoists took care of their own security). Meanwhile, it was only in July 2005 that Bhattarai was finally able to meet with senior officials within the ministry of external affairs. As details of the process that culminated in the twelve-point understanding reached in November later emerged, speculation that it had been “written in South Block” or “in Hindi” as one retired RNA general put it, were rife. In practice the text discussed was the product of negotiations between Nepalis – many of them conducted inside Nepal – and, although the agreement was undoubtedly reviewed by Indian officials, and would not have been achieved without India’s support, there could be no doubt as to its authentic representation of the beginnings of a Nepali peace process.

International actors had been aware of the mounting level of Nepali political activity in Delhi – in early November senior politicians shuttled back and forth from Kathmandu on the flimsiest of excuses – and some went regularly to Delhi themselves. But in the latter part of November they traveled there en masse, drawn by the opportunity presented for a first meeting with Comrade Prachanda himself, in the case of the UN, HD and Carter Center (whose representatives did not manage a meeting with the Maoist leadership, although they spoke to them on the telephone) and the need for “urgent consultations” with the Indian government by the US ambassador in Nepal, James Moriarty, who was forced to backpedal on his own vocal opposition to the Maoist-party talks.

An interest by the Maoists in consultations with their most trusted international interlocutors reflected new possibilities for the role of outsiders in the next stage of talks. These were conceived as proceeding in parallel to plans for a mass movement against the king in the early months of 2006. With Indian acquiescence, the twelve-point agreement had opened the door to the possibility of a UN role in monitoring whilst also stating that the parties “expect reliable international mediation even during the dialogue process”. The Maoists explained to both the UN and HD that they hoped for more direct involvement of third party facilitation in any future talks, in part because of continuing sensitivities regarding India. Their preference remained the United Nations, but they feared that this would be more than India could tolerate. With pronounced doubts about the Carter Center from the Indian side, they reported that the role of HD had been discussed with the SPA and that there was mutual agreement that it was best suited to set up the next round of talks, ideally in a third country. The UN was supportive if this indeed was what the parties wanted. HD, however, knew that it stood at a disadvantage with respect to India, whose tacit support was obviously required, even as its relationships to the political parties, and the NC in particular, were not based on a strong foundation. It began consultations with both in early December.

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65 Interview, March 2008.
66 One indication of India’s direct interest in a smooth passage to an agreement was the request Nepalis received to delay the final meeting between Koirala and Prachanda to ensure that the Indian prime minister himself was in the country while it took place, presumably to forestall any problems from other branches of government. The qualification of the proposed UN role by the phrase “or any other reliable international supervision” was reportedly included on India’s insistence.
67 In mid-November, Moriarty had argued that “until and unless the Maoists lay down their weapons, the political parties cannot be in alliance with them – it would be deeply dangerous to do so”. Interview, November 2005. After the agreement had been announced a U.S. spokesman “cautiously welcomed the new political understanding reached between mainstream parties and Maoists”. Cited in International Crisis Group, “Nepal’s New Alliance”, 23.
68 This account draws on interviews with representatives of the Carter Center, HD and the UN in January and March 2008, as well as conversations with the latter two in November and December 2005.
As 2005 moved into 2006, discussions regarding possible international support for further talks continued. On the political front, the UN maintained a deliberately low profile both because of an assessment that time was needed for Nepal’s own political dynamics to move forward and because follow-up to an agreement that did not just exclude the government of Nepal, but pointed towards its demise, was clearly a delicate matter for an organization of member states. In his OHCHR capacity Martin nevertheless continued to engage the royal government and warn of the looming danger of street confrontations. Those surrounding the king were impervious to these entreaties and even accused OHCHR of being part of the disorder they were struggling to confront. Meanwhile, HD returned to Delhi and Kathmandu in late January/early February for further consultations with India – this time at the level of Foreign Secretary Shyam Saran – the Maoists and political parties on the possibility of arranging a new round of talks in Switzerland. The Carter Center also resumed its efforts, in part in response to back channel messages from the palace which led it to think that it, alone of the outside actors, had developed a trusted communication channel with all three political forces. Günther Baechler, on Switzerland’s behalf, also increased his activity – offering at one point, and despite suggestions from HD and others that the idea would likely meet with opposition from India - to host talks between the Nepali parties in the Swiss embassy in Delhi.

The extent to which these various efforts were taking place at the margins of the emergence of powerful forces for political change in Nepal gradually became evident, and the external peacemakers stood back to let the internal process run its course. An initial call by an increasingly organized civil society movement and the political parties for mass protests on 20 January against the king’s insistence on municipal elections on 8 February was badly coordinated with the Maoists and in part pre-empted by widespread arrests of key civil society and other leaders.69 The parties remained hesitant of the potential for the masses to take to the streets, but after late-March, when the Maoists and the parties reaffirmed their commitment to work together and called for mass agitation, the movement gathered force. A succession of strikes, protests and rallies attracted wider support than either the Maoists or the political parties had foreseen. Members of civil society, the media, the business community, professional disciplines, government bureaucrats and the public at large took to the streets, or offered their support at a variety of different levels.

The end, when it came, was messy not as a consequence of the level of violence – although nineteen people were killed during the course of nineteen days of agitation the number was in many respects low given the scale of the mobilization, as OHCHR’s efforts to monitor the demonstrations as they gathered strength attested70 – but because of the diplomacy involved. As the need for a compromise became evident, India sent as an envoy Karan Singh, the son of the last maharaja of Kashmir and a senior Congress politician with ties to Nepal’s royal family, in an effort to persuade the king to put forward an acceptable offer. He returned quickly to Delhi, but Gyanendra had nevertheless been persuaded to issue a proclamation that invited the SPA to

69 More than 3,000 political party and human rights activists were arrested in late January and early February, the great majority for exercising their right to freedom of peaceful assembly or expressing their public opinion.

70 In addition to maintaining a visible international presence on the streets, gathering information and documenting violations of human rights, OHCHR was intensely involved in monitoring the whereabouts and conditions of those who had been arrested. Its conduct in this period provided a significant boost to the credibility of the UN in Nepal. OHCHR’s account of these events, and their implications for human rights in Nepal, is contained in Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal, A/51/374, 22 September 2006.
nominate a candidate for prime minister.\textsuperscript{71} Accepting the proposal would have divided the parties from the Maoists and civil society and undoubtedly weakened the popular movement. But the international community (India, China, the United States, United Kingdom and other EU states) rushed to welcome it without waiting to hear the response of the people of Nepal; a number of diplomats even went, uninvited, to a meeting of the SPA leadership being held at G.P. Koirala’s residence to try and persuade them to accept the offer.\textsuperscript{72}

The Maoists and the agitating masses were not prepared to back down and the parties too stood firm. After the direct intervention of Shyam Saran, India released a statement that backtracked embarrassingly on its earlier position. On 24 April the king issued a second proclamation, this time agreed in advance with the SPA leadership, as well as with India. He recognized the sovereignty inherent in the people, called for a resolution of the conflict “according to the road map of the agitating Seven Party Alliance” and announced the restoration of the parliament elected in 1999.\textsuperscript{73}

**VI. PEACE PROCESS SUPPORT IN 2006**

The dramatic denouement of the April 2006 popular movement underlined the extent to which Nepal’s political revolution was home grown. The “disconnect between domestic politics and international pressure is starker than it has ever been”, observed C. K. Lal, a leading Nepali commentator, on 23 April.\textsuperscript{74}

Perhaps predictably, Kathmandu’s donors and diplomats (among whom Norway and Switzerland, as non-EU members stood out for not having pressured the parties to accept the terms of the 21 April proclamation) were chastened but not deterred. Reports that Norway’s senior peace mediator, the minister for international development Erik Solheim, who visited Nepal in the aftermath of the 24 April proclamation, wanted “to try to push along talks between the government and Maoist rebels and to help re-establish democracy” were met with concern by members of the international community with direct experience of the events of the preceding weeks. Like many Nepalis, they believed that the last thing the talks that were likely to ensue required was new high level intervention from outside.\textsuperscript{75} Yet in the following months, as Nepal’s negotiations got underway, they did so amidst a plethora of offers of assistance. Governments and international NGOs alike, few of them entirely immune to the opportunities presented by the possibility of contributing to something that seemed to be making forward progress, sent in an

\textsuperscript{71} Proclamation to the Nation from His Majesty King Gyanendra, 21 April 2006. Yechury recalled that Dr. Singh had asked him what he should say to the king. Yechury suggested, “Tell the king he got a bonus of sixty years you did not get”. Interview.

\textsuperscript{72} The UN secretary-general issued a more nuanced statement that did not specifically endorse the king’s proclamation, but welcomed “the affirmation that executive power will be returned to the people”. However, as the International Crisis Group pointed out, the statement’s subtleties were, “not surprisingly, lost on the crowds and given little attention by the Nepali media”, which reported instead that “UN, US, EU and Canada welcome royal proclamation” (nepalnews.com, 22 April 2006). United Nations, “Statement attributable to the Spokesman for the Secretary-General”, 21 April 2006. International Crisis Group, “Nepal: From People Power to Peace?” Asia Report No. 115, 10 May 2006, 10.

\textsuperscript{73} Proclamation to the Nation from His Majesty King Gyanendra, 24 April 2006.


\textsuperscript{75} Solheim, who had been Norway’s primary facilitator in Sri Lanka, contacted the Maoists before he traveled to Nepal and met with them while he was there. His visit prompted clarification of Norway’s ambitions that ruled out a role within the talks themselves. Reuters, “Norwegian minister to visit Nepal to push talks”, 28 April 2006; BBC news, “Norway rules out Nepal peace role”, 5 May 2006.
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.  

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.

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”. 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  

77 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.
78 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.

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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. 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’”. 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.

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. It also looked forward to the discussions that took place...

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79 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.


81 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.

82 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 barracks”. 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. 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.

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,


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. 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. 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.

86 See, for example, Krishna Hari Pushkar, “What UNMIN Should Do to Manage Nepal Peace Process”, Nepal Monitor, 31 October 2007. http://www.nepalmonitoronline.com. The unrealistic expectations were shared by some who were close to or insiders of the political process.
87 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.88

Less public were the continuing efforts of both Günther Baechler, who remained working on Switzerland’s behalf until October 2007, 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.90

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

89 He would be replaced by Markus Heiniger, who arrived in Nepal in November 2007.
90 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. 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. 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.

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. 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. 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
was fulfilling the UN’s fundamental responsibility to speak out about the real challenges facing the peace process.\textsuperscript{96}

Tensions over the expansion of UNMIN’s mandate reflected broader differences over the shape and future of the peace process.\textsuperscript{97} 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.\textsuperscript{98} The emphasis of UNMIN and the most active of the western donors, on the other hand, remained on broader concerns of 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.\textsuperscript{99} 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.

\section*{VIII. \textbf{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.\textsuperscript{100} Analysis of the reasons for the political sea-change these results represented lies beyond the scope of this paper,

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\textsuperscript{96} Interview, Ian Martin, March 2008. Martin’s attempts to engage the Madhesi (see note 88 above) remained an additional bone of contention with India.  \\
\textsuperscript{97} International Crisis Group, “Nepal: Peace Postponed”, \textit{Asia Briefing No. 72}, 18 December 2007, 12-14.  \\
\textsuperscript{98} See Kanak Mani Dixit, “India and Nepal’s Constituent Assembly”, The Hindu, 7 March 2008.  \\
\textsuperscript{99} On 1 March 2008 an agreement was signed with \textit{janajati} groups in the Federal Republican National Front.  \\
\textsuperscript{100} See International Crisis Group, “Nepal’s Election: A Peaceful Revolution?” for further discussion of this.
\end{flushleft}
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 a 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. 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.

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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 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.102

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.

102 Interview, March 2008.