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Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Overview

During the period under review, the Security Council held nine meetings and adopted three resolutions and one presidential statement in connection with the item entitled “Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)”. At the meetings, senior officials of the Secretariat briefed the Council on the progress of the peace process in Nepal and the work of the United Nations Mission in Nepal (UNMIN). The mandate of UNMIN was renewed three times in 2010 and was terminated on 15 January 2011 after a four-year engagement.¹

A table lists the meetings held in consideration of this agenda item as well as related information including invitees, speakers and decisions adopted.

January 2010: consideration of progress in the peace process

On 15 January 2010, the Representative of the Secretary-General in Nepal reported on positive developments in the peace process which had been initiated with the signing of the Twelve-point Understanding in 2005 and solidified in the Comprehensive Peace Agreement a year later. Positive developments included the establishment of a

¹ [Resolutions 1909 \(2010\)](#), [1921 \(2010\)](#) and [1939 \(2010\)](#). For more information on the mandate of UNMIN, see part X, sect. II, with regard to political and peacebuilding missions.

high-level political mechanism to deal with outstanding peace-process issues including drafting of a new constitution and the rehabilitation of Maoist army personnel. She noted, however, that growing political instability and lack of a credible and independent national monitoring mechanism to oversee the implementation of the Comprehensive Peace Agreement could undermine the overall peace process. In that regard, she encouraged parties to agree, within the Special Committee established to address the supervision, integration and rehabilitation of Maoist army personnel, on the modalities of integration of army personnel into the security forces and on rehabilitation. She further underlined that the major peace process actors needed to establish a timeline with clear benchmarks for the withdrawal of UNMIN.²

In [resolution 1909 \(2010\)](#) of 21 January 2010, noting that the deadline for the promulgation of the new democratic constitution was 28 May 2010, the Council called upon the Government of Nepal and the Unified Communist Party of Nepal (Maoist) to work together to ensure the completion and implementation of the timetabled action plan for the integration and rehabilitation of Maoist army personnel by 15 May 2010, while renewing the mandate of UNMIN until the same date.

5 May 2010 to 15 September 2010: briefings on the status of the peace process and the final extension of the mandate of UNMIN

On 5 May 2010, the Representative of the Secretary-General reported that increased political instability, including strike and mobilization of the Maoist, and subsequent reactions by the Government had fuelled public concern over possible relapse into conflict. In that connection, she noted that negotiations were underway to extend the tenure of the Constituent Assembly, which had been tasked to draft a new constitution, in order to avoid the risk of a political vacuum beyond 28 May 2010.³

On 12 May 2010, the Council adopted [resolution 1921 \(2010\)](#) by which it renewed the mandate of UNMIN until 15 September 2010. Underlining that the current

² [S/PV.6260](#), pp. 2-5.

³ [S/PV.6308](#), pp. 2-5.

arrangements had been conceived as temporary measures, rather than long-term solutions, the Council decided that UNMIN should immediately begin to make the necessary arrangements for its withdrawal, including handing over any residual monitoring responsibilities by 15 September 2010. In addition, expressing concerns at the recent tensions, the Council called upon all political parties in Nepal to expedite the peace process.

On 7 September 2010, the Representative of the Secretary-General in Nepal reported on the “discouraging” state of paralysis of the peace process after a failed attempt to form a national consensus government and divergence between the Government and the opposition over the role of UNMIN in the peace process. In that context, she noted that no significant progress had been made on the interrelated issues of power-sharing, the completion of the new constitution and the integration of Maoist army personnel. On the latter, she recalled that UNMIN monitored strictly at the invitation of the parties and with their agreement. In the absence of a renewed agreement between the parties, UNMIN could not continue to “monitor one side at the request of the other” and neither did it have the authority to introduce fundamental changes to the monitoring regime. She stressed that overall political progress was required for UNMIN to perform its supportive tasks and recalled that the Secretary-General in his report⁴ had proposed a discussion of the monitoring mandate of the Mission once a new Government was formed, in the context of the parties’ commitments and the phasing-out of UNMIN. The Secretary-General would then report back to the Council and if no consensus was to emerge, alternative measures would be envisaged, including the termination of the mission’s mandate.⁵

The representative of Nepal who disagreed with the analysis of the Representative of the Secretary-General on the situation called for a more “balanced, nuanced and reflective” assessment in the report of the Secretary-General,⁶ including through the

⁴ [S/2010/453](#).

⁵ [S/PV.6377](#), pp. 2-6.

⁶ [S/2010/453](#).

recognition of the efforts of the Constituent Assembly which had been extended until 28 May 2011.⁷

On 15 September 2010, the Council adopted [resolution 1939 \(2010\)](#) deciding to terminate UNMIN on 15 January 2011 and requesting the Secretary-General to report by 15 October 2010 on the implementation of the four-point agreement of 13 September 2010 between the caretaker Government of Nepal and the political parties. The agreement entailed the finalization and implementation of documents on the way ahead for the peace process; the submission of the combatants of the Maoist army under the Special Committee's authority; the completion of the remaining tasks of the peace process by 14 January 2011; and the last extension of the UNMIN mandate for a further four months.

14 October 2010 to 5 January 2011: briefings on the concluding work of the Mission and consideration of the transition and post-UNMIN periods

On 14 October 2010, the Under-Secretary-General for Political Affairs briefed the Council following his recent visit to Nepal on his assessment of the state of the peace process. Despite the parties' efforts, the political impasse remained, undermining the chance to succeed in implementing the 13 September agreement before 15 January 2011. He stressed that UNMIN, initially established with a one-year mandate and conceived as a "focused mission of limited duration", had largely accomplished its tasks. He further underlined that the seven extensions of the Mission's presence had been requested by the parties, without any adjustment in its mandate that might have enabled it to deliver more effective support to resolve the ongoing disputes. Highlighting the continuous absence of fulfilment of the parties' commitments as well as the controversies surrounding the work of UNMIN, he stated that the United Nations was not in favour of repeated extensions of the Mission's mandate in a climate that undermined its ability to function effectively.⁸

⁷ [S/PV.6377](#), pp. 6-8.

⁸ [S/PV.6398](#), pp. 2-5.

On 5 January 2011, looking back on the work of UNMIN ten days before the conclusion of its four-year engagement, the Representative of the Secretary-General in Nepal recalled that UNMIN had been established to assist Nepal in holding successful election to the Constituent Assembly in 2008 by monitoring the arms and armies of the Government and Maoist sides, providing assistance to the Election Commission and assisting in the monitoring of the cease fire code of conduct. She stressed that the Mission would have benefited from a review of its mandate after the elections. She highlighted the strong divisions among the parties and the persistent political stalemate, especially in respect of the future of the Maoist army personnel and the promulgation of a new constitution. Despite political gains harvested throughout the process, she warned against remaining threats such as possible revolt or army-backed coup. With regard to the transition period until the drawdown of the Mission scheduled on 15 January 2011, she stressed that no consensus had been reached over the creation of a mechanism to which UNMIN could hand over its monitoring responsibilities. Therefore, a “legal void” could be expected after the departure of the mission. On the political front, she regretted that important pending issues had not been resolved such as the formation of a new government and the rehabilitation of Maoist Army personnel. Despite some progress made on the constitution, meeting the 28 May 2011 deadline for its promulgation was unlikely. The representative concluded that the United Nations would remain engaged and continue to make its contribution to the success of the peace process.⁹

14 January 2011: adoption of a presidential statement preceding the departure of UNMIN

On the day prior to the termination of the Mission, the Council adopted a presidential statement¹⁰ encouraging the parties to redouble their efforts to fulfil their commitments under the Comprehensive Peace Agreement, in particular the completion of a new constitution. It also welcomed the ongoing engagement of the Secretary-General

⁹ [S/PV.6465](#), pp. 2-7.

¹⁰ [S/PRST/2011/1](#).

and United Nations bodies to continue to be supportive of the peace process and reaffirmed its own support for it.

Meetings: letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6260 15 January 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17)	Letter dated 14 January 2010 from the Secretary-General transmitting a request from Nepal for a 4-month extension of UNMIN mandate (S/2010/25)	Nepal	Representative of the Secretary-General in Nepal and head of the United Nations Mission in Nepal (UNMIN)	All invitees	
6262 21 January 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17)	Draft resolution submitted by the United Kingdom (S/2010/32) Letter dated 14 January 2010 from the Secretary-General transmitting a request from Nepal for a 4-month extension of UNMIN mandate (S/2010/25)				Resolution 1909 (2010) 15-0-0
6308 5 May 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/214)	Letter dated 5 May 2010 from the Secretary-General transmitting a request from Nepal for a 4-month extension of UNMIN mandate (S/2010/229)	Nepal	Representative of the Secretary-General in Nepal	All invitees	
6311 12 May 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of the peace process (S/2010/214)	Draft resolution submitted by the United Kingdom (S/2010/236) Letter dated 5 May 2010 from the Secretary-General transmitting a request from Nepal for a 4-month				Resolution 1921 (2010) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
		extension of UNMIN mandate (S/2010/229)				
6377 7 September 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/453)		Nepal	Representative of the Secretary-General in Nepal	All invitees	
6385 15 September 2010	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/453)	Draft resolution submitted by Nepal the United Kingdom (S/2010/476)				Resolution 1939 (2010) 15-0-0
		Letter dated 7 September 2010 from Nepal transmitting a request from Nepal for a 4-month extension of UNMIN mandate (S/2010/472)				
		Letter dated 9 September 2010 from the Secretary-General transmitting a request from the Chairman of the Unified Communist Party of Nepal for a 6-month extension of UNMIN mandate (S/2010/473)				
		Letter dated 14 September 2010 from the Secretary-General transmitting two requests from Nepal and the Chairman of the Unified Communist Party of Nepal respectively, for a 4-month				

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6398 14 October 2010		extension of UNMIN mandate (S/2010/474)	Nepal	Under-Secretary-General for Political Affairs	Rule 39 invitee	
6465 5 January 2011	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/658)	Letter dated 5 January 2011 from the Secretary-General transmitting three letters from the caretaker Government of Nepal, the Chairman of the Unified Communist Party of Nepal on post-withdrawal issues (S/2011/1)	Nepal	Representative of the Secretary-General in Nepal	All invitees	
6466 14 January 2011	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/658)		Nepal			S/PRST/2011/1