

23. Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council

Overview

During the period 2008-2009, the Security Council held nine meetings on the item, which concerned the support provided by the Council to the peace process after the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) (CPN-M) of the Comprehensive Peace Agreement to end the 1996-2006 civil war. The Council adopted four resolutions successively extending the mandate of the United Nations Mission in Nepal (UNMIN)³⁶⁷ and one presidential statement. At the meetings, the Council considered the work and mandate of UNMIN, as well as progress towards the Comprehensive Peace Agreement.

23 January 2008 to 16 January 2009: extension of the mandate of UNMIN

On 23 January 2008, the Council adopted resolution 1796 (2008), in which it renewed the mandate of UNMIN. After the vote, the representative of Nepal expressed confidence that during the next six months Nepal would be able to achieve progress in the peace process, including the holding of Constituent Assembly elections in April 2008. He assured the Council that Nepal would fully cooperate with the Special Representative and UNMIN in implementing the mandate that had been adopted.³⁶⁸

On 18 July 2008, the Council heard a briefing by the Special Representative of the Secretary-General in Nepal and Head of UNMIN, who informed the Council that the newly elected Constituent Assembly had held its first meeting on 28 May and voted to implement a federal democratic republic, and that the former king had left the palace without incident. The parties were currently negotiating the composition of the new government. He stated that the Secretary-General had not anticipated extending the mandate of UNMIN once the government was formed. However, its formation had been delayed. In the interim, the United Nations had received a request based on a consensus among the main parties for a six-month extension of the mandate,

as provided for in the agreement of 25 June 2008, which required that the integration and rehabilitation of the Maoist combatants be carried out within that time frame. However, he expressed concern about how rapidly the new government would be able to implement the agreement, which depended greatly on the degree of multi-party cooperation that survived the current disagreements. While UNMIN would continue as a special political mission, he noted that pursuant to the request by Nepal that the Mission continue on a smaller scale, the regional offices had been closed and that it would continue with half of its previous number of arms monitors.³⁶⁹

Speakers expressed concern at the delay in forming the government, and emphasized that the parties should make every effort to implement the 25 June agreement according to the original timetable. While all speakers welcomed the extension of the Mission's mandate and its reconfiguration, several speakers emphasized that UNMIN should not stay longer than necessary, and expressed the hope that it would be able to end its arms monitoring function in the next phase of its mandate.

By resolution 1825 (2008) of 23 July 2008, which again extended the mandate of UNMIN, the Council, inter alia, concurred with the view of the Secretary-General that the current monitoring arrangements should not be necessary for a substantial further period, and called upon the Government of Nepal to continue to take the necessary decisions to create conditions conducive to the completion of the activities of the Mission by the end of the existing mandate.

On 7 November 2008 and 16 January 2009, the Council heard briefings by the Special Representative of the Secretary-General. He informed the Council that the Constituent Assembly, which also acted as the legislature-parliament, had elected a President, Vice-President and Prime Minister, and the long negotiations had led to the formation of a coalition Government, led by the Communist Party of Nepal (Maoist) as the largest party. Despite such progress, the challenge of the transition from the current temporary arrangements for monitoring the management of arms and armies to

³⁶⁷ Resolutions 1796 (2008), 1825 (2008), 1864 (2009) and 1879 (2009). For more information, see part X, sect. II, with regard to the mandate on UNMIN.

³⁶⁸ S/PV.5825, p. 2.

³⁶⁹ S/PV.5938, pp. 2-5.

decisions regarding the future of the Maoist army combatants remained. The formation of the special committee responsible for the supervision, integration and rehabilitation of the former Maoist combatants had been delayed. The parallel negotiations for democratizing the Nepal Army had also stalled. As a result, the conditions for the Mission's withdrawal were not there, as it was still needed to monitor the cantonments.³⁷⁰

Following the briefings, the representative of Nepal stressed his Government's commitment to bringing the peace process to a conclusion and resolving outstanding issues. He emphasized the Government's intention to resolve the issues relating to cantonments to bring an end to the current monitoring arrangements so that UNMIN could be withdrawn after the conclusion of its mandate.³⁷¹ The representative of Costa Rica encouraged all parties to comply more strictly with the basic commitments undertaken by the agreed deadlines, which applied not only to the demobilization of former combatants, particularly minors, but also to the drafting of the new constitution, transitional justice, including the establishment of a truth and reconciliation commission, and issues basic to economic and social development.³⁷²

5 May and 6 November 2009: briefings following the resignation of the Prime Minister

On 5 May 2009, the Council heard a briefing by the Special Representative of the Secretary-General, who informed the Council that tensions between the Communist Party of Nepal (Maoist) and the Army, including over the Army's refusal to stop new recruitment despite a prohibition in the Comprehensive Peace Agreement, had come to a head when Prime Minister Pushpa Kamal Dahal "Prachanda" had attempted to sack the Army chief. However, the President reinstated him, asserting that the interim Constitution gave him authority over the Army. The Prime Minister subsequently resigned, although he had pledged to continue to fulfil his party's peace process commitments while in opposition. He also explained that further delays in completing the Mission's mandate were likely, as the Army chief had taken a restrictive stance on the integration into the Nepal Army of former Maoist army personnel, and the Special

Committee had acknowledged that it was unlikely to meet the six-month deadline even before the recent political developments. The Special Representative noted that the main political parties had expressed support for the further extension of UNMIN.³⁷³

Speakers expressed concern at the political developments and called on all parties to cooperate and make progress towards implementing the Comprehensive Peace Agreement and their other commitments. They expressed support for maintaining UNMIN but expressed the hope that progress would soon be made.

The representative of Nepal expressed confidence that the situation in Nepal would be resolved soon through dialogue and consensus among the political parties in the Constituent Assembly and would in no way jeopardize the peace process.³⁷⁴

The President then made a statement,³⁷⁵ in which the Council expressed its concern about the current political crisis in Nepal, and underscored the urgent need for the Government of Nepal and all political parties to continue to work together in the spirit of compromise.

On 6 November 2009, the Special Representative, in her briefing, noted that while limited progress had been made, overall the process had faced protracted deadlock. Talks to resolve the stalemate remained inconclusive, and there was a real risk of resumed conflict. She stressed that until the parties established a clearer framework for cooperation and found ways of moving forward on major elements of the peace process, it would be difficult to plot a structured exit for UNMIN.³⁷⁶ The representative of Nepal informed the Council that the senior political leaders of the major political parties were expected to reach an agreement to resolve the impasse soon. He also suggested that the report of the Secretary-General³⁷⁷ would have been more balanced if it had taken into account the sincere efforts made by the Government of Nepal in addressing key issues of the peace process and in resolving outstanding issues. It was also the view of the Government that the references in the report implying parity between the regular national

³⁷⁰ S/PV.6013, pp. 2-5; S/PV.6069, pp. 2-5.

³⁷¹ S/PV.6013, p. 6; S/PV.6069, p. 7.

³⁷² S/PV.6013, p. 6; S/PV.6069, p. 8.

³⁷³ S/PV.6119, pp. 2-4.

³⁷⁴ *Ibid.*, pp. 15-16.

³⁷⁵ S/PRST/2009/12.

³⁷⁶ S/PV.6214, pp. 2-3.

³⁷⁷ S/2009/553.

army and the former rebel combatants living in the United Nations-monitored cantonments were not likely to facilitate a positive outcome in the ongoing negotiations on the future of the cantonments.³⁷⁸

³⁷⁸ S/PV.6214, pp. 4-5.

Meetings: letter dated 22 November 2006 from the Secretary-General

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
5825th 23 January 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/5)	Draft resolution submitted by United Kingdom (S/2008/34)	Rule 37 Nepal	Nepal	Resolution 1796 (2008) 15-0-0
5938th 18 July 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)		Rule 37 India, Japan, Nepal Rule 39 Special Representative of the Secretary-General in Nepal and Head of UNMIN	All Council members and all invitees	
5941st 23 July 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/454)	Draft resolution submitted by United Kingdom (S/2008/472)	Rule 37 Nepal		Resolution 1825 (2008) 15-0-0
6013th 7 November 2008	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2008/670)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	1 Member State (Costa Rica), all invitees	

**Part I. Consideration of questions under the responsibility of
the Security Council for the maintenance of
international peace and security**

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6069th 16 January 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	1 Member State (Costa Rica), all invitees	
6074th 23 January 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/1)	Draft resolution submitted by United Kingdom (S/2009/46)	Rule 37 Nepal		Resolution 1864 (2009) 15-0-0
6119th 5 May 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/221)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	All Council members and all invitees	S/PRST/2009/12
6167th 23 July 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/351)	Draft resolution submitted by United Kingdom (S/2009/377) Letter from the representative of Nepal concerning the extension of the mandate of UNMIN (S/2009/360 , annex)	Rule 37 Nepal		Resolution 1879 (2009) 15-0-0

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
6214th 6 November 2009	Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/553)		Rule 37 Nepal Rule 39 Special Representative of the Secretary-General	All invitees	

Europe

24. The situation in Cyprus

Overview

During the period under review, the Security Council considered various aspects of the situation in Cyprus, including developments relevant to the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP). It held 11 meetings, including 4 private meetings with the troop-contributing countries,³⁷⁹ and adopted four resolutions and three presidential statements. In addition, the Council focused on the 21 March 2008 agreement between the Greek Cypriot and Turkish Cypriot leaders and the launch of fully fledged negotiations aimed at the island's reunification.

The Council extended the mandate of UNFICYP four times for periods of six months during the period,³⁸⁰ in accordance with the recommendations contained in the reports of the Secretary-General.³⁸¹

17 April 2008 to 30 April 2009: presidential statements on the agreement between Greek Cypriot and Turkish Cypriot leaders

On 17 April 2008, the Council adopted a presidential statement,³⁸² in which it welcomed the

agreement reached on 21 March 2008 by the Greek Cypriot and Turkish Cypriot leaders and commended them for the political leadership they had shown. It also reaffirmed its commitment to the reunification of Cyprus based on a bicomunal, bizonal federation and political equality, and further welcomed the prospect of the appointment of a Special Adviser, after completion of the preparatory period, to facilitate movement towards a comprehensive settlement.

In his report to the Council dated 2 June 2008, the Secretary-General stated that a window of opportunity for Cypriots to finally resolve the Cyprus problem was clearly open and that it was particularly heartening that the two leaders had taken decisive steps towards resuming negotiations. He also expressed the belief that UNFICYP continued to play a vital role on the island, and therefore recommended an extension of the Mission's mandate.³⁸³

On 4 September 2008, in a statement by the President,³⁸⁴ the Council welcomed the launch of fully fledged negotiations between the leaders of the Greek Cypriots and Turkish Cypriots aimed at the reunification of Cyprus, and the appointment of a Special Adviser to the Secretary-General on Cyprus.

On 30 April 2009, in a statement by the President,³⁸⁵ the Council welcomed the progress made

³⁷⁹ 5906th meeting, held on 9 June 2008; 6032nd meeting, held on 5 December 2008; 6126th meeting, held on 22 May 2009; and 6231st meeting, held on 7 December 2009.

³⁸⁰ Resolutions 1818 (2008), 1847 (2008), 1873 (2009) and 1898 (2009).

³⁸¹ S/2008/353, S/2008/744, S/2009/248 and S/2009/609.

³⁸² S/PRST/2008/9.

³⁸³ S/2008/353.

³⁸⁴ S/PRST/2008/34.

³⁸⁵ S/PRST/2009/10.