



## EVALUATION OF UN MINE ACTION TEAM IN NEPAL

### SECTION 1: INTRODUCTION

#### ***Background***

The ten year insurgency which ended in November 2006 left Nepal heavily contaminated by mines and unexploded ordnance. Minefields had been laid at 53 locations by the Nepal Army (NA) to protect military installations, police posts and infrastructure such as communications sites. Of greater impact was the large number of improvised explosive devices (IEDs) used by the Maoist Army, and to a lesser extent by the Nepal Army (NA) and Armed Police Force (APF). As a result, Nepal's relatively small population of 28 million ranks among the world's most affected by explosive remnants of war (ERW).<sup>1</sup>

During the conflict, the Nepal Campaign to Ban Landmines (NCBL) advocated against the use of landmines and IEDs, and with UNICEF and international NGOs such as Handicap International it conducted mine risk education (MRE) and promoted victim assistance (VA) programmes at national, regional and village level.

When the insurgency ended both sides agreed to rid the country of the threat from landmines and ERW. Indeed, the Comprehensive Peace Agreement (CPA) of 21 November 2006 requires the NA and the Communist Party of Nepal (Maoist), CPN(M), to assist in the clearance of minefields, and the destruction of stockpiles of ammunition and caches of IEDs.<sup>2</sup>

In December 2006, a mine action unit (MAU) was formed as part of the UN Mission in Nepal (UNMIN) to provide technical assistance to the national mine action authorities and implementing organisations<sup>3</sup>; and in April 2007 a commercial demining organisation was awarded a UN contract to advise on the construction of ammunition and explosive storage facilities, to destroy IEDs, and to train the NA to conduct humanitarian demining to international standards.

In late 2007 a UN interagency assessment was conducted with the aim of clarifying the UN's support to mine action in Nepal.<sup>4</sup> One of the outcomes of the assessment was an expansion of the role of the UN in developing Nepal's national mine action capacity. The executive summary of the assessment report is attached at Annex A.

Over the past 30 months much has been achieved in advancing national mine action in Nepal. It is timely to review the role of UN Mine Action Team (UNMAT), and to make recommendations on the Way Ahead.

#### ***Evaluation aim***

The aim of the study was to assess the effectiveness of the support provided by the UNMAT in addressing the mine action needs of Nepal, and to compare the current UNMAT capacity development approach with the former approach taken by the UN contractor, ArmorGroup.

Terms of Reference for the evaluation are at Annex B.

## ***Approach and methodology***

The evaluation was conducted in three phases:

Phase 1: Phase 1 of the evaluation involved the collection and initial analysis of information, and a review of reports and previous assessments by the United Nations and others.

Phase 2: Phase 2 involved meetings and interviews in Nepal with UN staff, members of the National Mine Action Authority, international and national NGOs and the NA. On Wednesday 20 May, key UNMIN staff and senior NA officers were briefed on the provisional findings and recommendations of the evaluation.

The evaluation coincided with the delivery by Cranfield University of a mine action management course for mid-ranking officers of the NA. The course provided a unique opportunity to assess the current level of knowledge and skills of the NA's mine action managers, and to determine the NA's potential to manage mine action in Nepal effectively, efficiently and safely without ongoing assistance of UN technical advisers.

Phase 3: Phase 3 involved a briefing of UNMAS and UNOPS staff by conference call on 17 June 2009.

Information was gathered by the Cranfield University evaluation team through meetings and semi-structured interviews of 12 national and international staff. The feedback was candid and consistent, and has provided a sound basis for the subsequent analysis, leading to the findings and recommendations given in this report.

## ***Key terms and definitions***

Individuals and formed units who fought for the CPN(M) are known as the Maoist Army. The CPN(M) merged in January 2009 with a smaller communist party and was renamed as the Unified Communist Party of Nepal (Maoists). For the sake of this report the Unified Communist Party of Nepal (Maoists) is referred to as the CPN(M).

The Army of Nepal was known as the Royal Nepal Army prior to 2006. For the purposes of this report it is referred to as the Nepal Army (NA) throughout.

A glossary of terms and acronyms used in the report is at Annex C.

## ***Structure of report***

The report is in seven sections. Section 1 is the introduction. Section 2 provides a summary of the ten year conflict between the Government of Nepal and the CPN(M); it provides the historical setting for today's mine action requirements and work in Nepal including UN-led capacity development of the NA. Section 3 discusses the post-conflict legacy and impact of the remaining landmines, IEDs and other ERW. Section 4 discusses the political, security and environmental environment of Nepal which will benefit from, or impact on, decisions regarding future mine action. Section 5 addresses UNMAT's concept of operations and mine action capacity development of the NA. Section 6 is a summary of the strengths and limitations, threats and opportunities of the current mine action capabilities and management arrangements in Nepal. Section 7 provides the study's findings and recommendations.

## **SECTION 2: THE PEOPLE'S WAR – 1996 TO 2006**

*This section of the report provides a summary of the ten year conflict between the Government of Nepal and the Communist Party of Nepal (Maoist). It provides the historical setting for today's mine action requirements and work in Nepal including UN-led capacity development of the NA.*

*Readers familiar with the conflict and background to the current programme of UN mine action in Nepal should go straight to Section 3.*

### **Background to the conflict**

The People's War was a conflict between government forces and Maoist insurgents in Nepal which lasted from 1996 until 2006. The war was initiated by the CPN(M) on 13 February 1996, with the aim of establishing a People's Republic. It ended with a peace agreement between the Government of Nepal and the CPN(M) signed on 21 November 2006.

The decade prior to 1996 had seen Nepal's outlawed political parties increase their demands for a multi-party system, and a succession of coalition governments had brought years of political chaos marked by corruption and inefficiency. But in 1996 international attention was focused elsewhere - on the security challenges of the Balkans and the Great Lakes of Africa - and few governments showed interest in the problems of Nepal. Consequently, little international effort was applied to avert the insurgency which claimed the lives of 13,000 soldiers, police, insurgents and civilians.

The Maoist insurgency began as a result of the United People's Front being excluded from the political process and taking up arms. Starting in a remote rural section and employing classic Marxist strategy, the Maoists gained increasing control over rural areas, eventually establishing Maoist local governments in five of Nepal's 75 districts, and then expanded their operations over much of the rural countryside. Maoist-affiliated unions and student groups shut down schools, raised illegal local taxes and successfully called "bandhs" - forced nationwide strikes and massed gatherings on the streets which have been a longstanding form of political expression in Nepal.

### **1996 – 2000**

The armed struggle began in February 1996 with attacks on remote police stations and district headquarters. In its early stages the conflict was largely confined to the mid-western regions, but it steadily gained momentum and the response of the security forces further alienated large parts of the population.<sup>5</sup> Initially, the NA was not involved in fighting because the conflict was regarded as a matter for the Nepal Police, later reinforced by the Armed Police Force. During this first phase of the insurgency, the government controlled the main cities and towns, whilst the Maoists dominated the rural areas. The only state apparatus present in many villages was a health post, a government school, a village council and a police booth.<sup>6</sup>

### **2001**

The intensity and geographical reach of the insurgency grew rapidly in 2001. On 23 January, three policemen were killed by a landmine explosion at Daregauda, Gorkha. On 1 April, Maoists attacked a police post in Rukumkot in Rukum District, in the northwest, killing 35 policemen. A similar attack occurred on 5 April in Dailekh, in which 31 policemen were killed. Another 30 policemen reportedly surrendered to their attackers, who then summarily executed eight of the captives. On 8 May, four policemen were killed in a Maoist ambush near a police post in Chisopani, Syangja District. On 29 June, Maoists shot and killed five

policemen in Tanahu District. On 6 July, Maoists launched attacks on police posts in three separate locations, killing 21 policemen in Lamjung, ten in Gulmi, and ten in Nuwakot. On 23 July, Maoists attacked police posts in Bajura District, killing 15 officers.

On the night of 23 November, Maoist insurgents launched a series of surprise attacks on the police, NA, and other government facilities. In Dang District, Maoists overran an Army barracks, killing the company commander and 11 other soldiers. A state of emergency was then declared which allowed the NA to join the fight against the Maoists.

The ICBL stated in its Landmine Monitor Report of 2001 that the Maoists "... mined hills and jungles extensively to prevent the police from disrupting their mass meetings" and reported that "... according to a survey on landmine casualties conducted by NCBL, eight districts are heavily mine-affected, 17 districts are moderately mine-affected while the remaining 12 districts experience only minor or sporadic accidents."<sup>7</sup>

## **2002**

Attacks continued in the first six months of 2002, but the situation changed dramatically on 12 July 2002 when the Maoists attacked an Army barracks in western Nepal. In response, the NA increased the tempo and scale of its counter-insurgency operations.

Meanwhile the Nepalese government and the Maoists were making some progress in talks. Three demands were put forward by the CPN(M): (1) the monarchy must be abolished; (2) there must be an election for an assembly which should write a new constitution; and (3) in order to have these elections, the present government should resign and an all-party interim government should administer the elections. The government rejected these demand, and instead insisted the Maoists must first renounce violence.

On 4 October 2002, King Gyanendra dismissed the country's elected government saying it failed to deal with the Maoist rebellion and put off general elections that were scheduled for November.

In November 2002 the Nepal Police (NP) and Armed Police Force (APF) were placed under the unified command of the Army for counter-insurgency operations.

The ICBL stated in its annual Landmine Monitor Report that "... it now appears there was a great expansion of use of antipersonnel mines by security forces in 2002."<sup>8</sup> A spokesman for the Ministry of Home Affairs told Landmine Monitor that security forces used mines in all 75 districts of the country. NA officials, parliamentarians, political leaders from affected areas, and local populations confirmed widespread use of mines by security forces. A NA official told a joint NCBL/ICBL mission that "... the Army had used approximately 10,000 antipersonnel mines, mostly to defend some 50 positions around the country from Maoist attacks."<sup>9</sup> Security forces planted mines around police stations, Army barracks, government offices and key communications sites. A former Home Minister stated that in addition to these defensive uses, security forces also used mines offensively "... to block entry points and lay ambushes."<sup>10</sup>

In December 2002, the NCBL reported that the Maoists had used mines and other weapons during their attacks in the districts of Achham, Arghakhanchi, Sindhuli, Siraha and Solukhumbu, and commented that "... their use damaged industry, trade and agriculture, and disrupted transport lines between villages."<sup>11</sup> A spokesman from the Ministry of Home Affairs stated that "... the Maoists heavily use mines to ambush the Army and police. They lay traps in paths and their use of electric (sic) and other explosives has caused great damage to people and property."<sup>12</sup>

## **2003**

On 29 January 2003, the Government of Nepal announced a cease-fire with the CPN(M) which resulted in a cessation of armed hostilities, bombings, kidnappings and assassinations by the Maoist Army. Peace talks between the government and the CPN(M) were held in April and May 2003. In June 2003, as a result of political party demonstrations, Prime Minister Chand resigned and was replaced by Surya Bahadur Thapa. The ceasefire collapsed in August 2003, after which Maoist statements and leaflets placed increasing emphasis on anti-Western rhetoric and threats against international humanitarian organisations.

Both within and outside the Kathmandu Valley the Maoist Army established a pattern of bombings, targeted assassinations (usually of security personnel) and other acts of intimidation prior to scheduled bandhs. The Maoist Army attacked the offices of several NGOs and multinational businesses working in Nepal. NGO workers reported widespread harassment and extortion. Some workers left their projects in rural areas in response to Maoist threats.

The ICBL stated in its annual Landmine Monitor Report that security forces had laid mines in response to the renewed fighting. In an interview with the Landmine Monitor, a spokesman of the NA said "... the landmine is an effective weapon and its use in the present situation should not be taken in another sense (sic). We do not use it desperately and irresponsibly like the Maoists. The security forces have been using mines in a responsible way. All the security posts where the mines are laid are fenced with wire .... we do not use them in non-military areas and public places."<sup>13</sup>

In 2003 the NCBL reported 731 casualties from landmines, IEDs and other ERW, including 196 deaths. 225 of the casualties were civilians including 17 women and 39 children.<sup>14</sup>

*Comment: More recent assessments by UNICEF and the Nepalese NGO, the Informal Sector Service Centre (INSEC) suggest that actual casualties caused by landmines, IEDs and other ERW were about 50% of the figures provided by the NCBL. The discrepancy in the number of casualties reported during the conflict, in particular the 'amplification' of the figures reported by the NCBL, is addressed in Section 3 of this report.*

## **2004**

In 2004, in many areas outside the Kathmandu Valley the situation remained tense and uncertain. Of Nepal's 75 districts, all but one suffered violence and/or armed conflicts. Armed attacks, landmine explosions and vehicle burnings occurred sporadically on main highways, including the roads linking Kathmandu with the Tibetan and Indian borders, and with the tourist destinations of Pokhara, the Annapurna Conservation Area, and the Chitwan National Park.

On 6 April the CPN(M) called for a three day general strike, shutting down markets, businesses, public transport and schools. The strikes represented a powerful weapon to damage Nepal's fragile economy; it has been estimated that a single day of strike may have cost up to \$14 million in lost revenue. The economic impact of the strikes also affected tourism. The insurgency deterred foreign investors and extorted money from development aid provided by NGOs and internal organisations including the UN.

In late June, the NA launched a series of operations in eastern Nepal in an attempt to destroy Maoist bases and training camps. The insurgents had established a presence in 50 of Nepal's 75 districts, exercising effective control over at least seven of them, and met the incursion by the NA with ambushes, roadside bombings and small scale counter attacks. These attacks resulted in numerous casualties on both sides.

The NCBL reported 1,445 casualties in 2004 from landmines, IEDs and other ERW, including 389 deaths. 707 of the casualties were civilians including 83 women and 134 children.<sup>15</sup>

*Comment: The accuracy of the NCBL's casualty figures is addressed in Section 3 of this report.*

## **2005**

King Gyanendra issued an ultimatum through Prime Minister Sher Bahadur Deuba that if the CPN(M) did not submit to peace talks by 13 January 2005, general elections would be held which would exclude the Maoists from the political process.

The CPN(M) ignored the deadline citing the inability of an administration to meet their primary demand of abolishing the constitutional monarchy. Unable to bring the CPN(M) to the negotiation table, on 1 February the King took absolute control over the government and deployed troops to the homes of political leaders to impose house arrest. Many of the former government's politicians who had avoided arrest were forced to go underground, and on 2 February a 10-member cabinet comprising loyalists was named by King Gyanendra.

A national state of emergency was declared. Strict censorship was introduced, making it illegal to say or print anything that criticised the King. In addition much of the nation's communications were cut, disabling phone lines and internet connections, further isolating the country. These moves attracted international criticism. Even India, a long time supporter of the King's struggle against the Maoist Army condemned his actions.

In early July the Maoist leader Pushpa Kamal Dahal "Prachanda" proposed talks aimed at uniting the opposition against the King's government. The political parties stated they would only open a dialogue with the Maoists if the CPN(M) agreed to reduce its violent insurgency. In August, the political parties agreed to a monitoring system which aimed to ensure that the CPN(M) fulfilled its agreement not to attack civilians, NGO staff or political parties.

On 13 September, the political parties organised a major protest in Kathmandu against King Gyanendra. The protest was dispersed by riot police with tear gas, water hoses, and batons and led to the arrest of over 600 people. Another 400 people were arrested during demonstrations on 16 September.

In November, the Seven Party Alliance (SPA), which represented the interests of the seven main opposition parties conditionally aligned itself with the CPN(M) in their fight against the monarchy. This marked a crucial development in the political environment in Nepal as a united front against the monarchy made it exceedingly difficult for King Gyanendra to position himself as an advocate for democracy.

The NCBL reported 771 casualties in 2005 from landmines, IEDs and other ERW. 536 of the casualties were civilians including 68 women and 99 children.<sup>16</sup> UNICEF reported a smaller number of casualties from landmines, IEDs and other ERW: 142 of which 40 were killed.<sup>17</sup>

*Comment: The accuracy of the NCBL's casualty figures is addressed in Section 3 of this report.*

## **2006**

In February, 2006 King Gyanendra held municipal elections in a tense environment of fear and intimidation by both the Maoist Army and the NA. The elections, which were boycotted by the SPA, were labelled by the EU as "a backwards step for democracy in Nepal" and did little to subdue the growing anti-monarchy sentiment.

On 26 April, the CPN(M) declared a three month unilateral ceasefire, and on 3 May the Government of Nepal announced its own ceasefire and plans for peace talks with the Maoist insurgents.

On 11 June, the government voted unanimously to strip King Gyanendra of all parliamentary powers and effectively made him a figurehead. The Parliament also removed the adjective "Royal" from numerous government organisations, including the Royal Nepal Army. These moves were seen as a major step towards peace with the Maoists who had favoured a far weaker monarchy.

On 16 June, the SPA and the CPN(M) signed an "Eight-Point Agreement" which laid out, in simple terms, the shared goals of both entities for the future. These goals included a commitment to democratic norms and values, multi-party elections and an eventual disarmament of both sides. While the agreement seemed to offer hope for peace in Nepal, the lack of details made the implementation of this agreement uncertain.

On 7 November, the government and CPN(M) reached an agreement for peace that would have the Maoist Army disarm under UN supervision and then join a transitional government by 1 December. The status of the Nepalese monarchy would be decided by an assembly to be elected in 2007.

The ICBL stated in its annual Landmine Monitor Report that 39 civilians died and 130 were injured by landmines, IEDs and other ERW.<sup>18</sup>

### ***CPA: obligations on NA and CPN(M)***

On 21 November 2006, Prime Minister Girija Prasad Koirala and Maoist Chairman "Prachanda" signed a Comprehensive Peace Agreement (CPA) in Kathmandu. The CPA declared an end of armed conflict and the beginning a new era of peace and cooperation based on "... the understanding reached between both parties for guaranteeing the sovereignty of the Nepalese people, progressive political solution, democratic restructuring of the state and social, economic and cultural transformation of Nepalese society through the constituent assembly."<sup>19</sup> The Agreement aimed to convert the ceasefire between the Nepal government and the Maoists into a permanent peace.

The CPA required the CPN(M) to store all the arms and ammunition of the Maoist Army in seven cantonments "except those needed for providing local security of the camps." The arms and ammunition were to be put under a "single lock and key system." The seven cantonment sites are shown on the map at Annex E.

The CPA required the NA to be confined to barracks and to guarantee that its arms would not be used. The Agreement required the NA to keep a similar quantity of arms in a secure store, and to seal it with a "single lock and key system."

The CPA committed both the Maoist Army and the NA not to use or transport mines, and to assist each other to mark and clear mined areas. It committed the CPN(M) to store explosives under UN supervision.

### ***CPA: UN support to monitor arms and armies***

On 28 November 2006, the Government and CPN (M) signed the Agreement on the Monitoring of the Management of Arms and Armies (AMMAA) which added further detail to the CPA. The Agreement committed both parties "... to seek UN assistance in monitoring the management of the arms and armies of both sides by the deployment of qualified UN civilian personnel to monitor, according to international norms, the confinement of Maoist Army Combatants and their weapons within designated cantonment areas and monitor the NA to ensure that it remains in its barracks and its weapons are not used against any side."<sup>20</sup>

Furthermore the Agreement requires both parties to allow the UN, international donor agencies and diplomatic missions based in Nepal, national and international NGOs, press, human rights activists, election observers and foreign tourists to travel unhindered. The Agreement requires the parties to respect the security, freedom of movement and well-being of the United Nations and associated staff and services throughout Nepal.

Security Council Resolution 1740 of 23 January 2007 established the UN Mission in Nepal (UNMIN) to monitor the management of arms and ammunition. As part of the management of arms and ammunition, IEDs prepared by the Maoist Army were collected at designated areas a safe distance from each of the seven main cantonment sites. The disposal of these devices, as well as the clearance of NA minefields, was to be the responsibility of the parties as required by the AMMAA.<sup>21</sup> This work was to be conducted by the UNMIN's Mine Action Unit together with a British commercial security company, ArmorGroup.

An amnesty for surrendered IED stored in homes was granted for a limited period by the police immediately after the CPA was signed, but was not extensively communicated to the public. Efforts by UNICEF and partners to gather data on IEDs stored in villages and ERW used at ambush sites yielded modest results.



## SECTION 3: A POST-CONFLICT LEGACY

### THE IMPACT OF LANDMINES AND ERW

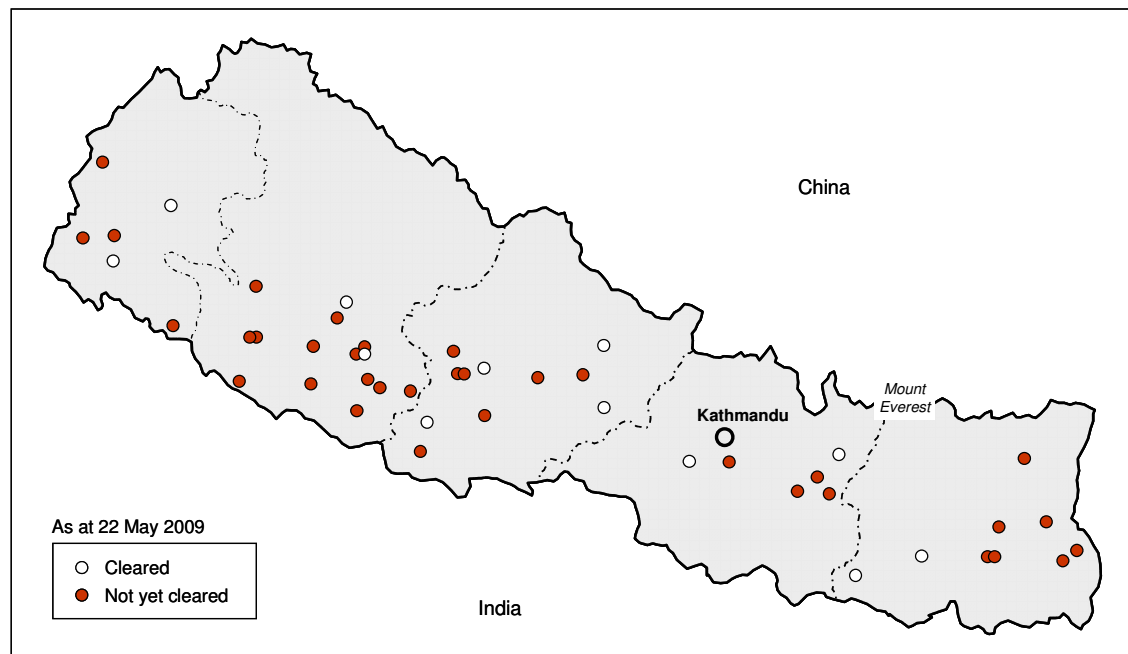
*A formal socio-economic impact assessment of landmines and ERW in Nepal has not been conducted. Indeed, due to the tempo in which the NA's antipersonnel minefields are being cleared and stockpiles of ERW are being destroyed it may not be necessary to conduct a comprehensive countrywide impact assessment.*

*The use of landmines and ERW has resulted in four residual problems: (1) the need to clear the NA's antipersonnel minefields and defensive positions; (2) the need to destroy the stockpiles of IEDs held at the seven cantonment camps and associated satellite sites; (3) the need to reduce, and over time to remove, the risk from IEDs and other ERW abandoned by the Maoist Army and NA; and (4) the need to provide ongoing psychosocial support and medical care to the survivors of accidents from mines, IEDs and other ERW.*

*This section of the report assesses the scale and form of these four problems.*

#### **NA's minefields and defensive positions**

Antipersonnel minefields were laid by the NA at 53 locations to protect military installations, police posts and infrastructure such as communications sites. As at 22 May 2009, the NA had cleared 12 minefields; two minefields were being cleared, and the NA has approved a further 11 for clearance over the next 12 months. The locations of the 53 minefields are shown below in Map 1. [Afternote: as at 26 June, 18 minefields had been cleared.]



Map 1, Location of antipersonnel minefields laid by the NA

The NA used the following antipersonnel mines:

- (1) Assault Buster directional fragmentation mine, based on the US M18A1 Claymore mine, reportedly employed in the command detonated role;
- (2) POMZ-2 and POMZ-2M omni-directional fragmentation mine, reportedly employed in the victim-activated role;

- (3) PMD-6M pressure activated blast mine contained within a wooden box and hinged lid. Although the mines are easy to detect, many of the wooden boxes have partly disintegrated in the ground, which greatly increases the risk to deminers; and
- (4) M14 minimum metal, pressure activated blast mine.

In addition to antipersonnel mines, the NA deployed command detonated devices in defensive positions, sometimes alongside the antipersonnel minefields. According to the Nepal Army Mine Action Coordination Centre (NAMACC), these locations are being cleared by the NA, but no details were provided, nor is the clearance being supervised by UNMAT staff.

The NP reportedly deployed command detonated improvised devices at 47 locations, some of which have been cleared by the NA.

No evidence has been provided by the NA, APF or NP showing when and how these locations have been cleared. The clearance is unlikely to have been carried out to International Mine Action Standards (IMAS) and so far there has been no confirmation by any external body that all locations have been cleared, and are now safe.

The failure to completely clear these command detonated devices laid by the NA, APF and NP represents just as great a threat as the failure to completely clear the NA's antipersonnel minefields. The evaluation team recommends that action be taken by UNMAT to identify the locations, records and information on the clearance of all hazardous devices. The NA, APF and NP should be invited to provide this information, and UNMAT should record it in IMSMA.

The clearance of the NA's minefields is progressing well. The NA has two trained and accredited demining platoons each comprising two sections. A third platoon has been trained and is ready to deploy on operations subject to the agreement of the Director Engineer Services. The average clearance rate is 12.4 sqm per deminer per day, which exceeds international clearance norms for difficult terrain. Based on this rate of clearance it is expected that all 53 minefields will be cleared by the NA to international standards by early 2011. The outline clearance plan for the period May 2009 to February 2011 is shown in Table 1.

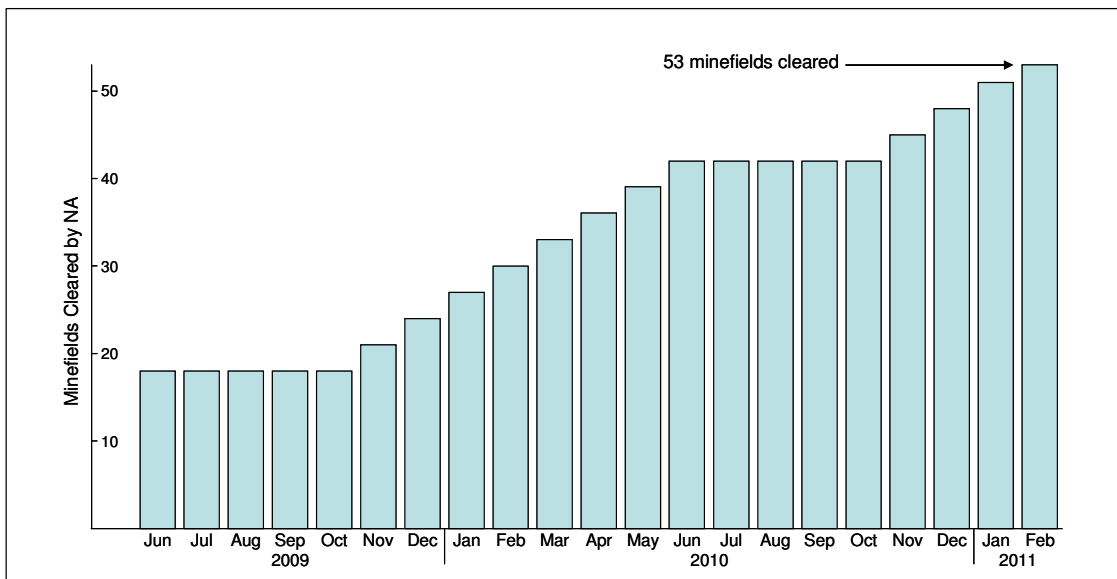


Table 1, Clearance of the NA's antipersonnel minefields

## **Stockpiles of IEDs**

The CPA<sup>22</sup> and AMMAA<sup>23</sup> require the Maoist Army to collect and store IEDs, conventional munitions and associated explosive stores at designated areas a safe distance from the seven main cantonment camps.

In 2007, ArmorGroup surveyed the storage facilities. Many of the facilities were badly sited and poorly ventilated. Much of the explosives inspected had been affected by the high temperatures generated under plastic tarpaulins, items were breaking down and the crystallisation of explosives was evident. ArmorGroup repackaged, repositioned and stored explosive natures together, and training was provided to the Maoist Army on ammunition storage and management.

All items were tagged with non-removable serial numbers. The ammunition was prioritised for destruction based on its condition. Socket bombs, bucket bombs and pressure cooker bombs displaying signs of deterioration were categorised as Priority 1 and earmarked for destruction at the earliest opportunity. Items in a safer condition (the majority of conventional military ordnance such as mortar bombs and grenades) were categorised as Priority 2, to be made safe once all Priority 1 items had been destroyed.

The ArmorGroup demolition programme commenced in September 2007 and all Priority 1 items were destroyed by June 2008, i.e. the end of the ArmorGroup contract. This included: 10,594 live socket bombs, 2,647 live discharge bombs, 23 improvised claymore mines, 100 improvised hand grenades and 53 other types of improvised bombs: a total of 7.405 tonnes Net Explosives Quantity (NEQ).

The final report by ArmorGroup in July 2008 stated that "... it was agreed by the Joint Monitoring Coordination Committee (JMCC) that the Priority 2 ammunition would revert to the control and responsibility of the Maoist Army." It is not clear from this statement whether the Maoist Army was also to be responsible for the demolition of the remaining items.

From July 2008 to May 2009 no IEDs, conventional munitions or associated explosive have been destroyed. Recently, following the arrival of an EOD technical advisor at UNMAT, the stockpiles have been re-surveyed and it is planned to re-start the IED destruction programme in May 2009.

UNMAT reported to the evaluation team that 34,907 items remain to be destroyed as at 22 May 2009. This represents 39% of the original stockpile.<sup>24</sup> UNMAT plans to destroy all remaining items by mid September 2009.<sup>25</sup> *[Afternote: the UNMAT EOD technical adviser destroyed some items in early June, but he was then instructed to halt all further destruction by Maoist commanders.]*

Demolitions are carried out by the UNMAT EOD technical adviser with quality assurance provided by the UNMAT QA Team. Demolition plans are submitted to the JMCC and approval must be given for each task by the Maoist Divisional Commander responsible for each cantonment. Although the demolition task is technically straight forward, challenges such as local security problems, inclement weather during the monsoon season, and delays in obtaining authority from the JMCC may slow down progress.

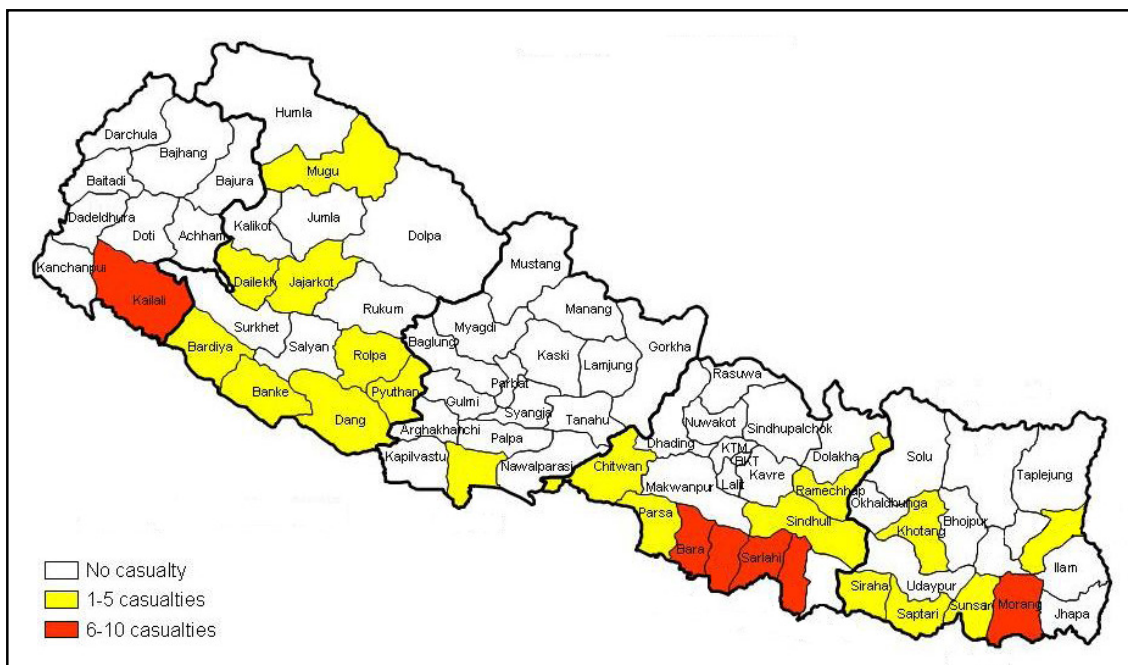
Over the past 22 months, i.e. since the end of the ArmorGroup contract, the condition of the sites containing IEDs, conventional munitions and associated explosives has worsened, and it is reported that the guarding of the sites is inadequate. Indeed recent surveys by the UNMAT EOD technical adviser suggest that some items have been removed from the sites. A sense of urgency by UNMAT to complete the IED destruction programme was noted by the evaluation team. UNMIN has confirmed the need for urgency<sup>26</sup>, not least as the complete destruction of stockpiled IEDs, conventional munitions and associated explosives forms an important part of the AMMAA, and its success will contribute to enhancing the rule of law in Nepal.

## **Abandoned IEDs and other ERW**

During the conflict, the Maoist Army had limited access to commercially manufactured arms, and instead resorted to the manufacture and use of IEDs and booby-traps. As stated above, the most common device was the 'socket bomb' made from plumbing joints filled with locally available explosives. Bombs were also made from steel pipes, buckets and pressure cookers as well as other ordinary containers. The fuzing mechanisms were often unreliable, unstable and affected by environmental conditions.

The NA's use of mortars and other projectiles has resulted in typical post-conflict UXO 'battlefield' contamination causing civilians to be killed and injured.

There has been no comprehensive landmine impact assessment to gauge the socio-economic damage caused by abandoned IEDs and other ERW. However, victim surveillance data provided by the INSEC, a Nepali NGO, suggest that the remaining threat is distributed mainly across the Tarai region, the lowland belt of flat alluvial land stretching along the Nepal-India border; see Map 2.



Map 2, *Casualties from abandoned IEDs and other ERW, January – December 2008*

## **Victims of mines, IEDs and other ERW**

The National Campaign to Ban Landmines (NCBL) was the first organisation to collect data on victims from mines, IEDs and ERW. NCBL's data collection was based on reports from the national media and from human rights organisations. The accuracy of the data was not confirmed and as such the victim information collected in the early years of the insurgency is considered by UNMAT and others to be unreliable.

In January 2006, INSEC established a victim surveillance system across the country using district representatives to verify incidents by interviewing survivors, families and witnesses. Data is collected using standardised forms with clear definitions, differentiation by device types and detonation mechanisms, personal and socio-economic information, and the incident locations and circumstances. INSEC data is considered much more reliable than that collected by the NCBL during the conflict, and has become the *de facto* source of casualty data for mine action in Nepal.

The evaluation team was impressed with the INSEC mine victim surveillance system. The methods used to collect and verify the data are based on best public health practice and the system is similar in scope, accuracy and rigour to the Cambodian Mine Victim Information System<sup>27</sup> methodology - which is considered to be a benchmark of quality in mine action victim/survivor surveillance. The information provided by INSEC is used by UNMAT to assist its strategic and operational planning.

INSEC provides regular updates, usually every two months, and annual reports. Apart from the period January to May 2006 which relied on information collected from 'passive' sources including national media and websites such as Reliefweb, INSEC use 'active' surveillance methods to collect and verify data. Such data includes information on casualties, the types of explosive device detonated and the circumstances which led to the accident.

Whenever an explosion affecting civilians occurs, INSEC is notified by one of its informers or partner organisations and sends a district representative to investigate. Accident data collected at the district level, usually from the survivor, relatives or witnesses of the accident, is sent to INSEC Regional and Central Offices using a standard form, and then transferred to victim assistance agencies. Data is checked for consistency at the central level, and then entered into a database. Every two months, field visits are organised to meet survivors and informers to validate the accuracy of the data.

Information is analysed and summarised in a bi-monthly report, which is disseminated through the MRE Working Group in Nepal. Reports are published on the INSEC website in English and in Nepali. The reports include only *unintentional explosions resulting in civilian casualties*; they do not provide any information on intentional explosions (attack, demolition or crime) or incidents which did not result in a casualty.

*Box 1: The INSEC victim surveillance system*

The information on casualties prior to 2000 is sketchy and unreliable. NCBL started to collect data in 2000 and summaries were published in the annual Landmine Monitor Report, but UNICEF and INSEC believe the data to be inflated as it was obtained only from secondary sources. It is considered that the actual casualties caused by landmines, IEDs and other ERW prior to 2005 were about 50% of the figures provided by the NCBL.

**2006** INSEC identified 169 new casualties in 2006 from 98 victim-activated explosions caused by mines and IEDs. Of these, 39 people were killed and 130 were injured. 85% of the casualties were caused by IEDs outside of marked and fenced areas.

**2007** INSEC identified 104 new casualties in 2007 from 42 victim-activated explosions caused by mines and IEDs. Of these, 13 people were killed and 91 were injured. The number of casualties decreased by 38% (104, down from 169 in 2006) and the number of incidents decreased by 57% (42, down from 98 in 2006). 82% of the casualties were caused by IEDs outside of marked and fenced areas.

**2008** INSEC identified 73 new casualties in 2008 from 38 victim-activated explosions caused by mines and IEDs. Of these, four people were killed and 69 were injured. The number of casualties decreased by 30% (73, down from 104 in 2007) and the number of incidents decreased by 10% (38, down from 42 in 2007). The decrease in casualty rate was due mainly to an inflated 2007 figure from an incident in Jhapa where a single incident injured 32 people. If that incident is excluded, the number of casualties would have been similar. 89% of the casualties were caused by IEDs outside of marked and fenced areas.

**2009** In the first five months of 2009, INSEC had identified 28 new casualties from 12 victim-activated explosions caused by mines and IEDs. Of these, 6 people were killed and 22 were injured. 93% of the casualties were caused by IEDs outside of marked and fenced areas. If these figures were to be extrapolated to the end of 2009, there would be 67 new casualties from 29 mine and IED accidents which would be less than the 2008 figures.

**General trends:** There is a steady and continuous reduction in the number of incidents and casualties in Nepal from an increased awareness of the threat from ERW. Some of this

awareness is the result of formal MRE programmes, while some is the result of an osmosis of knowledge passed informally from family to family across the country. The data collected by INSEC from January 2006 to May 2009 suggests that most accidents:

- affect children, particularly the 10-14 age group (58%)
- affect males (67%)
- occur at home (38%)
- occur away from NA and police bases, and the Maoist cantonments (98%)
- are caused by IEDs (94%)
- are caused by dangerous behaviour such as tampering (89%)

It is important to note that 98% of the accidents over the past three years have occurred away from the clearance activities conducted or overseen by UNMAT. There is therefore little immediate benefit in terms of reduced casualties from the clearance of antipersonnel mines from the NA and police bases and the destruction of stockpiles of IEDs at the Maoist cantonment sites. Indeed, most of the accidents come from single, unmarked and unrecorded IEDs left by Maoist Army units alongside roads and tracks, in woodland and jungle, and on the edge of villages with the intention of killing or maiming members of the NA, NP and APF during the insurgency. As the locations of such weapons are unknown it will never be practical to clear them systematically. Emphasis must be placed on effective and sustained MRE with a rapid EOD response capability provided by the NA, supported by local police.

## SECTION 4: THE POLITICAL, SECURITY AND ECONOMIC ENVIRONMENT

*The effectiveness of current mine action activities in Nepal must be considered in the context of a dynamic political, security and economic environment. This section of the report highlights the volatile political situation and notes the absence of the effective rule of law in Nepal which limits the scope for major changes to the governance, scope and tempo of mine action, at least in the short term.*

Despite successful elections in Nepal and a lasting military ceasefire, major issues remain unresolved: there is no agreement on the future of the two armies. Very little of the land seized during the conflict has been returned, and little progress has been made writing a new constitution. Challenges to the basic architecture of the 2006 peace deal are growing from all sides. Key political players, particularly the governing Maoists and the opposition Nepali Congress (NC), need to rebuild consensus on the way forward or face a public backlash. International supporters of Nepal must target assistance and political pressure to encourage the parties to face the threats to peace.

The Constituent Assembly elections of April 2008 delivered a convincing victory for the Maoists but left them short of an outright majority. The major parties promised to continue working together but the NC, which came second, refused to join the government that was eventually installed in August 2008. For all its weaknesses, this government is Nepal's best hope but it is not living up to its promise and there are no viable alternatives. There can be no functional government without the Maoists on board, let alone any hope of proceeding with a constitution-writing process in which they can wield a blocking vote.

The resignation of the Maoist prime minister, Pushpa Kamal Dahal "Prachanda", on 4 May 2009 has added to the political insecurity. Prachanda's resignation was a protest against the President for reversing the prime minister's sacking of the Chief of Army Staff (CoAS), General Rookmangad Katawal. Unless the President reverses his decision, the Maoists have threatened to continue to boycott the government. In addition to the Maoist's rhetoric, Kathmandu has experienced a series of 'bandhs' which are dislocating the effective running of the capital by halting public transport and preventing fuel from reaching government buildings, schools and hospitals.

The state of public security and law and order is worrying. Although the incidents that draw most attention – killings, explosions and shutdowns – have all decreased since peaks in the second half of 2007, there is little sense of stability. Districts across the Tarai, from the eastern and central heartland of the Madhesi movement to the far west, continue to be plagued by insecurity and, in many areas, a near collapse of governance and policing. While the police are demoralised, the NA remains powerful and confident, resisting both democratic control and political accountability.

India, the UN and Nepal's longstanding donors have played important roles in promoting peace and now need to maintain consistent pressure on all parties to live up to their commitments set out in the CPA. Allowing parts of the peace agreement to drift into abeyance will put the entire process at risk. All sides knew that the CPA deferred some important, difficult topics but they were right in opting to tackle them within a peace process, however contentious, rather than allowing the pursuit of a perfect deal to threaten a return to war. Despite significant political differences, this spirit of consensus underpinned the peaceful transition.

Of particular concern is the lack of progress in the discharge of disqualified combatants, reintegration and rehabilitation of combatants verified by UNMIN and democratization of the

NA, which were key elements of the CPA. Under the terms of the peace agreement, some 19,600 Maoist Army Combatants verified by UNMIN and held in the seven cantonment camps must be 'rehabilitated' (i.e. into civilian life) or 'integrated' possibly into the NA or other security agencies. The CPA also requires the NA to be more accountable to the Government of Nepal.

In some ways mine action in Nepal is providing a bridge between the Maoists and the NA. Both armies deployed antipersonnel munitions which must now be cleared, and both sides suffered casualties to such munitions who now require long term physical and psycho-social assistance.

In discussions with the evaluation team the Deputy Head of UNMIN suggested that mine action be used as a confidence-building measure. The humanitarian outcome of mine action activities could be used to encourage the two former warring factions to work together for a common humanitarian purpose, which in turn would contribute to meeting the goals of the CPA. This was followed up during a meeting between Director UNMAT and the Head of UNMIN on 20 May 2009.

The evaluation team recommends two projects which would bring together the NA and the Maoist Army. Joint assessment teams should be formed with the aim of assessing the socio-economic impact of the remaining threat from the deployed mines and IEDs laid by both parties. And joint MRE programmes should be developed involving input from both parties, with community liaison teams made up of members of both armies albeit not dressed in military uniform! In slower time it may be possible to form joint EOD response teams.



## **SECTION 5: UNMAT CONCEPT OF OPERATIONS AND CAPACITY DEVELOPMENT OF NAMACC**

### ***Background***

UN support to mine action in Nepal is coordinated by UNMAT, which comprises a Programme Manager, Programme Officer, three technical advisers responsible for operations, EOD and quality management, two locally employed QA/QC assistants and locally employed support and administrative staff. The UNICEF MRE adviser works closely with the Programme Manager and his team but is tasked through UNICEF Nepal. This arrangement works well.

The key documents which guide the work of UN support to mine action in Nepal are:

- (1) UNMAT Concept of Operations, Version 6 dated April 2009; and
- (2) NAMACC/UNMAT Capacity Development Plan, Version 1.3 dated February 2009.

### ***UNMAT Concept of Operations***

The Concept of Operations document has recently been updated. It defines UNMAT's objective as being to (1) assist the NA, and (2) develop the capacity of the NA "... to ensure the clearance of the remaining 53 minefields and destruction of the remaining munitions in Maoist Cantonment Sites to internationally recognised standards as specified in the CPA."

To achieve this two part objective, the Concept of Operations provides five outputs:

- (1) The clearance of at least 37 minefields to internationally recognised standards by 31 December 2010, and clearance of the remaining 16 minefields by no later than 31 December 2011;
- (2) The capacity development of NA's officers to a middle management level (major / captain) to allow mine action project management to be conducted in the near future without immediate UN technical support;
- (3) The capacity development of NA to enable elements of the NA's EOD Holding Unit up to company size to deploy on UN DPKO missions as a humanitarian demining unit;
- (4) The destruction of the remaining munitions in the cantonment sites by no later than 31 December 2009; and
- (5) The establishment of mine action procedures and institutions within the Government of Nepal.

The Concept of Operations places great emphasis on supporting and enabling the NA to achieve a level of competence that will enable the NAMACC to be able to operate without international technical advice and other forms of external support. The evaluation team noted that the UNMAT technical advisers worked strictly in accordance with this principle and did not allow themselves be 'drawn in' to the NAMACC, nor to make decisions on behalf of the NA. This was a demonstration of the proper role of UN technical advisers, which is often absent in UN-supported mine action programmes.

The UNMAT Concept of Operations is at Annex E for ease of reference.

**Comment:** The Concept of Operations makes no reference to the command detonated antipersonnel mines and other command detonated explosive devices which were laid by the NA and APF at locations close to the NA's minefields and other strategically important

sites such as communications towers. These hazardous areas represent a potential long term threat to the civilian population, yet little is known on where they are sited, whether they are behind minefield fences, and how many remain. It seems these hazardous areas are being cleared by the NA without verification by the UNMAT's QA/QC teams, and it is not known whether the clearance is being conducted to international standards. It should also be noted that the Concept of Operations does not make reference to MRE, nor to the important link between demining and community liaison.

### ***Capacity Development Plan***

UNMAT and the NAMACC have jointly produced a capacity development plan which complements the UNMAT Concept of Operations. The plan recognises the initial work undertaken by ArmorGroup in 2007 and 2008 to develop core mine clearance competencies at the clearance team level. The plan addresses the second phase of the NA's mine action capacity development, i.e. "... to prepare the NAMACC to conduct standalone operations within Nepal." The plan also explicitly states that "... at the conclusion of the capacity development plan a military demining company structure will be in place. The structure will allow for expansion to accommodate the deployment of a company size unit or below in support of UN DPKO operations, either independently or as part of a larger national contingent. The structure will allow several platoons to be deployed in Nepal and to train a military demining capability for deployment on UN DPKO missions if required."

The capacity development plan defines five realistic and achievable end states. It then identifies a number of factors which will assist and may hinder the achievement of the end states. The plan assesses the current capacity and required future capacity of the NAMACC in terms of six functional areas: external relations, financial management, equipment and logistic support, operational readiness and quality management; and defines the capacity development role of the NAMACC and UNMAT for each of these six areas.

The plan is being implemented in phases to accommodate the operational pauses over the monsoon periods of 2009 and 2010. It aims to achieve a smooth transition from a state in which the NAMACC relies on the UN for technical advice on programme management, project planning, quality management, management training, and financial and in-kind support from international donors, to a state where the UN's role becomes that of an international observer.

The evaluation was conducted during a three week course for middle managers which was delivered by Cranfield University. The course instructors noted the very high level of knowledge, commitment and enthusiasm shown by the NA's participating officers. Most of the participants had first degrees, some had masters degrees, and all were keen to apply their knowledge to improve the performance and reputation of the NAMACC. The quality of the participating officers demonstrates the commitment of the NA to provide excellent officers to the NAMACC, and to the effective leadership of the NAMACC and support of the UNMAT.

**Comment:** The capacity development plan is a well written document and is supported by three monthly reports which assess how well the plan is being implemented. The plan should be considered as a template for other UN-supported mine action programmes.

### ***NAMACC Concept of Operations***

The evaluation team were not shown a NAMACC Concept of Operations or a multi-year plan, although the Capacity Development Plan provides a vision and mission for the NAMACC, and clearance operations are conducted in accordance with a set of agreed Standard Operating Procedures (SOPs).

**Comment:** It is recommended that UNMAT assist the NAMACC develop a multi-year plan for the period June 2009 to December 2011, i.e. to the point at which all mines, command-detonated explosive devices and other ERW laid by the NA during the insurgency are cleared. The multi-year plan will complement the joint NAMACC/UNMAT capacity development plan, and should spell out more clearly the clearance plan and related activities including community liaison. The plan should include SMART objectives, a formal assessment of the risk to achieve these objectives, and an explanation of how the risks will be reduced in terms of probability and impact.

### ***National Mine Action Programme***

There is not a national mine action programme per se. There are a number of national and international mine action capabilities which operate together as a result of bilateral arrangements between organisations and individuals who share a common purpose to reduce the socio-economic impact of mines and ERW in Nepal.

There is a UNMAT Concept of Operations, a NAMACC/UNMAT Capacity Development Plan, a UNICEF MRE programme of work, mine clearance SOPs and national mine action standards are in development, but there is no overarching national strategy or national multi-year work plan.

There is limited national accountability and governance of mine action in Nepal. In June 2007, the Government of Nepal established a National Mine Action Authority, consisting of an inter-ministerial Steering Committee with responsibility for developing policies and a national mine action strategy, and an implementing Technical Committee, both under the auspices of the Ministry of Peace and Reconstruction. In remarks to a workshop in early March 2008, a senior ministry official conceded that these bodies needed to become “more effective”.<sup>28</sup>

The report prepared by a UN interagency mine action assessment team in late 2007 made recommendations for the Government of Nepal to provide “.... national arrangements for the coordination and implementation of operational activities.”

The evaluation team has noted little improvement to the situation which existed in late 2007. The National Mine Action Authority does not exist in practice, and there have been no meetings of the national steering or technical committees.

A Joint Mine Action Working Group addresses all mine action issues, including MRE and victim assistance. Working group members include the Ministry of Peace and Reconstruction, the NA and police, UN agencies, the Nepal Red Cross Society, the NCBL, various national and international NGOs, and the ICRC as an observer.

**Comment:** The lack of national accountability and governance is understandable. Little progress has been made in preparing a new constitution, the basic architecture of the 2006 peace deal is being questioned by all parties, and there is a hostile stand-off between the Maoist-led government and the NA. With the current situation it is probably not the time to encourage greater involvement of the Nepal Government in overseeing mine action in Nepal. However, the current informal arrangements seem to work. If the clearance of the NA’s minefields and command-detonated munitions in the so-called ‘IED fields’ continues at its current rate then the obligations of the CPA and AMMAA will be met by the end of 2011. Thereafter there will be a need to maintain effective MRE and victim assistance programmes, and a NA capability to respond to incidents and to make safe individual IEDs and other ERW found by the general public. At that time it may be appropriate to review the need for government involvement.

### ***Use of demining contractor 2007-2008***

In April 2007, ArmorGroup International was awarded a UN contract to advise on the construction of ammunition and explosive storage facilities, to destroy IEDs, and to train the NA to conduct humanitarian demining to international standards.

As stated In Section 3 of this report, ArmorGroup surveyed the cantonment camps and associated satellite sites in June and July 2007. Much of the explosives inspected had been affected by the high temperatures generated under plastic tarpaulins, items were breaking down and the crystallisation of explosives was evident. ArmorGroup repackaged, repositioned and stored explosive natures together. Training was provided to the Maoist Army on ammunition storage and management.

All items were tagged with non-removable serial numbers. The ammunition was prioritised for destruction based on its condition. Socket bombs, bucket bombs and pressure cooker bombs displaying signs of deterioration were categorised as Priority 1 and earmarked for destruction at the earliest opportunity. Items in a safer condition (the majority of conventional military ordnance such as mortar bombs and grenades) were categorised as Priority 2, to be made safe once all Priority 1 items had been destroyed.

The ArmorGroup demolition programme commenced in September 2007 after considerable delay by the Maoist Army. All Priority 1 items were destroyed by June 2008, i.e. the end of the ArmorGroup contract. This included: 10,594 live socket bombs, 2,647 live discharge bombs, 23 improvised claymore mines, 100 improvised hand grenades and 53 other types of improvised bombs: a total of 7.405 tonnes Net Explosives Quantity (NEQ).

It has been suggested that ArmorGroup could and should have destroyed Priority 2 explosive natures at the same time as Priority 1. All but 46.6kg NEQ (0.68%) remain to be destroyed together with unfilled socked bombs and other non-explosive items. The evaluation team have spoken with ArmorGroup<sup>29</sup> who state they were instructed by the JMCC not to clear the remaining items due to objections made by the Maoist Army, and as the clearance of Priority 2 items was not required by the CPA and AMMAA.

ArmorGroup trained two demining platoons and supporting medical staff. ArmorGroup's final report<sup>30</sup> acknowledged that both platoons required ongoing support from international advisers and should "... deploy only with strong supervision". The report also stated that "... site managers are in short supply, experienced ones even more so. Only three site managers have deployed successfully."

**Comment:** ArmorGroup met the requirements of their contract in a professional manner by developing the technical clearance capacity of the NA, by destroying all Priority 1 items at the Maoist cantonment sites, and by working with the NA's demining platoons to clear the NA's minefields. However, in discussions between the evaluation team and NA officers<sup>31</sup> it was clear that the style and approach of ArmorGroup was quite different to that of the current UNMAT Programme manager and his team of technical advisers. The NA officers observed that the UNMAT team are more willing to assist, coach, encourage and enable the national staff, whereas ArmorGroup was more focussed on clearing the NA's minefields and destroying the Maoist's stockpiles of IEDs.

## **SECTION 6: UNMAT's STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS**

### ***Strengths***

The evaluation of mine action in Nepal shows the current arrangements to have the following strengths and benefits:

- The Joint Mine Action Working Group provides effective coordination of mine action activities in Nepal.
- The arrangement between the UNMAT and UNICEF MRE Adviser works well.
- There is a strong and effective working relationship between UNMAT and the NA officers in the NAMACC.
- The UNMAT staff are committed to developing the management and technical capabilities of the NAMACC.
- The UNMAT Programme Manager is well respected by senior staff of UNMIN and the Office of the UN Resident Coordinator.
- The two deployed NA demining teams are operating effectively, efficiently and safely and should have cleared all 53 minefields by no later than December 2011. If a third team is deployed then all minefields will be cleared by February 2011.

### ***Weaknesses***

The evaluation of mine action in Nepal shows the current arrangements to have the following weaknesses and limitations:

- The Director of Engineer Services has been reluctant to allow the NAMACC to deploy the third and fourth NA demining teams. (Note: the evaluation team was assured by the Director of Engineer Services that permission would shortly be given to deploy two additional teams.)
- There is little visibility by UNMAT staff on the work being conducted by the NA to clear command-detonated explosive devices, despite UNMAT requesting authority from the Director of Engineer Services in October 2008 to obtain information on the areas containing such devices (known locally as 'IED fields').
- IMSMA is not being used effectively.
- There is an absence of effective national accountability and governance.
- There is no national mine action strategy or multi-year plan.

### ***Opportunities***

The evaluation of mine action in Nepal shows the current arrangements provide the following opportunities:

- The developing management and technical mine action capability and proven performance of the NAMACC will give the NA an accredited demining capability which can be deployed in the future on UN DPKO missions.
- The successful clearance of the NA's 53 minefields and the destruction of the IEDs from the cantonment sites will be a demonstration of success of the CPA and AMMAA.

- Mine action can be used as a confidence-building measure between the Maoist Army and the NA.

### ***Threats/Challenges***

The evaluation of mine action in Nepal shows the following threats and challenges to the successful completion of the current mission:

- Security conditions could prevent the clearance of all the NA's 53 minefields and/or the destruction of the remaining IEDs and other related items from the cantonment sites.
- The Maoist Army could deny UNMAT access to destroy the remaining IEDs and other related items.
- Political differences between the Government of Nepal and the NA could prevent the NAMACC from continuing to clear the NA's 53 minefields.
- Senior officers in the NA could withdraw support for the NAMACC.
- The UN and international donors may no longer provide sufficient funds to complete the task.

### ***SWOT summary***

A summary of strengths and weaknesses, and the external opportunities and threats to the current arrangements for mine action in Nepal is at Annex F.

## SECTION 7: FINDINGS AND RECOMMENDATIONS

There is an absence of national accountability and governance of mine action in Nepal. In June 2007 the Government established a national mine action authority (NMAA) consisting of an inter-ministerial steering committee and an implementing technical committee, but the NMAA does not exist in practice, and there have been no meetings of the national steering or technical committees.

The work of national and international mine action organisations operating in Nepal is coordinated informally through a Joint Mine Action Working Group. Working group members include the Ministry of Peace and Reconstruction, the NA and police, UN agencies, the Nepal Red Cross Society, the NCBL, various national and international NGOs, and the ICRC as an observer.

Despite the absence of national accountability and governance of mine action in Nepal the current informal arrangements seem to work. The NA is clearing its antipersonnel minefields effectively, efficiently and safely, all the remaining IEDs and related items held at the Maoist cantonments will soon be cleared, INSEC has established an excellent victim surveillance system, and there is a comprehensive MRE programme operating across the country.

UNMAT's concept of operations places great emphasis on supporting and enabling the NA to operate in the future without international technical advice and other forms of external support. UNMAT technical advisers work strictly in accordance with this principle and do not allow themselves be 'drawn in' to the NAMACC, nor to make decisions on behalf of the NA. This mentoring is coordinated through a Capacity Development Plan produced jointly by UNMAT and the NA, and reports are prepared every three months to confirm that the objectives and targets are being achieved.

At an operational level the NA's mine action management and demining platoons are performing well. The evaluation team is satisfied with the progress being made by UNMAT in supporting the NA's goals with regard to operational management, task prioritising and quality management.

Considerable progress has been made in strengthening the middle management of the NA's mine action capability. The NA has developed a cadre of capable middle managers and site supervisors, but there is a natural turnover of staff as officers are promoted and/or posted and/or are deployed on UN missions as observers, and replacement officers arrive requiring training. UNMAT and the NAMACC will need to put in place a long term plan to ensure that the NA retain enough trained and capable managers who are able to maintain the current levels of competency and unit effectiveness.

It is almost impossible to compare the productivity and cost efficiency of the current regime with that of ArmorGroup. ArmorGroup met its contractual obligations by destroying all Priority 1 items held at the Maoist cantonment sites, by developing the technical mine clearance capabilities of the NA, and of assisting the NA clear the first tranche of antipersonnel minefields. UNMAT is building on the stable base provided by ArmorGroup, with greater emphasis on the development of a sustainable management capability. The two systems and approaches complement one another.

In summary, the evaluation team was impressed with the approach and performance of UNMAT. But there is a need to ensure that standards do not drop through complacency. In particular it is recommended that:

- (1) UNMAT should continue to be funded through to December 2011, to ensure the clearance of all the NA's minefields and hazardous areas containing command-detonated explosive devices;

- (2) UNMAT should provide quality assurance and post-clearance quality control to the NA for the clearance of all hazardous areas containing command-detonated explosive devices;
- (3) UNMAT should encourage the Director of Engineer Services to allow a further two demining platoons to be deployed;
- (4) UNMAT should encourage and assist the NAMACC to make more effective use of IMSMA and in particular to record fully the actions taken to clear all hazardous areas containing command-detonated explosive devices; and
- (5) UNMAT should prepare a multi-year plan for mine action in Nepal. This plan should be agreed with the Joint Mine Action Working Group and should reflect the needs of clearance, MRE, victim assistance and the development of a sustainable national mine action capacity.



## **REPORT FROM THE INTER-AGENCY MINE ACTION ASSESSMENT MISSION TO NEPAL, 4 – 12 NOVEMBER 2007**

### **EXECUTIVE SUMMARY**

The 1996-2006 conflict was typified by violent clashes with Maoists relying on improvised arms in the form of homemade bombs and a limited number of commercially manufactured weapons, most of which were captured directly from the security forces. Improvised arms were also used by the Nepal Army, Armed Police Force and Nepal Police to some extent to reinforce their security positions. The Nepal Army also placed anti-personnel mines in defence of 53 installations.

The conflict has left landmine and explosive remnants of war (ERW) contamination across the country. A comprehensive surveillance system of victim activated explosions is in place in partnership with INSEC, a local human rights reporting organisation. The data show that accidents have taken place in 60 of the 75 districts in Nepal over the past three years. In 2007 alone, 98 new civilian casualties from victim-activated explosions have been reported, compared to 169 in 2006 and 142 in 2005. Nearly 90 percent of the incidents stem from improvised explosive devices (IEDs), mainly from Maoist fabricated socket bombs (referenced as the main battle weapon of the Maoists). While the information collected in 2007 shows a sharp decrease in the rate of victims with the total potentially the lowest since the implementation of the first national media surveillance system when 104 new casualties were reported by UNICEF in 2004, mines and to a larger extent ERW typified by improvised devices continue to pose a humanitarian threat and an obstacle to peace, reconciliation and development.

Initial research indicates that the majority of casualties are due to extensive use by the Maoists Army of IEDs, rather than to landmines and IEDs used by the Security Forces. It has been estimated that different types of IEDs have been produced in industrial quantities and that a large quantity of these are still stored, abandoned or laid in the former fighting areas throughout the country; however little is known about the exact location and socioeconomic impact of the remaining contamination. The IEDs were mostly made from commercially available chemicals, such as sulphur and ammonium nitrate.

Security Council Resolution 1740 (2007) of 23 January 2007 established the United Nations Mission in Nepal (UNMIN) to monitor the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN(M)) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly and provide a small team of electoral monitors.

As part of the management of arms, IEDs used by the Maoist Army during the conflict were collected at designated areas at a safe distance from each of the seven main cantonment sites. The disposal of these devices, as well as the clearance of Nepal Army minefields, is the responsibility of the parties as stipulated in the Agreement on Monitoring of the Management of Arms and Armies of 8 December 2006. However, in view of the security risks the devices represent and in the interest of minimizing factors that could adversely affect the cantonment and arms monitoring process, the UNMIN Mine Action Unit (MAU) has worked with the Maoist army in the management and demolition of improvised devices. A British commercial company, ArmorGroup, was contracted for this purpose. ArmorGroup conducted an audit of all the IEDs in storage, which tallied 6,789 kg of items (in net explosive content); including more than 52,000 items (this term not only includes IEDs, but detonators, bulk explosive factory made munitions and other explosive accessories). Of the devices surrendered, 97.5% were deemed too dangerous to store by UNMIN MAU and have been

slated for destruction. To date, more than 50% of these items have been destroyed in a cooperative process between the Maoist army and UNMIN (through ArmorGroup).

An unknown quantity of IEDs is possibly located at satellite cantonment sites and in villages. Surveillance shows that some 70% of accidents take place in villages in or near homes where IED are typically stored. An amnesty for surrendering IED stored in homes was granted for a limited period by the police immediately after the peace accord was signed, but was not extensively communicated to the public. Efforts by UNICEF and partners to gather data on IED stored in villages and ERW related to clash or ambush sites through an information campaign yielded modest results. UNMIN MAU is implementing a pilot survey with its implementer ArmorGroup and UNICEF in early 2008 in the Central Region to determine the feasibility of active data collection.

The UNMIN MAU has also worked with the Nepal Army to enhance their capacity to clear their minefields in compliance with International Mine Action Standards (IMAS) through the provision of training and supervised clearance of live minefields. To date one minefield has been cleared by the Army as part of the UNMIN MAU/ArmorGroup training and clearance is on-going at two additional minefields. A planned verification of the minefields by the Nepal Army and UNMIN MAU has been limited by the Army to only four minefields related to vacated posts with the remaining 48 minefields deemed sensitive and of strategic importance at the time of the assessment. Further to this, the Nepal Army has reported that 275+ security positions have been reinforced with command-detonated devices. This remains to be verified. An additional 200 locations which the Armed Police units report to have reinforced with command detonated IED and later reportedly removed also must be verified, as well as 48 positions that the Nepal Police have reportedly reinforced with command-detonated devices.

Prior to the formation of a governmental Mine Action Steering Committee in June 2007, mine action took place under an unofficial mechanism and has emphasized victim surveillance, risk education and advocacy. Efforts by the Nepal Campaign to Ban Landmines dating back over a decade first raised the profile of mines and ERW. Since 2004, UNICEF, with the collaboration of UN and NGO partners has convened the Mine Action Joint Working Group (MAJWG) to provide a forum for mine action coordination and mounted a risk education campaign with broad coverage. The Nepal Army, with bilateral assistance from the United Kingdom has developed some capacity during that period and been an active member of the MAJWG since 2007 and efforts to raise awareness in the countryside.

In mid-2007, the Nepalese Government inaugurated the first formal coordination mechanisms for mine action in Nepal through the formation of a Mine Action Steering Committee, consisting of the Ministries of Defence, Home Affairs, Foreign Affairs, and Education and Sports and with CPN(M) representation and UNMIN and three representatives from the civil society as observers, under the newly formed Ministry of Peace and Reconstruction (MoPR) and a Technical Committee composed of the ministries of Defence, Home Affairs and with Nepal Army and UCPN-M representation within MoPR. The Steering Committee has an indefinite mandate while the Technical Committee is set to expire in early 2008. For its part the Nepal Army has formally designated its 14th Battalion with the responsibility of the Nepal Army Mine Action Coordination Centre (NAMACC), which encompasses everything from planning to quality assurance to operational activities of demining teams.

Mine Risk Education (MRE) activities are the most developed operational aspect of mine action in Nepal. UNICEF supported the training of over two hundred MRE facilitators from various partners, including the Army and the police and outfitted them with MRE kits. UNICEF is executing a Knowledge, Attitude and Practice (KAP) survey to inform future activities.

While the surveillance of mine and ERW victims is comprehensive and coordination has begun to take root, activities and coordination in victim assistance appear to be weak and subject to limited funding. Beyond physical rehabilitation that must deal with 92% of victims with upper limb injuries in 2006, other portions of the victim assistance continuum receive little or no attention. UNICEF is currently executing a victim needs assessment to inform future coordination and activities.

Based on conclusions to these and other findings contained in the report, the Assessment Team makes the following primary recommendations:

To the Government of Nepal:

- Reformulate the Policy level Steering Committee with a Committee in MoPR headed at the Ministerial level with associated Ministries represented at the Deputy Minister level. The main responsibilities of the Policy Committee would be oversight of the executive level (the Mine Action Coordination Centre -MACC), prioritizing operations and integrating mine action plans into national reconciliation and development plans;
- Do not renew the Technical Committee for Mine Action within MoPR;
- Create a distinct mine capacity from within the Nepal Army engineers (currently designated as the Nepal Army Mine Action Coordination Centre (NAMACC)) dedicated to humanitarian and developmental activities to be formally seconded to the MoPR, and accountable to MoPR for the duration of operations. Units should be stationed throughout the country and clearance activities should be limited to these units and not armed police or regular police units;
- Within the seconded element, create a distinct division between oversight and implementation. At the Executive (oversight) level a Mine Action Coordination Centre under MoPR, with a Director reporting to the Steering Committee, staffed by seconded Army personnel would have the responsibility for planning, tasking, accreditation and quality management components of the programme;
- Designate the Nepal Army engineering units seconded to MoPR as the implementing level to operate under the coordination of the MACC. Implementation should be undertaken in strict compliance to national standards for mine action developed by the MACC in accordance with International Mine Action Standards (IMAS) which serve as the recognised standard globally.
- Assume responsibility for the current MAJWG as a coordination mechanism for all stakeholders under the Steering Committee and form specific Technical Working Groups on MRE and victim assistance with relevant stakeholders under the reformed executive (MACC) level;
- Comply with all obligations related to mine action assumed under the Comprehensive Peace Agreement including information sharing and destruction of mines and IED;
- Establish joint Nepal Army - Maoist Army units to undertake survey and clearance as a confidence and peace building activity;
- Offer a new amnesty for surrendering IEDs as part of a wider public information campaign; and
- Accede to the anti-personnel mine ban treaty and other related Conventions.

To the United Nations system:

- Support the Government to develop the above mentioned structures through institutional capacity development;

- Enhance the operational training and support currently provided by UNMAS through the UNMIN MAU to include training of additional Nepal Army units as well as Maoists elements and the development of national standards and an accreditation and quality management system for implementation;
- Ensure that an integrated emergency and capacity development program incorporating the comparative advantage of respective UN actors is instituted of sufficient scale to address the mine action issues with associated resource mobilization through UNMIN and voluntary contributions; and
- Develop the above capacity within a single UN assistance framework under the UNMIN MAU for the duration of its mandate with a joint UN Mine Action Steering Committee for Mine Action consisting of UNDP, UNICEF and UNMAS.

## **EVALUATION OF UN MINE ACTION TEAM IN NEPAL**

### **TERMS OF REFERENCE**

#### **Background**

Mine action in Nepal has evolved over the past five years in response to the growing problem of mines and explosive remnants of war (ERW), and with the active support of the United Nations, Nepal Army (NA), NGOs and donors who share a common mine action vision. The Government of Nepal provides passive support to mine action, and civil society is becoming more engaged at community level with mine risk education and victim assistance.

The UN's leading role in mine action in Nepal increased with the signing of the Comprehensive Peace Agreement in November 2006. A mine action unit (MAU) was formed within the UN Mission in Nepal (UNMIN) with the aim of providing 'technical assistance' to the national mine action authorities and implementing organisations.

In late 2007 a UN interagency mine action assessment was conducted with the purpose of clarifying the UN's support to national mine action in Nepal including institutional arrangements for the governance, coordination and implementation of projects. One of the outcomes of the assessment was a clarification of the role of the MAU in developing the national capacity of the NA to manage its mine action work. The assessment also recommended renaming the MAU as the UN Mine Action Team (UNMAT) to stress the UN's joined-up approach in its support to Nepal's national mine action authorities and implementing organisations.

Over the past 18 months much has been achieved in advancing national mine action in Nepal. It is timely to review the role of UNMAT, evaluate its performance, and make recommendations on the Way Ahead.

#### **Aim**

The aim of the study is to evaluate how well the current support provided by UNMAT for the NA is addressing the mine action needs of Nepal.

#### **Primary tasks**

The evaluation shall:

- (1) Analyse the current work of UNMAT in supporting the NA's goals: concentrating on support to operational management, task prioritising and quality management;
- (2) Analyse areas where UNMAT can develop synergies between the existing and planned NA capacity and the general mine action community in Nepal;
- (3) Produce a summary of strengths and areas for development of the NA demining units, and propose how UNMAT can help build a resilient capacity; and
- (4) Conduct a comparative analysis of the current UNMAT capacity development approach and the former approach taken by ArmorGroup. This should address productivity, cost efficiency and longer term benefit to Nepal.

The findings of the evaluation should address the Strengths, Weaknesses, Opportunities and Threats (SWOT) of the current mine action programme. Opportunities should include the contribution which mine action in Nepal makes to security sector reform and building confidence between former warring factions. Threats should include potential situations

such as a worsening security situation, insufficient funding, and a lack of support from NA headquarters.

### **Phases and indicative timings**

It is envisaged that the evaluation will be conducted in three phases:

Phase 1: Review existing information and develop a plan for the field visit.

Phase 2: Field visit in Nepal; establish provisional findings; prepare initial report; brief UNMIS on provisional findings prior to departure.

Phase 3: Prepare report; brief UNMAS headquarters in New York.

### **Evaluation report**

The final report shall be prepared in English with an executive summary. The report shall provide recommendations on:

- (1) What needs to be done by UNMAT, with the support of others, to enable the NA to achieve its primary objective of clearing all 53 antipersonnel minefields by 2011;
- (2) What needs to be done by UNMAT, with the support of others, to enable the NA to achieve its other mine action objectives including the NA's aspiration to develop a humanitarian demining capability for use in support of DPKO worldwide post 2011; and
- (3) The organisational structure, current role and responsibilities of UNMAT.

**EVALUATION OF UN MINE ACTION TEAM IN NEPAL**  
**GLOSSARY OF TERMS AND ACRONYMS**

AMMAA	Agreement on the Monitoring of the Management of Arms and Armies between the Government of Nepal and CPN(M) signed on 28 November 2006.
AXO	Abandoned explosive ordnance; EO that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. AXO may or may not have been primed, fuzed, armed or otherwise prepared for use. [CCW Protocol V]
Bandh	A forced shutdown is a longstanding form of political expression in Nepal and was (and still is) used frequently by the Maoists. Bandhs are enforced through intimidation and violence, with past bandhs resulting in the shutdown of businesses, schools, offices and public traffic.
Barracking	The deployment of NA units to barracks, including weapons, ammunition and equipment. No units below a company level will be independently deployed unless for activities specified elsewhere in this agreement or otherwise mutually agreed by the parties. [AMMAA 1.2]
CA	Constituent Assembly.
Cantonment	A temporarily designated and clearly defined geographical area for encampment and provision of services for the Maoist combatant units including weapons, ammunition and equipment. The cantonments are provided for all echelons of the Maoist army. [AMMAA 1.2]
CPA	Comprehensive Peace Agreement between the Government of Nepal and CPN(M) signed on 21 November 2006.
CPN(M)	Communist Party of Nepal (Maoist), now UCPN(M)
Demining	See humanitarian demining
Demining contractor	Any organisation (government, NGO, military or commercial entity) responsible for implementing demining projects or tasks. [IMAS 04.10]  For the purposes of this study the term is used to describe the contractor, ArmorGroup International plc.
EO	Explosive ordnance; all munitions containing explosives, nuclear fission or fusion materials and biological and chemical agents. This includes bombs and warheads; guided and ballistic missiles; artillery, mortar, rocket and small arms ammunition; all mines, torpedoes and depth charges; pyrotechnics; clusters and dispensers; cartridge and propellant

	actuated devices; electro-explosive devices; clandestine and improvised explosive devices; and all similar or related items or components explosive in nature. [AAP-6]
ERW	Explosive remnants of war; UXO and AX0 [IMAS]
Humanitarian demining	Activities which lead to the removal of mines and ERW, including technical survey, mapping, clearance, marking, post-clearance documentation and the handover of cleared land. [IMAS 04.10]
IED	Improvised explosive device; a device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass or distract. It may incorporate military stores, but is normally devised from non-military components. [AAP-6]
IEDD	IED destruction
IMAS	International Mine Action Standards; IMAS are documents developed by the UN on behalf of the international community, which aim to improve safety and efficiency in mine action by providing guidance, by establishing principles and, in some cases, by defining international requirements and specifications. [IMAS]
IMSMA	Information Management System for Mine Action; IMSMA is the UN's preferred information system for the management of critical data in UN-supported field programmes. IMSMA provides users with support for data collection, data storage, reporting, information analysis and project management activities. Its primary use is by the staffs of mine action centres at national and regional level, however the system is also deployed in support of the implementers of mine action projects and demining organisations at all levels.
INSEC	Informal Sector Service Centre: a Nepalese NGO involved in the surveillance of victims of landmines, IEDs and other ERW.
JMCC	Joint Monitoring Coordination Committee; the monitoring, reporting and coordinating body chaired by the UN with membership of the parties. The JMCC is responsible for supervising compliance by the parties to this agreement. [AMMCC 1.2]
JMTs	Joint Monitoring Teams; bodies which assist in monitoring the cessation of hostilities. JMTs are active at the regional and local level and in mobile teams. Each team comprises one UN monitor serving as team leader, one monitor from the NA and one monitor from the Maoist Army. JMTs are not used for weapons storage inspections. Inspections at Maoist army cantonments take place with a UN monitoring team and a representative of the Maoist Army. Inspections at NA barracks



	take place with a UN monitoring team and a NA representative. [AMMCC 1.2]
Maoist Army Combatants	For purposes of the AMMAA the term is used to refer to regular active duty members of the Maoist Army who joined service before 25 May 2006, who are not minors and who are able to demonstrate their service, including by CPN(M) identity card and other means agreed by the parties. [AMMCC 1.2]
MAU	The Mine Action Unit within UNMIN
Mine	A munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle. [Ottawa Treaty]
Mine action	Activities which aim to reduce the social, economic and environmental impact of mines and ERW. Mine action comprises five complementary groups of activities: MRE; humanitarian demining; VA, including rehabilitation and reintegration; stockpile destruction; and advocacy against the use of antipersonnel mines. (IMAS)
Mined area	An area which is dangerous due to the presence or suspected presence of mines. [Ottawa Treaty]
Minefield	An area of ground containing mines laid with or without a pattern. [AAP-6]
MoPR	Ministry of Peace and Reconciliation
MRE	Mine risk education; those actions which lessen the probability and/or severity of physical injury to people, property or the environment. [Adapted from ISO Guide 51:1999(E)]
NA	Nepal Army
NC	Nepali Congress Party
NMAS	National Mine Action Authority; the government department(s), organisation(s) or institution(s) in each mine-affected country charged with the regulation, management and coordination of mine action. [IMAS]
Parties	The Parties refers to the party of Government of Nepal (including the NA) and the party of the Communist Party of Nepal (Maoist), (including the Maoist Army.) [AMMAA 1.2]
PLA	People's Liberation Army (referred to in UN documents and agreements such as the AMMAA as the "Maoist Army" or "Maoist Army Combatants"
Quality	The degree to which a set of inherent characteristics fulfils requirements. [ISO 9000:2000]
QA	Quality assurance; part of quality management which focuses on providing confidence that quality requirements will be

fulfilled. The purpose of QA in humanitarian demining is to confirm that management practices and operational procedures for demining are appropriate, are being applied, and will achieve the stated requirement in a safe, effective and efficient manner. Internal QA will be conducted by demining organisations themselves, but external inspections by an external monitoring body should also be conducted. [IMAS]

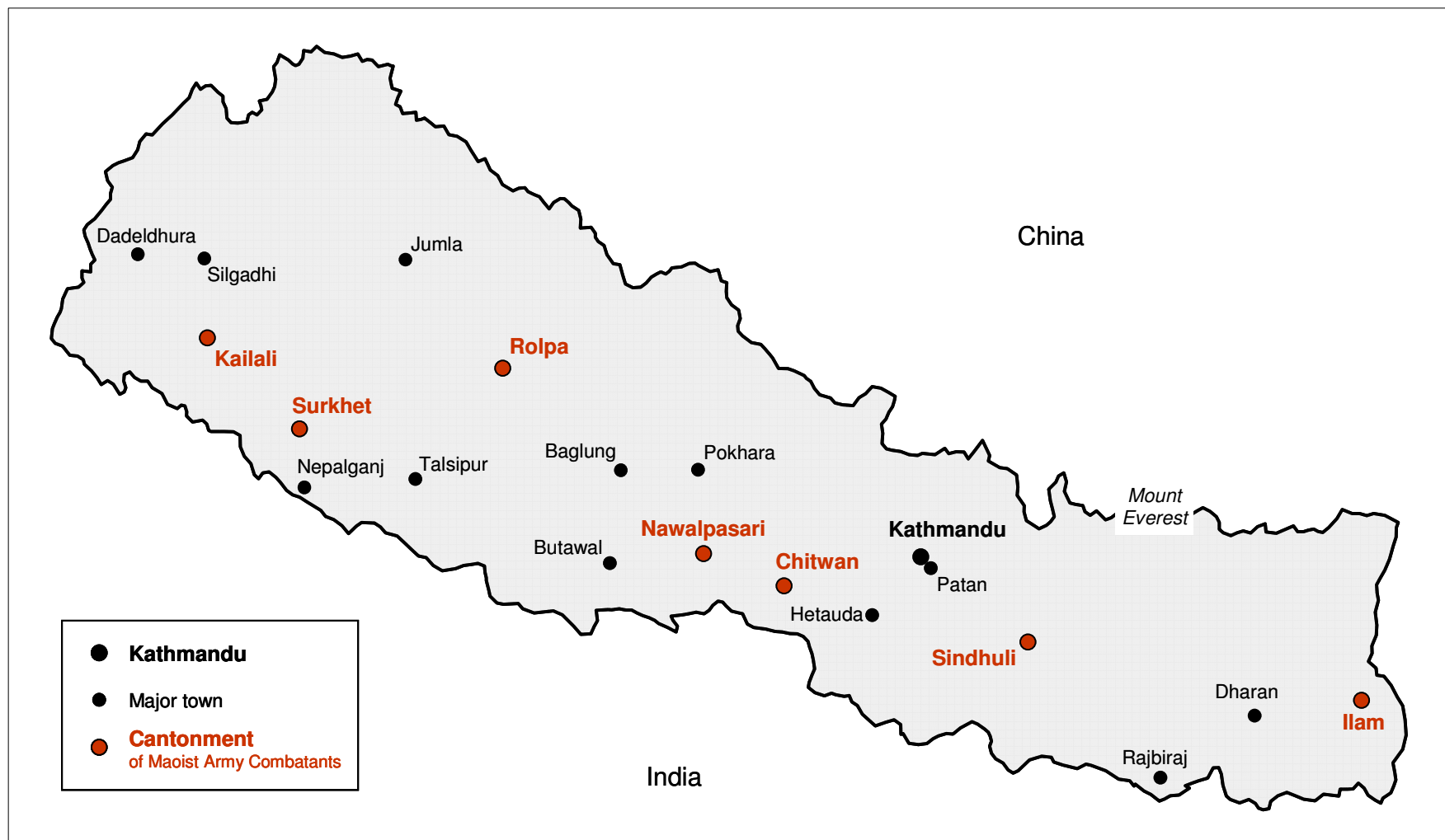
QC	Quality control; part of quality management which focuses on the inspection of a finished product. In the case of mine and UXO clearance, the 'product' is safe cleared land. [IMAS]
QM	Quality management; coordinated activities to direct and control an organisation with regard to quality. [ISO 9000:2000]
Secure arms storage areas	Either military barracks with regular armoury stores used for storage of weapons, munitions and explosives, or storage containers established in special perimeters at cantonment sites controlled and guarded by the responsible unit. [AMMAA 1.2]
SOPs	<p>Instructions that define the preferred or currently established method of conducting an operational task or activity.</p> <p>Their purpose is to <u>promote</u> recognisable and measurable degrees of uniformity, consistency and commonality within an organisation, with the aim of improving operational effectiveness and safety. SOPs should reflect <u>local</u> requirements and circumstances. [IMAS]</p>
SRSG	Special Representative of the (UN) Secretary-General
UCPN(M)	Unified Communist Party of Nepal (Maoist)
UML	Communist Party of Nepal (Unified Marxist-Leninist)
UNICEF	<p>UNICEF was created to work with others to overcome the obstacles that violence, poverty, disease and discrimination place in a child's path. This includes children in mine-affected countries globally. In collaboration with governments, other UN bodies and international, regional and non-governmental organisations, UNICEF supports the development and implementation of mine risk education and survivor assistance projects and advocacy for an end to the use of landmines, cluster munitions and other indiscriminate weapons. [www.mineaction.org.uk]</p>
UNOPS	<p>United Nations Office of Project Services; Works with UNMAS, UNDP, UNICEF and others, in project management and logistics services for projects and programmes managed or funded by the UN, international financial institutions, regional and sub-regional development banks or host governments. [www.mineaction.org.uk]</p>
UNMAS	United Nations Mine Action Service; a division of DPKO and the focal point for mine action in the UN system. UNMAS is

responsible for ensuring an effective and coordinated UN response to mines and ERW through collaboration with 13 other UN departments, agencies, funds and programmes. In peacekeeping and emergency settings, UNMAS establishes and manages mine action coordination centres in mine-affected countries, plans and manages operations, mobilises resources and sets mine-action priorities in the countries and territories it serves. [[www.mineaction.org.uk](http://www.mineaction.org.uk)]

UNMAS is the lead agency in UNMAT Nepal.

UNMAT	United Nations Mine Action Team; refers to the 14 UN agencies, programmes, departments and funds are active on the ground in mine-related service. The UN agencies conducting mine action in Nepal are UNMAS and UNICEF.
UNMIN	United Nations Mission in Nepal
UN monitoring	In the AMMAA, the term “UN monitoring” refers to all efforts by the UN to determine relative compliance with the terms spelled out in this agreement and to report to all the parties and others concerned its findings.
UXO	Unexploded ordnance; explosive ordnance that has been primed, fused, armed or otherwise prepared for use or used. It may have been fired, dropped, launched or projected yet remains unexploded either through malfunction or design or for any other reason. [IMAS]
VA	Victim assistance; refers to all aid, relief, comfort and support provided to victims (including survivors) with the purpose of reducing the immediate and long-term medical and psychological implications of their trauma. [IMAS]

### CANTONMENTS OF MAOIST ARMY COMBATANTS



## **CONCEPT OF OPERATIONS UN MINE ACTION TEAM, NEPAL**

**Version 6, April 2009**

(Prepared by UNMAT, Nepal)

### **1. ASSUMPTIONS**

- The definition of the Nepal Army Mine Action Coordination Centre is not what we would consider a traditional MACC. It is the demining unit of the Nepal Army (NA)'s Directorate of Engineers; it is based loosely on a company organisation and carries out operational level tasking.
- There will be continued funding available for the operations of the UN Mine Action Team (UNMAT) Nepal programme.
- The UN will be expected to be engaged in mine action in Nepal in some form until all designated minefields are cleared or the Government of Nepal (GoN) request the UN leaves.
- The NA will provide all necessary assistance, support and authorisations to allow the clearance of minefields
- There is no mine laying within Nepal from armed factions.
- Once cleared the only residual ERW threat will be IEDs, which should be mitigated by existing NA/APF capacities.
- Handing over of the cleared land to the local population will be the responsibility of the NA.
- Prioritisation of the minefield clearance will be the responsibility of the NA, although the UNMAT will provide advice on all aspects of mine action, including prioritisation.
- The UNMAT has no executive decision making power within the NA demining mechanisms.
- The current UNICEF MRE advisor will coordinate as an integral component of the UNMAT, however their day to day tasking will be as part of the UNICEF Nepal programme and will not come under this CONOPS
- The UNMAT will have freedom of movement within the Maoists Cantonment Sites (MCS).
- The NA will maintain two platoons of deminers (four teams) as a minimum through the project. One platoon will be able to clear one minefield a month, with an 8 month working year this means each platoon will clear 8 minefields a year, giving a total of 16 minefields per calendar year cleared.

### **2. OBJECTIVE**

The objective of the UNMAT (not including the MRE component) programme is the assistance and capacity development of the NA to ensure the clearance of the remaining 53 minefields and destruction of the remaining munitions in Maoist Cantonment Sites (MSC) to internationally recognised standards (IMAS) as specified in the Comprehensive Peace Agreement (CPA).

Once the NA capacity is developed to be able to conduct operations with out technical support, the programme in its present form will liquidate.

There may be the requirement for a single MA advisor to continue with advocacy, fund raising and possibly some technical oversight of operations until the last minefield is cleared.

There is no requirement of a residual local mine clearance capacity once the 53 minefields have been cleared. Although the NA has indicated an interest in deploying a mine clearance capacity with UNDPKO Missions.

### **3. OUTLINE**

The UNMAT will act in an advisory role to the NA. This will be based around a capacity development plan (CDP) implemented by a number of technical advisors. These advisors will provide advice and direction in a number of MA functions. This will include:

- HQ level operational planning
- MA prioritisation
- MA QA/QC
- MA operational administrative, financial and logistics support
- Minefield operations and clearance procedures

The TAs and PM staff will provide technical advice to middle managers and below in all aspects of MA planning and operations.

The UNMAT will provide QA in the form of roving QA visits by qualified locally recruited and trained QA personal, as well as coaching and mentoring by staff on an ad hoc basis.

The UNMAT will also provide national level support to the MA community in Nepal on an ad hoc basis, this includes advising GoN bodies, the MAJWG and individual agencies.

The UNMAT will have completed the destruction of all items of ERW stored within the MCS by December 2009.

The UNMAT will maintain a small PM and AFL function.

The NA will be able to independent of UN technical support conduct all aspects of MA within Nepal by 31 December 2010. Whereby a single TA may be allocated to provide some technical support as well as advocacy and fund raising.

#### **3.2. PHASES**

This will be a 4-phase programme:

##### **3.2.1. Phase 1**

Will see the UNMAT establish itself as an independent stand alone project from the current UNMIN establishment. This phase will also see the re-start and subsequent continuation of minefield clearance operations.

##### **3.2.2. Phase 2**

Will see the UNMAT continue to support the NA with capacity development and scaffolding activities once the UNMAT team has completed the capacity development plan.

Clearance of 32 minefields and the final destruction of munitions in the MCS.

This phase will have a number of sub-phases outlined in the capacity development plan.

### **3.2.3. Phase 3**

Will see the liquidation of the programme from its current state.

### **3.2.4 Phase 4**

Will see the scaffolding of the systems and procedures developed in phase 2, this will involve a much reduced UNMAT (possibly 1 TA) to provide support and advice to the NA, ensuring the NA maintains quality of work and utilises the systems developed in phases 2 and 3.

The funding for this phase maybe shared between UNMAS, UNICEF and possibly UNDP.

## **4. OUTPUTS**

The programme will see several outputs:

- (1) The clearance of a total of at least a total of 37 minefields to internationally recognised standards by 31 December of 2010. The clearance of all the full 53 minefields by 31December 2011;
- (2) Capacity development of NA mine action personal to a middle management level ( maj/lt.col) to allow for MA operations independent of UN technical support/
- (3) Corporate knowledge developed within the NA of HMA, from which they may decide to deploy into UN missions;
- (4) Destruction of the remaining munitions in the MCS by 31 December 2009;
- (5) Establishment of MA procedures and institutions within the GoN including NGSS

## **5. DETAILED TASKS**

### **5.1. Phase 1- 5 months (Complete by 23 January 2009)**

- Establish a standalone administration, finance and logistics system.
- Employment of a national AFL assistant
- Move offices from UNMIN HQ to UN CT in UN House
- Take over donated equipment from UNMIN as Group 2 recipients
- Employment of international and national staff as outlined in para 7
- Refresher training and accreditation of NA deminers and issue of personal training and operations records (certification)
- Development of a NA MA operations cell
- Re-establishment of an NA MA capacity
- Development, ratification and implementation of the capacity development plan of the NA.

**5.2.** Phase 2 approximately 24 months (completed 31 December 2010)

- Capacity development of the NA to ensure they are capable of conducting MA operations
- Clearance of 32 minefields
- Continuation of demining activities
- Continuation training to take into account NA operational rotations
- All reporting systems fully functioning
- Assessment of programme to ensure it is still on-track with stated aims at every 6 months
- Destruction of the munitions in MCS completed by December 2009
- Support to GoN in establishing a MA function within the MoPR

**5.3.** Phase 3 approximately 4 months (Concurrent with the end of phase 2, 1 September to 31 December 2010)

- AFL liquidation of the programme to UNOPS standards
- All liquidation reporting complete
- All assets disposed of according to UNOPS regulations
- All audits complete
- All operational records handed over to the NA
- QA all NA MA operational records
- All international staff deployed into another programmes
- Scaffolding and refinement of systems

**5.4** Phase 4 approximately 12 months (Continued support to MA activities until the GoN request support to cease, completed by 31 December 2011)

- Continuation of evolution of demining systems for the NA
- Clearance of all 53 minefields
- Support to the Director of Engineers on strategic MA issues
- Maintenance of QA/QC systems
- Ensure all systems are bedded in and working
- Fund raising
- Final liquidation

**6. TIMINGS**

Detailed timings for the programme will be dependant on the release of funds, however the follow may be considered as generic:



- Phase 1 5 months, but no later than 23 January 2009, to coincide with the liquidation of UNMIN
- Phase 2 24 months; completed by 31 December 2010; destruction of Maoist AXO completed by 31 December 2009
- Phase 3 4 months (concurrent with phase 2); completed by 31 December 2010
- Phase 4 12 months; completed by 31 December 2011

**7. PERSONNEL**

It is envisaged that there will be a draw down of technical staff over the period of the project.

	2009								2010											
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
PM																				
PO																				
TA 1																				
TA 2																				
TA 3																				
Auditor																				
A/L Ass																				
F Ass																				
QA 1																				
QA 2																				
Driver																				
Driver																				
Driver																				
Driver																				

**8. METHOD OF OPERATION**

The NA will provide a number of staff organised along standard military lines. Roughly this will be a company level order of battle (orbat) here after known as the NAMACC .

The UNMAT will develop the capacity of the NAMACC, systems and operational procedures over a 24 month period to ensure that the NA is capable of conducting demining tasks with minimal support from the UN. This will be planned in full in a capacity development plan (CDP) which will be written in conjunction with the NA.

The UNMAT will advocate with the Director of Engineers, Army HQ and the NMAA over strategic level issues.

A single TA will then be involved in ensuring the maintenance of the systems for a further 12 months period. The period will also see final fund raising to ensure sustainability of the NA demining teams to ensure all remaining minefields are cleared in accordance with the CPA.

The NAMACC will be deployed onto demining tasks as directed by NA doctrine and prioritisations. This will be directed by the Director of Engineers.

The UNMAT may provide ad hoc advice to the Director of Engineers and will advocate for HMA issues.

The UNMAT will also work with existing GoN and other MA bodies to develop the general MA community within Nepal to ensure sustainability of MA capabilities as well as the means to address the residual and to a degree the on going current IED threat.

The UNMAT will plan with the JMCC the destruction of the final munitions in the MCS and will be complete by December 2009

The UNMAT will provide advice to the demining company HQ in the form of training, mentoring and coaching of operations and planning staff. This will include the development of detailed task orders, planning documents and task records.

Running concurrent to this, the UNMAT will provide field support in the form of training and on-site coaching and mentoring of the field sub-units conducting clearance tasks.

The UNMAT will provide some AFL advice and ensure accountability of all funds donated to the NA.

QA will be implemented by the UNMAT QA team, which will consist of 1 international, and 2 national staff. They will conduct QA visits as dictated by UNMAT SOP's. Other technically qualified UNMAT staff may also conduct QA visits as directed by the QA officer.

The NAMACC will maintain an operations room to coordinate all MA operations, the UNMAT will advise on the establishment and operation of this room.

The UNMAT will maintain liaison with the UN RC and UN CT through the PM functions

The UNMAT will maintain liaison with other stakeholders such as NCBL, UNICEF, donors and the MAJWG through the PM functions.

The UNMAT will establish AFL systems to support the technical advisors, ensuring they meet UNOPS requirements.

The UNMAT will continue to raise funds for the programme and NAMACC.

## **9. ADMINISTRATION, FINANCE AND LOGISTICS**

The UNMAT will employ national of staff as the AFL assistants. The AFL assistants will work to the direction of the PO, who will be their line manager.

The NAMACC will need to account for all funds issued to it for operations.

## **10. GENDER**

The UNMAT will ensure all job advertisements are accessible to women.

The UNMAT will desegregate all operational information by gender.

The technical advisors will attempt to ensure the NAMACC operational planning of tasks will take gender into account, and attempt to ensure that clearance tasks will benefit women and children as a priority.

## **11. CHALLENGES**

### **11.1. Terrain**

Nepal poses a number of unique challenges with regards to both climate and terrain. The task sites can be on extreme slopes and many miles from the nearest road or heli pad. This particularly impacts logistical support and CASEVAC.

Mitigation. All demining teams and UNMAT personnel should ensure they have enough medical supplies to support life for up to 8 hours. Teams should ensure they have a large reserve of supplies in case of being cut off for their logistics lines. NA to be approached to provide heli support.

### **11.2. Climate**

Nepal has a distinct rainy season; this monsoon season lasts from approximately May until October. During this monsoon demining activities will be seriously curtailed.

Mitigation All block training will be conducted within this period and not during the 'operational season'.

### **11.3. NA decision making**

The NA has a strong centralised making process. All decisions need to be made at the 2 star general level and above. This means a slow time to process operational requests and often with no feed back on the process or the possibility of negotiations in the case of a refusal.

Mitigation The UNMAT will ensure all staff are suitably diplomatic in their dealings with the NA. Time and effort will be made in establishing contacts and developing an environment of trust to ensure good will of NA hierarchy. The UNMAT should ensure all tasks are planned well ahead of time and that once a task is complete another has already been reconnoitred and planned ensuring a smooth flow of operational tempo.

### **11.4. NA agenda**

The NA is still running its own agenda; currently there are still a number of minefields the NA will not allow to be cleared. The current NA hierarchy is difficult to access and the UNMAT/NAMACC may not be able to gain permission to clear the minefields as it would like.

Mitigation- The UNMAT will ensure all staff are suitably diplomatic in their dealings with the NA, time and effort will be made in establishing contacts and developing an environment of trust to ensure good will of NA hierarchy.

### **11.5. Funding**

The programme will need funding for its lifetime and although Nepal is currently high on the donor agenda this will not remain for the duration of the programme.

Mitigation The UNMAT will ensure maximum exposure to the donor community, this will need to emphasise the positive outcome and benefits of the programme to the development of Nepal and the 'added extra' the MA programme brings to the table. The UNMAT will ensure that there are MA projects within the UNCT CAP, the UNMAS MAP and any other fund raising documents. The UNMAT will ensure the NA are aware of how important it is to produce positive results to ensure funding.

**SUMMARY OF UNMAT'S STRENGTHS, WEAKNESSES,  
OPPORTUNITIES AND THREATS**

<p><b>STRENGTHS</b></p> <ul style="list-style-type: none"> <li>• The Joint Mine Action Working Group provides effective coordination of mine action activities in Nepal.</li> <li>• The arrangement between the UNMAT and UNICEF MRE Adviser works well.</li> <li>• There is a strong and effective working relationship between UNMAT and the NA officers in the NAMACC.</li> <li>• The UNMAT staff are committed to developing the management and technical capabilities of the NAMACC.</li> <li>• The UNMAT Programme Manager is well respected by senior staff of UNMIN and the Office of the UN Resident Coordinator.</li> <li>• The two deployed NA demining teams are operating effectively, efficiently and safely and should have cleared all 53 minefields by no later than December 2011.</li> </ul>	<p><b>OPPORTUNITIES</b></p> <ul style="list-style-type: none"> <li>• The developing management and technical mine action capability and proven performance of the NAMACC will give the NA an accredited demining capability which can be deployed in the future on UN DPKO missions.</li> <li>• The successful clearance of the NA's 53 minefields and the destruction of the IEDs from the cantonment sites will be a demonstration of success of the CPA and AMMAA.</li> <li>• Mine action be used as a confidence-building measure between the Maoist Army and the NA.</li> </ul>
<p><b>WEAKNESSES</b></p> <ul style="list-style-type: none"> <li>• The Director of Engineer Services has been reluctant to allow the NAMACC to deploy the third and fourth NA demining teams. (Note: the evaluation team was assured by the Director of Engineer Services that permission would shortly be given to deploy two additional teams.)</li> <li>• There is little visibility by UNMAT staff on the work being conducted by the NA to clear command-detonated explosive devices.</li> <li>• IMSMA is not being used effectively.</li> <li>• There is an absence of effective national accountability and governance.</li> <li>• There is no national mine action strategy or multi-year plan.</li> </ul>	<p><b>THREATS / CHALLENGES</b></p> <ul style="list-style-type: none"> <li>• Security conditions could prevent the clearance of all the NA's 53 minefields and/or the destruction of the remaining IEDs and other related items from the Maoist cantonment sites.</li> <li>• The Maoist Army Combatants could deny UNMAT access to destroy the remaining IEDs and other related items.</li> <li>• Political differences between the Government of Nepal and the NA could prevent the NAMACC from continuing to clear the NA's 53 minefields.</li> <li>• Senior officers in the NA could withdraw support for the NAMACC.</li> <li>• The UN and international donors may no longer provide sufficient funds to complete the task.</li> </ul>

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- (19) Comprehensive Peace Agreement, 21 November 2006.
- (20) Agreement on Monitoring of the Management of Arms and Armies, 28 November 2006
- (21) Ibid.
- (22) Comprehensive Peace Agreement of 21 November 2006, Clause 5.1.4 states that “..... both parties shall inform each other about the demarcation and storage of ambush or mines planted during the war period within 30 days and help each other to diffuse or dispose them off within 60 days.”
- (23) Agreement on the Monitoring of the Management of Arms and Armies of 28 November 2006, Clause 4.1.2 states that “..... all IEDs will be collected at designated sites a safe distance from the main cantonment areas. Unsuitable devices will be destroyed immediately. Stable devices will be stored safely and under 24-hour armed guard. The parties, in consultation with the UN, will determine a timeline and process for the later destruction of all improvised explosive devices.”
- (24) The remaining 34,907 items represents just 225kg NEQ, i.e. 3% of the total original 7,405 kg NEQ.
- (25) Interview with Charlie Mantell, EOD Technical Adviser, Kathmandu, 15 May 2009.
- (26) Interview with Gordon Hughes, UNMIN Chief Adviser and Deputy Head of Mission, Kathmandu, 15 May 2009.
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- (28) Opening remarks by Madhav Prasad Ghimire, Ministry of Peace and Reconstruction, Workshop on mine action and international law, Kathmandu, 5 March 2008.
- (29) Telephone conversation McAslan/Pearce of 25 May 2009.
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- (31) Meeting between McAslan and NAMACC's officers held at the EOD Holding Unit on 18 May 2009.