

National Capacities and Residual Contamination *Nepal*



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Glossary of Abbreviations

AMMAA	Agreement on Monitoring of the Management of Arms and Armies
APMBC	Anti-Personnel Mine Ban Convention
APF	Armed Police Force
AP	Anti-personnel
AXO	Abandoned Ordnance
CDO	Chief District Officer
CPN (M)	Communist Party of Nepal (Maoist)
CPA	Comprehensive Peace Agreement
ERW	Explosive Remnants of War
GICHD	Geneva International Centre for Humanitarian Demining
ICRC	International Committee of the Red Cross
IED	Improvised Explosive Device
IMAS	International Mine Action Standards
IMSMA	Information Management System for Mine Action
INSEC	Informal Sector Service Centre
MAJWG	Mine Action Joint Working Group
MAU	Mine Action Unit
MoD	Ministry of Defence
MoPR	Ministry of Peace and Reconstruction
MRE	Mine Risk Education
NAMACC	Nepal Army Mine Action Coordination Centre
NGO	Non-Governmental Organisation
NA	Nepal Army
NCBL	Nepal Campaign to Ban Landmines
NMAA	National Mine Action Authority
NRCS	Nepal Red Cross Society
NP	Nepal Police
OED	Ordnance Explosive Device
SHA	Suspected Hazardous Area
SOP	Standard Operating Procedures
UNICEF	United Nations Children's Fund
UNMAS	United Nations Mine Action Service
UNMAT	UN Mine Action Team
UNMIN	UN Mission in Nepal
UNOPS	United Nations Office for Project Services

UNPFN

UN Peace Fund for Nepal

UNSCR

UN Security Council Resolution

UXO

Unexploded Ordnance

Executive Summary

Background to the study

This case study forms part of a broader GICHD study on national capacities and residual contamination and is based on both desk-top research and findings from a GICHD mission to Nepal in April - May 2014. The GICHD hired a national consultant to assist with arranging and attending meetings as well as drafting the case study. The research team met with key stakeholders in Kathmandu and Chitwan Districts. A full list of meetings held during that mission is available in Annex I.

The purpose of this report is to document Nepal's experience of developing national capacities to address residual contamination, and to identify and present good practices and lessons learnt. National capacities and residual contamination study terms of reference are available in Annex II.

Civil War in Nepal

The Maoist insurgency began in 1996 and ended with the signing of the Comprehensive Peace Agreement (CPA) in November 2006. During the conflict, the Nepal Army (NA) used anti-personnel mines (AP mines), as well as improvised explosive devices (IED), around military installations and infrastructure. They started using mines, reportedly, in 2002, placing an estimated 14,000 AP mines in 53 locations. The army, Armed Police Force (APF) and Nepal Police (NP) also deployed command-detonated IEDs. Difficult and often inaccessible terrain in Nepal would be a complicating factor for subsequent demining activities.

Maoists had limited access to commercially-manufactured arms and instead resorted to the manufacture of IEDs. The most common device was a "socket bomb" (improvised hand grenades) crafted from plumbing joints.

Since 2007, the Ministry of Peace and Reconstruction (MoPR) has acted as the mine action focal point within the Government of Nepal.

Mine Action after the CPA and establishment of the UNMIN

Clear mandates for stockpile destruction and demining emerged from the CPA and further subordinate agreements. The UN Security Council Resolution (UNSCR) 1740 (2007) of 23 January 2007 established the UNMIN to, among other things: *'...monitor the management of arms and armies, including the cantonment¹ of Maoist combatants and their arms and munitions, including improvised explosive devices.'*²

Humanitarian demining operations in Nepal started in October 2007. In February 2009, the United Nations Mine Action Team (UNMAT) and the army agreed on a joint capacity development plan for the NA Mine Action Coordination Centre (NAMACC). This initiative aimed to support NAMACCA's mission: *"By 2010, the Nepalese Army Mine Action Coordination Centre will develop a Mine Action and IEDD capacity to International Standards"*; and its vision: *'By*

¹ A cantonment is a military or police quarters or a permanent military station.

² UNSCR 1740 (2007), <http://www.un.org/News/Press/docs/2007/sc8942.doc.htm>

2010, the Nepalese Army Mine Action Coordination Centre will develop a Mine Action and IEDD capacity to International Standards.³

Following UNMAT's successful capacity development activities, four military demining platoons were fully IMAS-accredited in April 2011. After achieving clearance of 53 army-laid minefields, the army and the MoPR organised a 'Nepal Minefield Free Event' in June 2011 to celebrate the army's achievement in meeting its clearance obligations, as stipulated in the CPA.

Nature of residual contamination

Nepal is faced with a modest ERW residual contamination, primarily IEDs and other unexploded ordnance and abandoned ordnance (UXO/AXO). This is despite completing clearance of 53 army-laid minefields and the subsequent declaration of Nepal as 'minefield free' in June 2011. There have been no reported casualties resulting from landmines since the declaration; most accidents are caused by IEDs.

The army remains the principal actor responsible for responding to residual contamination, working in close collaboration with other national actors.

Key Findings: Good Practices, Main Challenges and Lessons Learnt

The Nepal case study highlights several good practices and draws attention to a number of challenges regarding sustainable national capacities for addressing residual contamination.

Good Practices

National commitment

National commitment is a prerequisite for any capacity development work. The high level of this in Nepal has been instrumental in successfully developing national mine action capacities. The government and army's committed approach to mine action was a critical contributing factor to the success of the mine action programme. The Maoists' commitment to the CPA also played an important role for the success of the programme.

National ownership and sustainability

The principle of national ownership is recognised globally. However, transitioning UN-managed mine action programmes to national ownership is often fraught with challenges. In this regard, the Nepali experience exemplifies a good practice; for example the demining programme was nationally owned from the outset as the army carried out all demining activities since the CPA signing. Also, the MoPR has contributed government funds to MRE and activities related to rehabilitation of and compensation for conflict-affected populations, including mine/ERW victims. No international mine action operators have undertaken clearance in the country.

Inclusion of mine action in the peace agreement

Extensive advocacy and lobbying work by organisations such as the NCBL and UNICEF were key contributing factors to the inclusion of mine action in the CPA. More visibility for mine action was created, which paved the way for future activities and external support. The CPA mine

³ Capacity development plan for the Nepal Army Coordination Centre.

action components further resulted in transparency regarding responsibilities and time-lines, facilitating effective and efficient activities and collaboration.

External capacity development support

UNMAS and UNICEF's capacity development activities, focusing on clearance and MRE, strengthened Nepal's capacities and resulted in effective operations and compliance with CPA obligations.

High level of national clearance capacities

The army has developed, through its involvement with humanitarian demining, a high level of capacity to address explosive hazards. This is exemplified by, for example, Nepal's contribution of Improvised Explosive Device Disposal (IEDD) troops to the UN mission in Mali. In addition, several ex-army officers are currently employed by international mine action NGOs.

Effective collaboration

Effective collaboration between key national actors (the army, the APF, the police and the MoPR) and between them and international actors, has been instrumental in the Nepal mine action programme. The Maoists and the security agencies, in particular the army, were responsive to advocacy work, by the NCBL, INSEC, UNMAT and the Red Cross Movement. UNMAS further noted that support from, and collaboration with, the UN Resident Coordinator was key in the capacity development programme's success.

Well-functioning reporting structures

Established reporting structures in combination with effective collaboration and coordination have resulted in what appears to be effective response mechanisms to hazardous reports.

Positive contribution of MRE and CL

It is clear that extensive MRE campaigns have contributed to high levels of awareness in affected communities. Many informants pointed out that this has resulted in fewer accidents. Community volunteer structures, established by the NRCS, are central in facilitating information-sharing between affected communities and responsible actors, enabling timely responses to address hazards.

Main Challenges and Lessons Learnt

Maoist records

The Maoists did not keep any records of the IEDs they used, produced or stocked. Some informants noted that the extent and location of residual contamination resulting from Maoist activities is therefore largely unknown, and may be discovered in years to come. This degree of uncertainty causes difficulty in predicting future residual contamination problems.

Information management

IMSMA is housed by the NA and only contains information related to the army's clearance work, including army clearance accidents. IMSMA does not include any MRE and civilian casualty data. In parallel, INSEC stores civilian casualty data in its surveillance system database.

While INSEC's surveillance system is regarded as effective and reliable, experiences from other countries demonstrate that parallel databases can result in challenges in obtaining linked accident, contamination and clearance information.

Introduction

Background to the study

This case study forms part of a broader GICHD study on national capacities and residual contamination and is based on both desk-top research and findings from a GICHD mission to Nepal in April - May 2014. The GICHD hired national consultant Subindra Bogati to assist with arranging and attending meetings as well as drafting the case study. The research team met with key stakeholders in Kathmandu and Chitwan Districts. A full list of meetings held during that mission is available in Annex I.

The purpose of this report is to document Nepal's experience of developing national capacities to address residual contamination, and to identify and present good practices and lessons learnt. National capacities and residual contamination study terms of reference are available in Annex II.

Country context

Nepal is a landlocked country of just over 147,000 square km, situated between China and India. It is divided into three main geographic zones: the 'Terai' or the plain area in the south that stretches east to west along the Indian border; the central hill region; and the rugged Himalayan mountain range in the north. The population of 30 million is divided along ethnic, language and caste lines. Nepal's political and economic challenges stem largely from social exclusion and inequalities, which were root causes of the 1996-2006 civil war. Exclusion continues in spite of constitutional provisions stipulating equality.⁴

Nepal Civil War

A people's movement resulted in the reinstatement of a democratic government under constitutional monarchy in 1991. Gradual democratisation of institutions could not however satisfy the rapid rise in the population's aspirations. A radical left movement was created as a result of mobilising against popular grievances. The Maoist insurgency began in 1996 and, within a decade, claimed 16,278 lives on both sides of the conflict.⁵ It is also estimated that the war displaced 150,000 people. The conflict ended with a Comprehensive Peace Agreement (CPA) in November 2006.

Origin, nature and scope of the mine/ERW contamination problem

During the conflict, the Nepal Army (NA) used anti-personnel mines (AP mines), as well as improvised explosive devices (IED), around military installations and infrastructure. They started using mines, reportedly, in 2002, placing an estimated 14,000 AP mines in 53 locations. The army, Armed Police Force (APF) and Nepal Police (NP) deployed command-detonated IEDs. The army used such devices in 275 locations. APF reportedly deployed command-detonated IEDs in 200 locations and the police in another 47 locations. Army use of mortars and other projectiles also resulted in limited contamination from unexploded ordnance (UXO). Difficult and

⁴ This declares that all citizens are "equal irrespective of religion, race, gender, caste, tribe or ideology" but also protects "traditional practices" that open the door to discrimination and exclusion. See World Bank and DFID, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal*, 2006

⁵ Earlier estimation of the death toll was 13,000. For more info, see http://news.bbc.co.uk/2/hi/south_asia/8268651.stm

often inaccessible terrain in Nepal would be a complicating factor for subsequent demining activities.

Maoists had limited access to commercially-manufactured arms and instead resorted to the manufacture of IEDs. The most common device was a “socket bomb” (improvised hand grenades) crafted from plumbing joints. Bombs were also made from pipes and buckets, pressure cookers etc. Fusing mechanisms in these devices were often unreliable and affected by environmental conditions.

Mine contamination resulting from security services’ actions, in combination with the Maoists’ use of IEDs, resulted in moderate but widespread contamination. Information from the national organisation Informal Sector Service Centre (INSEC) shows that accidents took place in the majority of Nepal’s 75 districts during the 2004 - 2006-period, mainly as a result of IEDs.

Continued violence in the Terai has resulted in renewed IED contamination, although on a smaller scale than during the civil war. IED incidents increased shortly before the November 2013 elections, and there are concerns that IED use by militant groups might become more sophisticated.

Casualty numbers from victim-activated explosions have declined since 2006, but the number of incidents has not been falling as rapidly. This is because smaller devices (e.g. those in the Terai) account for a larger share of the accidents. In 2011, 50 per cent of all accidents were caused by ‘new’ devices (i.e. made since the CPA).

Map of Nepal⁶



⁶ <http://www.dwss.gov.np/images/nepal-map.gif>

Background to the establishment of the national mine/ERW programme

Mine Action before the CPA

The Nepal Campaign to Ban Landmines⁷ (NCBL) initiated the first mine action activities in Nepal in 1995, focussing on advocacy and awareness at the political level, including at the district level. The organisation started collecting mine/ERW victim data in 1998, eventually resulting in the NA confirming in 2003 that it had used landmines.

In November 2004, the United Nations Children's Fund (UNICEF) assumed the role of the United Nations (UN) focal point organisation for mine action in Nepal and established a national Mine Risk Education (MRE) working group. This group eventually comprised 16 international and national non-governmental organisations (NGO) as well as the Nepal Red Cross Society (NRCS) and the International Committee of the Red Cross (ICRC). In 2006, the group became the Mine Action Joint Working Group (MAJWG), acting as a coordination body for MRE, advocacy, victim assistance and accident/casualty surveillance systems. Demining was added after the UN Mission in Nepal (UNMIN) and UN Mine Action Service (UNMAS) became directly involved in Nepal.

A June 2007 decree established the Mine Action Steering Committee (MASC) and the National Mine Action Technical Committee (NMATC). Since 2007, the Ministry of Peace and Reconstruction (MoPR) has acted as the mine action focal point within the Government of Nepal.

The CPA

Following the success of the April 2006 mass movement that overturned King Gyanendra's direct rule, the Government of Nepal and the Communist Party of Nepal (Maoist) (CPN (M)) signed the CPA in November 2006. This declared an end to the 10-year long civil war, paving the way for inclusion of Maoist rebels in mainstream politics and opening the way for Maoist combatants to be lodged in cantonments. This allowed the UN to monitor weapon storage. Consensus was also reached on the interim constitution which allowed Maoists to enter the interim legislature parliament and join the coalition government in anticipation of the constituent assembly election. The CPA resulted in key parties committing themselves to a peace process that would not only end the conflict but also present a road map for elections to a constituent assembly. This assembly was designed to restructure Nepal along more democratic and inclusive lines. The CPA was signed after months of slow progress.⁸

Mine Action after the CPA

Mine action commitments in the CPA

Clear mandates for stockpile destruction and demining emerged from the CPA and subordinate agreements. Paragraph 5.1.4 of the CPA states that: *'Both sides shall assist each other to mark the landmines and booby-traps used during the time of armed conflict by providing necessary*

⁷ <http://nepal.icbl.org/>

⁸ International Crisis group, *The Nepal's Peace Agreement: Making it work*, December 2006, <http://www.refworld.org/pdfid/45a4b4b82.pdf>

information within 30 days and defuse and excavate it within 60 days.’⁹ Despite this provision in the CPA, however, 537 people became victims of mines/ERW between 2006 and June 2011.¹⁰

Section 2 of the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) states *‘The parties will provide maps and sketches showing current dispositions, including:*

*(2) Minefields, landmines, unexploded ordnance, standard explosives, improvised explosive devices and exact location of such items...’*¹¹

AMMAA paragraph 4.1.2 – Weapons storage and control states *“The parties agree upon the safe storage of all Maoist army weapons and ammunition, in the seven main cantonment areas under UN monitoring...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.’*

As required in the AMMAA, IEDs used by the Maoist combatants were collected in designated areas at each of the seven main cantonment sites.

It is important to mention that a senior UN military advisor and his team consulted UNICEF during the CPA drafting period. UNICEF played a crucial role in suggesting language that was acceptable to all parties, before being integrated in the final AMMAA document.

UNMIN

UN Security Council Resolution (UNSCR) 1740 (2007) of 23 January 2007 established the UNMIN to, among other things: *‘...monitor the management of arms and armies, including the cantonment of Maoist combatants and their arms and munitions, including improvised explosive devices.’*¹²

The Secretary-General’s January 2007 report on Nepal’s request for UN assistance in support of its peace process recommended establishing a mine action unit (MAU) within the UNMIN headquarters, with objectives of:¹³

- providing UNMIN with technical advice on mine/IED/ERW problems;
- registering and processing information on explosive devices provided by the CPA parties;
- assisting in developing plans and procedures for safe and timely destruction of all IEDs;
- conducting mine/IED/ERW related accident investigations; and
- liaising with UNICEF to ensure that appropriate MRE is provided to the general population.

Disposal of IED stocks and the clearance of army-laid minefields were the responsibilities of the parties to the CPA. In view of the security risks, however, UNMIN assisted the Maoists with demolishing IEDs. The MAU undertook preliminary assessments of the main cantonment sites in February and March 2007.

⁹ Comprehensive Peace Accord Concluded Between the Government of Nepal and the Communist Party of Nepal (Maoist), 2006, http://id.cdint.org/content/documents/Comprehensive_Peace_Agreement_of_2006.pdf

¹⁰ Information received from INSEC.

¹¹ This is also stipulated in section 4.2.2 Commander Responsibilities.

¹² UNSCR 1740 (2007), <http://www.un.org/News/Press/docs/2007/sc8942.doc.htm>

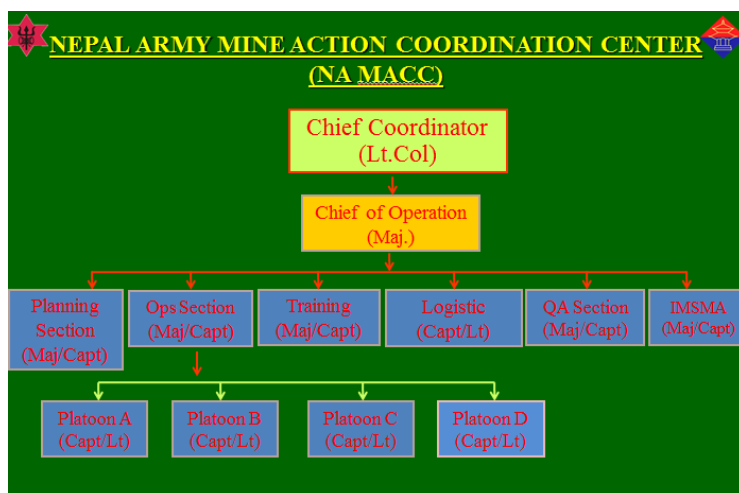
¹³ Report of the Secretary-General on the request of Nepal for UN assistance in support of its peace process, 9 January 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/201/85/PDF/N0720185.pdf?OpenElement> 2 January 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/674/98/PDF/N0867498.pdf?OpenElement>

The UN also engaged a consultant to draft a concept of operations and outline short and medium-term strategies for mine action. Short and medium-term objectives in the consultant's report¹⁴ went far beyond CPA requirements and reflected the broad consensus which had emerged within the mine action community. This emphasised that national programmes are best organised as an integrated effort, combining the five 'pillars' of mine action: demining; stockpile destruction; MRE; victim assistance; and advocacy.¹⁵ Despite this, however, the initial UNMIN mine action project focused narrowly on the stockpile management and destruction requirements stemming from the CPA.

Key Stakeholders

Nepal Army

In December 2006 the Government of Nepal established the Nepal Army Mine Action Coordination Centre (NAMACC) as part of the Engineer Directorate. They were to assume responsibility for humanitarian demining and related mine action tasks. The army received equipment from the British and Swiss governments including mine detectors and robotic equipment for bomb disposal. Eight army personnel were trained in Kenya, while five army engineers were trained in operations management in South Lebanon, funded through the United Nations Peace Fund for Nepal (UNPFN).



NAMACC structure as of May 2014¹⁶

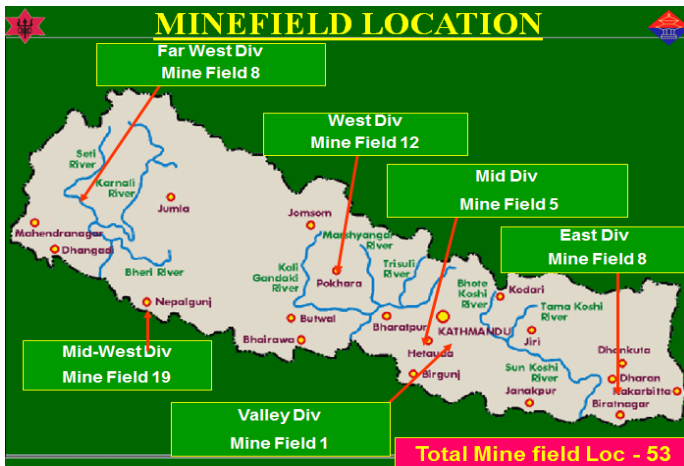
The army noted that it used AP mines and command-detonated IEDs for the purpose of 'close-in protection' of security bases. Army-laid minefields were reportedly partially marked. It has been noted that the marking was of low quality, and often not visible and understandable, nor standardised. In response, UNICEF provided 14,000 hazard signs to the army and more than 1000 to the Maoists.

The army further noted that all of its humanitarian demining activities are compliant with International Mine Action Standards (IMAS).

¹⁴ Cipièrè, Michel, Mine Action Support to the UN Mission in Nepal, Mar 2007.

¹⁵ GICHD, Transition to National Ownership, Nepal, 2012,

¹⁶ Shared by Nepal Army, Kathmandu May 2014



Nepal minefield location map¹⁷

Armed Police Force (APF)

The Government of Nepal created the APF in 2001 in response to the growing Maoist insurgency. In 2013, the APF field engineering (FE) branch was established.

Principal tasks of the APF FE branch include:

- disposing of bombs;
- providing trainings;
- delivering MRE classes; and
- ensuring security for VIPs and VVIPs.

Rather than using conventional landmines, the APF used command-detonated ‘ordnance explosive device’¹⁸ (OED), essentially IEDs, to protect its facilities. APF reported use of 3,045 devices during the conflict. All ‘OED fields’ were reportedly well-recorded and fenced. Clearance of all APF-laid OED started shortly after the CPA signing in 2006.

The APF has a total of 130 bomb disposal teams, 31 of which operate in collaboration with the NA.¹⁹ No accidents took place during any of the clearance activities.

APF indicated that, after the signing of the CPA, it ‘no longer deals with EOD/IED’, since this falls within the army’s responsibilities.

In 2010, UNICEF agreed a joint plan with the APF to train 75 MRE ‘master trainers’ within three regional training-of-trainers workshops. The APF has since been active in MRE. These master trainers subsequently trained thousands of APF personnel who, in turn, have delivered MRE in several mine/IED-affected communities.

¹⁷ Shared by Nepal Army, Kathmandu, May 2014

¹⁸ This is the term the APF uses to describe the items.

¹⁹ APF presentation, APF HQ, Kathmandu

Nepal Police

During the insurgency, the Nepal Police had a special unit to emplace mines and IEDs around police facilities, and police forces would carry explosives into conflicts. Following the signing of the CPA, the main police mine action responsibility is to provide first response to reports from the public on explosive devices and accidents. When devices are found, the police are instructed to contact the Chief District Officer or the army; to make the area safe, and to avoid handling the device.

The police also have a bomb disposal team which forms part of a larger special police task force that responds to a variety of assignments. They are trained to defuse devices if the army's response is delayed or if public security requires immediate action.

In 2010, UNICEF trained 120 police MRE master trainers from the 25 most affected districts and provided them with MRE materials. These trained personnel have in turn provided MRE to fellow police officers (over 14,000 received training and MRE materials) and to the public.

Ministry of Peace and Reconstruction (MoPR)

The Council of Ministers created the MoPR in April 2007.²⁰ The Cabinet issued a decision in July the same year, establishing the ministry as the national focal point for mine action. The cabinet also created:²¹

- a Mine Action Steering Committee, chaired by the MoPR with representatives from the ministries of Defence, Home Affairs, Foreign Affairs, and Education and Sports plus observers from the CPN(M), UNMIN and three civil society organisations; and
- a Mine Action Technical Committee, chaired by the MoPR Secretary with members from Defence, Home Affairs, the army and the CPN(M).

The Government of Nepal's directives, approved by the Council of Ministers in May 2012, lists 18 key responsibilities related to the MoPR's scope of work.²² None of the points lists mine action specifically, though several relate to mine action.

Informal Sector Service Centre (INSEC)

Established in 1988, INSEC started a human rights programme with a network of representatives in each of Nepal's 75 districts in 1990. INSEC began working with UNICEF in 2005 to monitor the recruitment and use of child soldiers. The following year it was approached by Handicap International and UNICEF to establish an 'active' surveillance system for victim-activated explosions and casualties.²³

Whenever an explosion affecting civilians occurs, INSEC sends a representative to investigate. Information collected at the district level, usually from survivors, relatives or witnesses to the accident, is sent to INSEC regional and central offices. It is then transferred to victim assistance agencies and other members of the mine action community.

After each incident, a 'flash report', which updates the overall injury data and provides the details of the latest incident, is published through the INSEC website and the MAJWG. The aim of this

²⁰ Ministry of Peace and Reconstruction official website, <http://www.peace.gov.np/>

²¹ The GICHD, *ibid*

²² The full list is presented in Annex III.

²³ The Nepal Campaign to Ban Landmines (NCBL) had been collecting mine/IED casualty statistics since 1998. It relied on 'passive' surveillance of secondary sources – principally, media reports – and other organisations believed the data to be inaccurate.

document is to generate an immediate and coordinated response (victim assistance, MRE, marking and IEDD if necessary).

Data is analysed and summarised in a bi-monthly report, which is disseminated through the MAJWG²⁴. Casualties from victim-activated explosions, intentional explosions, and, from 2010, other forms of armed violence are reported separately.

Nepal Campaign to Ban Landmines (NCBL)

The NCBL, being a member of the International Campaign to Ban Landmines, has carried out extensive advocacy work since its establishment in 1995, pressuring the Nepal Government to sign the Anti-Personnel Mine Ban Convention (APMBC), thereby banning the production, transfer, use and stockpiling of landmines.²⁵

NCBL organised the first ever mine action event in Nepal in 2006 involving all parties to the conflict, during which all relevant stakeholders came together to discuss the inclusion of mine action in the CPA. The NCBL conducted extensive advocacy, targeting the Maoists, the government and the security forces, raising awareness of the impact of landmines, the need to stop using them, the importance of fencing minefields, using warning signs and starting to clear landmines. During this event, the NCBL also highlighted the need for a national mine action authority (NMAA).

The NCBL noted that it had good relationships with the both the Maoists and the army, and that both sides were responsive to its advocacy work.

United Nations Mine Action Team (UNMAT)

UNICEF started a 'media monitoring' project of all mine/ERW-related incidents in 2005, resulting in a report noting that Nepal was one of the 10 most mine/ERW-impacted countries in the world. UNICEF has pointed out that this report was instrumental for subsequent advocacy work, resulting in the inclusion of mine action in the CPA.

Immediately after the CPA, UNICEF offered, to both sides in the conflict, 'made in Nepal' hazard signs designed to international standards. This initiative enhanced safety and reinforced understanding among combatants that they had a responsibility to protect civilians from mines and IEDs.

UN support to the mine action programme, provided through UNMAT, was based on UN Security Resolution 1740 (2007), further supported by the October 2008 'Letter of Introduction' from the MoPR to the UN Resident Coordinator, as well as the September 2009 'Letter of Agreement' between the Ministry of Defence and UNMAT.²⁶

UNICEF has provided MRE training to the police, army, MoPR and the Ministry of Education (MoE). UNICEF also gave capacity development support to the MoPR, including assistance in drafting the 2014 mine action work plan. As of late April 2014, UNICEF implemented a capacity development/transition plan, which states that its mine action programme will come to an end by the end of 2014.

²⁴ The MAGWG includes the Army, Police, MoPR and the MoHA among others.

²⁵ NCBP official website: http://nepal.icbl.org/?page_id=1478

²⁶ Nepal National Mine Action Strategy 2011 – 2012, February 2011

History of the process of developing national capacities

Capacity Development Activities

Humanitarian demining operations in Nepal started in October 2007. All demining activities were guided by national standard operating procedures (SOPs), based on relevant IMAS.

To implement the first UNPFN-funded project in 2007, the UN, through the United Nations Office for Project Services (UNOPS), hired the firm Armour Group to provide technical advice to the Maoist combatants on the safe storage and destruction of all ERW stored at cantonment sites. The company first assessed all IEDs in storage (over 52,000 items). Over 97 per cent of these were deemed too dangerous to store and were slated for destruction in a cooperative process between the Maoists and UNMIN/Armour Group.²⁷ The initial six-month project was extended 'to address the long-term problems of landmines and ERW by providing training to the army to allow it to undertake mine clearance as per international humanitarian standards.' This expanded the scope of the project to include the demining pillar.

The project also included activities focussed on:

- minefield verification and mapping;
- MRE; and
- technical support to army clearance teams.

The UN Mine Action Unit was transferred from UNMIN to the UN Country Team, under the oversight of the Resident Coordinator, in late 2008, resulting in the name change to UN Mine Action team (UNMAT).

In February 2009, UNMAT and the army agreed a joint capacity development plan to support NAMACC's mission: *'By 2010, the Nepalese Army Mine Action Coordination Centre will develop a Mine Action and IEDD capacity to International Standards'*; and its vision: *'By 2010, the Nepalese Army Mine Action Coordination Centre will develop a Mine Action and IEDD capacity to International Standards.'*²⁸

The plan focused on developing functional capabilities in several areas:²⁹

- training;
- demining operations nationally and as part of Peacekeeping Operations;
 - survey
 - clearance
 - EOD/IEDD
 - MRE
- quality management;
- information management;
- logistics and procurement; and
- administration and finance.

²⁸ NAMACC/UNMAT Capacity Development Plan, February 2009

²⁹ The GICHD, Evaluation of The UN Mine Action Programme in Nepal, April 2010, http://www.google.ch/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fmdtf.undp.org%2Fdocument%2Fdownload%2F8662&ei=FFpzUHDBoXc4QSNioHIAw&usq=AFQjCNGxGQ7iykn7jg0sXkaKclY9_NcggA&bvm=bv.66699033,d.bGE

It further stated that the following goals should be achieved by December 2010:

1. formation of a military demining company structure
2. capability of conducting survey, clearance, EOD-IEDD and MRE operations
3. capability of administering its operations safely, effectively, nationally and internationally
4. capability developed for deployment in support of UNDPKO Operations
5. capability of clearing approximately 12 minefields per year, under ideal circumstances.

As part of these capacity development activities, UNMAT assessed NAMACC focusing on six principal functional capacities. The level of capacity was ranked with scores ranging from 1 – 5.³⁰

UNMAT identified the following six functional capacities:

1. external relations
2. finance
3. logistics
4. training
5. operations
6. quality management.

UNMAT and NAMACC executed the plan in five phases:³¹

Phase	Activity	Time Period
1	Consolidated operational working period	January – June 2009
2	Consolidated training	July – September 2009
3	Consolidated operational working period	October 2009 – June 2010
4	Training	June – September 2009
5	Operational working period	October 2010 onwards

UNMAT and NAMACC reviewed the conclusion of each phase of the plan to assess progress, measure expected impact against actual results and to identify shortcomings. Also, a 'checkpoint workshop' was organised when the second phase concluded, during which stakeholders were informed of the progress.

A 2010 evaluation of the UN mine action programme in Nepal underlined that the NAMACC implementation proceeded according to plan and that it was completed successfully on 31 December 2010.³²

Following UNMAT's successful capacity development activities, four military demining platoons were fully IMAS-accredited in April 2011. UNMAT monitored minefield clearance activities of the Army Demining Platoon from January 2011 until completion in June 2011. Following endorsement of the Memorandum of Agreement between UNMAT and the Ministry of Defence, UNMAT also provided financial and logistical support and monitored IED field clearance from June 2011.³³

³⁰ 1= No evidence of relevant capacity, 2= Anecdotal evidence of capacity, 3= Partially developed capacity, 4=Widespread but not comprehensive evidence of capacity, 5- Fully developed capacity

³¹ NAMACC/UNMAT Capacity Development Plan, February 2009

³² *Ibid.*

³³ UNMAT Nepal, Quarterly report, 1 May – 27 July 2011

UNMAT also provided capacity development support to the MoPR, including during the development of Nepal's National Mine Action Strategy 2011 – 2012.³⁴

After the 2010 capacity development goals were achieved the UNMAT project gradually reduced its number of personnel.³⁵

'Minefield Free' Nepal

After successfully clearing 53 army-laid minefields, the army and the MoPR organised a 'Nepal Minefield Free Event' in June 2011 to celebrate the army's achievement in meeting its clearance obligations, as stipulated in the CPA.

³⁴ UNMAT, *ibid*

³⁵ UNOPS, *Support to Mine Action in Nepal*,

http://www.unops.org/SiteCollectionDocuments/Factsheets/English/Annual%20Report%202010/CS2_mine%20action%20nepal.pdf

Addressing Residual Contamination

Nature of residual contamination

Nepal is faced with a modest ERW residual contamination, primarily IEDs and UXO/AXO, despite clearing 53 army-laid minefields and the subsequent declaration of Nepal as 'landmine field free' in June 2011. No casualty reports resulting from landmines have been made since the declaration; most accidents are caused by IEDs. INSEC-managed data illustrates that a total of 271 victim activated incidents, resulting in 537 casualties took place between 2006 and June 2011, and that 34 victim-activated explosions, resulting in 62 casualties, took place between June 2011 and mid-May 2014.³⁶

Key actors

After clearing all army-laid minefields, the NA remains the principal actor responsible for addressing residual contamination. They work in close collaboration with the APF, the police, the MoPR and the Chief District Officers (CDOs).

Nepal Army

With a force of 91,258, the NA is primarily composed of combat divisions. Its principal responsibility is to safeguard territorial integrity. It is, however, also involved in infrastructure development, disaster management and demining. The NA rarely receives information related to hazardous items directly, as it does not generally interact with the public. It receives information from the police, APF, or CDOs.



Army bomb disposal unit.

Nepal Police

The police force has a total strength of 67,287 personnel and is the only entity specifically mandated to preserve peace and security inside the country. They remain under the control of a civilian authority. Centrally, this is the Ministry of Home Affairs and, locally, it is the CDO. It has a wide-ranging mandate including maintaining public order, preventing crime, protecting life and

³⁶ INSEC data, obtained via e-mail, April 2014

property, criminal investigation, intelligence and arrest, traffic control, community mediation etc. For mines and IEDs, the police are often the first point of contact for the public. Compared to the other security entities, the police are generally viewed as more approachable and also have a telephone hotline number (100). When they are informed of a suspicious hazardous object, the police secure the area and then inform the CDOs or army. They remain on the scene until the objects are deactivated.

Armed Police Force

Although small in numbers compared to the police and the army, the APF is a paramilitary force which maintains law and order, contains insurgency and cracks down on terrorist activities. While the police are generally the first point of contact for the public, the APF also receives information about suspicious hazardous objects from time to time. It then informs the police, the army or the CDO. In some situations, when the army is not present and if the APF has the necessary expertise, the CDO might ask the APF to deal with the suspicious object directly.

Chief District Officer

The CDO is an administrative rank under the Ministry of Home Affairs that is appointed by the Government as the highest administrative officer in a district. In the case of threats to public security, the CDO can mobilise security forces and take actions such as imposing curfew and determining restricted areas. CDO heads the district security committee which comprises the police, the APF and the army. Whenever a suspicious object is reported, the CDO is the one who authorises the relevant security service to clear the hazardous object.

Reporting structures

The public is urged to notify either local authorities, the police, APF, army, CDOs or civil society organisations such as the Nepal Red Cross Society (NRCS) or INSEC when a suspicious object is found. The location, how isolated it is and which actors are present will determine which actor will receive the report. If the NRCS is contacted, it will in turn inform the police, who will visit the site, secure it through marking/fencing, while urging the public to stay away from the hazardous object. Standard procedure is that the police notify CDOs, who in turn alert the army. They will then mobilise resources, visit the area and deal with the threat accordingly.

When a suspicious object is reported in an isolated area, where there is no army presence, and if the police have the required expertise and resources, it may clear the hazardous object in the interest of time and public safety. This is decided on a case-by-case basis. There are no formal policies in place stipulating the procedures, but the three security forces all seem to agree on the above procedures. In general, however, the role of the police is to secure the area and to notify the CDO and the army. The CDO, who oversees security issues in the districts, always has to be informed.

While specific standard operating procedures (SOPs) and standards regarding the reporting line between the key national actors (army, police and APF) do not exist, concerned actors expressed satisfaction with coordination and information-sharing, something that was supported by other national and international actors. One actor described the relationship between the three security services as 'extraordinary'.

A limited number of informants, however, expressed concern that reporting lines are 'too formal' and that decentralised structures are not authorised to clear, despite having the technical knowledge. The concern is that the procedures, perceived to be 'too centralised' and 'too hierarchical', impact negatively on the level of responsiveness, especially in the districts outside the Kathmandu Valley.

Role of MRE and community liaison (CL)

It is clear that extensive MRE campaigns and CL activities were instrumental in awareness-raising at the community level. A wide range of actors have been involved in implementing MRE activities in Nepal, including the NRCS, the MoE, the MoPR, the army, the APF and the police. UNICEF played a key role in capacity development and training.

Public awareness campaigns, through media such as TV, radio and newspapers, urge community members to contact the police if they come across suspicious objects.

Information management

The IMSMA database is housed at NAMACC in Kathmandu. Nepal's National Mine Action Strategy underlined that: 'There is a need for a centralised mine action database within the Ministry of Peace and Reconstruction to include all relevant mine action data. Agreement on information sharing and use for data should be included in new national mine action legislation'.³⁷

Nepal's IMSMA database only contains information related to the army's clearance work, including army clearance accidents. It does not include any MRE and civilian casualty data.

In parallel, INSEC has managed the Armed Violence Surveillance System since June 2006. This system does not include any clearance and MRE data, only incident data. The INSEC surveillance system is regarded as effective and reliable.

UNICEF and UNDP have made efforts to support the handover of INSEC's surveillance system to the police, by supporting a handover policy drafted by MoPR.

The MoPR stressed that the plan is to establish one database that will combine all information. This is a low priority, however, given the limited resources and competing priorities within the ministry.

National ownership

ERW clearance in Nepal is funded by the Engineer Directorate's general budget indicating that mine action has been truly integrated into the national budget. Several informants highlighted that this promotes long-term sustainability, since clearance activities do not depend on external funding. It indicates a certain level of national commitment; a crucial precondition for any activities to be sustainable.

Also, the MoPR has contributed government funds to MRE and activities related to rehabilitation of and compensation for conflict-affected populations, including mine/ERW victims.

³⁷ Nepal National Mine Action Strategy, *ibid*

Key Findings: Good Practices, Main Challenges and Lessons Learnt

The Nepal case study highlights several good practices and draws attention to a number of challenges regarding sustainable national capacities addressing residual contamination.

Good Practices

National commitment

National commitment is a prerequisite for any capacity development work. The high level of this in Nepal has been instrumental in successfully developing national mine action capacities. The government and army's committed approach to mine action was a critical contributing factor to the success of the mine action programme. The Maoists' commitment to the CPA also played an important role for the success of the programme.

National ownership and sustainability

The principle of national ownership is recognised globally. Transitioning UN-managed mine action programmes to national ownership is, however, often fraught with challenges. In this regard, the Nepali experience exemplifies a good practice; the mine action programme was nationally owned from the outset as the army carried out all demining activities since the signing of the CPA. No international mine action operators have done any clearance in Nepal.

Inclusion of mine action in the peace accord

Extensive advocacy and lobbying work by organisations such as the NCBL and UNICEF were key contributing factors to the inclusion of mine action in the CPA. More visibility for mine action was created, which paved the way for future activities and external support. The CPA mine action components further resulted in transparency regarding responsibilities and time-lines, facilitating effective and efficient activities and collaboration.

External capacity development support

UNMAS and UNICEF's capacity development activities, focusing on clearance and MRE, strengthened Nepal's capacities and resulted in effective operations and compliance with CPA obligations.

High level of national clearance capacities

The army has developed, through its involvement in humanitarian demining, a high level of capacity to address explosive hazards. This is exemplified by, for example, Nepal's contribution of Improvised Explosive Device Disposal (IEDD) troops to the UN mission in Mali. In addition, several ex-army officers are currently employed by international mine action NGOs.

Effective collaboration

Effective collaboration between key national actors (the army, CDO, the APF, the police and the MoPR), and between them and international actors, has been instrumental in the success of the Nepal MA programme. The Maoists and the security agencies, in particular the army, were responsive to advocacy work, by the NCBL, INSEC, UNICEF and the Red Cross Movement. UNMAS further noted that support from, and collaboration with, the UN Resident Coordinator was key in the capacity development programme's success.

Well-functioning reporting structures

Established reporting structures in combination with effective collaboration and coordination have resulted in what appears to be effective response mechanisms to hazardous reports.

Positive contribution of MRE and CL

It is clear that extensive MRE campaigns have contributed to high levels of awareness in affected communities. Many informants pointed out that this has resulted in fewer accidents. Community volunteer structures, established by the NRCS, are central in facilitating information-sharing between affected communities and responsible actors, enabling timely responses to address hazards.

Main Challenges and Lessons Learnt

Maoist records

The Maoists did not keep any records of the IEDs they used, produced or stocked. Some informants noted that the extent and location of residual contamination resulting from Maoist activities is therefore largely unknown, and may be discovered in years to come. This degree of uncertainty causes difficulty in predicting future residual contamination problems.

Information management

IMSMA is housed by the NA and only contains information related to the army's clearance work, including army clearance accidents. IMSMA does not include any MRE and civilian casualty data. In parallel, INSEC stores civilian casualty data in its surveillance system database.

While INSEC's surveillance system is regarded as effective and reliable, experiences from other countries demonstrate that parallel databases can result in challenges in obtaining linked accident, contamination and clearance information.

Annexes

Annex I: Individuals interviewed

Name	Title	Organisation
Purna Shova Chitrakar	Founder, coordinator and Chairperson	Nepal Campaign to Ban Landmines (NCBL)
Krishna Subedi	Consultant, ex-UNICEF	Ministry of Peace and Reconstruction (MoPR)
Danee Luhar	Child Protection Officer	UNICEF
Krishna Thapa	Chairperson	Partnership Nepal
Pramesh Poudel	Head, Cooperation Department	ICRC
Shruti Karki	Field Officer	ICRC
Jaganath Neupane	Senior Programme Officer	Nepal Red Cross Society (NRCS), Chitwan District
Sunita Dhakal	MRE Volunteer	
Anita Mainali	Treasurer	
Confidential	Superintendent	Armed Police Force (APF)
Mukunda Dahal	CSO representative	Local Peace Committee (LPC)
Binita Subedi	Section Officer	
Dhairyata Poudel	Computer Operator	
Meena Sharma	Office Assistant	
Confidential	Deputy Superintendent	
Confidential	Colonel	Nepal Police
Confidential	Colonel	Nepal Army
Prashannata Wasti	Senior Officer	Informal Sector Service Centre (INSEC)
Srijana Nepal	Assistant Officer	

Rishav Dev Bhattarai	Additional Inspector General	Armed Police Force (APF) HQ , Kathmandu
Jagadish Chandra Pokharel	Brigadier General, Spokesperson	Nepal Army HQ, Kathmandu
Pawan Khadka	Major	
Kanchan Basnet	Major	
Bijaya Raj Pandey	Major	
Krishna Hari Koirala	Senior Officer	NRCS HQ, Kathmandu
Madhau P Sharma	Section Officer	Ministry of Peace and Reconstruction (MoPR)
Prem P Sanjel	Under Secretary	
Richard Derieux	Programme Manager	UNMAS

Annex II: National Capacities and Residual Contamination Study ToR

Background

National ownership is a central principle in the global mine action approach, and is reflected in international conventions and standards. As an increasing number of mine/ERW-affected countries are approaching the “completion” stage of clearing all known contaminated areas, the issues of national ownership and of developing sustainable capacities to deal with residual contamination become more central.

This project will examine the topic of national capacities and residual contamination through documenting processes, providing recommendations and offering targeted, country-specific guidance on the development of sustainable capacities to deal with residual contamination.

Objectives and deliverables

Desired outcomes

The anticipated outcomes of the project are:

1. Relevant national and international stakeholders have a better understanding of good practices and key challenges related to sustainable capacities to deal with mine/ERW contamination
2. Relevant stakeholders' capabilities to develop sustainable capacities to deal with mine/ERW contamination is strengthened
3. Greater understanding of the role of national security services in dealing with mine/ERW contamination.

Research objectives

Study missions will be conducted in 2013 – 2014. Findings from these missions will be used to produce country case studies and a guide. The purpose of the guide will be to present key issues and to provide clear guidance on the development of sustainable national capacities to address residual contamination. The specific objectives of the guide will be to:

- Review the different types and phases of the development of sustainable, national capacities to deal with residual contamination;
- Document processes and examples from a selected number of countries, to highlight lessons learnt, specific challenges and good practices;
- Document examples from countries that are currently in the process of developing national capacities to address residual contamination, to highlight what works, identify possible gaps, and make recommendations for improvement;
- Assess what has/has not worked well, key factors to consider and lessons learned;
- Identify the key steps in planning for, and developing, national capacities;
- Based on the case study findings, formulate conclusions and recommendations in the form of practical, user-friendly guidance on the topic.

Study products

The project will have the following study outputs:

- Country case studies
- A Guide on National Capacities to Address Residual Contamination

Target audience

The research products will specifically target: NMAAs/MACs, national security services, relevant ministries, international and national organisations, relevant UN agencies and donors.

Key issues to be explored in country case studies

1. Introduction and Overview of the country context

- Brief introduction to the country
- Origin, nature and scope of the mine/ERW contamination problem.
- Brief background to the establishment of the national mine action programme.
- Current structure and status of the national mine action programme (if it still exists)
 - level of national ownership
 - level of “completion”³⁸
 - responsible actors (NMAA/MAC, line ministries, national security services)?
 - Which international and national actors are involved in the mine action programme?
 - External support?
- If the country is an APMBC and/or CCM State Party, was/is there a clear plan to determine when “completion” is/was done?

2. History of the process of developing national capacities

Describe the process of developing the national capacity to address residual contamination

- What stakeholders are/were involved (national and international)?
 - Ministries?
 - Donors?
 - National and international operators?
 - Commercial companies?
 - Relevant UN agencies?
- Key milestones
- Is/Was the process part of a broader Security Sector Reform (SSR) process?
- Do/did specific plans/strategies/policies guide the process?
- Do/did a capacity development plan/strategy guide the process?

3. Addressing residual contamination (for countries that have reached a “residual state”)

Explore the following key issues:

- Reporting channels (top-down: from community to security services)
- Responsible actors? If more than one, describe the nature of the partnership
- Nature of the residual contamination (items, depth, expected distribution)
- The process of moving from a proactive to reactive/reactive phase
- The scope of the responsibility of the national actor/s (does it include Armed Violence Reduction (AVR), Small Arms Light Weapons (SALW) and Physical Security and Stockpile Management (PSSM))?
- Key aspects of the national risk management approach (if relevant)
- Liability issues
- Financial arrangements
- Sustainability aspects
- Are operations guided by any standards?
- Responsiveness
- Information management
 - a. Reporting structures and reporting flows (from whom to whom?)
 - b. Information database (where is it stored)
 - c. Means of information-sharing and dissemination (who has access to it?)

³⁸ Completion with regards to APMBC and CCM clearance obligations.

4. **Key findings: Good practices, main challenges and lessons learnt**

Critically review the process of developing national capacities. Present and elaborate on key findings, good practices (success stories), and list challenges and issues that have been problematic (lessons learnt).

Annex III: MoPR main responsibilities³⁹

1. Formulate policies, strategies and plans, then design, implementation and monitoring of the physical infrastructure development destroyed by both conflict and development activities.
2. Work on the policies, strategies and programs for the social and economic conflict affected areas.
3. Implementation, monitoring and evaluation of agreements including Comprehensive Peace Agreement, consensus, decisions.
4. Work on the procedural, institutional and technical aspects for sustainable peace
5. Study, analysis and experience sharing on the issues related to peace establishment and conflict management.
6. Rehabilitation, compensation and financial help for the conflict affected individuals / victims and displaced people.
7. Study and research on conflict sensitive approach
8. Develop a resource and archival centre on peace establishment and conflict management with related information, study materials and research reports.
9. Management of transitional peace process and conflict.
10. Design plans / programs for the reconstruction and rehabilitation of physical infrastructure destroyed by conflict, and collaborate with the concerned / relevant ministries / government agencies.
11. Run and monitor the plans and projects funded by Peace Fund.
12. Management and monitoring of PLA cantonments
13. Develop contacts with governmental, civil society and international organisations working on peace establishment and conflict management.
14. Truth and Reconciliation Commission
15. Commission on disappeared
16. Consultation Committee on peace and reconstruction
17. High level monitoring committee on peace process
18. Local Peace Committee

³⁹ MoPR official website: <http://www.peace.gov.np/>