

Handwritten: Nepal, e-mail

Central

ACTION COPY

Handwritten: M. Paudyal (s/secretary)

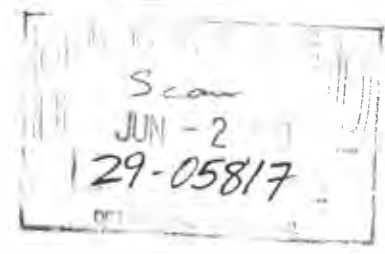
Nepali Congress

Central Office

BP Sushil Chawan



Ref F 180/2008-2009



May 24, 2009

His Excellency Mr. Ban Ki-Moon,
Secretary-General
United Nation

Excellency,

At the outset, I take this opportunity to express our gratitude, on behalf of my party Nepali Congress for the keen interest you have personally taken in Nepal's peace process, which we value very much. The personal visit you paid to this country after your assumption to the high office is further testimony of your deep commitment. The government and the people of Nepal continue to attach great importance to the support extended by the UN and its various bodies in our march towards peace. The road is not easy and occasionally we confront problems and endeavour to address them.

Of all the UN bodies working in Nepal, the role of UNMIN is of high importance in the peace process. In view of the high degree of confidence and faith we repose in the UN, we expect that the organization, in this context UNMIN, to exercise maximum due diligence in its assigned tasks. Recently we noted some serious lapses in UNMIN's reporting to the Security Council, and have drawn their attention to our concerns.

We realize that UNMIN has a very specific and limited mandate which is not easy. It has to confine its advice and activities to its given mandate. But even here, Your Excellency will agree that all UN missions and their officials are expected to be guided always by the high ideals and principles enshrined in the UN charter, and that they must be mindful of the universally accepted norms of democracy, human rights, peace and non violence. The need to be neutral and impartial in dealing with various parties of the conflict does not exempt UNMIN and its officials from their obligation to remain faithful to the lofty principles and ideals of the UN charter when they have to exercise their judgment call on the words, actions and intentions of various parties.

We count on you to provide necessary judgment to UNMIN in this spirit. Please be assured that the newly formed government of Nepal and our party will continue to extend full cooperation to UNMIN, but we count on them to be mindful and sensitive to our legitimate concerns as articulated by our party Nepali Congress (NC) in the attachment to this letter, which has been shared with your representative Mr. Karin Landgren.

Please accept, Excellency, the assurance of my highest consideration.

Sushil Koirala
Sushil Koirala
Acting President

JUN - 4 2009

Peace Process and NC Comments on Recent Developments

Our office held a meeting with UNMIN on 19th May at the Nepali Congress party office to express our concern about the peace process in light of new developments, particularly following Prachanda's video tape revelations. We also commented on some recent documents originating from UN offices. We regret to say that we did not find the UN report on recent happenings in Nepal well balanced. In some instances, they are factually wrong. We feel, in the interest of maintaining the impartiality, independence and integrity of the highest order which the UN as an institution represents, any source of bias and partiality which could have occurred inadvertently, should be immediately rectified. We want to draw attention specifically to the following:

Security Council news report of 6119th Meeting:

1. The fourth paragraph of the report on the 6119th meeting of the Security Council refers to Landgren's report to the Security Council calling for an inclusive, concerted and well-managed consultative process to achieve the important work of drafting a new constitution and integrating and rehabilitating verified Maoist combatants into the Nepal Army. The last portion of this sentence is misleading. The truth is - integrating and rehabilitating all the verified combatants "into the Nepal Army" has never been part of any agreement in the peace process. This is interpreting the peace accord too far. This must be corrected immediately.

Landgren's Report of May 5, 2009:

2. The report makes reference to the government action on General Katuwal in the context of explanation sought from him on three issues. While it has correctly reported the Maoist position on the three issues, it is weak in reporting the army position on the subject, which is supported by other political parties. It may be mentioned here that no major political party, except the Maoists, has accepted the UNMIN interpretation of "additional recruitment" to cover even the routine recruitment to fill up the vacancies of Nepal Army. The vacant positions were filled up in the last two years by the government in which the Maoists themselves were a part. This position that was subsequently validated by the Supreme Court interpretation is - recruitment to fulfill the vacant positions arising from retirements and other reasons without raising the total strength cannot be interpreted as "additional recruitment" which the peace accord prohibits. The report says the army did not stop the recruitment following the government order, without mentioning the army's explanation for the same. The report makes reference to "army reinstatement of eight retiring brigadier-generals" not recommended for extension by the Ministry of Defence. This is incorrect. The reinstatement was affected following the Supreme Court order. The failure to mention the Supreme Court side of this episode will naturally mislead the readers.

3. The report also fails to provide the background behind the President's instruction to maintain the status quo in the Army leadership. While the report quotes the outdated Army Act which empowers the government to

sack the Army Chief, it is silent on the constitutional provision which requires the government to build consensus while taking vital decisions, a fact reminded by the President when the Prime Minister expressed his intention to sack the General. The report is also silent on the written petition from eighteen –political parties representing the parliament majority in which they asked the President's intervention on the matter terming the Prime Minister's action to remove the General illegal and constitutionally wrong. On all the three counts the Maoists sought clarification from the Army Chief, there was a conflict of interest in view of its bearing on the Maoist private army. The objective was to raise the morale of Maoist combatants and demoralize and weaken the Nepal army.

4. The report also talks about the Army Chief's "restrictive stance" on the integration issues. The meaning of "restrictive stance" and how he has done it, however, is unclear. The Special Committee has the final say on the integration and rehabilitation matter of the Maoist combatants. The Army Chief is bound to accept its decision. He never said that he would defy the Special Committee decision.
5. The report makes some controversial and unsubstantiated remarks like "the Army Chief challenging the Prime Minister's constitutional authority to fire him" and the army officers' statement about their role between democracy and totalitarianism. But it has failed to take account of the public pronouncements repeatedly made by Maoist leaders, the resolution of their party conclave in Kharipati and Prachanda's videotape about the Maoist revolutionary agenda.
6. Interestingly, the report also mentions that the Prime Minister had reportedly secured the agreement of the major opposition party the Nepali Congress also "to remove the Army Chief" but the agreement fell apart after 19 April. Nothing can be farther from the truth. The NC opposed this move from the day the explanation was sought. The Maoists wanted to oust him, because he understood their true intent which the 'videotape' has now exposed.
7. It is clear the UN has fully accepted Maoist commitment to the peace process in letter and spirit. The perception of other political forces including the Nepali Congress is a little different. The continuation of revolutionary rhetoric, para military structure of their front organizations, failure to separate the disqualified combatants from the cantonments, continued grabbing of private land, failure to return the seized property etc make their commitment doubtful. The gap between the promise to play multiparty constitutional politics and their activities on ground is too wide. The report also seems not to have taken note of the violent activities of VCL cadres, the resurfacing of insurgency days parallel administration at places, driving away of workers from other parties from rural areas. Just this week the Maoist cadres killed a Nepal Congress leader in Jumla who had returned to his home to claim his seized property. All these put question mark on their commitment to the peace process and competitive democracy.

The Video tape

The recently publicised videotape of Prachanda should be an eye opener to everybody. This shows how the Maoists were hoodwinking everybody even after they signed the Comprehensive Peace Agreement. The videotape, among others, has: i) raised serious questions about the quality of verification exercise conducted by UNMIN which inflated the actual number of combatants many fold raising the Maoist military strength; ii) revealed the misuse of scarce public money and donor assistance to strengthen the Maoist party militarily - they were using the subsistence money meant for the inmates in the camps to procure arms and strengthen the party and ; iii) the Maoist plan to intimidate and use violent means during the CA election including their plan to break the legs of opposing party candidates. The video tape reveals that the Maoists are preparing for a final revolt - something which their party has decided in their plenary. The Maoist claim that the video speech by Prachanda was made in a different context cannot satisfy anybody since it happened after a year since signing the CPA.

8. The videotape has confirmed the suspicion about the real Maoist motive and agenda. On the surface, they continue to commit themselves to the peace process. But internally, they are making preparations towards reaching 'the revolutionary goal'. A careful analysis of the videotape speech together with the speaker's body language can easily lead anybody to conclude that Maoists signed the formal peace agreements for only tactical and public relation purpose which could be discarded any time when it would suit them. Therefore, in the light of new revelations and developments there is need to review afresh the combatants verification, the use and misuse of funds channeled to the camps, the account and whereabouts of the rebel arms, the type of training classes imparted in the camps etc.
9. It is natural for anybody to question whether the weaponry they have reported and deposited in the UN- monitored storage is all that they possess. There are reports coming from those who fled the camps that many sophisticated weapons are hidden outside the cantonments. For the peace process to succeed, it is absolutely necessary that no illegal weaponry remains outside and a parallel force that is maintained with the taxpayers money ceases to exist. Herein lies the urgency of arriving at a political consensus on the issue of integration and rehabilitation of the Maoist combatants at the soonest possible
10. The peace process has arrived at a very serious and crucial stage. Failure to understand the seriousness and gloss over the unanswered questions in the past could land us next bout of conflict. In the interest of long-term peace and democracy in this country, it is time all the concerned parties including the UN look beyond the signed formal agreements to appreciate the meaning of internal resolutions and on ground activities of the Maoist party. The issues we have raised will have to be addressed seriously.



Janice Willingston/NY/UNO

02/06/2009 10:09 AM

To SGCentral/NY/UNO@UNHQ

cc Sophia Williamson/NY/UNO@UNHQ, Thiri
Thiri/NY/UNO@UNHQ, Josiane Ambiehl/NY/UNO@UNHQ
bcc

Subject Fw: Letter from Nepali Congress Party to the SG

For logging pls. Thks.

----- Forwarded by Janice Willingston/NY/UNO on 02/06/2009 10:08 AM -----



"Robert Piper"
<robert.piper@undp.org>

02/06/2009 07:31 AM

To "Vijay Nambiar" <nambiarv@un.org>

cc "Tamrat Samuel" <samuelt@un.org>, "Karin Landgren"
<landgrenk@un.org>, "Robert Piper"
<robert.piper@undp.org>, "Razina Bilgrami"
<razina.bilgrami@undp.org>

Subject Letter from Nepali Congress Party to the SG

Dear Mr. Nambiar,

Please find enclosed a self-explanatory letter addressed to the SG, which was hand delivered to my office this afternoon by a representative of the Nepali Congress Party. I was asked to forward it to the SG's Office.

I have also shared with the RSG/UNMIN locally, who is already aware of its content.

Thanks and best regards,

Robert



Robert Piper
United Nations Resident & Humanitarian Coordinator for Nepal

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robert.piper@undp.org



NC Letter to SG May09.pdf