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# SECURITY SECTOR REFORM AND PEACEBUILDING IN NEPAL: A CRITICAL REFLECTION

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## Abstract

*The Nepalese monarchy has always relied on the military to consolidate its power both against growing popular opposition and during violent uprisings. The issue of security sector reform and the role of the monarchy have therefore been at the core of the debate about conflict transformation and peacebuilding. This article attempts to critically analyse the political dynamics after the birth of Nepal's Maoist insurgency and its influence on the role of civil society and the parliamentary political parties in the popular struggle for democracy. It also examines how internal security in Nepal is threatened by the efforts of India, China and the United States to secure a role for the monarchy in a future political system.*

## Introduction

Nepal is undergoing one of the gravest socio-political crises in its history. A decade of armed rebellion orchestrated by the Communist Party of Nepal-Maoist (CPN-M) has shaken the foundation of its socio-economic and political structure. Nepal was officially recognised as a 'peace zone' by 116 countries in the late 1980s. By early 2006, it had one of the worst human rights situations in the world and the conflict had taken more than 13,000 lives (INSEC 2005:1).

The violent conflict of the past decade (1996-2006) has led to divisive debate about the role of the monarchy and of the security sector (especially the military) in Nepal's political dynamics. The monarchy traditionally used the military to consolidate its power in the face of growing opposition from both civil society and political parties in parliament and

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against violent uprisings at different times in its history, including the Maoist insurgency of 1990-2006. At every turn of political transformation, the Royal Nepal Army has supported autocratic regimes. Thus the most critical goal in the struggle for democracy has been to separate the security forces from the

royal palace and bring them under civilian oversight. A large sector of society believes that unless the monarchy is divorced from Nepal's political scene, the country will not be able to establish a vibrant democracy. This article discusses the importance of security sector reform in the context of the role of monarchy and its unwholesome association with the security forces as an obstacle to institutionalising democracy and initiating peacebuilding in Nepal. The discussion focuses on the Maoist insurgency of the past decade, the political events unfolding as a consequence and their impact on SSR in the process of conflict transformation and peacebuilding.

## History and Context of the Conflict

Nepal is a small, landlocked, mountainous country located between China and India. One of the world's least developed countries, its estimated population of 27 million is largely a traditional agrarian society with a low literacy rate and one of the highest infant and maternal mortality rates. Per capita income was \$230 in 2004 and more than a third of the population lives below the poverty line.

Nepal was ruled by the Rana oligarchy from 1846 to 1951 and by absolute monarchy under the Shah dynasty after 1960 with a brief multiparty experiment from 1990 to 2002. The transition to a constitutional monarchy and parliamentary democracy in 1990 and a succession of democratic governments could neither deliver good governance nor foster goodwill with opposition parties, especially the United People's Front (UPF) which had its stronghold in mid-western hills of Nepal (Bharadwaj *et al* 2004:66). The new political order was characterised by instability, corruption and patronage, and no single government was able to make headway in addressing Nepal's continuing economic underdevelopment and deep-seated social inequalities (Seddon 2002:2).

The communist UPF led by Puspa Kamal Dahal, known as 'Prachanda', was not satisfied with the achievement of the 1990 people's movement and sought an opportune moment to start an armed struggle in Nepal shaped after Mao's 'New Democratic Revolution' in China.<sup>1</sup> The UPF was active on two connected fronts. The core group led by Prachanda was working underground and expanding its base in the mid-western hills of Nepal while another group was active in parliament. Their ultimate goal was to launch an armed struggle against the feudal socio-political structure which had prevailed for centuries. In 1994, the dissenting group boycotted the mid-term parliamentary election and announced the birth of the Communist Party of Nepal-Maoist (CPN-M). Nepal's democratic experience in this period exemplified Samuel P. Huntington's prediction that 'threats to third-wave democracies are likely to come not from the generals and revolutionaries who have nothing but contempt for democracy, but rather from participants from democratic process' (Huntington 1996:3-13).

### *The 'people's war'*

The Maoists submitted a 40-point demand to the government that took into account the interests of the impoverished Nepalese majority on issues of nationality, democracy and livelihoods. It called for the overthrow of the monarchy and the establishment of a democratic republic, ensuring civilian control over the security forces, writing a new constitution through the election of a constituent assembly and providing equal rights to

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all ethnic groups. The nationality demands required the nullification of the 1950 Treaty of Peace and Friendship with India in order to bring Nepal out from under its neighbour's security umbrella. When the government failed to meet the demands, on 13 February 1996 the CPN-M launched its 'people's war' to liberate the poor and marginalised from what it called oppression by a feudal class. Within five years, the insurgents became powerful enough to control 80% of the country's territory. Few would have imagined that 100 cadres with homemade guns who launched an insurgency in the remote hills would evolve within a decade into a guerrilla army of 36,000 with more than 50,000 militias. The guerrillas' prime targets, police posts in rural areas and on national borders, were

withdrawn to district headquarters, leaving the country's security in chaos. There followed arbitrary arrests, abductions, rape, torture and murder of thousands of civilians by both the army and the guerrillas. The lawlessness saw an increase in robberies, kidnappings for ransom, smuggling, extortionate collections from the public and a proliferation of small arms and light weapons. Impunity reigned as the balance of power shifted between the Maoists and the government. Maoists killed numerous senior military and police officers in the heart of the capital, Kathmandu, in broad daylight, and the army and police outside the capital hid in their barracks for fear of being ambushed by the rebels.

On 1 June 2001, 13 members of Nepal's royal family, including the king, the queen and the crown prince, were mysteriously killed during a palace dinner. The strong military force assigned to protect the royal family could not explain what went wrong on that dreadful

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night, giving rise to public suspicion that the military had been part of a conspiracy. Political developments in the aftermath of the massacre brought further chaos. In the fragile security situation created by the Maoist insurgency, the caretaker prime minister recommended that a forthcoming parliamentary election be deferred by a year.

In October 2002, King Gyanendra, who had ascended to the throne after the massacre, unconstitutionally rejected the recommendation, dissolved the government and appointed a new prime minister. The king's usurpation of power launched a debate on the role of the monarchy, the need for a new constitution, and the need for the security forces to be brought under civilian authority.

### *The rise of civil society*

The conflict between the Maoists, the monarchy and the parliamentary political forces backed by civil society pushed the country into a grave crisis with serious implications for national security and peacebuilding. Elements of Nepali civil society began to favour the Maoists' demand for a democratic republic and formed a new umbrella organisation called the Civil Society Movement for Democracy and Peace (CMDP). Nepal's civil society has emerged as a leading force in recent political developments. There are more than 40,000 NGOs in Nepal, of which 21,000 are affiliated with the Social Welfare Council, the government body that oversees NGO activities, and more than 100 professional organisations and trade unions. All these organisations, along with community-based groups, joined hands to fight for the restoration of democracy in Nepal. Until the mid-1990s, civil society leadership had promoted the political parties' interests in the struggle for democracy. However, civil society re-organised and became more critical after the launch of the Maoist insurgency in February 1996.

### *The quasi-civil revolution*

On 1 February 2005, King Gyanendra dismissed the government for the second time and declared himself chairman of the Council of Ministers, thus taking control of executive power. The CMDP organised a massive demonstration which spread beyond Kathmandu to all parts of the country. Frustrated by the lack of security, jobs and good governance, thousands of people from all sectors of society took to the streets in defiance of daytime curfews to demand that the king renounce power outright. Effectively, King Gyanendra's bloodless coup opened the door for dialogue between the Maoists and the Seven Party Alliance (SPA).<sup>2</sup> With the mediation of the Indian communist leadership, a 12-point

understanding was signed in November 2005 in New Delhi, paving the way for the 'April Movement',<sup>3</sup> the agreement which brought the Maoists, the political parties and civil society into a common platform and forced the king to relinquish power. The uprising and subsequent pressure from the international community compelled the king to step down as chairman of Council of Ministers. On 21 April 2006, he called on the SPA to name a prime minister and announced that elections would be held as soon as possible.

However, the king's address failed to appease the political parties, civil society leaders and, most importantly, the demonstrators in Kathmandu. They demanded the reinstatement of parliament which had been dissolved in 2001 and continued the demonstration. In the face of a threatened march by over a million people into the centre of Kathmandu to encircle the royal palace, the security forces turned brutal. Thousands were injured and 21 people died in the course of the 19-day demonstration. Unable to contain the force of the protests and under pressure from the international community, on the night of 24 April 2006, the king announced that he would return power to the people. At the same time, the king reinstated the House of Representatives and called them into session starting 28 April 2006, thus paving the way for a democratic transition.

Although the causes of socio-political conflict are also strongly associated with the deep-rooted socio-economic and political discrimination prevailing in the Nepalese society, the relationship of the security sector and monarchy dominated debates about conflict transformation and peacebuilding. With the king as Commander-in-Chief, the palace enjoyed the undivided loyalty of the army, in defiance of the clear stipulation in Article 118 (2) of the Constitution of Nepal (1990) that the army would operate under the orders of the king only on the recommendation of the National Defence Council, which is chaired by the prime minister (Kumar & Sharma 2005:36-37). All the decisions dictated by the palace were relayed to the prime minister through the military secretariat located inside

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the palace. The government was obliged to implement all such decisions. An investigation committee constituted to probe the suppression of the April Movement recommended that the government dismiss the army chief of staff, along with the police chiefs. The government immediately dismissed the police chiefs, but it stopped short of taking action against the army chief.<sup>4</sup> The media reported at that time that the army chief and his deputies had threatened

the prime minister with a military revolt if the government dismissed him. It was clear that the army was determined to maintain its legacy of undisputed authority and that any effort to reform it would be taken as an offence. It was also clear that the shadow of the palace-military alliance continued to fall over the democratic government.

## The Role of SSR in Conflict and its Transformation

During the decade-long conflict, the security forces in Nepal became synonymous with gross human rights violations and the victimisation of innocent civilians. The debate on the democratic reform of the Nepalese army and, indeed, the wider security sector, is of central importance to the conflict transformation and peacebuilding process in Nepal. The security sector (especially the army) has stood historically as the pillar of an authoritarian system. Established by an absolute monarch 238 years ago, it was constantly nurtured and groomed as a loyal establishment ever ready to protect this institution, defying all norms

and values of modern democratic control. At every turn, this archaic and impenetrable bastion of feudalism opposed the prospect of civilian oversight and accountability. As the argument makes clear, the debate over SSR in Nepal is not simply an agenda confined to civil-military relations. Rather, it has deep roots in the history of the formation of the Nepalese state, the recruitment pattern of the strategic elites and the process of governance under the monarchical system (Kumar & Sharma 2005: 36). The palace closely controlled the recruitment and promotion of military officers; those not belonging to families close to the royal palace or their allies were rarely promoted beyond the rank of colonel. The army never functioned as a democratic institution nor became part of the governance mechanism. It is one of the least transparent agencies in Nepal. Even at the time of the so-called constitutional monarchy, it remained an entity owned by the monarchy, and even the judiciary never bothered to question its activities.

The CPN-Maoist believes that the alliance of the army and the palace has been the major obstacle to peaceful transformation of the conflict in Nepal. It advocates for overthrowing the monarchy, downsizing the army to 20,000 from its current strength of 92,000, and creating citizen-based militias to protect the sovereignty of the country. However, it does not spell out how the militia force should be formed or how its command and control

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mechanism should operate, and only hints at compulsory military training. Nepali civil society, the SPA and the CPN-Maoist are unequivocal about the need to restructure the army and bring it under civilian oversight by drafting a new constitution through the election of a constituent assembly. Though some political parties, especially the Nepali Congress and the Nepali Congress

(Democratic) did not favour the election of a constituent assembly, they were forced to support it following extreme pressure from civil society and the youth cadres within the parties. Whereas the Nepali Congress frontline leadership still campaigns for maintaining a ceremonial role for the king, other popular parties within the coalition have already passed resolutions in favour of a democratic republic (Kantipur Daily 2006).

The issues related to reform of the security sector in Nepal have never been discussed until recently. The Maoist insurgency and the civil society movement played a vital role in putting SSR on the table and in promoting its role in the process of conflict transformation and peacebuilding. Consequently, there have been significant steps towards reforming the security sector in Nepal.

## Internal Security and International Relations

Nepal's shared border with India and China – and the increasing strategic interest of the United States in its internal affairs – have indirectly dominated the peace process in a significant way. All three superpowers have an interest in securing a role for the monarchy in Nepal's future political system. Since the debate over SSR has a strong linkage with the role of the monarchy, Nepal's vulnerable geopolitical situation creates a specific context within which SSR must be considered. Of particular relevance are its 1751 km open border with India and their bilateral 1950 Treaty of Peace and Friendship, as well as the monarchy's age-old relations with various Indian political stakeholders and the British colonial power. Nepal's monarchy looked, particularly, to India's Hindu nationalist Bharatiya Janata Party (BJP) and its religious affiliates to secure its role in the political system.



India traditionally considered Nepal as a security buffer zone against its arch-rival, China. Its policy towards the Nepalese Maoists until 2001 was one of indifference, and it allowed them to operate from bases in Indian territory. Once the Nepalese Maoists started to play a role in revitalising the communist rebellion in India, however, it swiftly changed its attitude towards CPN-M and accused it of working to destabilise its internal security. Specifically, the Nepalese Maoists helped reunite the erstwhile People's War Group and the Maoist Communist Centre, and spearheaded the formation of the Coordination Committee for the Maoist Parties and Organisations in South Asia (CCOMPOSA) in 2001 (MOHA 2003:6). CCOMPOSA's effort to actualise the Compact Revolutionary Zone (CRZ), which includes nine Maoist-affected states of India and Nepal Terai as a Maoist corridor, further alarmed India. The spillover impact of Nepal's Maoist insurgency in India's domestic conflict is heightened as a consequence of their lengthy open border.

An additional complication that closely relates to the issue of conflict transformation and peacebuilding is the increased role of the United States in Nepal and its branding of the CPN-M as a terrorist outfit. In contrast to the non-violent demonstrations of civil society, the Maoist insurgency has negatively affected Nepal's internal security and increased the possibility of external intervention. When the CPN-M walked out of peace talks in 2001,

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the government was able to convince India and the U.S. that the Maoists were a terrorist threat. This enabled it to leverage political and military support to equip the army to fight its own citizens and proved to be counter-productive to peacebuilding efforts. While the government believed that it could defeat the Maoist forces with the help of foreign military

assistance, the Maoists responded with massive offensives and captured sophisticated weapons from the army, thereby increasing their military strength. As the security situation deteriorated, Washington, which had not previously shown much interest in Nepal, suddenly identified it as a strategic location to counter-balance the emerging power centres of India and China. The U.S. began constructing a sophisticated embassy infrastructure in Kathmandu, feeling the need to strengthen its presence in Nepal to maintain political, security and economic dominance over Nepal and South Asia.

China has termed the conflict 'Nepal's internal affair' and has distanced itself from the Nepalese Maoists, labelling them 'anti-government outfits' (*Kathmandu Post* 1999). It claimed that the Maoists were misusing the name of Chairman Mao and damaging the image of their 'Great Leader' (Bhattarai 2005: 39). Along with Pakistan, China supported the royal takeover of 1 February 2005 and provided military assistance to the royal government. In early 2006, however, Beijing distanced itself from the royal government when protests against King Gyanendra began to gain momentum. China's passive role belies its keen interest in the security and stability of its close neighbour and in the increased Indo-American activity there.

International actors such as the U.S., the United Kingdom, India and even China view the monarchy as a symbol of national unity in this poverty-ridden and largely illiterate society where King Gyanendra's predecessor, Birendra, was worshipped by many as the incarnation of Hindu Lord Vishnu. Though this religious perception is fading, especially after the palace massacre of June 2001, the monarch is still regarded – by a small section of Nepalese society and a majority of Hindu population and political outfits in India – as a symbol of Hindu unity. Several other countries see a continuing political role for the monarch as a means to protect their interests in Nepal's affairs. And since the king's political

role is closely connected to the issue of SSR, there is a remote chance that some international actors will bring pressure to bear – directly or indirectly – if the king were to be stripped of all power and the country were to progress to a democratic republican system, as almost all Nepal's political parties would wish to see.

## The Seven Party Alliance-CPN-M Agreement and Implications for SSR

Following Gyanendra's relinquishing of absolute power, the Nepalese government and Maoist rebels agreed on a ceasefire and initiated a number of measures to facilitate SSR. In August 2006, both parties agreed to ask the United Nations to oversee and keep track of their weapons caches. The House of Representatives has since reassembled and decided unanimously to elect a constituent assembly to rewrite the constitution. It has stripped the king of his powers as Commander-in-Chief of the Nepalese Army, dissolved the Army Secretariat once active inside the palace, and formed a new Security Council comprising the Speaker and three cabinet ministers with the prime minister as the chairperson. The law has been changed to ensure that the government, not the king, appoints the army commander and established the supremacy of parliament over the palace and the army. The army chief of staff has repeatedly pledged his cooperation and loyalty to the parliament and the government.

The military has been confined to barracks and the responsibility of maintaining peace and order has been given to the police. The process of engaging the security apparatus of the state has begun and civilian courts can prosecute crimes which soldiers committed against civilians. The blanket immunity from prosecution provided to the security forces under an anti-terrorism law has been scrapped and constitutional provision has been made for maintaining civilian supremacy, ensuring accountability against the cases of human rights violations and indiscriminate use of force. The district security committees headed by local army chiefs in each of the 75 districts of Nepal have been dissolved and the civilian heads of district administration reinstated with authority over the local military and police chiefs.

Other structural reforms such as downsizing the army and reintegrating Maoist guerrillas into the national army are being discussed. The comprehensive peace accord it signed with the government fails to mention anything specific in this regard. Delays in implementing of the arms management agreement and in the arrival of UN monitors have caused several problems in the peace process, and the government is hesitant to implement

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the interim constitution and form the interim government until all the Maoist armies are inside their UN-monitored cantonments. There is a need for a long-term, detailed plan of action for integrating the oversized, 92,000-strong Nepal army and 36,000 People's Liberation Army (PLA) cadres of CPN-Maoist into a new national force. Neither the Maoist leadership nor the government know how it

is to be downsized or how to integrate ex-combatants not eligible to join the national army into other sectors. Other challenges remain in developing greater transparency and accountability among the army, police, secret service and the bureaucracy.

While the changes have led to significant improvements in police and army accountability in matters involving human rights and to greater transparency in their activities, some

security analysts warn that 'retrogressive forces', notably the palace and its supporters, might use their traditional influence over the army officers to incite them to mount a military coup. Civil society remains on guard against this possibility as well as against abuses of power by the government.

## Conclusion

The April Movement and the return to parliamentary democracy have enhanced prospects for durable peace and improved development in Nepal. Several months of dialogue between

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the CPN-Maoist and the SPA government have yielded a comprehensive peace accord and an arms management agreement witnessed by the UN. The army has demonstrated its willingness to act under the people's sovereignty, while civil society, political parties and the Maoists have united to break a century-old, unwholesome alliance between the palace and the military and establish civilian authority over the armed forces. The final verdict on Nepal's 238-year-old monarchy will be delivered by June 2007

when a specially elected Constituent Assembly will decide by a simple majority (as agreed in the Comprehensive Peace Accord 2007) whether to retain the king as a ceremonial monarch or to declare the country as a democratic republic.

Challenges remain in establishing a durable peace. Ten years of violence have led to an increased supply of small arms and light weapons, substantial use of landmines and an elevated crime rate. The Maoists have yet to see their cadres integrated into the national army, which might take several months to materialise, if it is to happen at all. The senior officers in the Nepalese army have indirectly expressed their concern over integrating the Maoists guerrillas. The Weapons Management Agreement signed by the government and the CPN-M and witnessed by the UN Mission in Nepal (UNMIN) Representative is just the beginning: a full disarmament of the Maoists and the reorientation of government forces to peacetime has yet to take place. A culture of tolerance is lacking among the political parties – a major cause of the Maoist uprising in 1996 – as differences emerge over appointments of ambassadors and other positions. The parties have yet to prove that they are accountable to the people's sovereignty – a crucial factor in the institutionalisation of democracy.

An additional security challenge for the nascent democracy is the threat of ethnic conflict created by a small breakaway faction of CPN-M, *Janatantrik Terai Mukti Morcha* (Democratic Terai Liberation Front), among the Nepali people of Indian origin in some of the marshland Terai districts bordering India. The new government will have to act promptly to prevent India's interference and the potential destabilisation of the internal security situation, as the Terai movement is taking the shape of an ethnic-based separatist movement with backing from some of the fundamentalist political, religious and ethnic entities across the border.

Despite the challenges, however, the peace process is progressing without major obstacles and security sector reform has been initiated. Nepal's homegrown peace accord – achieved without active international mediation – has set an example for other conflict-ridden countries. A strong UN presence should foster the sense of national ownership of the peace process in the disarmament, demobilisation and reintegration of the national army and rebel forces and play an important role in democratising the security sector and building sustainable peace in Nepal.



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## Endnotes

<sup>1</sup> The New Democratic Revolution was the theory of communist revolution formulated by Mao Zedong for semi-colonial China in early 1940s.

<sup>2</sup> The Seven Party Alliance consists of Nepali Congress, Communist Party of Nepal (Unified Marxist and Leninist), Nepali Congress (Democratic), Nepal *Sadvawana* Party (Anandidevi), United Front Nepal, United Left Front and Nepal Workers and Peasants' Party.

<sup>3</sup> The generally peaceful protest led by civil society and the Seven Party Alliance and significantly backed by the CPN-Maoist was launched from 5-24 April 2006.

<sup>4</sup> The issue of reforming police has never figured in the SSR debate in Nepal. All concerned agree that the issue of police reform is only a management problem and as such can be sorted out easily once the full civilian authority is restored in the country.

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