Security Sector and Human Security

Some fundamental questions come up in relation to human security in Nepal in the context of its persistent poverty and underdevelopment and the incessant violence fostered by a culture of impunity. Characterised by repression and brutal retaliation, the political situation is becoming more and more oppressive as a consequence of widespread insecurity and distrust of the government caused by exceedingly high incidences of violence. The obstinate measures that the security forces have taken to prevail in counterinsurgency operations have caused consternation, contributing to a rethinking of the process of managing the security sector within the framework of the rule of law. This chapter argues that there is a need to reflect on the core security sector, making an institutional assessment necessary to generate information and draw out its impact on governance in relation to the overall situation of human security in Nepal. The trends set in the country both due to the lack of accountability and the provisions of impunity are crucial to an understanding of how governance is undermined and the security sector functions.

Impunity is a negation of the rule of law. Impunity and the absence of good governance are inextricably linked. It results in the destruction of Nepali society and its basic values. The provision of impunity provided to security forces by the government is insensitive and a cruel and shocking manifestation of inhumanity. Impunity feeds violence. Hence the pursuit of this policy on the part of the government undertaken in the name of national security has obscured the overriding concern with human rights and human security in Nepal. The indiscriminate use of force as the primary means of security by the state has undermined citizens’ rights and welfare. The posture that the state has taken by upholding security, as a matter of fact, has not only damaged institutional norms and values; it has also become the major source of threat to its citizens (Buzan, 1991:43-50). The national security of the Nepali state has become incompatible with human security. The consequent
repercussions for the national security policy is the acceleration of the process of militarisation, diversion of resources to unproductive uses, waste of lives and sacrifice of social opportunities. Spreading terror has become the strategy of internal war as the warring forces ruthlessly attack civilian targets with increasing loss of lives. Laws and regulations have been enacted to provide security forces unquestionable authority to deal with apparent dangers.

Although the statutory forces are responsible, under the international law, for the “war crimes” in the context of a war situation and “crimes against humanity” in other situations delegitimising the use of violence against civilians by the state, there is hardly any recourse to such crimes when the case of national security is invoke by the state. The use of force as an “instrument of supremacy” has not only led the state to rearm, it has also reinvigorated the concept of security as integral to state-centric interests (Kumar, 2004:2). Drawing implicitly on the ongoing discourse on human security that has put a premium on ‘freedom from fear and want,” Ball has replicated this perspective, focusing on human beings and protection of individuals and communities from violence as the essence of the security sector. The role of the state, therefore, has been identified as of overwhelming import and good governance seen as a necessity to impart security to the people through the disciplined command and control of the security sector. In the absence of governance with accountability, the possibility of the state becoming a source of violence cannot be negated, even though the state is responsible for preventing violence both in its institutional and functional role (Ball, 2002:6).

5.1 REVISITING SECURITY DISCOURSE

Although there is unanimity of view that the legitimate security needs of a state cannot be disputed, discourses on security have questioned rigid views that make only state-centric interests as fundamentals to security. The realist paradigm of security is related to the threat perception external to domestic challenges. Simply understood as a process of facing external “threat, use and control of military force in order to prepare for, prevent and engage in war” (Walt, 1991:12-13), the state-centric approach to security has fundamentally ignored the essence of security related to the people’s rights for survival (Baldwin, 1997:12-18). Security is, in essence, about survival and about issues confronted as “posing an existential threat” (Buzan, Weaver and de
Wilde, 1998:21). Dissatisfaction with the state-centric concept of security has even led Baldwin to argue in favour of abolishing the “subfield of security studies” (Baldwin, 1995:135). Growing awareness about the inadequacy of the traditional approaches to security tied crucially to sensitivities regarding territorial integrity and sovereignty of the state, thus, has led to alternative referents for deepening the notions of security and broadening the vision from the all-too restrictive security sector to the human sector (Edkins, 2002; Buzan, Weaver and de Wilde, 1998; Baldwin, 1997; 1995; Dillon, 1996; Buzan, 1991). Although the reasons behind the change in the perspective of state as object of security may be many, persistent international anarchy, however, remains the premise on which security architecture is based, although the nature of security/insecurity defy any agreed definition. Perhaps this is the reason why Buzan suggests that security is still an undeveloped concept (Buzan, 1991:3-12). Conceptual anomalies, coupled with the sprouting non-traditional security issues in the post-Cold War period when domestic anarchy outshined international anarchy, has given further impetus for rethinking security defined in the traditional military mode.

With threats and insecurities that increasingly relate to the dynamics of national politics and instabilities caused by internal conflicts, along with military operations that trample the rights of citizens, denial of democracy and development, multiplying poverty and destitution, as in the case of Nepal, attentions have progressively been focused towards linking security to development and democracy in the domestic context. This paradigm shift can be noticed in the concerns raised frequently by the United Nations. The UN Secretary General Kofi Annan has repeatedly codified security in his speeches suggesting, “Security can no longer be narrowly defined as the absence of armed conflict, be it between or within states. Gross abuses of human rights, the large-scale displacement of civilian population, international terrorism, the AIDS pandemic, drug and arms trafficking and environmental disasters present a direct threat to human security, forcing us to adopt a much more coordinated approach to a range of issues” (Annan, 2002). This broader conceptualisation of human security was first dealt with in the UNDP 1994 Human Development Report. Further, the UNDP has argued the case for “democratising security to prevent conflict and build peace” in a world fragmented by violent domestic conflicts (UNDP, 2002:85-100). It has focused on the need of Security Sector
Reform (SSR) through democratic civil control of the security sector because “unchecked and unaccountable security institutions often prey on the most vulnerable members of society, hampering daily struggles for survival and other basic freedoms” (UNDP, 2002:87).

The Canadian approach to human security, on the other hand, has primarily focused on threats of violence. This more focused definition centred on violent threats is taken as the instrument of a policy reiterated and defined by its minister of foreign affairs: “human security means freedom from pervasive threats to people’s rights, safety or lives” (Graham, 2004; Preston and Hubert, 2000). Increasingly focused arguments on human security rather than the territorial security of the state have led to the emphasis on defining security as being pro-poor, therefore, people-centric rather than the defence of the state. “Security”, argues DfID, “is an essential condition for sustainable development and a strong concern of the poor” (DfID, 2002:7). Instead of being a term related to the army, security has become a “critical development issue” as the World Bank President James Wolfenshon suggests. The premium on development through technical cooperation networking with demilitarisation projects and conversion is also emphasised by GTZ (GTZ, 2000:32-35).

Discourses on security, in fact, have led to a growing concern about the insecurity of people. Emphasis on the interrelationships between security and development have been made by Clingendale, suggesting that Security Sector Reform (SSR) is the “transformation of security institutions so that they play an effective, legitimate and democratically accountable role in providing external and internal security for their citizens” (NIIR, 2002:1-2). DCAF has conceptualised SSR as a new vision in the development assistance programme, integrating development with security needs of the state. “This vision” according to Brzoska, “is one of a security sector which promotes human development, helps to reduce poverty, and allows people—including poor people—to expand their options in life” (Brzoska, 2003:4). Similarly, Winkler asserts that as “the security of the average human being is decreasing since the end of the Cold War...it is of crucial importance to reverse these trends” (Winkler, 2002:3-4). The need of reform and control of the security sector for promoting human and economic development has been stressed by Hendrickson and Karkoszka because these encompass more than “the traditional civil-military relations approach to addressing security problems (2002:175).
The case of excessive human rights abuses provides a difficult but useful example on questions pertaining to human security and security sector reforms. SSR is thus defined as a process of engaging the security apparatuses of the state by making them more responsible to citizens and their welfare. It has political, institutional, economic and social dimensions, ensuring both responsibility and accountability of the security sector to democratic civil authority (GTZ, 2000:7). The SSR is an approach substantially different from state-centrism and normatively integral to the concept of human security. The underlying argument behind the SSR is that it is integral to state reform and development. As security and development are tied together, one cannot be achieved in the absence of the other. Both should move in tandem in the process of democratisation by broadening participation, representation and social inclusion. In sum, the SSR is a concept that links the security sector to social sector development in contexts of conflict, war and underdevelopment. SSR can hence be conceptualised as a concept integral to humanitarian integrity while upholding responsibility in the conduct of state affairs. It is the process of making the security sector more accountable to the people so that the safety and welfare of the population could be ensured and not denied.

As commonly understood, the security sector is the armed apparatuses of the state. It maintains legal monopoly over the instrument of violence—order, threatened or actual use of force by the consent of the community in the interest of national security. The security sector comprises essentially the statutory armed forces, paramilitaries and police forces, and the intelligence and secret services at the core as the operational arm of the state concerning national security. The essential organs of the state under which this core security sector functions are the security management and oversight agencies comprising the executive and legislative bodies, judicial and law-enforcing agencies, financing and auditing agencies and civil society. Hence the security sector involves maintaining domestic stability and political order and complementing the role played by civil authority. It relates therefore to the nature of the state, the type of regime and the pattern of civil-military relations of the state in question. A central element in SSR remains democratic governance, although this is not the case in Nepal. The type of regime is an important factor in invigorating SSR. There is one another dimension of the security sector: it comprises non-statutory forces
composed of guerrillas and the armed militias of the Maoist insurgents in Nepal. Though they are not basic to the institutional arrangement of the state, they have had a crucial influence in altering and determining the socio-economic as well as political equations of the state. Their presence should be taken into consideration while comprehending the impact of the security sector on questions of governance and the rule of the law.

Therefore, the security sector is inseparable from good governance. The central questions of governance relates to performance and delivery. In the definition of the OECD, “The concept of good governance denotes the use of political authority and the exercise of control in a society in relation to the management of its resources for social and economic development” (OECD, 1995). The “use of political authority” is central in combination with “exercise of control” in a society and “management” of the affairs of the state. Four major areas of concern are identified in the use of political authority that should confirm to democratic norms consistent with the principles of governance, transparency and the rule of law. Although these are essential for the SSR, the OECD has also recognised three critical challenges facing states in achieving reform in the security sector.

First, there is a problem of “developing a clear institutional framework for providing security that integrate security and development policy and includes all relevant actors and focus on the vulnerable, such as women, children and minority groups.” Second, there is a major problem related to the process of strengthening governance and the role of oversight agencies in developing countries characterised by the soft-state syndrome. And third, there is also a need for building a capable and professional security force accountable to civil authority and open to criticism and dialogue (OECD, 2004). In sum, the Development Assistance Committee (DAC) of the OECD has adopted a policy agenda focused primarily on governance-related and democratic oversight dimensions. Emphasis is laid on “people-centred, locally-owned and based on democratic norms and human rights principles and the rule of law, seeking to provide freedom from fear” as a working principle. The DAC has concluded that these are the areas to which the reform process should be addressed and success here depends on the firm commitment of those undertaking the issue (OECD, 2004). The policy statement issued by DAC in its opening sentences is crucial to an understanding of SSR, as it has firmly changed the meaning of security
from the external orientation of the state to internal imperatives. In defining security the DAC asserts:

Security is fundamental to people's livelihood, reducing poverty and achieving the Millennium Development Goals. It relates to personal and state safety, access to social services and political processes. It is a core government responsibility, necessary for economic and social development and vital for the protection of human rights. Security matters to poor and other vulnerable groups because bad policing, weak justice and penal systems and corrupt militaries mean that they suffer disproportionately from crime, insecurity and fear. [Hence] SSR is a key component of the broader “human security” agenda developed with leadership from United Nations Development Programme (UNDP) and described in Human Security Now, the report of the UN Commission on Human Security. The human security agenda includes, for example, issues of livelihoods and social organisation of the poor. SSR itself also extends well beyond the narrower focus of more traditional security.

At the core of human security is the question, “whose security?” It has led to the redefinition of security from state-centrism to people-centrism. Security has been defined in three important ways by focusing on the welfare and human rights of the people. It has been tied to development and reliance on the institutional congruity rather than military prowess (OECD, 2004:12). The objective of SSR, thus understood, is “to create an environment conducive to development, poverty reduction and democracy.” This, in turn, depends on the state’s capacity to mitigate threats and vulnerabilities to the people and preserve their well being by addressing critical societal challenges. “State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself” (ICISS, 2001:X1). The statutory security sector functioning as an organ of the state, therefore, is accountable to its civilian authority in protecting the rights of the people when challenged by non-statutory forces.

In a democratic state the core security sector, thus, embodies unity and security. It refrains from taking any partisan interests in a democratically governed state. The security sector helps to promote harmony among the various communities and social groups in a state governed by the rule of law. The army operates according to rules inspired by the principles of the rule of law. Such a concept of the security sector requires the democratisation of institutions and political will. But, in Nepal, the role of the core security sector and its mission has very often been distorted. The army, in particular, has been used as a political instrument by the monarchy in its reassertion of political
power. This is the fundamental issue relating to SSR in the context of Nepal where the armed forces are privatised and remain functionally external to the constitutional imperatives of the state. Despite the constitutional arrangements that have made Nepal a democracy, the country remains a monarchical state empowering the king with unquestionable authority (Article 31, Constitution, 1990:21). Reform in the security sector in Nepal, therefore, can be envisioned only in association with the monarchical state, whether in constitutional or absolute form, and the attitude of strategic elites on the issue of civil-military relationships is peculiarly imbued in the tradition of Nepali statecraft that has for long been autocratic than democratic.

The need of SSR is raised in Nepal when the domestic situation eschews the process, as the stress is not on present reform but to put more men in uniform to cope with the increasing violence. The underlying motive is to build an operational force unrestrained by any factors irrespective of societal or fiscal constraints. There are thus numerous challenges because of the conspicuous absence of the prerequisites for reform in this sensitive area—democracy that brings in oversight agencies and other auxiliary services for reform. Also, the position of civil elites in relations to the security sector has always been a problem, due both to their sheer ignorance of matters related to security affairs and their sensitivity about the army which is viewed as sacred organ of the state tied to the monarchical order. Next, security sector reform in the case of Nepal has now become a post-conflict phenomenon, which naturally will have a transformatory impact on the structure of the polity and associated agencies in case the violent conflict is mended.

Currently, the impact of internal conflict on development, particularly on the drive for poverty alleviation measures in Nepal is obvious, as the government has consciously shifted its attention from the social to the security sector. Human security in developing countries like Nepal is intricately linked to the endemic poverty of the country. This has been damaged further and progress threatened by violent conflicts. Impediment to development projects caused by insurgency and the change in the policies of the government increases deprivation and marginalisation. This situation has increasingly being reflected in the steady rise in the regular expenditure of the government in comparison to the falling development expenditure in the national budgetary allocation. The development expenditure has declined sharply in the last three years against the background of the negative economic growth rate of −0.5
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per cent in fiscal year 2001/02 (MoF, 2003; Budget Speeches, 2002/03–2004/05). In fiscal year 1996/97, the development budget of the government was 56 per cent in comparison to 44 per cent of the regular budget (Budget Speech, 1996/97). A progressive reversal of this trend is indicated by the current allocation of 58.9 per cent to regular expenditure and 41.1 per cent on development expenses for fiscal year 2005/06 (Budget Speech, 2005/06). Despite the estimated allocation, the development scene in Nepal is also characterised by the meagre disbursement of the allocated amount and the government’s inability to spend the stipulated money to meet the target because of the continuing violence and its disruptive impacts.

Mapping SSR in Nepal is thus a delicate and complex task. Policy circles and academics have given little thought to the concept. Domestically, it is not a straight agenda confined to civil-military relations. Rather, it has roots deeply entrenched in the formation of the Nepali state, the recruitment pattern of the strategic elites, and the process of governance under a monarchical system. The loyalty of the security sector to the government, particularly which of the Royal Nepal Army (RNA), is still under dispute. Constitutional provisions have become misnomers in practice when the army defied the executive order of the prime minister to get mobilised as such orders can only be issued by the king who is also the Supreme Commander-in-Chief of the armed forces. Hence both during the Dunai (October 2000) and Holeri (July 2001) incidents, when the civil police were mowed down by the Maoists’ armed guerrillas, and 69 police personnel were kidnapped in the latter case, the army disentangled itself from its responsibilities to assist the government in the rescue mission, explaining that it had not received a mandate from the proper channel. These cases indicate the gravity of the situation in civil-military relations in Nepal even under a parliamentary democracy and led to the forced resignation of the home minister in the first case and the prime minister in the second case. This controversy has raised questions about the loyalty of the armed forces to the government. This was also evident later with the resignation of the king’s appointed prime minister in 2003 when the RNA refused to comply with the government’s agreement with the Maoists to limit the army’s movement within the five-kilometre radius of army barracks. This reveals their lack of accountability.

Notwithstanding the constitutional dispensations (Article 118(2), Constitution, 1990:103) that clearly stipulate that the army would be
operated or used by the king only on the recommendation of the National Defence Council (NDC), it is not clear under what condition and law the army can be actually operated. Though the constitution reveals the collective responsibility of the civil-military authority in issues pertaining to the use of force, this is not reflected in practice. The failure to work together has led to controversy. This controversy remains although as the government has conceded to three preconditions that had been set by the army for getting mobilised after its encampment at Ghorai of Dang district was attacked and ruined by Maoists on 23 November 2001. Prior to the Maoists’ attack on the military camp, the violence of the last six years was simply described as a “law and order problem”, had this suddenly transformed itself into a severe threat to “national security” when the army was attacked and its soldiers killed forcing the government to declare a national emergency, adopt an anti-terrorist ordinance and provide impunity to soldiers to get mobilised. The parliament had to endorse the government decision as fait accompli later to demonstrate national consensus. Till then the security sector was the most ignored aspect of governance in Nepal even under a democratic polity because of a tepid and weak leadership. This reality has to be taken into account while thinking through the challenges posed by the security sector and the measures taken for its reform in the context of Nepal. There is therefore a precise need to review and discuss in detail the situation pertaining to the core security sector in understanding the context of human security and determining possible way outs of the situation.

5.2 STATUTORY SECURITY SECTOR

The Army: The Military Act 1959 defines the Royal Nepal Army as His Majesty’s Army. The loyalties of the uniformed security elites are unquestionably inclined towards the traditional institution of monarchy. This reality is reflected both in the perception and behaviour of public leaderships in dealing with the army. Though the army has always been a powerful organ of the state, it had traditionally functioned primarily in its ceremonial role rather than as a war-fighting machine because the country’s foreign policy was not expansionist. The upkeep of the army itself had been a problem because of the financial crunch. Procuring arms from abroad was not only economically impossible but also restricted because of the agreement that Nepal has signed with India in 1965 (Letters, 30 January 1965). Even after the implosion of
armed violence and a insurgency that has claimed the lives of the people, the security sector was not strengthened substantially till the turn of the century. The process of militarisation began in Nepal first, with the decision to raise the “armed security forces,” second, by the unprecedented spectre of terrorism that 9/11 brought in the international scene, and third, with the usurpation of power by the monarchy.

As the “war on terrorism” has loomed large in the international security horizon, the security elites in Nepal have benefited by default. When domestic and international terrorism intermeshed, it led to a perceptual change in prioritising the agenda for reform against security needs. Thus a glaring difference in perception persists in interpreting term “reform” between the practitioners of security and the promoters of SSR. The security elites in Nepal are of the view that the obsolete and the ceremonial army in particular should be modernised; that is reformed through trainings, skills and equipments enhancing force capability. They, for example, stress the necessity of the revitalisation of an under-armed and under-strengthened military, as the goal of reform. More precisely, there is an urge for giving the security sector a role in decision-making in relation to the issues considered important to national interests. There is also an argument that the security sector should not be ignored and its needs met. There is a publicly unarticulated but definite view that the army is the saviour of the state, the failure of the civil governance seems to confirm this view. Therefore, the external arms inputs for the capacity building projects of the RNA are understood now and interpreted by the strategic elites as development assistance required to reform the security sector in Nepal. The strategic elite appreciate the advice provided by military advisory groups visiting Nepal from abroad in endorsing plans and programmes of the RNA for strengthening security apparatuses and making their presence visible in the social sphere by underwriting incentives for security assistance. The securitisation of the “war on terrorism” has undermined the concept underlying the SSR to the extent that even OECD countries have had to opt for bolstering intelligence and the domestic security capacity of recipient state (OECD, 2004:50). Terrorism, in actuality, has become a project for enhancing military security apparatuses infused with strengthening policing, surveillance and even fighting calibre.

The project mentality has, therefore, played to its full swing in the case of RNA. In garnering military assistance from abroad, it did not matter to the army generates that it would be caught in a vicious cycle of dependent militarisation. Their sole objective seemed to be to pursue
the opportunities afforded by national and international terrorism and converting it to the needs of the armed forces when the military assistance was liberally available. In the case of Nepal, replicating the scenario of the competitive foreign aid of the 1960s, one sees a scenario of expanding military assistance. For example, India has always been a reluctant partner in aiding Nepal militarily despite its claims of strategic congruity with the latter through treaty relationships. But it has become the number one country to arm Nepal now by favourably responding to the offers of arms shipment from other overseas countries, perhaps the United States.

The opportunities of military expansionism further increased in the domestic sphere after 4 October 2002 with the assumption of the executive power of the state by the king. Since the unfettered power of the Supreme Commander-in-Chief of the armed forces is embodied on the person of the king, the RNA has been able to pursue a policy increased recruitment of personnel and weaponisation. The increase in the number of the armed personnel is officially claimed at 85,000, but is actually around 97,000 including reserves, up at the moment from a figure of 47,411 submitted at the 20th Session of the then House of Representatives in 2001 before the declaration of the national emergency (Rajdhani, 2 November 2001). This is an indicator of the rapid stride taken towards militarisation. One former Chief of Army Staff (COAS) of the RNA has been arguing consistently for the increase in the size of the force structure to 125,000 in view of the Maoist insurgency. The spokesperson of the RNA has, however, declared that the army is planning to increase the number of its armed personnel to 100,000 with the establishment of more divisional headquarters according to its newly adopted 10 years plan (Deshantar Saptahik, 25 July 2004; Himalayan Times, 20 April 2004).

The structure of the armed forces has been expanded accordingly from Brigade (Sharma et al., 1992: 581) to Division level. The size of the military now has been extended to 6 Divisions from its previous 3 Divisions with the establishment of Divisional Head quarters in the five development regions of the country, including a central command base. Of the 18 Brigades of the armed forces, 3 Brigades each are attached to a military division. There are 5 Military Divisions in the five development regions and 14 Brigades stationed in the 14 zones of the country. The RNA plans to establish a corps command in the near future. This increase in numerical force structure is to be supplemented
with technical units and logistic support essential in combat. Logistic is the life-blood in any period of armed conflict when an army is stretched to optimum. The reality, however, is that the RNA's artillery unit is poorly equipped and supplies interrupted. The RNA fancies long-range artillery weapons like 130mm mortars, 155 mm howitzers and 160 mm heavy guns and even military aircraft and battle tanks to be equipped to fight internal armed rebellion. Although the budgetary allocation for the armed forces has increased from slightly over Rs. 1 billion in 1989/90 to nearly Rs. 11 billion in 2005/06 (Table 5.1; Budget Speech, 2005/06), these expenses are insufficient even to maintain the force structure. Hence the rearming of Nepal from the ceremonial role of the RNA to a combat force is the context that should be interrogated dispassionately. In view of the organisational structure of the armed forces (Figure 5.1) it is also crucial to consider the role of the monarchy in relations to the security sector in governance of the state.

Budgeting security was never a complicated affair in Nepal prior to the turn of the century. As indicated below, the budgetary allocations for the security sector for a period of 17 years demonstrate a steady increase. This is comparable to the government's funding on the social sector, particularly since 1994/95. As the country did not face any acute

![Figure 5.1: Organisation of the Royal Nepal Army](image)
### Table 5.1: Estimates of Regular Expenditures (in Rs. 000)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Security Sector</th>
<th>Social Sector</th>
<th>Drinking Water</th>
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<tbody>
<tr>
<td></td>
<td>Military</td>
<td>Police</td>
<td>Education</td>
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<td>1989/90</td>
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<td>2004/05</td>
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<td>6,749,834</td>
<td>17,903,061**</td>
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<tr>
<td>2005/06</td>
<td>10,900,000</td>
<td>7,880,000</td>
<td>21,050,000**</td>
</tr>
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</table>

**Source:** Drawn from Budget Speeches, Kathmandu: Ministry of Finance, Documents of the years indicated. Also see, *Public Expenditure Review of the Health Sector*, Kathmandu: HMG/Ministry of Health, Health Economics and Financing Unit, July 2003.

**Note:**
* Includes the amount for raising the armed police force and purchase of arms.
** The estimated amounts are lumped together with the expected development assistance from donors but may not conform to the estimated figures in actual disbursement. Nepal is a 60-70 per cent foreign aid/loan dependent country. For example, the amount allocated in the health sector for the fiscal year 2005/06 is claimed to be 51.15 per cent higher than the revised estimate of health expenditure in the fiscal year 2004/05, suggesting a lower level of disbursement and utilisation than estimated allocation in the past year. See *Public Statement on Income and Expenditure of the Fiscal Year 2005-2006*, Kathmandu: HMG/Ministry of Finance, July 2005.
+ Amount allocated for the Melamchi Drinking Water Project only besides expected donors' commitments.
need for national security decision-making, the army, in particular, had been confined to the barracks with the occasional public presence for ceremonial events or peacekeeping missions abroad. Internal policing was, moreover, confined to the civil police that even had to confront the rumblings of violent insurgency. The Maoist attack on the military however created a condition that led to the involvement of the army in internal policing, leading to substantial increases in budgetary allocations for recruitment of new personnel and to meet procurement needs.

Since 1 February 2005, multilateral, bilateral and international donors have been withdrawing support from Nepal. Denmark was the first to pull out $25.56 million aid from rural development, environment, forestry, health and education programmes. The World Bank has frozen Rs. 5 billion ($70 million) poverty reduction strategy credit-II aid and is planning to suspend $60 million education aid. The European Commission has suspended about Rs. 2.11 billion (US$30 Million) from the Education for All (EFA) programme, and the Norwegian government has cut aid by 10 per cent to Nepal along with termination of its bilateral commitment of Rs. 1.96 billion (US$28 million) from the Melamchi Water Supply Project with immediate effect on 20 July 2005 along with another $2.25 million in development aid. See, Kathmandu Post, 20 July 2005, Himalayan Times, 21 July 2005, and Kantipur Daily 21 July 2005 and Kathmandu Post, 22 July 2005. The stalling of aid comprising the social sector are all indications of the coming crunch in Nepal's development efforts. The EU parliament has recently adopted a proposal to impose sanctions against Nepal in case the political situation does not improve.

These time series data drawn from the official allocation/disbursement indicate a sharp rise in budgetary figures for the security sector by nearly 300 per cent in comparison to regular allocation to the social sector in 1993/94. The total allocation for the security sector in fiscal year 1995/96 was proportionately lower than the amount allocated for education under the regular head. The priority for social sector continued even after the Maoist militancy erupted in 1996 and violence had led to escalated security budgeting. Fiscal year 2000/01, however, was an exception in security budgeting due to the allocation of an additional Rs. 1,586,000,000 for raising the paramilitary (armed police force) and procuring arms. Since then the regular budgetary allocation for the security sector officially remains more or less at par with the social sector allocation.
However, the budgetary figures should be read only as the maintenance cost of the core security sector. As disclosed by Brigadier Deepak Gurung, the RNA’s Spokesperson, 83 per cent of the allocated amount is spent on ration, salaries and allowances to the servicemen (Saptahik Bimarsha, 29 July-4 August 2005:14). In other words, the figures do not disclose both the operational costs and the off-budgetary allocations for the security sector. For example, the operational costs of the armed forces were initially estimated at Rs. 10 million a day since the declaration of national emergency on 26 November 2001. But the amount cited could be a fraction of the expenditure incurred now both with the swelling of the armed forces and the increase in army activities. Reportedly, within the first month of military mobilisation, the government had spent about Rs. 500 million more than the stipulated cost for counter-insurgency by transferring 50 per cent of the originally allocated amount of Rs. 2 billion for Village Development Committees (Kantipur, 26 January 2002). Further, the Finance Ministry has disclosed that Rs. 4 billion had already been transferred from the social sector to security sector. It was estimated that a total of Rs. 18.35 billion was spent in the first year of counter-insurgency mobilisation. In 2002/03, the revised estimate puts the combined security expenses approximately at Rs. 15.20 billion (MoF, 2003:28). The need, however, was met with the transfer of the stipulated amount from the social sector by shrinking the space for social development considerably despite a balanced budgetary allocation. In actuality, the government maintains budgetary balance between the security sector and social sector by keeping security spending off budget. It has been observed that to meet the security needs the government regularly practices supplementary allocations. In 2003/04, over Rs. 910 million was transferred to the army from the Election budget. In addition, the army receives additional amounts from sources like charges for guarding strategic installations like hydropower plants, telecom towers, industrial structures and commercial buildings, from non-transparent or largely aggregated budgetary categories, funding for road building and health service activities, and involvement in businesses like petroleum products that remains undisclosed (Kumar, 2004:4).

The visit to Nepal by the US Secretary of State Colin Powell in January 2002 galvanised security assistance from different friendly sources. The US initially committed $17 million (Rs. 1.33 billion) for defence related assistance. The British government supplemented it
with 6.5 million sterling pounds (Rs. 780 million) along with supplies of two helicopters and promise of military training to RNA personnel in addition to a pledge of 27 million sterling pounds as development aid (SIPRI, 2003:89). Subsequently, India supplied military hardware and equipment amounting to IRS. 2 billion (Rs. 3.2 billion) with the promise of additional military aid of IRS. 1 billion (Rs. 1.6 billion) to Nepal (Kathmandu Post, 25 April 2003). China, on the other hand, helped with communication gadgets and other accessories for military use. By the year 2004, American arms and economic assistance amounted to $40 million, inclusive of $29 million under Foreign Military Financing (FMF) programme. British aid to Nepal increased to 35 million sterling pounds in 2004 with a further stipulation to reach 47 million sterling pounds in 2005. According to a press release of DFID, such aid to Nepal would be increased to 80 million sterling pounds in two years time (DFID Press Release, 13 May 2004).

Against this background, the RNA is pursuing a role of increased recruitment of armed personnel and weaponisation by procuring arms from different sources. On the other hand, Nepal’s civil police have around 48,500 personnel while the Armed Police Forces are numbered at around 18,000 making a combined strength of 151,500 persons under uniform. The Table 5.2 is an indicator of the present structure and the future plans of the security forces.

The RNA has recently asked the government to meet its demand for the recruitment of 17,000 additional troops along with the release of an additional amount of Rs. 8 billion as per requirement by the end of fiscal year 2004/05. Brigadier Deepak Gurung, the spokesperson of the RNA, has disclosed that the army has asked for Rs. 14 billion allocation in the past fiscal year, a sum which was halved in the government budget (Ghimire, 2004:1), although Rs. 3 billion was later met by off-budgetary allocations in two installments. In the current fiscal year, the army has again claimed allocation of Rs. 16 billion in view of its expansion plans and ever-increasing threats from the Maoists insurgency, but the government has not budged from its position. Inclusive of the off-budgetary allocation of the government and exclusive of foreign assistance in kind, the total security expenditures of the last fiscal year was Rs. 18.18 billion, which is over 23 per cent of the total regular expenditure.
Table 5.2: Current Status of Security Forces 2004-2005

<table>
<thead>
<tr>
<th>Category</th>
<th>Prior to November 2001</th>
<th>Current</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military</td>
<td>47,411</td>
<td>85,000*</td>
<td>Expanded to 6 Division with Corps concept. 3 Division constitutes One corps. Plan for 200,000 numbers of armed forces in near future.</td>
</tr>
<tr>
<td>Armed Police Force</td>
<td>15,156 (established 2001)</td>
<td>18,000 On 16 December 2004 decision was made to raise one Kathmandu Valley Brigade and 3 Battalions.† Planned to expand to 35,000.</td>
<td></td>
</tr>
<tr>
<td>Civil Police</td>
<td>46,574 (in 2000)</td>
<td>48,500**</td>
<td>New recruitment of some 850 permitted recently. Government has been urged to increase police force from 1:600 police - population ratios to 1:200 ratios.††</td>
</tr>
</tbody>
</table>

Source: Official Data.

Note: *According to publicly disclosed figure of the RNA Spokesperson, 7,000 more are to be recruited immediately. Kantipur Daily, 8 October 2005.
**Including Traffic Police numbering some 2,000 personnel.
†Annapurna Post, 17 December 2004.

The Nepal Police: Nepal’s civil police, estimated at around 48,500 personnel, were never trained to face violent domestic turbulence and encounter guerrilla operations. However, they constituted the frontline defence against the Maoists onslaught between 1996 and 2001, suffering maximum casualties with some 1,265 deaths and nearly 1,600 wounded. They were initially used against the Maoists under the “Romeo Operation” and “Kilo Shera-II Operation” resulting in grave violations of human rights, including looting, arson, rape and extra judicial killings forcing villagers to move into resistance and contributing to swelling the number in the Maoist fold. Although the Nepali police are never equipped with modern arms, even with their obsolete .303 rifles and the weight of the civil administration behind them, they are enough to constitute the dominant arm of the state.
The history of Nepal Police has been crucially tied to democratic change after 1951. The Nepal Police was formed after the end of authoritarianism with the beginning of constitutionalism in the country. The police forces were organised in accordance with democratic principles to facilitate the rule of the law in the country. But the 1960 coup changed all that. This force was reorganised according to the needs of the king. The police force was kept under the firm control of Zonal Commissioners directly appointed by the king with the coordination of the Chief District Officers (CDOs) under the Home Ministry. Throughout the panchayat period, the police functioned with a single objective: to dominate and control. It was moreover alert to arresting “arastriya tatwa” (anti-national elements), a euphemism for democratic oppositional forces, and suppress them. It was transformed into a repressive organ of the state rather than kept as the watchdog of civilian rights and for crime prevention. The police service was reduced simply to an onlooker of crimes ranging from rape, killings after rape, kidnapping, drug trafficking as well as idol thefts burgeoning in society involving powerful personalities who were forming a widespread nexus between the dominant panchayat groups. To nab any culprit, the police now required the nod from the highest authority of the state as the cases of the arrest of the former Inspector General of Police (IGP), D.B. Lama and the aide de camp to late prince Dhirendra, Colonel Bharat Gurung in 1988 on drug trafficking and several other charges exemplified. Otherwise, the police had become associated with extortions and abuse of authority during the panchayat period.

This legacy continues. Despite numerous measures undertaken to reform the police force starting with the Buch Commission in 1954 to the Police Reform Recommendation Commission 1993, the police service, in the words of the home minister, had not reformed. On 28 July 2004, the home minister clearly warned police forces to stop from indulging in regular weekly extortions practices and refrain from other unlawful activities (Gaunle, 2004:41). Although his straight talk has brushed the image of the already demoralised police force, he has forgotten that the excessive politicisation of the police and their misuse by persons in power for over four decades has resulted in a grievous situation. The task of reforming the police force can be achieved only with reform in the mindset of the ruling elites.

The ruler’s mindset, irrespective of regime types, has not changed. The politics of preference and the contention for political power with
police support was clearly demonstrated during the democratic period in sacking, transferring and appointing the IGP. The controversies over the sacking of IGP Achyut Krishna Kharel and the instances of appointing Dhruba Bahadur Pradhan by the CPN (UML) home minister and reappointing Kharel to the post were obvious instances of undermining the law under which the police service is governed. The continuing crisis of confidence and the ugly struggle for power between the two major political parties, namely the CPN (UML) and the Nepali Congress in 1997, also are cases in point. Corruption continue to haunt the national scene and the police are deeply entrenched in the practice. The suspension of three SSP, 1 SP and 1 Inspector on corruption charges in 2003 and the arrests of former IGPs Motilal Bohora, Achyut Krishna Kharel and Pradeep Shumsher Jbrana preceded by the arrests of former Home Ministers Khum Bahadur Khadka and Govinda Raj Joshi who served under the Nepali Congress government on different occasions on corruption charges laid by the Commission for Investigation of Abuse of Authority (CIAA) and their subsequent release on bail in 2004 are instances of the police and political nexus that is destroying the structural basis for the rule of law in the country.

The ugly face of politics and the elected leaderships' behaviour can be seen nowhere better than in the intraparty contest to get the Home Ministry portfolio under which the police system is commanded and operated. The Home Ministry has become a lucrative position of political power because the state machinery functions under its command and directions. It enjoys unmitigated power to spend money in the shape of financial assistances, donations and rewards without accountability. It retains the rights to transfer, promote, demote and sack government officials. It controls the state through police and intelligence support and administers the country through exclusive loyalty of the Chief District Officers (CDOs). The home minister literally rules the country even though the executive power of the state is constitutionally conferred on the prime minister. The reports and recommendations of the home minister on domestic issues even on cases concerning criminal justice crucially influence cabinet decisions. Cases of manipulation and machination of home ministers for withholding criminal cases against drug mafias and other serious criminals are to be found easily. The post-1990 Interim government withheld 243 criminal cases within a year on the recommendation of the home minister. Subsequently, the Nepali Congress majority government annulled 119 cases. During the
nine months rule of the CPN (UML) minority government, 210 criminal cases were withdrawn (Himal, 2000:47). The criminal nexus has even induced the judiciary to release some internationally wanted drug dealers caught red-handed by the police. The impact, therefore, has obviously been detrimental to the morale of police.

Further, the power and the influence of home ministers have increased with the eruption of a violent insurgency in 1996. Access to the state exchequer has been augmented to meet the expenses of the intelligence and secret services. According to the Annual report of the Auditor General 2000, different departments of the Home Ministry have spent Rs. 49.5 million on “secret services” within 3 years between 1996 and 1999, while distributing Rs. 189.3 million as financial support to political loyalists between 1994 and 1999, thereby far exceeding the amount originally allocated (Himal, 2000:48) without any accountability. The corrupting influence of the Home Ministry has had a direct impact on the activities of the police forces and their misuse.

As a matter of fact, the police have been totally misused by the state authorities for extortions and for other means that continues to be evident in the selling of expensive lottery tickets to commoners and businesspersons. The police personnel are forced to follow written orders sent by Police Headquarters to sell lottery tickets nationwide on certain “auspicious” occasions like birth anniversaries of the King and the Crown Prince, for the Women’s Association of the Wives of Police Officials presided by the spouse of the IGP, and for Cultural Shows. Selling of lottery tickets is mandatory by police personnel and has led to ugly scenes. In the cities, the police have to collect at least Rs. 50,000 per month by forcibly selling such tickets. Otherwise the responsible police department will have to make up for the quota amount, as some high-ranking police officers have confided. When there is no systemic recourse in such a situation, these officers ask, how can extortion be annulled? (Personal Communication, 2004).

The Nepali police have been developed on a “community based” model in order to invigorate the sense of trust between the police and the people and to drive home their mutuality of interests in crime prevention. Their presence in the locality is meant to encourage extensive cooperation amongst the people, local leadership and civil administration working as a watchdog in the community service. Notwithstanding this ideal, the police have worked as the cruel face of the state in general rather than as an agency of the government in service of the people.
Crimes in the community occur with police complicity, while innocents are imprisoned and tortured to make confessions and put behind bars without trial and criminals freed under duress and “understanding.” Such a situation has been refreshingly reinvigorated under democracy and the police are mostly used in electoral politics to criminalize the organised state organ. Structurally embedded as a repressive organ of the state, the police keep presenting its brutal face in the society. One has only to observe how the riot police act against peaceful demonstrators attacking them with batons on their heads and rifle butts and severely beating their prey to determine the status of police in the national context.

As the law-enforcing agency, the police comprise people from the dominant group as can be seen in the composition of its high officials. There were 432 (34 per cent) Brahmins and 481 (38 per cent) Chhetris caste people in the police service, followed by 143 Newars (11 per cent), 157 Janajatis (12 per cent) and other ethnic groups constituting the officer ranks (Personal Communication, 2004). The Bahun, Chhetri, and Newar combine makes a total of 83 per cent out of 1,280 high-ranking officials who belong to the urban elite and have close connections with the governing elites. Their loyalty therefore belongs to the governing class rather than to public interests. Not surprisingly, people in uniform are above the law.

The situation of the National Intelligence Department (NID) which is under the Home Ministry is even worse. The NID has long been in a mess because of excessive politicisation by home ministers of the period who have turned it into a recruitment centre for their own men both during the panchayat and multiparty democratic systems. During the panchayat period, the NID’s primary role was to keep a tap on anti-panchayat people. With the change in the political system in 1990, the functioning of the NID has been virtually obscured because it need not spy any more against political dissenters and since powerful opposition groups were made legitimate by a democratic system. Although it continued to work in the field of crime investigation, drug and human trafficking, cross-border criminal syndicates, it has given up its political role of being a watchdog against internal security threats. In the post-1990 period, home ministers have rapidly turned the NID into an institution for recruiting confidents and unemployed youths from their own constituencies to garner support for their personal cause rather than as intelligence service to the state. Intelligence failure has therefore been one of the crucial reasons for the rapid stride made by
the Maoist insurgency throughout the country and this has been further accelerated by the withdrawal of police posts from villages. The shrinking of the government's presence has naturally led to an increase in the Maoist presence as the people are left insecure and vulnerable.

**The Paramilitaries:** The critical reason behind the formation of the "Armed Security Force" is to tackle the terrorism in Nepal, states the Regmi Report (2000:15-17). The *modus operandi* of this organisation would be to work against (i) terrorist activities/armed struggle, (ii) kidnapping/hijacking, (iii) separatist activities, (iv) rebellion, and (v) religious and communal riots. In addition, the paramilitaries are to provide emergency services (vi) assist in natural calamities, (vii) assist in relief work during famines, epidemics and other humanitarian works, (viii) provide security to sensitive vital installations and VIPs, and (ix) assist the RNA in the period of its mobilisation (Regmi Report, 2000:18-19).

The Armed Police Force (APF) that sprang up as an additional security organ of the state is a consequence of the civilian police's failure to comb the Maoists insurgency and the RNA's reluctance to get involved in violent internal conflicts. Initially, it was supposed to constitute a total of 15,156 personnel (Regmi Report, 2000:72). This has presently been raised to around 18,000 personnel and operates from a separated Head Quarters under the Home Ministry. The APF is conceived as a Special Task Force with the responsibility to manage and control violent armed conflicts and disturbances bordering on terrorism, separatism, rebellion and communal riots in the country. Despite being an independent paramilitary force created by the Home Ministry, the role of the APF remains subordinate to the RNA during the period of the mobilisation of the armed forces. It is ironic that the APF was created by default and because of the army's persistent refusal to involve itself in internal conflicts unless the government conceded to its three preconditions—national consensus, emergency and antiterrorist law. This, however, was not the case previously, even though the government had been trying to move a bill on an antiterrorist law that was resisted firmly both in the parliament and the public sphere in early 1997. The army's disinclination to involve itself in domestic policing against the Maoist insurgents until the democratic government responded adequately to its demands led to the decision to form APF, unfortunately, creating another chasm and further straining civil-military relationships.
5.3 CIVIL-MILITARY RELATIONSHIPS

The controversy over the authority responsible for military mobilisation surfaced intermittently ever since the premiership of Surya Bahadur Thapa (October 1997-March 1998). It led later to a clear assertion by the army that the “Royal Nepal Army is an apolitical institution.” The then COAS in a speech claimed, “It is not an instrument of any [political] party, but a national institution. The moral obligation for maintaining political stability and good governance in the country primarily rests on the political leadership.” He added, “The Royal Nepal Army as [historically] being the symbol of continuity, stability and unity of the state should therefore be used only for [attaining] comprehensive national interest” (COAS Speech, 2001).

Although the COAS had not defined what actually constitutes “comprehensive national interests,” he had clearly stated that the army was not an instrument of political parties although a political party under democracy is to form the legitimate government under which the army can function as an organ of state. The Government under a democracy is the embodiment of the elected representatives of the sovereign people that symbolises state power and not a non-elected traditional institution like the army that survives on taxes paid by the citizens of the state and is maintained as an integral organ of the government. Despite the claim of the COAS, it is also difficult to accept the claim that RNA has been an apolitical institution. A military that commands the instruments of violence, and generates its own legitimacy as an institution has political potential. Again, the question is not whether the military is political or apolitical but how its values and preferences are articulated. The role played by the army has sensitised the political parties and the government as well as the general public. The people of Nepal have always viewed the RNA as disloyal to the popular will. This was in evidence in the 1960 Royal coup and during the constitution-drafting period in the post-Jana Andolan Nepal in 1990. The then COAS, General Sachhit Shumsher Rana, had reportedly put pressure on the Chairman of the Constitution Drafting Committee and the interim prime minister into declaring Nepal a Hindu state and retaining the “sovereignty” of the king and making the army integral to the sovereign authority of the king. For the army, the king remains “the sole personification of the state” as Rishikesh Shaha, had noted (Shaha, 1982:109). Does the assertion of such values and preferences by the army make it apolitical?
An unspoken tension has been brewing civil-military relations in Nepal since 1950s. This was noted by B.P. Koirala, the first ever elected prime minister of Nepal during 1959-1960, whose government was dismissed by the Royal coup on 15 December 1960. He has retrospectively surmised his experience with the army by saying that the “most ominous blunder committed by us [when in government] was the neglect of the army.... We never tried to democratise the army...nor had we thought about any alternative option.” He has further maintained that the top army brass was the most conservative constituency comprising members of “thoroughly undemocratic families” who had resisted any opening for commoners in the officer crops. “I personally faced stringent oppositions from the military high command for my attempts at enlisting some army officials of common family background to high ranking position” (Koirala, 1997:141, 156). Similarly, Frederick Gaige has noted that 87 per cent of the officer ranks from captain and upward is confined to the three dominant caste groups constituting Brahmin, Chhetri and Newar of which 74 per cent belonged to the Chhetri group in 1967 (Gaige, 1975:167). The ethnic composition of the officer corps corresponding to the ruling elites constitutes the “subjective control” of the armed forces by the dominant group (Huntington, 1957:81).

The history of conquests and the manufactured social structure founded on Hindu ethical codes, and the practice of statecraft with rule by discretion has influenced the structure and composition of the armed forces of the country. Succession to the military high ranks remains generational, with a few exceptions. Cases of persons from other caste group like Gurung, Magar and Limbu rising to the top ranks. Otherwise, “Nepal has continued to be ruled by a family,” (Bista, 2003:12-13) related to the monarchy by matrimonial ties with a tradition of conquest and rule but never with the concept of a “citizen-soldier” (Huntington, 1957:193). Although the familial tradition has continued to dominate the top echelons of the Royal Nepal Army for a long time, this tradition has changed recently. The army top brass presently comprises of a four star General of Thapa (chhetri) caste as the Chief of Army Staff followed by two Lieutenant Generals (one chhetri and one Gurung, the later belonging to an ethnic group), 14 Major Generals of mixed caste groups and 19 Brigadiers with the majority of people from ethnic groups (janajati)—mainly, Thapa-Magar, Limbu and Gurung, all caste people whose role in the conquest of the Kathmandu Valley in 1769 was prominent. With the establishment of the two corps, two Major Generals belonging to
janajati groups—one Gurung and another Pun—are being promoted to the rank of Lieutenant General as corps commanders. Though the composition of military hierarchy is changing, the military culture is so pervasive that when those people from supposedly low caste group rise to the high officer rank, they also start behaving as superior beings.

The Royal patronage and patrimonialism during the panchayat regime (1960-1990) had indeed drawn the military high command closer to the person of the king who actually wielded the power of the state by virtue of his clan relationships with the army. Hence the character of the military institution and its loyalty to the monarchy are a reflection of the political nature of the army even though it professes to be apolitical. The Palace dominated panchayat political system has further conserved the political-military interests of monarchy in which the focus of the army is to safeguard the monarchical regime against domestic opposition. This situation has allowed the king to emerge as an undisputed patron to win the military’s loyalties that, as described by Guenther Roth, “do not require any belief in the ruler’s unique personal qualification, but are inextricably linked to material incentives and rewards” (Roth, 1968:196). The roots of the military tradition therefore remains feudalist and the officer corps reflects the residue of a tradition of conquest, command and dominator that has been further reinforced in the 30 years of the monarchical panchayat regime in which the military has suppressed attempts at rebellion.

The tension underlying the civil-military relationships in the post-1990 period was indeed textured by the past historical experiences of democratic parties with the armed forces. The democratic parties and the army have always been at loggerheads at the critical juncture of political change in Nepali history. At every turn of the democratic movement in Nepal the army has been in the camp in support of autocratic regimes. The army had also suppressed popular uprisings in the post-1960 period, killing Nepali Congress rebels without remorse. Though it would be difficult to read the military mind on the basis of its evident loyalty to the regime it has served, this generalisation can be made about Nepal’s military history and the organisational impetus of the armed forces: “the principal responsibility of the Royal Nepal Army was to preserve the security of the state, the king and the crown” (Sharma et al., 1992:541).

The army believes that the popular forces are intrusions in the political landscape of the country, causing instability and discord; hence
they are threats to the status quo preserving peace, independence and the sovereign integrity of the state. For them the symbol of national unity and stability remain the monarchy. Such a perception about monarchy is reflected poignantly in the keynote speech of the incumbent Chief of Army Staff Pyar Jung Thapa to the graduate officer cadets at the 11th convocation of the Command and Staff College of the Royal Nepal Army on 14 May 2004. According to him, “The Crown is the symbol of our identity and the kingship is the progenitor and guardian of the Royal Nepal Army along with the unalterable symbol of Nepali nationalism and national unity. The faith, devotion and the trust of the people towards the Crown have remained the essence of Nepali nationalism since time immemorial. All Nepalis should therefore be united to work towards preserving the symbol of our identity along with the fundamentals of our national interests” (COAS, 2004). The motto of the army has been “Rajbhatti, Hamro Shakti,” that is, loyalty to the king is the source of strength of the army. A Monarchy integral to the integrity of the state has thus become an “acquired value,” which should be the primacy of national security and political stability. Therefore, the army has always been cautious in identifying itself with the democratic government rather than with the monarchy. There is thus a persistent problem of reconciliation between the democratic forces and the military.

The culture of incongruity between the democratic leaderships and the armed forces, thus, has led the army to be suspicious of the government’s motive behind the formation of the “armed security forces”—the term repeatedly used in the Regmi Report 2000, instead of the Armed Police Force. The army opposed the idea of the formation of any alternate armed institution encroaching on its monopoly on possessing arms. It has continued to resist the arming of the police to fight the Maoists. Earlier in 1993, when the Police Reform Recommendation Commission had contemplated the idea of developing an armed police unit, the army had intervened. Although there is no evidence of the army’s direct opposition to the government on the issue, it has successfully used the Palace as a tool to restrain government moves. The Regmi Report has noted the sensitivity of the army, explaining that as the mainstay of national security is the Royal Nepal Army, there should not be any other powerful force inside the country that may challenge the might of the army. In this context, if thousands of well-equipped and skilled manpower were to be added under a monolithic police command, such a situation would become unpalatable to the armed forces. Therefore,
there is a need to develop a separate and independent “armed security force” (Regmi Report, 2000:20).

This proposition is nothing but a cautious indication of the misunderstanding and distrust souring civil-military relations. The democratic government is feeling the condescension of the army whereas the army is not comfortable with the idea of raising a parallel institution. The government is desperately searching for an alternative to the army to overcome the resistance posed by raising a paramilitary force that can be used when necessary. The army had disparaged such a move. There is an unspoken but a deeply entrenched feeling among the political leaderships about the necessity of balancing the Royalist armed forces and preventing them from posing any threat to the continuity of the democratic system. Hence the motive behind the raising of the paramilitary forces has twin interests. First, the political leadership is trying to decrease its dependency on the armed forces for internal policing, and second, the paramilitary forces can be mobilised whenever the government desires.

The contending positions came to a head when the budgetary allocation in the fiscal year 2000/01 for the Home/Police forces was increased by two-fold in comparison to that of the Defence/Armed forces (Table 5.1). The bargaining that ensued between the government and the army not only delayed the formation of the APF for a year, it had also led the government to concede to transferring the stipulated amount for equipping the APF to the army in exchange for the SLRs (Self Loading Rifles) with which the army had been equipped over the decades, and the training of the paramilitary forces. That was the first successful step that the army took to subjugate the APF, undermining the government’s decision by striking a compromise. More ominous was the obvious indication of particularly strained civil-military relationships. This caveat was disclosed by the then home minister, who was forced to resign after the Dunai incident in October 2000, as a consequence of the controversy over his accusation of the army’s refusal to help the police force fight resisting forces. In a press statement confirming his decision to resign, the home minister said that although the army had trained the police to make them competent to handle the arms according to the agreement between the government and the RNA, it had refused to arm the police even after the completion of the training. The government has transferred Rs. 170 million to the RNA to supply arms to the police and train them. The army did not equip the police with the agreed arms
supply claiming that the police are incompetent to handle the arms despite being trained by the army. Further disclosures of the army’s persistent reservations about police actions against the Maoists were made, indicating that the police should not buy and acquire helicopters or use helicopters provided by India as foreign assistance (Joshi, 2000:3-4). This is why the police force remains weak while fighting the Maoists since they are virtually unarmed, uncoordinated and hapless. With the mobilisation of the army itself in the counterinsurgency forays after November 2001, the army has succeeded in its second step to take all the coercive security apparatuses under its fold through the development of a unified command confined to its direct control. Under the concept of the unified command even the civil administration functioning in the districts has to work under military supervision.

In other words, the role of the army has become unassailable particularly after 4 October 2002 with the collapse of democracy. The consequence of such a role, as is widely believed, is that there is no legal recourse against the military. A serving secretary to the His Majesty’s Government has confided that there is nothing called government and law in Nepal. The army is a law unto itself (Personal Communication, 6 July 2004). When the Constitution as a law of the land is trampled and the country is run by the personal decree of the king, it would be silly to expect transparency and accountability, particularly on the part of a security forces directly responsible to the king.

5.4 NON-STATUTORY SECURITY SECTOR

The need to know about the non-statutory forces is essential in order to comprehend the challenges posed by the security sector as a whole. As there is no reliable source from which data can be obtained, assembled, properly scrutinised and assessed for academic use, an attempt has been made to construct the military prowess of the anti-state Maoist guerrillas because military assessment of the CPN (Maoist) is not readily available. The guerrilla bands roaming the villages are hardly any evidence for quantifying Maoists military strength. Nevertheless, some publicised documents of the Maoists suggest their decision to evolve a “People’s Army” after establishing a Central Military Commission in February 1998 (The Worker, 1998). Yet they had no military formation till the year 2000 as the Chairman of the CPN (Maoist), Prachanda has admitted (Onesto, 2003: 103-104). However, Prachanda later claimed that the formation of the People’s Liberation Army (PLA) composed of
2 Divisions, 7 Brigades and 19 Battalions of fighting guerrillas supported by over 100,000 militias by the end of the year 2003 (Bulletin, 2003; Rajdhani, 15 September 2003). Similarly, the statement issued by the Maoists after the conclusion of the party plenum in September 2004 claims the PLA's strength as 3 Divisions, 9 Brigades and 29 Battalions. This astonishing claim cannot, however, be read simply as a propaganda ploy. There are retired as well as serving officers in the RNA arguing publicly about the inadequacy of the government security forces in coping with the challenges posed by the Maoists.

It is assumed that a proportional increase in the number of the armed forces is a prerequisite to the government's survival. The policy direction of the government reflects the need for the strengthening of armed forces given the difficult terrain of the state and the nature of the challenge. Despite having light infantry and the training to fight a defensive war in guerrilla type skirmishes in mountain and high altitude warfare against latent or perceived threats as the country's geostrategic situation, the counter-insurgency mobilisation of the RNA yet faces mobility and logistic constraints. The army is fighting against indigenous Maoist guerrillas who are, however, using the same national terrain with commendable manoeuvrability. The convenient scapegoat for the army and the security forces has been intelligence failure against the amassing of evidences to the contrary. The portrayal of the Maoists as murderous hoards is another ploy that security forces have used to cover up their own failures. This has led to instilling of widespread fear in both government and public psyche, thus further buttressing security needs.

Although the strength of the military formations of the Maoists are essentially the result of guesstimates, their mobility and tenacity to attack district headquarters and security posts with modern weapons (mostly snatched from the security forces) and capability of making swift retreats have had considerable impact on the security forces' response capacity. Maoists started their armed struggle with some crude indigenous weapons, but are now wielding INSAS, Belgian Minimi guns, AK-47 and M16 rifles. They are sourcing arms indigenously, manufacturing weapons, landmines, detonators, and pillaging arms and ammunition from security forces, and making outright purchases from clandestine sources. They have been using landmines, ambushes, electronic detonators and explosives against the security forces. The attack units of the Maoists have reportedly even used rocket launchers
and directed mortar fires. In almost over 36 major skirmishes with security forces ranging from the mounting the first attack on military barracks in Ghorahi, Dang, on 23 November 2001, to the attack in Sankhu, Kathmandu district on 18 December 2004 Maoists have left their mark in assaults in which they have used expensive weapons, including 81mm mortars. Maoists attack on the Pili military base camp in Kalikot district on 7 August 2005 proved to be an appalling defeat for the RNA. Not only were more than 50 soldiers killed, and an equal number of soldiers wounded, Maoists also succeeded in abducting some 64 soldiers along with looting 81mm mortar gun, GPMG, 20 LMG, 70 INSAS, 80 SLR, 2 SML and other arms and ammunition (Pandey and Gautam, 2005:23-29). Sixty of the abducted soldiers have been released through the mediation of the International Committee of the Red Cross on 15 September (Himalayan Times, 16 September 2005).

Table 5.3: The State of the Maoists’ “People’s War” Since 23 November 2001
(Includes major skirmishes only)

<table>
<thead>
<tr>
<th>Date</th>
<th>Targets</th>
<th>Attacker</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 November 2001</td>
<td>Salleri, Solukhumbu</td>
<td>Maoists</td>
<td>Successful**</td>
</tr>
<tr>
<td>23 November 2001</td>
<td>Ghorahi, Dang Mil.Barrack</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>23 November 2001</td>
<td>Syanja, Dist. HQ</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>26 November 2001</td>
<td>Solu HQ, Solukhumbu</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>8 December 2001</td>
<td>Rolpa, Ratmate Telcom Tower</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>9 December 2001</td>
<td>Salyan, Kapurkot Telcom Tower</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>4 February 2002</td>
<td>Bhakundebesi Police St., Kavre</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>16 February 2002</td>
<td>Mangalsen, Achham HQ</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>16 February 2002</td>
<td>Sanfhebagar Airport, Achham</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>16 February 2002</td>
<td>Lalbandhi Police St., Sarlahi</td>
<td>Maoists</td>
<td>NA</td>
</tr>
<tr>
<td>21 February 2002</td>
<td>Sitalpati Police St., Salyan</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>21 February 2002</td>
<td>Gopetar Police St., Panchthar</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>16 March 2002</td>
<td>Maoists Training Centre, Rolpa</td>
<td>Security Forces</td>
<td>Successful</td>
</tr>
<tr>
<td>11 April 2002</td>
<td>Police Camp, Satbaria, Dang</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>11 April 2002</td>
<td>Lahami Police St., Dang</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>14 April 2002</td>
<td>Mukutti, Dang</td>
<td>Security Forces</td>
<td>Successful</td>
</tr>
<tr>
<td>2 May 2002</td>
<td>Sishne, Rolpa</td>
<td>Security Forces</td>
<td>NA</td>
</tr>
<tr>
<td>2 May 2002</td>
<td>Bachhin, Doti</td>
<td>Security Forces</td>
<td>Foiled</td>
</tr>
<tr>
<td>7 May 2002</td>
<td>Gham, Rolpa</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
</tbody>
</table>

Table 5.3 (Contd.)
(Contd. Table 5.3)

<table>
<thead>
<tr>
<th>Date</th>
<th>Targets</th>
<th>Attacker</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 May 2002</td>
<td>Chainpur, Sankhuashabha</td>
<td>Maoists</td>
<td>NA</td>
</tr>
<tr>
<td>27 May 2002</td>
<td>Military Base Camp, Khari</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>27 May 2002</td>
<td>Damahachaur, Salyan</td>
<td>Maoists</td>
<td>NA</td>
</tr>
<tr>
<td>8 September 2002</td>
<td>Bhiman, Sindhuli</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>9 September 2002</td>
<td>Sandhikhark, Aargakhanchi</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>27 October 2002</td>
<td>Rumjatar, Okhaldunga</td>
<td>Maoists</td>
<td>Foiled</td>
</tr>
<tr>
<td>14 November 2002</td>
<td>Khalanga, Jumla</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>14 November 2002</td>
<td>Tarkukot, Gorkha</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>04 December 2002</td>
<td>Chandauta Police St., Kapibasu</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>03 March 2004</td>
<td>Bhojpur Bazar, Bhojpur</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>20 March 2004</td>
<td>Beni Bazar, Myagdi</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>20 November 2004</td>
<td>Pandoun, Kailali</td>
<td>Security Forces</td>
<td>Successful</td>
</tr>
<tr>
<td>16 November 2004</td>
<td>Krishnabhir, Dhading</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>14 December 2004</td>
<td>Sidwara, Agharkanchi</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
<tr>
<td>16 December 2004</td>
<td>Naumule, Dailekh</td>
<td>Maoists</td>
<td>Failed</td>
</tr>
<tr>
<td>16 December 2004</td>
<td>Bahundanda, Lamjung</td>
<td>Maoists</td>
<td>Failed</td>
</tr>
<tr>
<td>18 December 2004</td>
<td>Sankhu, Kathmandu</td>
<td>Maoists</td>
<td>Successful</td>
</tr>
</tbody>
</table>


Note: *Indicates the date of the announcement of National Emergency and the subsequent mobilisation of the armed forces by the government for the first time against Maoist insurgents.

**Indicates Maoists' successes. It should, however, be noted that the table is not comprehensive.

Increase in the size of the force structure has also led to increasing demand for weapons since by snatching arms from government arsenals and looting arms and ammunition the security forces have made the Maoists stronger. This is evident in their possession of SLR, Galil, M16 and INSAS rifles along with other state-of-the-art small arms. The government's announcement of attractive monetary rewards to persons surrendering these varieties of weapons testifies to Maoist looting of arms from government forces (HMG, 18 December 2003). The
types of weapons that Maoists possess, as estimated by a recently retired Lieutenant General of the RNA in his military assessment of the Maoists’ strength, are given in the Table 5.4.

<table>
<thead>
<tr>
<th>Type of Weapon</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.62mm Self Loading Rifles (SLR)</td>
<td>322</td>
</tr>
<tr>
<td>9mm Small Machine Guns (SMG)</td>
<td>132</td>
</tr>
<tr>
<td>7.62mm Large Machine Guns (LMG)</td>
<td>042</td>
</tr>
<tr>
<td>7.62mm General Purpose Machine Gun (GPMN)</td>
<td>004</td>
</tr>
<tr>
<td>5.56 mm INSAS</td>
<td>056</td>
</tr>
<tr>
<td>5.56 mm M16</td>
<td>009</td>
</tr>
<tr>
<td>.303 Lee Enfield</td>
<td>1,370</td>
</tr>
<tr>
<td>7.62 mm Galil</td>
<td>0,002</td>
</tr>
<tr>
<td>AK-47</td>
<td>0,025</td>
</tr>
<tr>
<td>40 mm Rocket Launchers (RL)</td>
<td>0,005</td>
</tr>
<tr>
<td>2 inch Mortar</td>
<td>0,010</td>
</tr>
<tr>
<td>81 mm Mortar</td>
<td>0,003</td>
</tr>
<tr>
<td>Pistol &amp; Revolver</td>
<td>0,215</td>
</tr>
<tr>
<td>Shotgun and 22 bore rifle</td>
<td>0,331</td>
</tr>
<tr>
<td>Homemade guns</td>
<td>0,369</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,295</td>
</tr>
</tbody>
</table>


Except for the AK-47 rifles, the Maoists snatched almost all the rest of the weapons mentioned from the security forces. General Shah has estimated that the total strength of the Maoists to be 4,000-armed guerrillas; along with 5,000 combat trained guerrillas, 20,000 militias, 14,000 political workers, 24,000 supporters and 200,000 sympathisers. Of the total of 267,000 persons, General Shah assumes that about 2,500 guerrillas are equipped at par with the Royal Nepal Army. The Maoists have been using explosives in large quantities both for ambushes and sabotages. The pressure cooker bombs they are using are notorious for the high rate of casualties leading to the disbanding of their sale in villages and district markets. Through this act they have succeeded in creating chaos, raising fear and uncertainty among the people, and diverting and dispersing the populace, thus, weakening the force structure of the state.
Despite the formidable impact they have been able to create throughout the country, it is difficult to believe that the Maoists are militarily as strong as they are portrayed. Had the Maoists been able to organise a centralised military formation by fielding regular armed division comparable to the government forces they would have overran the state security forces by now, not with the weapons they have but with "human wave" tactics. Again, it is difficult to remain dispersed all the time for a configured military force that requires supplies ranging from food and logistics and a secure military base, which Maoists have certainly not been able to maintain. Such an enormous force structure cannot again survive on the basis of supplies provided by poor villagers whose sustainability has been seriously damaged by the insurgency. But this is not to refute Maoists claim and suggest that they have blown their capacity out of proportion. The Tables 5.5 and 5.6 are arranged in accordance with Maoists claims to which knowledgeable persons may agree albeit with some skepticism.

Table 5.5: The Maoist Military Formation as Claimed by CPN (Maoist) Chairman Prachanda

<table>
<thead>
<tr>
<th>A. People's Liberation Army (PLA)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 19 Battalions 19 X 750 = 14,250 + 10 Battalions (September 2004).</td>
<td></td>
</tr>
<tr>
<td>2. 07 Brigades 07 X 2,250 = 15,750 + 02 Brigades (September 2004).</td>
<td></td>
</tr>
<tr>
<td>3. 02 Divisions 02 X 6,750 = 13,500 + 01 Division (September 2004).</td>
<td></td>
</tr>
<tr>
<td>B. People's Militia</td>
<td>100,000.</td>
</tr>
<tr>
<td>Total:</td>
<td>143,500 + 18,750 = 162,250.</td>
</tr>
</tbody>
</table>

Source: Rajdhani Daily, September 15, 2003; Maoist Information Bulletin, Vol. 4, 2003. The additional figures of 10 battalions, 2 Brigades and 1 Division was disclosed after the recently concluded extended plenum of the Central Committee meeting of the CPN (Maoist) in September 2004. The number of personnel constituting the force structure is, however, provisional and may vary according to requirement.

If one were to believe the figures provided by General Shah, as noted above, the Maoists' military strength remains formidable despite the alleged killings of over 6,500 Maoist guerrillas by the security forces (Himalayan Times, November 20, 2004; Kathmandu Post, November 20, 2004). Again, if one were to go with the figures given in the table, the force structure of CPN (Maoist) presently constitutes 62,250 personnel, which is, by any account, one of the largest non-state
military formations in the world. The scenario it presents for the future of insurgency and the military plan of the Maoists in Nepal, therefore, is understandably more dangerous. With the assured increase in the organisational strength of the Maoists in the post-emergency period, violence has taken a more heinous turn. The militarily dominant policies of the Maoists in the post-emergency period can be easily seen in the formation of military brigades and their command structures as indicated in the Table 5.6.

Table 5.6: CPN (Maoist) Military Brigades

<table>
<thead>
<tr>
<th>Brigade's name</th>
<th>Serial</th>
<th>Political Commissar*</th>
<th>Brigade Commander*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mangalsen First Brigade</td>
<td>1</td>
<td>Sunil</td>
<td>Bibek</td>
</tr>
<tr>
<td>Satbaria Second Brigade</td>
<td>2</td>
<td>Uddhav</td>
<td>Jeet</td>
</tr>
<tr>
<td>Lisne-Gam Third Brigade</td>
<td>3</td>
<td>Jeevan</td>
<td>Sanjay</td>
</tr>
<tr>
<td>Basusmriti Fourth Brigade</td>
<td>4</td>
<td>Uttam</td>
<td>Pratichya</td>
</tr>
<tr>
<td>Bethansmriti Fifth Brigade</td>
<td>5</td>
<td>Bishwa</td>
<td>Pramod</td>
</tr>
<tr>
<td>Solu-Salleri Sixth Brigade</td>
<td>6</td>
<td>Santosh</td>
<td>Pawel</td>
</tr>
<tr>
<td>Mechi-Koshi Seventh Brigade</td>
<td>7</td>
<td>Parwana</td>
<td>Sanjeev</td>
</tr>
<tr>
<td>BahubirYoudhya Eighth Brigade</td>
<td>8</td>
<td>Pratik</td>
<td>Kuber</td>
</tr>
<tr>
<td>Paribartansmriti Ninth Brigade</td>
<td>9</td>
<td>Rashmi</td>
<td>Madan</td>
</tr>
</tbody>
</table>

Source: Gleaned by author through various sources, including Maoist publications, 20 November 2004.

Note: *Identified by pseudonym

If a Brigade is composed of 2,250 personnel, it can be said that Maoists have 20,250 combat forces. There is neither any information on how these brigades function nor is any report available on whether the battalions constituted under regional military formation are independent. There is no clear indication about the chain of command, although these battalions are grouped 3 each under a brigade. Perhaps the remaining 2 battalions have been developed as a Special Task Force assigned to Kathmandu and surrounding areas. Thus, there is the problem of sources in tracking facts. Frustrating for researchers is the fact that news reports constitute the primary source. However, the reliability of news reports is always in doubt as some sensationalise the issue and others become protagonists in the conflict, and some even play advocacy roles. Reports filed by investigative journalists are,
however, in a different class and category. Notwithstanding this, there is a dearth of reporting on the military aspect, despite the outpouring of reports on clashes with the use of vague terms such as “thousands” of Maoists attacked, “many” dead and “a number of dead Maoists carried back by their compatriots in doko (bamboo basket).” Neither the Maoists nor the security forces have ever conceded that more fatalities have occurred to their respective sides in any skirmishes. Verification through crosschecking is always a troublesome task because of the absence of any institutional efforts to gather and maintain a database on such a sensitive issue in comparison to the statistics compiled on economic and trade figures. Publicly available documents of the CPN (Maoists) are, therefore, only “authentic” sources to be picked and assessed in addition to the news reports available. It is assumed that even the “net assessment” of government intelligence is primarily based more on Maoists documents and news reports than actual spadework. The chart below is, therefore, not a specific but a generalised effort at understanding the CPN (Maoist) military organisation and chain of command structure.

As the Figure 5.2 shows, the Maoists have maintained one military division each in the Eastern, Western and Central Command. Decision has also been taken to maintain one Brigade each in the 9 Autonomous People’s Government Regions formed according to ethnic and regional sensitivities. Similarly, the military organisation of the Maoists is composed of five bureaus, viz., Eastern, Western, Central, Valley and Foreign bureaus—the last one being the means through which contacts with external revolutionary organisations are maintained. Accordingly, the 29 Battalions of the PLA are systematically positioned under the People’s Governments in regional military formations. As is usual in Communist forces, the role of the political commissars in the PLA is supreme. The political commissars in the Military Divisions are among the most influential standing committee members of the CPN (Maoist). The Divisional commanders and deputy commanders are chosen from the politburo and the central committee members. Similarly, no less than a central committee member can hold the position of a Brigade commander. Forces of insurgencies are always under political command to motivate guerrillas in accordance with ideological dictates. Decisions on military operations and contingencies are made with the firm conviction, consultation and consensus between the field military commander and the political commissar under the direction of the central command authority.
5.5 VIOLENCE AND INSECURITY: MILITARISING THE SOCIAL SPHERE

The protagonist forces arrayed against each other and the violence administered by them have contributed to a sense of increasing vulnerability and insecurity of the people on the one hand and forced militarisation of the social sphere as an impact of violence on the other. Militarisation is a context that can be understood as the preferential treatment given to the armed forces, provision of high military
expenditures, and inclination of using military power as a policy instrument by the government (Ross, 1987; Thee, 1977). Therefore, we should try to understand how this process has occurred.

In the case of the army, the core of the security sector, one should reflect on what Stephen Cohen has said while writing about the Pakistan Army. According to him, “There are armies that guard their nation’s borders, there are those that are concerned with protecting their own position in society, and there are those that defend a cause or an idea” (Cohen, 1998:105). The Royal Nepal Army does neither the first nor the last. It has, however, sensitively guarded its own position in Nepali society as a force of “nation unification” that contributed to the formation of the Nepali state in 1769. The RNA is basically an infantry force transformed from being an aggressive and imperialist murderous hoard to a nationalist garrison force. Till 1965, it was simply called the Nepal Army. The late King Mahendra added the affix “Royal” to it to honour it for its service to the monarchy and the state.

More tangibly, Nepal has been at peace for nearly last two centuries. The last war it actually fought in defence of national interests was against the expanding British East India Company and ended in defeat in 1816. Though many Nepalis earned war laurels as “Gorkhas” fighting under foreign flags, the RNA, as a matter of fact, is not a battle-tested army as it developed to its present form from 1816. Although the army was mobilised internally in 1951 to crush the national uprising, during 1960-1962 and again in 1973 to tackle the Nepali Congress rebellion and the Khampa rebellion for Tibetan independence in 1974, its role throughout recent history has mostly been that of a ceremonial and a parade ground army. During the 1990 Jana Andolan, the RNA guarding the Royal Palace enclave had fired upon the people. That was the last time the army had used force against unarmed people. Nepal, in a sense, has been a very fortunate country in not having enemies to fight against. The RNA remain confined to barracks with little training and meagre resources for continuing to maintain the “Gorkha” tradition.

The 21st century however dawned with two critical but unfortunate events in Nepal that have thoroughly discredited the RNA. The first relate to the Royal massacre on 1 June 2001 in which highly trained palace guards failed to minimise the casualty, if not prevent the burst of gunfire. The then COAS’s unwarranted comment that palace security is not the responsibility of the army caused nationwide consternation.
The second was the Holeri incident in which the army allegedly staged a “rescue” mission in the process destroying whatever trust the people had in them. These two episodes are telling about the efficacy of the armed forces of Nepal. Particularly, the questions of its alertness, intelligence and mobility have remained under a cloud.

When the army was actually mobilised for counterinsurgency operations after 26 November 2001, the events that unravelled showed its problem. One of the major faults of the army that is clear now is that it is not professionally prepared to face the situation even after 6 years of ongoing Maoists violence and onslaught on police contingencies. The army apparently never developed a contingency plan to encounter violent upsurges even after knowing that it was the last resort for the state. The casualties it took were all in defensive positions against Maoists offensives. The majority of the army personnel killed were within the perimeter of military barracks, as the latest instance of Pili shows. In most major engagements with Maoists, the latter took its toll of the military as well as the police forces and escaped without being effectively pursued.

Another notable aspect of the military failure is that the RNA is neither versed in guerrilla war tactics nor trained to carry out commando operations. Although Nepal's terrain is suitable to fight guerrilla type skirmishes, the RNA has proved deficient both in guerrilla and jungle warfare operations. Its search and destroy operations are mainly confined to accessible villages. The army has rarely ventured outside district headquarters in its combing operations against Maoists. The strategy that the army has taken to force Maoists out of their hiding places through food sanctions has become counterproductive. It has created problems for the rural population which is already suffering from food scarcity and famine in most mountainous regions of mid-and-far western Nepal as well as from the price-hike of staple commodities. The military has justified such stringent but indirect measure under the pretext of denying Maoists from looting food supplied to villagers. Although the ethics of food siege can be justified while fighting against an enemy, to carry out such acts against the starving people of one's own country cannot be condoned. The military is applying the same strategy elsewhere in the mountains of eastern Nepal to flush out Maoists from the region. With the availability of more helicopters, the military is practicing aerial strikes in hot pursuit of Maoists as in the Beni incident last March or in
Achham in early August 2004 threatening the lives of the commoners in the process and often missing their targets.

From the purely military standpoint, the RNA is an obsolete force. Till recently, it was armed with a highly ineffective and obscure infantry rifle called the SLR. The SLR 7.62 mm has proved to be a dangerous weapon for the person carrying it. Ineffective soldiering with this weapon is exemplified by the cases of IPKF (Indian Peace Keeping Force) in Sri Lanka and the RNA's own experience at home. The SLR is a very heavy weapon incapable of firing bursts and with a tendency to jam and with muzzle’s bending problems caused by the heat of firing. Above all, the SLR is cumbersome to operate in close-quarter fighting. And yet weapons replenishment had not been a priority because of the financial burden as well as the urgency.

In the period of normalcy, Nepal imported arms worth $20 million from China in 1988. Weapons amounting to $10 million were imported in 1990. In 1994, another $10 million was spent for arms purchase (USACDA, 1996:137). Acquisition of 3,000 units of M16 rifles was made in 1998, particularly for its Peace Keeping Missions abroad (Kumar, 2003:183). In an advertisement on 8 May 2001 the Procurement Office of the Masters General of the Ordnance Department of the Royal Nepal Army Head Quarters notified arms dealers to enlist the specifications of arms ranging from communication equipment to Armoured Personnel Carriers (APC), Military Aircrafts and Battle Tanks (Gorkhapatra, 8 May 2001). Exactly two years after, such advertisement reappeared in the government newspaper (Gorkhapatra, 14 May 2003). The third advertisement for such a deal again appeared in Gorkhapatra in June 2005, which is an indication of arms spiral in a period of crisis. The security forces have, however, put a priority on the acquisition of 17 military helicopters for their mobilisation needs. A consortium of Banks has recently agreed to fund the army to buy lethal weapons, including helicopters (Khanal, 2005). At the moment, the RNA is equipped with more than 20,000 M16s (Rocca, 2003), 5,500 Belgian Minimi guns (outright purchase) and 25,000 INSAS rifles (Infantry Small Arms Systems), the latter being supplied by India, which the RNA, however, calls sub-standard. The RNA has also raised a Rangers Battalion of 1,000 soldiers for commando operation with US military assistance and training. Understandably, the RNA is expanding its force structure and pursuing its weapons acquisition programme on the basis of a 10-year plan that will apparently meet its current needs as well as equip it to fight wars in the future.
The real defect of the army has been its lack of mobility. The army lacks the wherewithal for emergency mobilisation. Surface transportation system in most of the hilly and mountainous regions with their unpaved ways is of little use, hence constraining mobility. The few aerial transport systems it has are inadequate. The army therefore has to find means to minimise casualties and overcome immobility. To surmount its deficiencies in mobilisation and increase rapid response capacity, the army has recently spread its wings around the country, particularly by establishing Divisional Headquarters in conflict-prone regions by enhancing the central command systems. Corresponding to its need of decentralised the military divisions; the army has procured surface transport systems, equipment and military helicopters procured with aid from India and abroad (Kumar, 2003: 182-83). The army currently possesses 1 Avro-1, one Skyvan, two M-28 Skytrucks, 5 Mi-17 helicopters, one Puma helicopter, 2 Super Puma helicopters, 2 Ecureuil helicopters, two Cheetahs and two Lancers helicopters and 1 Bell helicopter for VIP flights. The army has also procured two STOL aircraft from Britain and Mi-17 helicopters. On June 13, 2004, two Advance Light helicopters fitted with chin-mounted three-barrel 20mm gun and four pylons capable of carrying 68mm or 70 mm rocket pods arrived from India.

Also arriving shortly from India, according to RNA, will be a Short-Take-Off-and-Landing (STOL) aircraft and other military software such as trucks and hardware, constituting about 10,000 guns and ammunition (Kathmandu Post, 14 June 2004). Arms assistance to Nepal has apparently become a new imperative for India as it views the Maoist insurgency as a "shared security threat." India has promised a further consignment of military hardware comprising three advanced light helicopters, 20,000 INSAS rifles, 15,000 SLRs, 5,000 machine guns of different calibre, 8,000 trucks and jeeps, 100 mine protected vehicles (MPVs) and other equipments (Himalayan Times, 11 September 2004). Nepal has also received two BN2T surveillance aircrafts from Britain, each amounting to 2.7 million sterling pounds as non-lethal weapons' aid. SIPRI has noted that Nepal has ordered and received deliveries of 2 units of Mi-8/Mi-17/Hip-H helicopters, one more unit of M-28 Skytruck, 2 units of BN-2A/B-Islander light transport aircrafts (on aid) delivery in 2004. In the year 2002, the army procured a second-hand Mi-24 D combat helicopter worth $6.2 million from an unknown source of origin (SIPRI, 2004:515). Between 2001 and 2004, Nepal is

Procurement of new weapons from direct purchases and military assistance has definitely raised the confidence of the armed forces. Their preparation for taking the Maoists militarily has gained momentum at a time when the Maoists are squeezed both militarily and diplomatically in the regional political equation of neighbouring countries like India. The arms assistance has provided the RNA with an opportunity for its expansion. Yet enhanced training in guerrilla warfare, intelligence gathering processes and the supplies of sophisticated weapons has yet to prove their effectiveness at the operational level.

The RNA's military capability can be measured presently on the basis of defence expenditures, men under arms, and military sophistication that comprise its military posture. In the case of Nepal this is not a measure of its military power vis-à-vis any external powers but a measure of the influence of RNA domestically in accessing itself with the resources prioritisation comparably with other sectors. The following simple equation can be made to define the current military posture:

\[
\text{Military Forces} = \frac{\text{men under arms}}{\text{population}}
\]

\[
\text{Military Expenditures} = \frac{\text{defence outlays per capita (Rs)}}{\text{GNP per capita (Rs)}}
\]

\[
\text{Military Sophistication} = \frac{\text{defence outlays (total)}}{\text{men in army}}
\]

The composition of the RNA should at least be one per cent of the total population which comprised 25.04 million in mid-2005. By this account, there should be at least 200,000 people in the military forces in the country and this is to be increased in accordance with the growth of the population. The defence outlays per capita for the fiscal year 2004/05 were Rs. 102,567 against the per capita GNP of Rs. 20,527 for 2003/04 (Economic Survey, 2004:10). An amount of Rs. 826 million defence (military) outlays out of the total government expenditure of Rs. 111,690 million for the year 2004/05 can be considered as a nominal
amount to furnish defence needs. For a state on the spree of dependent militarisation, the enhanced military capability can roughly be measured on the basis of domestic needs (Table 5.7).

Table 5.7: Military Capability Scale

<table>
<thead>
<tr>
<th>Weapons System</th>
<th>Internal Defensive</th>
<th>Tactical Offensive</th>
<th>Strategic Offensive</th>
<th>Feature of the State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army/Infantry</td>
<td>Small arms/</td>
<td>Armoured</td>
<td>No</td>
<td>Landlocked/</td>
</tr>
<tr>
<td></td>
<td>Light weapons</td>
<td>Vehicles</td>
<td></td>
<td>Mountainous</td>
</tr>
<tr>
<td>Air Support</td>
<td>Helicopter/</td>
<td>Surveillance/</td>
<td>No</td>
<td>Landlocked/</td>
</tr>
<tr>
<td></td>
<td>Transports</td>
<td>attack</td>
<td></td>
<td>Mountainous</td>
</tr>
</tbody>
</table>

Source: Author's construction deriving from military handbooks, 20 November 2004.

Despite inadequacies, the scale of military capability points towards completing the cycle of values attached to the weapons system for an infantry army minus Tank regiments. Being a landlocked country and having no enemy to fight, Nepal's ground infantry requires air support for mobility, transport, surveillance and attack. Both in the scales of values 1 and 2, the army is far better equipped today than it was in the year 2001. The scores of RNA are altogether 6 in weapons categories. In the three years period, the army has benefited from massive weapons transfer from abroad. But judged in the context of its military plan, the RNA is still poorly equipped. Perhaps this is the reason why the RNA has proposed for an additional budget of Rs. 11 billion to enhance the security situation in the country. For the current fiscal year 2004-2005, the RNA has stipulated the need of an additional Rs. 6.13 billion and wants the rest in the subsequent two years. The classification of the proposed amount, however, shows a total of Rs. 13.86 billion for activities to be undertaken under the Unified Military Command. Accordingly, the RNA has proposed,

- Rs. 6.13 billion for current fiscal year 2004-2005;
- Rs. 1.00 billion for infrastructure and street urchins' management;
- Rs. 2.5 billion for recruitment of 13,500 army personnel;
- Rs. 1.00 billion for recruiting 4,500 personnel for the Armed Police Forces and 3,700 personnel for the civil Police;
- Rs. 0.28 billion for domesticating street urchins;
• Rs. 1.35 billion for procurement of 4 units of helicopters; and,
• Rs. 1.6 billion for Kathmandu Valley Security Command.

It should be noted that the RNA has asked money for domesticating and managing street urchins because it is afraid that they will be used by Maoists. But this is the domain of the Social Welfare Council and not the army. They have also asked for the release of money for recruiting APF and Police personnel, which should have been left for the Home and not the Defence Ministry. The RNA had recruited a total 6,440 personnel in fiscal year 2003-2004 (Ghimire, 2004). This new initiative of the army shows that the Unified Military Command is working in full swing, and in control of the state affairs. It has also been reliably learnt that the RNA has decided to bargain with a “take it or leave it” option. The urgency for releasing the money for the upkeep of the Kathmandu Valley Command was conveyed to the government even before formally placing the proposal through the Defence Ministry. The RNA has used its bargaining chip with the government the urgency of ensuring security of the national capital to drive their point home.

This is the type of situation in which a weak and fragile government can be compromised and made subservient to the interests of the armed forces. Evidently the 1 September 2004 riot in Kathmandu, coupled with the total inaction of the Valley Military Command for over six hours, is being used to force the government to comply with the demands made by the military to prevent the repetition of the situation. It is therefore necessary to understand why the riots occurred and how had the government responded to the grave challenge to public security bordering on the victimisation of a national minority. The riot occurred against the background of the brutal killings of 12 Nepali citizens working in Iraq by an anti-American resistance group called Ansar al-Sunna on 31 August 2004. This heinous act was sensationalised both by the international and national media and attributed to Islamic fundamentalist groups; this was sufficient to fan the flame of revenge and incited people to come out in the streets. Mobs assembled at the city centre on the very day the news of the killings spread, destroyed the Moonlight Manpower Service Centre for illegally sending Nepalis to Iraq, a country not approved for foreign employment by Nepali citizens. Some agitated people stoned the mini-market centre near the Jame mosque but they were immediately dispersed by the police action. That night, an emergency cabinet meeting directed the Central Security Committee to make necessary arrangements to prevent the situation
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from turning violent. Accordingly, the police developed a plan to divide the Kathmandu Valley into four sectors in order to mobilise forces around sensitive areas inhabited by the Nepali Muslim community, embassies and airlines offices of Muslim countries. In addition, it set up 69 pickets at different crossroads (Gautam and Pathak, 2004:25-26). The Muslim community was assured by the Valley police that nothing untowards would be permitted.

Nevertheless, the scenario changed completely the next day—1st September—when mobs started to rule the city in the morning, destroying nearly 300 manpower companies situated in Kathmandu and adjacent Lalitpur cities, and indulging in arson, it attacked, damaged and looted airline ticketing offices belonging to Muslim countries and the buildings where these companies were housed ablaze. The unruly mobs have not even spared the Kantipur publications, SpaceTime Network and Channel Nepal Television, prominent media houses. More ominous were the cases of mob attacks on the Nepali Jame and Panch Kashmiri Takiya mosques, creating a chilling scene in the heart of Kathmandu. Out of 8 mosques located in the Kathmandu Valley, seven mosques were attacked. One madrasa was totally blown up by an LPG Gas cylinder blast. All informal businesses of the Muslim community were ransacked. Despite numerous SOS calls to the home minister as well as the security forces, the only response victims of arson and pillage got, as the Kantipur Daily stated the next day, was “the whole city is burning, not only your place” (Kantipur, 2 September 2004). The Kantipur publication building was saved at the end by the army stationed nearby for airport security. Similarly, a military airdrop saved the SpaceTime Cable Network. Contrarily, there was no movement of security forces to protect religious sites located hardly a kilometre south from the Royal Palace and a kilometre north from the RNA Headquarters in the heart of the city. Powerful forces saw to it the Kantipur publication building and the SpaceTime Cable Network were saved. But the most powerful information and communication minister and the king’s confidant in the government, Mohammad Mohsin remained impotent when his fellow Muslims were attacked by the rioters on mosques and the minority rights crushed.

Although the capital city is the location of the Valley Unified Military Command headed by a Major General, nowhere was a single security personnel sighted on that faithful day. The regular patrolling of the streets by the armed security forces, a common scene till the other day, was conspicuous by its absence. The city police, stationed across the road of the mosques, was confined to its compound. Only
after a curfew was declared by the government from 2 P.M. did security personnel become visible on the streets as military helicopters hovered over the city. Although there is no evidence to suggest why the mobs had been led to inciting a sectarian riot, some circumstantial evidences indicate complicity. The remark of the then spokesperson of the army, Brigadier Rajendra Thapa, “We have been mobilised by the government against the Maoists, [and] if the local administration seeks help after imposing curfew, the army can be mobilised” (Gautam and Pathak, 2004:26) was unpropitious. This statement can be interpreted as gross irresponsibility on the part of an army supposedly functioning under the concept of Unified Military Command that even uses its power to check licences of motorcycle riders on street corners but remains immobile when the city was burning. Another case can, however, be made conjecturally to reflect on the situation. What could have the army done had the mob attacked the Bhadrakali temple situated in front of the RNA Headquarters instead of the Kashmiri Takiya and the Jame Masjid located near the Royal Palace? Gulf Airways and the Pakistan International Airlines counters are located within a 15 meters radius of the Royal Palace compound. All airlines offices and mosques are situated within the perimeter of prohibited zones surrounding the Royal Palace determined by the government where even peace marchers are not allowed to enter. But when mosques and airlines' offices were being destroyed and plundered there was no action from any of the forces responsible to maintain law and order.

The case become even more intriguing when the unclaimed identity card of an army personnel belonging to the Palace guard, numbered 5488 and signed by Gajendra Limbu, the officiating Military Secretary of the king, was found and published by a news media as the person involved in attacks on leaders of the Nepali Congress Party and the Maoists Victim Association who were fasting at Ratna Park near the mosques. This discovery has complicated the situation even more (Nepal and Simkhada, 2004:23). The Chairman of the Pashupati Sena Nepal—an arm of the Hindu fundamentalist Shiv Sena of India—Bishnu Prasain has claimed that they could have completely demolished the mosques had they ever wished to do so and declared that even curfew could not have prevented them then. He has also admitted that people from his institution may have participated in the riot at personal level because they do not want to see mosques standing in front of the Palace of a Hindu King (Nepal and Simkhada, 2004:21).
These mosques have several millennium old histories. They have been at these locations for the last 700 years, centuries before the formation of the modern Nepali State in 1769. The Royal Palace and its southern gate were built in 1960s after the Royal coup. The premises of these mosques were renovated in the 1990s. Muslims have settled in Kathmandu far earlier than the ones now claiming themselves as Nepalis. The wound inflicted on the country's multicultural, multiethnic and multireligious faiths by the mobs encouraged by some Hindu fanatics in Kathmandu in their attempts at crushing the minority rights is evidence of the government's disinclination in conflict prevention. Otherwise, regular patrolling of the streets by the security forces could have discouraged the mob from being rampant on that faithful day. If Kathmandu Valley, in and around which, some 60 per cent of the state security forces are deployed, can so easily become a prey to mobsters, one can imagine the success rate of the armed forces in other areas of operation. The caveat, however, is that this neglect on the part of responsible agencies cannot be understood simply by measuring their actions in the military capability scale. Moreover, it was then “do nothing” policy that created the mess. Why? The inference must be that it made bargaining with the government easier for security agencies.

Such a grievous situation caused by anarchy created a condition for the rise of militarism in Nepal. Militarism begins with the threats of sanctions (non-cooperation) if a government does not cooperate with the military. This, in other words, is the high-handed technique that a military uses when government begins to rely on the armed forces. Nepal provided an ideal situation for the army to bankroll its needs, as the government is most unpopular, illegitimate, isolated and moribund and will not survive for a day if army withdraws its support. This is the classic situation of “blackmail” that Samuel Finer had noted when suggesting that the “armed forces in fact begins to rule covertly, either by exercising a veto or by substituting policies and personnel of their own choice for those of the de jure government” (Finer, 1962). The RNA, it should be noted, has acquired such an extreme position in the national decision-making process through the development of the Unified Military Command System.

Significant military developments after 4 October 2002 has concurrently led the RNA to evolve a Unified Command structure for its operational efficacy comprising “all elements of national power including political, economic, information and diplomatic activities” (Brief, 2003:3).
The Unified Command was envisioned as a force multiplier by the RNA which defined it as a concept to "gain optimum use of capabilities and resources of various security forces" from top-down to district levels under its direct operational control (Brief, 2003:5).

At the operational level, the objective of the unified command is to defeat Maoist military capability. The centre of gravity of this plan would be based on enhancing popular support at the strategic level and strengthening military capabilities at the operational level by relocating, reinforcing, strengthening and equipping security forces along with enhancing the intelligence system under a Unified Command. The Unified Command has eventually evolved the Concept of Operation for the Security Forces in 2003 compartmentalising it as interest, method and measure to achieve its desired end. The interest would be to bring the Maoists to the political mainstream through the actions of the security forces in order to deter, defeat and destroy Maoist military capability. The method would be to maintain the presence of the security forces throughout the country protect military bases and launch military offensives. The measure taken would be to foil Maoist military capability and force Maoists to negotiate with the government. To achieve such a situation, military operations would be guided by tactics such as the show of forces, intensifying cordon and search operations, raiding Maoist hideouts and training camps, along with maintaining a secure line of communication to avert terrorist activities by denying access to the population and resources to Maoist. On the other hand, the operation would be executed to win the heart and mind of the people providing humanitarian assistance whenever and wherever necessary and by psychologically preparing the people to detach themselves from Maoist threats. Finally, the unified command would undertake a contingency plan to make the operation more effective and result-oriented (Brief, 2003:5). These are, however, the particulars of intensions on the basis of which the RNA plans to defeat the Maoist through the combined might of the security forces under the Unified Command.

The adoption of a Unified Command under the façade of civil-military coordination has two important implications in the social sphere. The first is that the Unified Command is another way of continuing emergency in the country, already sustained by TADO. On the other hand, the Unified Command is not only a measure for overt assertion of state power by the military; it is also a covert declaration
of war by the state. Hence the second implication of the Unified Command is ominous so far as it relates to the civil order in the country. The militarisation of the civilian sphere, unfortunately, is reflected in the military strategy of arming the unarmed under the Unified Command. The decision announced on 4 November 2003 for the creation of “self-defence force” in villages and districts by distributing arms to citizens has created a condition for widening the conflict even further possibly with misuse of arms. The decision has also made neutralising civilians in the armed conflict difficult. Armed civilians could be easily identified and made targets by Maoists who have already created civilians for being informers. On the other hand, the problem created by the decision in a social context already brewing with ethnic grievances and popular alienation is that it can lead to a more volatile situation through the intentional spread of gun culture. Again, the decision was announced at a time when unconfirmed reports are circulating about defections of police and army personnel armed with newly acquired guns and ammunition to Maoist camps.

The government has made this decision ostensibly to involve retired Gurkha soldiers of the Indian and the British army settle in different part of the country. Perhaps the government realised this not only because of their potential use as village guards but also because of their use by Maoists both in training and combat. The government suspected ex-Gurkha soldiers of training Maoists because of their ethnic and cultural affinities with the Maoists guerrillas who are mostly of the Magar ethnicity. However, this suspicion has remained unfounded. Instead, the army as well as the media have reported that Nepali Maoists are being trained by Indian Maoists in Bihar and Andhra Pradesh of India as well as in Maoist training camps in Nepal. The government and Maoists may be in touch with ex-Gurkhas, seeking their assistance through various means. But records of their involvement are yet to be found. Ex-servicemen feel that the country of their birth owes them nothing, has done nothing for them in the past and will do nothing for them in the future. They would not even be “home guards” least it involve them in dirty jobs. Their involvement can, however, change the contour of conflict as their superior training and skill as well experience can tilt the strategic balance on either side.

People, for their part, are suspicious of the army which uses local goons and perhaps ex-Maoists who surrendered to the government so that they could carry out illicit activities while escaping responsibility
for doing it. Although authentic evidence to prove this suspicion is yet to be found, it has beclouded the situation with the perception that if the armed village militia are left unattended by any parallel organisation or the supervising authority of the government, the militia can by themselves unleash a reign of terror. This possibility cannot be brushed aside as both police and armed contingencies have been withdrawn and centralised under the Unified Command and the civil oversight agencies in the villages are absent. It is true that the creation of a self-defence force is not unusual in a situation when governments are involved in internal armed conflicts. But it should be done under the rubric of the law and accountability for such an act should be borne by the authority in command of such forces. If the self-defence forces constituting the village militias are conceived as an aid to the security forces under the Unified Command, the command authority should be made accountable for actions and lapses of the militias and booked by the court for any unlawful offences committed. The truth, however, is that this may not be possible. One dangerous void at the moment concerning the armed village militia is that if they would be permitted to operate also under the cover of the provision of impunity, disaster will be inevitable in Nepal.

The public's fear proved to be justified. On 17 February 2005, the army reported that local members of the village defence committee of the Kapilbastu district of southern Nepal, while resisting the Maoists excesses, had killed 30 terrorists. The killers were personally congratulated by the Home, Education, Law and Labour ministers appointed by the king after the 1st February coup when they visited the site of violence and made promises of compensation for their losses. This criminal folly was projected as a "popular uprising" against Maoists. King Gyanendra himself expressed satisfaction over the actions and insisted that the "revolt in Kapilbastu was genuine." He was therefore convinced that the "people are rising up, [and said] I welcome these moves." (Perry, 2005). Contrary to the king's belief, people who observed the violence and investigated the incident opined negatively about what had happened. Some said that the armed forces were being "far more effective at terrorising their own citizens than fighting the Maoists." The tragic incident in Kapilbastu led to a flurry of reports after proper investigations by rights groups contravening the government's claims. Several reports published even under stringent army censorship in the emergency officially lasting till 29 April 2005
implied that the village defence committee was, in fact, a mob organised by the army. As reported, the mob burned 325 houses of 21 villages to ashes, killed people, torturing them, raping and looting randomly and leaving about 2,000 people homeless (Perry, 2005). Maoists for their turn retaliated fiercely; dragging people out in the middle of the night from their sleep and killed over a dozen people mercilessly. Many were forced to cross over the border to India (e.g. Himal Khabarpatrika, 14-28 March 2005). Yet the government went on forming vigilante mob groups in the name of village defence committees to fight Maoists. Amnesty International has obtained “compelling evidence” that the army is providing training to some groups of civilians in military barracks particularly in Nawalparasi district (AI, 2005:5). The army “effectively owns the country” (Perry, 2005). It is contributing to create creatures of anarchy by training local people to decimate their own people for being Maoist suspects.

The state of civil-military relations should thus be analysed against this background. In the political history of Nepal, whether directly ruled by the monarch or by the Rana oligarchy there never has been any precedent for maintaining civilian supremacy over the armed forces. The 1990 Constitution has only bestowed combined responsibility to “operate and use” the armed forces by the king on the recommendation of the executive prime minister through a decision arrived at the National Defence Council (NDC). The status of the NDC, composed of the Prime Minister, Defence Minister and the COAS, has been constitutionally made advisory rather than mandatory, discretionary power being ultimately stored with the king. Civil authority, irrespective of being elected, practically has had little influence over military matters. In terms of civil authority this means that the elected government should have the commitment and capacity to determine budgets, oversee force levels, weapons acquisition, defence priorities and defence doctrine. As the prime minister usually holds the defence portfolio, the role of the Defence Ministry is nominal and routine in furnishing military demands to the Executive. Furthermore, as the supreme commander-in-chief of the armed forces remains the king, the palace influences decision-making in matters relating to the army. The Ministry of Defence, instead of being a clearinghouse, should play a pivotal role in determining policy decisions. Also, the national legislature should have the power to review defence procedures and monitor decisions reached and implemented. The need to have a strong civilian
and political institution constituted through a responsible governmental performance leading to sustain authority and an enhanced legitimacy is therefore clear.

However, this was not the case even when a parliamentary government was functioning in Nepal. An anecdote is revealing in this respect. Even when the then Prime Minister Koirala was facing the wrath of the Maoists and non-cooperation of the army over the Holeri incident, he had advised the Parliamentary Committee members for not “torturing” security personnel by inviting them for interrogation and seeking explanation at the committee. He had also criticised the procedures of the Public Account Committee and the State Management Committee of Parliament for unnecessarily harassing the chiefs of the armed forces, police, and intelligence services (Kantipur, 15 July 2001). Hence to expect transparency and accountability in the security sector in a period of national crisis, when parliament and oversight agencies are absent, and when the Auditor General’s Reports have been shelved for three consecutive years, would simply be unrealistic (e.g. Gaunle, 2003:18-19).

The excessive influence of the army on the government is clear too in the decision of the Deuba Cabinet on 5 August 2004 to let the RNA indulge in business and investment ventures inside and outside the country by utilising the army welfare fund. The army, which is fighting an insurgency, is engaged in business deals that are against the provision of the Military Act 1959. It should, therefore, be recalled here that former Prime Minister Koirala had rejected outright a similar proposal of the army for opening a bank and business enterprise in 2001; this decision became a factor in the army’s non-cooperation with his government. For the Deuba Cabinet appointed by the king there could be no sense in refusing the military demands as it is neither responsible to the country nor the countrymen but to the king. As King Gyanendra has inherited some 5 Star Hotels and large industries and businesses in the country, it is not surprising that the army has been granted similar rights under his direct rule.

The violence that the Maoist insurgency has spread in the country has some fundamental implications for Nepali society. First, it has changed the mode of social conflict to militarised conflict by forcing the state towards militarisation as well given a *modus vivendi* for repression. Second, it led to social acceptance of militarism as a legitimate means for state actions. This, in turn, has led to increase the
profile of security forces to a level where it can dominate the decision-making in the state. This is reflected in the national priority of preferential treatment of the needs of the security sector in comparison to the social sector. Third, the violent conflict has become an alibi both to the government and its associated agencies to pull out resources from the developmental needs of the country and reallocating the resources to the security sector, adding further miseries to an already vulnerable and marginalised people. Fourth, the violence has pushed the country towards unrestrained militarisation at the cost of social welfare and development. This can potentially be a great threat to society where the coercive instrument of state power runs unbridled by the law of the land and where development aspirations have been curtailed.

5.6 CHALLENGES TO HUMAN SECURITY
The consequent repercussions of violence and insurgency internally and “war on terrorism” internationally have compelled Nepal to bolster its internal security and intelligence capacities through available military means for regime security. Under the pretext of combating violence committed by the non-statutory forces, unrestrained use of force has been justified by the government in the interests of national security not only against the forces of insurgency but also against those it has deemed a threat to regime security. This has led to the denial of rights to citizens, evasion of constitutional impediments to misuse of power, censorship of information and even the mobility of people. Violence has become an impediment to any measure of reform as the governments’ reliance on the security forces has increased. Maoist violence has increased rather than decreased the importance of the security forces, particularly in the context of internal policing. With the failure of the police to exercise control and maintain law and order, the military has become the last resort for politicians hanging on for their survival. Therefore, the problem that insecurity has caused by the continued non-state violence coupled with several other structural incongruities has led to erosion of the democratic consensus, calling into question the viability of the political order established after the 1990 Jana Andolan. Insurgency has naturally led to counterinsurgency, resulting in the militarisation of the social sphere. This has defeated the purpose of strengthening the civilian governance under a democratic dispensation, forcing the country to move towards military control under the direct rule of the monarch.
Worst of all, the political leadership in Nepal has become so traumatised by intra-party dissensions and disunified leadership priorities that they have had hardly any time left to deal with the sensitive issues pertaining to a security sector inherited from preceding undemocratic regime. Instead, the use of the security sector, particularly the police forces, for personal ends by powerful politicians has further aggravated the situation and political instability and violence have made it impossible to think of any alternative to the challenges of insurgency than to use force. Reforming the security sector has not been on the democratic agenda of any government in the post-1990 period as there is no vision, expertise and resources except from an “abiding tendency to view security in an authoritarian, militaristic and secretive fashion,” as noted by Nathan while generalising on leadership perspectives of newly democratic countries (Nathan, 2004:2). Notwithstanding its democratic leadership, the Nepali Congress Party in particular, had an estranged relationship with the armed forces since long; it has never cultivated the idea of strengthening the defence administration by appointing a full-time defence minister who could gain vision and expertise on how defence system works. Building civilian expertise in the defence ministry was neglected and the role of the defence secretary was minimised although s/he heads the defence organisation. Nor had it developed any sense on reforming the military system even after the expressed reluctance of the army to cooperate with the government but had thought about an alternative to the military by deciding to raise the armed police forces. The issue over which the government and the army were divided was not on the reform measure but over the entitlement to the use of the armed forces. Even on this issue, the government had no substantial leverage and the political will to push its agenda to the desired end as it had to compromise with the army on arms procurement.

Similarly, parliamentary committees under democracy have also lacked expertise and sensitivity on security and defence issues. Defence review, in fact, has been an alien concept for parliamentarians. The army can do no better than create a perceived threat scenario on the basis of which it can play a military role in the national security matrix. There was no need to strengthen the oversight functions of the parliament because defence and security issues were never serious concerns of parliamentary committees. Parliamentarians who were gripped by their own intraparty factional turmoil rather than budgeting security that
becomes a concern once a year during the presentation of annual budget had never known about the confidentiality and politically sensitive nature of defence budgeting. Defence allocations were not a subject of scrutiny even after insurgency had claimed the lives of commoners and instability increased over petty political issues further weakening the governments' hold on power. Corrupt parliamentarian practices were rather reflected in appeasing the security sector by providing the officer corps facilities for importing duty-free vehicles for their personal use and comfort. Failure to build democracy, therefore, was the crucial impediment in evolving a position for security sector reform.

There are also some other critical issues to be assessed properly while thinking about challenges posed by the security sector in Nepal. First, it should be recognised that the country is presently embroiled in conflict. Therefore, the domestic situation is bound to limit reform of the armed forces. Secondly, the country is now directly ruled by a monarch, who has shown the tendency of being uncompromising in sharing national power and whose mainstay of power is the army. Waning commitment to constitutional monarchy on the part of the king has led to a dangerous divide between the king and popular forces and the former's increasing reliance on conservative forces. Thirdly, the army has also become increasingly assertive and overwhelmingly influential in political decision-making. It will not be realistic to expect that the army will give up its influential role without any tactical and contingent compromise in case of a change to democracy. And finally, Nepal currently has a government in name only. The civil administration in Nepal is presently completely subservient to military power presided over by the king (Kumar, 2004).

It should also be noted that it is not the Maoists that have conspired against democracy but Palace intrigue that has led to the dissolution of the parliament, non-extension of the local bodies' tenure, and the dramatic ouster of the elected prime minister through unconstitutional assertion of the executive power of the state by the king (e.g. Anand, 2004; Khanal, 2003). The positionality of the monarchy is crucial in the Nepali case for anyone visualising the prospect of reform. Concepts and theories can be made to approximate reality in Nepal only in case it is clearly recognised where the main fault-line lies. The major fault-line is that the rights to democracy have been thoroughly undermined because of the conspicuous desire of the king to play a “constructive” role in the country (Interview, 2003:18).
Secondly, the country's conflict status is crucial in the sense particularly after 4 October 2002 there has been a triangular contest for power and authority. The monarchists, the Maoists and the dislodged parliamentary political parties have their different agendas to pursue. The monarchists and Maoists have been relying heavily on their military prowess, and the political parties on the popular will. In this political triangle, the focus of contention is the monarchy as it has trumped over others on the basis of the military power of the state. Hence both the Maoists and political parties have a shared but not identical agenda regarding the military and its organisational structure. The agenda is to delink the military from the monarchy. The Maoists have been championing their demands for reorganisation of the RNA through integrating their guerrillas into the armed forces and making it a national army rather than a private army of the king. The political parties, on the other hand, are striving to make the army responsible to the parliament and the executive of the elected government.

This is the agenda that the five agitating political parties had jointly agreed upon when they declared that the army would be transformed into a national army accountable to the people in accordance with democratic norms (Point 3 of the 18-point declaration, NC, 2003). Their experience with the army is telling. Although Article 118 of the 1990 Constitution clearly states that the king shall operate and use the army on the recommendation of the NDC headed by the executive prime minister, the term "recommendation" is made opaque when interpreting its connotation, making it not necessarily binding to a king who is the supreme commander-in-chief of the armed forces. The position that the political parties have taken is therefore to maintain civil supremacy in reality, not in principle as inadequately maintained in the 1990 constitution (Constitution, 1990:103). If the political parties are to assert their rights when reinstating democracy, it would certainly lead either to the amendment of the 1990 constitution or redrafting it. This is a point to be considered in case the democracy is to be restored and the fences with the Maoists be mended.

Ironically, the agenda pursued both by the Maoists and political parties is not reform but control. The issue is controlling the army and using military power. There are, however, practical difficulties in realising either of these goals as long as the legitimate political parties commit themselves to the constitutional monarchical system and are prone to compromise with the monarchy rather than with the Maoists.
Again the possibility of military resistance against any infringement on their interests is well established. Finally, besides being aware of the desperate situation, the external forces interested in Nepal have put their democratic ideals as the guiding principle behind the SSR aside, while firmly working towards saving the Nepali state from becoming a totally failed state. Given the choices, the priority for the international community would be saving a failing state than pursuing SSR, because a completely failed state could be a security threat to regional and international communities than a despotic state contained within its boundaries. Such ingenuity has been conspicuously demonstrated by some of the most influential countries in Nepali affairs after 1st February 2005 when the monarchy became absolute by dismissing its own appointed government. These states are morally bound together to concurrently maintain “non-lethal” weapons supplies to the otherwise violent and irresponsible army, conveniently overlooking the dual use capacities of such weapons and their implications on the burgeoning political conflict.

Although establishing “democratic control” and “ensuring good governance” are the essence for SSR, in practice it is a difficult proposition since it is a long-term process that can only be realised through continued practices. The literature on SSR emphasises democracy as the crucial ingredient wherein responsibility, accountability and transparency are blended in the functions of the government. The underlying motive is to maintain constitutional control on both the civil and security administration, especially in maintaining civilian supremacy over the armed forces. These democratic ideals, however, are rarely practiced in transitional democracies like Nepal as evident both by the leadership’s failures and operational difficulties. Corrupt political practices under democracy have resulted in loss of credibility and, thus, the powerlessness of political authority. Consequently, it became weak in inducing a change through exercise of power to control the subordinate agencies. The primacy of civilian political authority remains just as a prescription of democracy, which, unfortunately has been circumscribed by the leaderships’ wrangling over political authority.

Democracy, thus, has its own pitfalls although the precondition of security sector reform is democratisation of the state. Weak democracies with inadequate rule of law can in themselves be a problem. But democracy is a prerequisite for the operationalisation of all the integral aspects of the SSR. It represents the people whose concerns are
theoretically reflected in parliament where issues of public concerns are deliberated upon and legislations are accordingly made. It is a mode of governance, which has universal appeal. Governance is accordingly defined as the exercise of “political, economic and administrative authority in the management of a country’s affairs at all levels. Governance comprises the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences, and exercise their legal rights and obligations.... It is participatory, transparent, and accountable. It is effective in making best use of resources and is equitable. And it promotes the rule of law” (UNDP, 1997 cited in Ball, 2002). All these elements are possible only under a democratic dispensation. Perhaps this is the reason why the OECD views SSR as inseparable from good governance and essential in the process of the democratisation of the state.

But democratic governance of the security sector is not easy: “Democratic governance requires that decisions about the size, structure and operations of security forces rest on solid legal foundations, exercised with political authority.” Through Nepal’s own experience it can be observed that maintaining control of the security sector by the civil authority faces three crucial challenges. The first is the establishment of the direct executive leadership of the civil authority over the security forces; the second is neutralising the role of the security sector by making it apolitical, and the third is the civilianising the police forces (UNDP, 2002: 90). This ideal position can only be achieved through enduring and effective democratic practices. Despite the codification of conduct in restraining the role of the security sector in democracy through check and balance (Eekelan, 2002), the crucial need of democratic commitment of the leadership cannot altogether be ignored if reform and control of security sector are to be visualised.

So what are the challenges that human security, if conceived and understood as “pro-poor, fundamental to people’s livelihood and critical development issue”, face against an underdeveloped security sector? If one were to treat security sector as a holistic concept of governance, it has to be understood as the “whole-of-government framework” and not simply as the coercive arm of the state. Even at the risk of repetition, it should be emphasised that the constitutive principles defining the political structure of the state remain the major impediment against addressing crucial issues related to human security in Nepal. The basic
structural impediment is the policy pursuant to social exclusion in which citizens are classified on the basis of caste, religion, language and affinity. Discriminable impact of the “mono-ethnic tendency” has long infused vulnerabilities to numerous ethnic groups in the pursuit of state making with the singular objective of “primitive accumulation” of the traditional power of the state (Cohen et al., 1981).

This tendency has not been defused even under democracy. The increasing insecurities of the people caused by socio-economic anomalies with the distortion of policies undertaken by the democratic governments are nowhere reflected more categorically than in the demands made by the Maoists frontline organisation Samyukta Jana Morcha (United People’s Front) led by Baburam Bhattarai to the government before the declaration of the “People’s War” on 13 February 1996. Of these demands 14 are directly related to people’s livelihood, ranging from right to work and right to development. Another crucial demand related to public welfare is decentralised administration providing local autonomy in decision-making as well as declaring Nepal a secular state. The template of these demands is the crux of the human security challenges face by the people. These demands were put to the government in the aftermath of the ruthless “Romeo” police operation. These demands therefore involve both “freedom from want and freedom from fear.” They have also tried to inhibit the state’s excursion into violence. The state’s failure to reassure, unfortunately, has led to an explosive situation in which human security has been jeopardised.

Human security encompasses provisions of public security and safety. Therefore, it consists of a policing and judicial system for providing public security. It includes a penal system and constitutional guarantees. It must embrace wider the subjects of the police, democracy and human rights, particularly relevant in Nepali context. There should never be a “zero tolerance” policy directing the use of force in legitimising a state’s security needs. Instead, the government should provide constitutional guarantees based on citizenship and human rights. The concept of security must be pro-poor and safety of vulnerable people the human rights of the citizens must be seen as part of human security. This typology of security is more applicable in the case of Nepal as a state involved in violent domestic conflict. But in a country where the culture of impunity and violence prevail, the security sector has become part of the problems, making human security a difficult thing to achieve.
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