

Series  
Number

03/07

# Keynotes

## Cranfield CSSM Case Study Series

Updated: February 2007 Author: Gordon Hughes, CSSM, Cranfield University, Shrivvenham  
Contact: Tel: ++44 (0)1793 785287 Email: [ghughes.cu@da.mod.uk](mailto:ghughes.cu@da.mod.uk)  
Authors contribute to the Keynotes Case Study Series in their personal capacity

### Nepal - On the Road to Democracy and Security Sector Transformation

#### Aim

To present a brief overview of the situation and peace process in Nepal with a view to assessing the prospects.

#### Map of Nepal



#### Nepal at a Glance

Name: Kingdom of Nepal	Area: 54,000 square miles
Capital: Kathmandu	Government: Constitutional Monarchy
Currency: 1 rupee = 100 paisa	Languages: Nepali (official) plus other Tibetan languages
Religions: Hindu (90%), Buddhist, Muslim	Key Industries: Agriculture, sugar, forestry, tourism
Exports: cattle, rice, jute, textiles	Annual Income: 170 USD per head
Life Expectancy: M 52; F 52	

Nepali Congress Party: Oldest and largest political party  
 Communist Party Nepal – United Marxist, Leninist (CPN-UML): Second largest party in Nepal  
 Seven Party Alliance (SPA): Alliance formed to oppose the King's rule and begin a dialogue with the CPM–M.  
 Communist Party of Nepal – Maoists. (CPN-M): At least 100,000 cadres with wide popular support  
 Peoples Liberation Army (PLA): The CPN-M Army. About 30,000 strong  
 Nepalese Army (NA): Formerly the Royal Nepalese Army. About 104,000 strong  
 Armed Police Force (APF): About 20,000 strong  
 Nepalese Police: Not intended to be armed. About 50,000 strong

## **Background and Setting**

Nepal's journey on the path of democratization has not been easy. The people of Nepal, the political leaders and the King, have demonstrated a basic commitment to democratic governance since it was restored in 1990, following 30 years of an executive monarchy. However, many obstacles remain.

Marginalisation and disenfranchisement of large sections of the population, continuing autocratic rule by the King and a largely unaccountable Army lie at the heart of the current unrest in Nepal. In 2005 the King of Nepal dissolved the House of Representatives (HoR); he then reinstated it again under pressure of public demonstrations. The Government comprising a Seven Party Alliance (SPA) is very weak and has started a dialogue with the CPM-Maoists which control the majority of the countryside. These talks have led to a 12-point understanding and a 25-point ceasefire agreement code of conduct.

The international community appears to be sending mixed messages. The IC is encouraging the start of security reforms and disarmament. But these calls for reforms are not linked to the political imperatives for inclusiveness and broad engagement by all the parties. There is a contradiction here. SSR and DDR are inherently political processes and not simply technical projects. Interestingly, the Maoists still appear on the US Government's terrorist list. What is needed is a comprehensive peace agreement which includes the important political, security, economic and social strands that pave the way through the democratic transition which is now within Nepal's grasp.

The UN has been asked to assist as monitor and facilitator of the process of *arms management and management of armed personnel*. A Ceasefire Monitoring Commission has been established and an Interim Constitution Drafting Committee has also been formed. It is not clear yet if the Maoists are committed to the peace process and the pursuit of a new democracy in Nepal. There is also much speculation over their commitment to disarmament. The Nepalese Army (former Royal Nepalese Army) leadership has very close ties to the King and is generally not trusted by the people. There are widespread allegations of human rights abuses by both the NA and the Maoists. Hence the need for external monitors (UN) to ensure free and fair constituent assembly elections.

As the peace process continues and Nepal takes small steps on the road to democracy and security sector transformation there are many security issues looming on the horizon. There will be a need to establish a secure environment to enable the transition to get underway. Democratic oversight and day to day management of the security sector including civil control of the Army will be an important part of the transformation process. But the most sensitive steps will be concerned with disarmament and demobilisation of the Maoists.

## **Arms Management and the Management of Armed Personnel**

Disarmament and issues around the "laying down of arms" are highly sensitive in Nepal, especially for the Maoists who seek to transform their extensive influence created during the armed struggle (especially in the countryside) into a viable political party that can legitimately gain power through the ballot box, and become a credible alternative (to the SPA) to form a

new Government. It will be important for both the Nepalese Army and the Maoists PLA to find common ground on arms management. Specifically, they will want to see face-saving measures in place; third party adjudication (e.g. UN Monitoring Team) will help; and all must perceive that they are embarking on an overall win-win process. In brief, the way ahead might well be a disarmament process with a strong diplomatic face.

Some believe that the NI arms decommissioning process is potentially a valuable case study for countries with a highly politicized people's liberation movement which is backed up by a militia or liberation army – such as Nepal. In a highly-charged political environment the separation of weapons from “freedom fighters” is like a painful divorce – it's difficult to erase the emotional investment in the past. At the strategic level there are political cost/benefit calculations that have to be made by leaders/commanders before striking an agreement which includes disarmament; at the foot-soldier level there are psychological hurdles that need to be crossed before a “comrade” is prepared to part with his close “friend” (his weapon), and commit to a programme of reintegration and rehabilitation.

Provided the fundamentals are in place it is trust that binds the parties to an agreement; and it is trust that lies at the heart of a disarmament or decommissioning process. Nepal might consider setting up an Independent International Commission on Arms Management - which includes a respected international figurehead, a regional representative and two members drawn from the main protagonists: the Seven Party Alliance and the CPM (Maoists).

### **Some Principles for Progress**

**Ownership.** Wide consultation across the political spectrum in Nepal, including Civil Society, will be a pre-requisite for ensuing that the Nepalese people own the process. The process will not be sustainable unless the leaders from both main parties show the political will to make the fragile peace process work.

**Collaboration and Partnerships.** Building trust and confidence across the key stakeholders (Monarchy, SPA, NA, Maoists and civil society) are important foundation stones. This can be achieved with support from the international community.

**International Community (IC) Support.** The IC must also commit to sustained support for the peace process in Nepal, especially the DDR (or arms management) programmes. Too often IC support has been hesitant and fragmented leaving funding gaps, and more significantly opportunities for “spoilers” and disgruntled groups to wreck the process.

**Expectation Management.** A public information and awareness plan will have to be designed to ensure that the key stakeholders, including the local Nepalese communities - who will be receiving former combatants under a reintegration and rehabilitation programmes – feel consulted and are made aware of the wider objectives of the peace agreement.

**Sequencing and Timing.** Normally a peace agreement will include the technical arrangements for arms management or decommissioning of weapons. Without a peace agreement in place it is unlikely that parties will commit to entering a DDR process. Integration into a new remodeled Army can proceed in advance of demobilization. And reintegration of former combatants can be arranged in stages, (starting with volunteers) over

several years. But DDR programmes that stop and start – leaving weeks and months of uncertainty in the minds of former combatants – are a recipe for rebel groups and fighters to return to the bush, rearm and restart the campaign again. Well structured and resourced reintegration programmes can transform former combatants into effective and positive change agents within their own communities.

## Key Questions

- What are Nepal's national security needs and what might a national strategy look like?
- What oversight arrangements should be put in place?
- How can the NA be persuaded to embark on a reform process?
- How will civilian control of the military be accomplished
- How might the new NA be structured? Size? Training?
- How will the Maoists armed cadre be integrated into society?
- How can the current criminal justice system be strengthened?
- How can the Government extend its "reach" into areas presently controlled by the Maoists?
- What role for civil society (See Box below)?

### Civil Society Framework for Progress

At a recent Civil Society Dialogue sessions in Kathmandu, led by the CSSM Team, there was broad agreement on framework for progress. The framework included:

#### Potential projects and programmes:

- Defence Review
- Code of Conduct – (military, police)
- Public opinion survey
- Research
- Lobbying
- Develop a Network (human security? security sector?)
- Provision of and access to information on SSR/DDR
- Establish a Civil-Military Relations Institute

#### Areas for Research

##### Short-term priorities:

- Building good governance in support of SSR in Nepal
- The role of civil society in promoting security in Nepal
- Understanding DDR in the context of Nepal

##### Medium term priorities:

- Methodologies for Re-socialisation of Ex-Combatants in Nepal (Emphasis on women, children and minority groups)
- Prospects for mainstreaming young people into society
- Promoting effective civil-military relations in Nepal

#### Building a Nepalese Security Sector Network

- Participants agreed on the need to establish a local security sector network to enable civil society organisations and other interested agencies and individuals to share information and best practice, and to develop coordinated responses to important security issues.
- A number of participants volunteered to set up an initial steering group to discuss how best to implement the recommendations and outcomes from the sessions.

## Discussion

- What should be the priorities and sequencing for the security sector transformation activities?
- What steps should be taken to ensure a successful arms management programme?
- How can the International Community best support the peace process?

## Annex:

### A. Open Letter: Is there Hope in the Himalayas?

#### ANNEX A – NEPAL CASE STUDY

##### Open Letter - On the Road to Democracy and Security Sector Transformation

##### Is there Hope in the Himalayas?

##### ***It's High Time for the International Community to rally behind the Voice of the Nepalese People.....***

*Nepal is becoming a highly respected global peacekeeper in many parts of the world. But the future looks bleak back home. Democratisation and conflict prevention are the twin goals of the Nepalese people across the country. Is it now pay-back time for the International Community?*

Amidst the clouds at the foothills of the Himalayas, the Kathmandu-based Nepalese Government functions with increasing uncertainty and ineffectiveness. A country considered one of the least developed in the world, ranked 140 on the human development index, with a literacy rate of approximately 44% among men and 35% among women, Nepal also hovers around a 50% unemployment rate. Nepal has suffered an armed conflict since the Communist Party of Nepal – Maoists launched a "people's war" in 1996, and a feeble democracy with the King at the helm, has ruled Nepal since the massacre of nine members of the Royal Family, including the King's immediate heir, in June 2001. After King Gyanendra Bir Bikrim Dev Shah took absolute power in February 2005 the Nepalese people suffered further restrictions of their rights and freedoms at the hands of the Palace and the King's security forces. After considerable unrest and upheaval, the Monarchy was forced to concede and revert power back to a House of Representatives that had been dissolved by the King in 2002. Amidst calls for the end of the Monarchy and the development of a constituent assembly, the apathy of the current political leadership continues to cast doubt over the speed at which change will take place.

The current Prime Minister, G.P. Koirala, is nearly 86 years of age, in extremely poor health (to the point of not being able to attend official meetings or gatherings) – and maintains a dual-hatted role in also serving as Nepal's Defence Minister. The senior Deputy Prime Minister – known by the people as a channel for US sound bites - is dual-hatted with the post of Minister for Foreign Affairs. The Home Minister currently does not exercise his portfolio due to his recent appointment as Head of the Government Negotiation Team for the very fragile peace process between the government and the Maoists. The dilution – and arguably, absence – of any effective governance or civilian oversight of the security forces, has left the reigns of power in the hands of the Chief of the Army Staff who, from a young age, has maintained close personal ties with the King.

Despite these conditions, the international community continues to encourage the initiation of security reforms and the disarmament of ex-combatants. In the absence of any binding peace agreement, the implementation of such activities will be extremely difficult. The only agreement currently in place is a form of 'interim truce' between the Government and the Maoists – one which is underwritten only by a very loose code of conduct. The lack of legitimacy underpinning the peace process provides no substantive agenda or real incentive for cooperation.

Furthermore, the Maoists still appear on the third tier of the US Government's Terrorist List, which poses significant restrictions on international travel and the provision of valuable material, as well as the ability to freeze assets. The current Government continues to heed US encouragement to restrict Maoists coming into

the Nepalese Government until 'total disarmament' (as also articulated by the Chief of the Army) is achieved. A number of other bilateral and multilateral donors, including the European Union, India and Japan, are now following the US lead, using the same statements and language.

There are inherent contradictions in the donors engaging only those stakeholders who speak their policies back to them. No doubt sufficient lessons should have been learned on the dangers of donor-driven policies and approaches which misdiagnose the root causes of conflict and instability – and on solutions based on such incomplete analysis.

The Maoists should be afforded some credit for laying down their arms and coming to the negotiating table. Unfortunately, they now have a misperception of their place in politics as being equal in terms of proportionate power and respect currently enjoyed by the unarmed Seven Political Party Alliance (SPA) - the political opposition to the King's absolute rule - which now fills the cabinet.

Despite progress in Kathmandu, the Maoists still wield considerable power in the countryside. In the absence of any rule of law, they continue their campaign of extortions, abductions and indoctrination of youth. Simply handing over arms is not a viable option. Such an approach will provide no guarantees for the Maoists' political future and having their voices heard; nor will the future of their armed cadres be accommodated. In short, disarmament will not address the violence in the countryside, which can be sustained by other vigilante and criminal groups. Furthermore, there is concern amongst the people that, should they lay down their arms, the Maoists will remove what has become an important 'buffer' which has, to some extent, restrained the 'old' tendencies of the army and the palace.

Approaches taken to manage disarmament challenges of the past are not easily replicated in the case of Nepal. Clearly, a more diplomatic, or 'face-saving' approach to disarmament, would cater to the current inflexibility demonstrated by both sides. Perhaps some consideration should be given to the utility of the arms 'decommissioning' process used to broker peace and a more inclusive political process in Northern Ireland. Neither should the idea of providing at least one independent facilitator - similar to that played by Canada's own retired General John de Chastelein during the Northern Ireland de-commissioning process – be dismissed. (Relationship based on trust – but an independent, impartial interlocutor working on behalf of the government and the public.

The recent appointment of Ian Martin (former Representative of the Office for the High Commissioner for Human Rights (OHCHR) in Nepal) as the UN Secretary-General's Personal Representative has promoted a mixed reaction amongst the people. His prior post gives him some degree of credibility and access to key stakeholders. While his mandate of fact-finding and scoping has raised some hopes there are concerns that the rushed agenda set for the UN prior to Martin's arrival has ignored civil society – the voice of the Nepalese people.

In parallel to the domestic difficulties, the UN continues to benefit from the support of significant numbers of Nepalese peacekeepers who have enjoyed – and sustained – an excellent international reputation despite the problems at home. They currently serve in Haiti, DRC, Burundi, Sierra Leone – to name a few – and are soon to send 800-plus troops to support the UN Peacekeeping Mission in Lebanon. Unfortunately, this reputation is in stark contradiction to the longstanding distrust of the army by the Nepalese people. We should not be quick to blame the lower ranks – responsibility ultimately rests with the leadership. Indeed, international peacekeeping missions are a privileged posting for the Nepalese security forces, but are secured through nepotism and corruption. Such privileges go to an institution with a well-documented track record of extra-judicial killings, torture, rape and disappearances. The international community should consider this systemic abuse of power and brutal behaviour by the Nepalese Army and other security forces before deploying Nepal's soldiers abroad.

Lessons should be fresh in our minds following recent international engagements where donor-driven interests have overridden – and often ignored – the needs of the host country. The UN should start listening to the people of Nepal, live up to its moral responsibilities as set out in its Charter - and beware of contravening its own key principle of "do no harm" - when assisting Nepal in shaping its future. It's high time for a constructive international engagement to rally behind the voice of the Nepalese people.