



S a y P e a c e F i r s t

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## Transitional Security

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### Introduction

Prime Minister of Nepal said, "Peace process is ended completing the integration of the Maoist Army (MA)"<sup>1</sup>. PM counted it as a major achievement. Same sentence was also said by Nepali Congress, CPN (UML), and other political parties every day previously. Such speaking raised several questions. Is it true that the MA integration a conclusion of Nepal's peace process? Was the (re)integration of MA alone ultimate goal of peace process? What about the investigations to bring the alleged perpetrators under judicial custody of 17,619 who were extrajudicially killed, 1,327 involuntarily disappeared<sup>2</sup>, 1,495 arbitrarily injured, 4,305 disabled, about 9,000 became single women, 1,219 forcefully kidnapped, 78,798 individuals (21,099 families) internally displaced<sup>3</sup>, 11,775 families lost private properties<sup>4</sup> and so forth on the course of People's War (1996-2006)? Within death tolls alone, Government is responsible to 63 percent and the Maoists are for 37 percent on violations and abuses of IHRL<sup>5</sup> and IHL<sup>6</sup>. The Transitional Justice Reference Archive recorded over 2,000 incidents of killings<sup>7</sup> out of the total 9,000 incidents and studies carried out from 30,000 documents<sup>8</sup>. Where are the truth and reconciliation and disappeared commissions which are supposed to form and accomplished their tasks long back? At what position a new federal constitution is?

The common global understanding in post conflict country is that the end of peace process shall only proclaim once a new Government is formed after holding General Elections under the new Constitution. It further means, none of people<sup>9</sup> in land and abroad convince that integration and voluntary retirement (IVR) of the Maoist Army alone is the end of Nepal's peace process, but it is a part of it.

Thus, the article provides an overview of the Maoist Army IVR and transitional security in Nepal. It researches the purposes of understanding, accord, and agreements those were signed to end the decade old armed conflict. It examines the scale and consequences of the MA in a transitional society. It aims to explore some of the implementations of agreements on IVR. The participant observation and secondary literatures is mostly drawing to analyze Nepal's transitional security perspectives.

### Objective Theory

The 12-point Understanding signed on November 22nd, 2005<sup>10</sup> in New Delhi stated that the MA and the then Royal NA should be kept under the UN or other supervision during the Constituent Assembly (CA) elections to accomplish the election in a free and fair manner (Art. 3). The Interim Constitution (IC) of Nepal 2007 states that democratic structure, national and inclusive character shall be developed in Nepal Army (NA) following democracy and human rights (Art. 144.4) principles. However, the constitutional provision could not be

implemented while political parties do not show their courage on the one hand and the NA has enabled to put the political parties into their fold similar the Mao's principle of "Political power grows out of barrel of gun". The IC keeps the MA in parallel footing with NA for which the Council of Minister shall form a special committee (SC) to supervise, integrate, and rehabilitate (SIR) the combatants of the MA (Art. 146). Similarly, management and monitoring of the arms and the army shall be carried following the 'Comprehensive Peace Accord' concluded on November 21st, 2006 and agreement on Monitoring of the Management of Arms and Armies (AMMAA) reached on December 8th, 2006 (Art. 147).

The House of Representatives assembled on May 18th, 2006<sup>11</sup> that changed the name of the Royal Nepal Army to Nepal Army (Art. 3.1), urged to make NA inclusive and national in character (Art. 3.6) and the Chief of the Army Staff of the NA shall be appointed by the Council of Ministers (Art. 3.3). Even though, the first meeting after holding Maoist in the parliament failed to talk a single word on MA. The Eight-point SPA<sup>12</sup>-Maoists Agreement signed on June 16th, 2006 decided to request the UN to manage the armies and arms and monitor them for a free and fair CA elections (Art. 3)<sup>13</sup>. On August 9th, 2006, a letter to the UNGS was sent by Prime Minister and Prachanda separately for a political mission to fulfill the agreement<sup>14</sup> (Art. 3). The NA could store its arms in equal numbers to that stored by the Maoists, sealing the container with a single lock, siren device and camera to monitor by the United Nations (Art. 4.6). The Council of Ministers should prepare and implement a detailed action plan of democratization, human rights observance, and inclusive character of the NA (Art. 4.7).

Except the weapons required for the security of the main-and-satellite cantonments, the arms and ammunition should securely be stored in the iron containers in the cantonment. The Government should provide ration supplies, salaries, and other necessary arrangements (Art. 4.3). The six-point agreement between the SPA-Maoist Party signed on November 8th, 2006 that clearly defined the numbers of 7-main and 21-satellite cantonments.

The AMMAA outlines similar MA provisions to NA on barracking, weapons storage, and control. In AMMAA, both sides should assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and to defuse and remove/lift and destroy them within 60 days. Nepal became landmine free country 5.6 years on June 14, 2011<sup>15</sup> only. The Code of Conduct (CoC) signed on May 25nd, 2006 between the Government-Maoists agreed not to mobilize, demonstrate or use their armed forces in a manner that may spread fear amongst the people in general (Art. 2); not to attack or commit disruptive acts in each other's military or security units; not to carry out actions like laying down land mines or setting up ambushes; and not to recruit new people in their respective armies and not to spy (Art. 3). Similarly, it also banned in public meetings, conferences or any other political activities in combat dress to both armies (Art. 6)<sup>16</sup>.

The four-point Government-Maoist Party Agreement on September 13th, 2010, made several provisions on the MA. It agreed to give final shape to all documents prepared by the SC to carry out the peace process bringing the MA under the SC without delay and to share all details about the Maoist Army with the Committee<sup>17</sup>. Nepal also discussed a lot on democratic control (DC) of armed forces. The DC can be interpreted in different ways, since there is no shared definition with regard to the notion of 'armed forces'<sup>18</sup>. The UCPN Maoist agreed in principle to dissociate their MA from the party and put it under the SC for the SIR on September 16th, 2010. The former Technical Committee<sup>19</sup> of SIR was replaced by a Special Committee with a 12-member secretariat. The committee endorsed a CoC to supervise, command, and control the Maoist Army. It agreed to add four more members each from NA, Nepal Police, Armed Police Force, and Maoist Army. The CoC prohibits the MA to carry out political activities using pictures of communist leaders in their cantonments<sup>20</sup>.

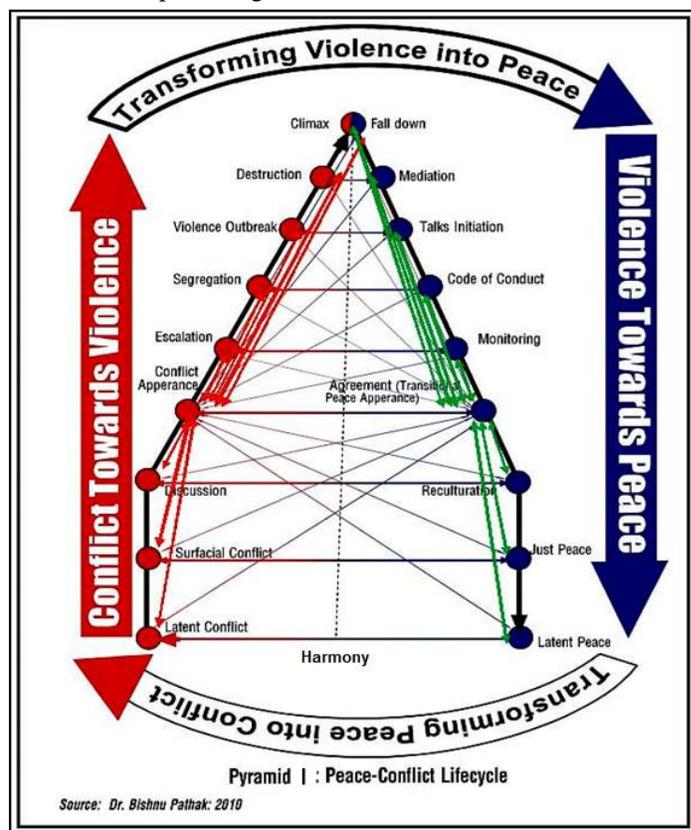
While Nepal has changed from a kingdom to a republic, the NA desires to change the traditional national security perspective by formulating a National Security Policy (NSP) at the very outset. The NSP must analyze the prevailing global situation and context such as "end of cold war" in 1990s and "beginning of cold war" from 1990s due to the growing security alliance along the lines of China and India.

The sole purpose of this theory was to: (i) keep the former conflicting parties, the MA and the NA, and their arms into the cantonments and barracks respectively to conduct the free and fair CA elections; (ii) democratize the Nepal Army and professionalize the Maoist Army; and (iii) integrate the Maoist Army either into society or into state's security force. Except the IVR of the MA, democratization to NA was left far behind due to political parties' biasness. The MA was confined by the said peace process forgetting the fact of that democratization is the essential part of the state security forces. Thus, objective theory was not fulfilled; partially implemented.

## Subjective Theory

There had been intense discussions of MA integration into the NA. The army integration was the most complex phenomenon in post-conflict country like Nepal through peaceful political negotiation as two opposite character armies, the NA and MA, have their own natural, institutional, and professional ethics. Arguments and counterarguments have surfaced; unfolding several complexities similar to peace-conflict lifecycle (see Pyramid) and its transformation process. However, (re)integration of the Maoist Army in the Nepal Army and/or Police Force was not the first such challenge the case of Nepalese history.

On February 17, 1951, when Nepal achieved democracy ousting 104 years of Ranas' autocratic rule, the then Nepali Congress leader and Home Minister B.P. Koirala proposed to convert their 10,000-strong *JanaMukti Sena* (People's Liberation Army) into *Raksha Dal* (Defense Army) after the tripartite agreement among the King, Ranas and Nepali Congress held with the mediation of Indian PM Jawahar Lal Nehru in New Delhi, India. The



*JanaMukti Sena* had been able to capture seven major cities in eastern Nepal<sup>21</sup> and mid-western region before democracy. On March 10th, 1951, the coalition Government led by Mohan Shamsheer Jung Bahadur Rana accepted *JanaMukti Sena* as a Para-Military Force without much debate and discussion. After agreement, the *Raksha Dal* was headed by Nod Bikram Shah<sup>22</sup> on behalf of Rana regime. The intention behind the integration was to bring all caste/ethnicities under the control of the conventional army<sup>23</sup>.

While integration process had been ineffective, the PM Matrika Prasad Koirala united the *Rakshya Dal* and Gyan Bahadur Subba Yakthumba (*Badahakim*) was appointed as its commander<sup>24</sup>. The *Rakshya Dal* was integrated into the Nepal Police Force headed by Nar Bikram SJ Rana. G B Yakthumba was appointed as its DIG and later he became IGP when Matrika Prasad Koirala had been PM. The remaining *Rakshya Dal* force was finally in 1960 transformed into Home Guard and some battalions, viz. Bardabahadur, Pashupati Prasad, and Simhanath<sup>25</sup>.

The history has been a witness that a total of six persons from the former *JanaMukti Sena* were appointed as IGP. They were: G B Yakthumba, Gopal Shamsheer, Purna Singh Khabash, Pahal Singh Lama, Ram Bahadur Thapa, and D.B. Lama<sup>26</sup>. Ironically, many of them had reached at the top position of Nepal Police during the Panchayat era.

The intra-party conflict made a fertile ground for the *Rakshya Dal* uprising<sup>27</sup> and a section which was led by Nepal's first doctor and NC leader, Dr. Kunwar Indrarjit Singh<sup>28</sup>. He was kept in a jail in Singh Durbar on the false robbery charge by his former colleagues in Nepali Congress. Along with two leaders, he was forcibly freed from the jail by the *Raksha Dal* mutineers on January 16th, 1952. The revolutionary *Raksha Dal* had captured almost all the Kathmandu Valley except the Narayanhiti Palace. However, Singh fled from the scene of uprising to Tibet with a few friends in self-exile hiding the weapons at the cape of Seprubesi at Rasuwa district<sup>29</sup>. The government security forces soon controlled the mutineers including the colonel in the absence of leadership. For that revolt by *Raksha Dal*, Jawaharlal Nehru, PM of India, wrote a personal letter to the king on January 27, 1952 addressing 'My dear friend', he expresses his hope that a small Indian Army and Air Force contingent visiting Kathmandu would be of some assistance to Nepal<sup>30</sup>.

The then CPN which had sympathy toward the *Rakshya Dal*, was banned in Nepal<sup>31</sup> on the pressure of India. Singh had been unhappy against the Delhi compromise<sup>32</sup> of February 8th, 2051. Dr. Singh opposed the appointment of Nod Bikram Shah as the chief of the PLA and continued the armed struggle, revolting against Nepali Congress. From the establishment of Nepali Congress, the party was encircled by the opportunists line similar to present CPN (UML) and UCPN (Maoist) marginalizing the genuine party leaders and cadres.

The 7-point agreement of November 21st, 2011 made the Maoist Army emotional, moodily introspective, and illusory. The MA felt lost of their dignity, identity, and professional ethics disrespectfully. At the beginning of confining into the main-and-satellite cantonments, the MA had been a high hopes and expectations of that Nepal would make National Army integrating both MA and NA similar to South Africa<sup>33</sup>, Aceh, Mozambique, etc. They later demanded the Lieutenant General second rank in command after Chief of the Army Staff into the NA.

Name and no. of Division	UNMIN's verification	Government's verification	Absent in verification	Final Integration	Voluntary Retirement	Rehabilitation
Chulachuli - I	1,933	1,517	416	125	1,391	0
Dudhauri – II	1,656	1,296	360	195	1,098	3
Shaktikhor – III	3,912	3,347	565	218	3,130	0
Jhyaltung Danda - IV	3,074	2,622	452	270	2,350	0
Dahavan – V	2,430	2,181	249	195	1,987	0
Dasarathpu - VI	3,109	2,958	151	238	2,720	0
Masuria –VII	3,335	3,131	204	219	2,909	3
Kathmandu	153	0	153	0	0	0
<b>Total</b>	19,602 (100%)	17,052 (87%)	2,550 (13%)	1,460 (8.5%)	15,585 (91.5%)	6 (0%)

**Source:** DDR-SSR in the World: Relevance to Nepal: April 2012; Transformative Harmony and Inharmony: A Case of Former Maoist Army in Nepal (Forthcoming book from Madras University); and Nepal: December 2, 2012.

On January 1st, 2012, the MA demanded 1 Major General, 2 Brigadier Generals, 8 Colonels, 16 Lieutenant Colonels, 64 Majors, 120 Captains, 96 Lieutenants, 120 Second Lieutenants, 8 Honorary Captains and 8 Lieutenants and other junior staffs<sup>34</sup>. Finally, the recruitment committee selected a total of 1,460 MA comprising 71 officers including 16 Majors, 30 Captains, and Lieutenants into the NA<sup>35</sup> (cf. Table 1). Moreover, 18 decided to retire voluntarily<sup>36</sup>. The pass out numbers shall further be down after the completion of training. The mainstream political never tried to follow the history of integration. The UCPN Maoist president unilaterally decided the fate of the MA even without taking decision from its central committee. Defying the decision of the leadership of MA integration, the minority faction finally split named CPN (Maoist) from the UCPN (Maoist).

## Horizontal Theory

The UNMIN served in Nepal from January 23rd, 2007 to January 15th, 2011, i.e. for 3 years, 11 months, and 3 weeks (Table 2). The UNSC Resolution on September 15th, 2006 decided to establish the UNMIN following the request of Government-Maoist in Nepal for a year initially. However, the tenure was extended six times on the request of the government. Finally, it was withdrawn with a full humiliation leaving peace process at half way.

Term	From	To	Tenure
<b>I</b>	January 23, 2007	January 22, 2008	One year
<b>II</b>	January 23, 2008	July 23, 2008	Six months
<b>III</b>	July 24, 2008	January 23, 2009	Six months
<b>IV</b>	January 24, 2009	July 23, 2009	Six months
<b>V</b>	July 24, 2009	May 14, 2010	Nine months & 3 weeks
<b>VI</b>	May 15, 2010	September 15, 2010	Four months
<b>VII</b>	September 16, 2010	January 15, 2011	Four months
<b>Total</b>	<b>3 years 11 months &amp; 3 weeks</b>		

Madhav Kumar Nepal<sup>37</sup>-led government terminated UNMIN on the whisper of India<sup>38</sup>. The AMMAA formally invited UN to (i) guarantee the fundamental

rights of the Nepali people to make CA free and fair; (ii) to ensure a democratically restructured sovereign state and social-economic-cultural transformation; (iii) to fully observe the Government-Maoist bilateral agreement; and (iv) to assist monitoring the management of the arms and armies of both sides.

UN civilian personnel confined both the MA and NA and their weapons at their iron containers in the cantonments and barracks respectively and their weapons were not used against each other<sup>39</sup>. The UNMIN had initially registered 32,250 MA personnel but only 19,602 (61% out of 32,250) were verified, comprising 15,756 (80%) men and 3,846 (20%) women stationed in 7 main and 21 satellite cantonments (Table 3). The MA personnel were disarmed and demobilized. The verification mission had disqualified 8,640 (27%) MA personnel as they did not appear in the interview. It is to be remarkable of that most of unattended MA were transformed to the YCL (Young Communist League), a politico-military force of the CPN Maoist.

At the end of June 2010, the UNMIN prepared a non-paper proposing a 60-week time plan for the MA integration and rehabilitation (IR). The non-paper was delivered to all three-mainstream political parties in the CA. On May 12th, 2010, the UN Security Council called upon the government and Maoists to agree and

**Table 3: Numbers of Maoist Army verified by the UNMIN in (June 19 to December 23, 2007)**

Region	District	Main Cantonment	Satellite Cantonment	No. of MA
Eastern	Ilam	Chulachuli - Division I	(i) Biplab-Srijana Smriti at Danabari, Ilam; (ii) Ratna-Shakuntala Smriti at Tandi; and Chintang-Sukhani at Yangshila, Morang	1,933
Central	Sindhuli	Dudhauri – Division II	(i) Solu-Salleri Jana Kalyan, Sindhuli; (ii) Bishal-Kumar Smriti at Tribeni, Udaypur ; and (iii) Rambriksha Smriti at Kalijore, Sarlahi	1,656
	Chitwan	Shakti Khor – Division III	(i) Basu-Smriti, Tinchowk, Chitwan; (ii) Bethan Smriti at Namobuddha, Kavre; and (iii) Pratap Smriti at Kamidanda, Kavre	3,912
Western	Nawalparasi	Jhyaltung Danda – Division IV	(i) Paribartan Smriti at Thulokot, Kaski-Tanahun; (ii) Basanta Smriti at Tingire, Palpa-Argghakhanchi; and (iii) Krishna Sen Smriti at Jhingamara, Rupandehi	3,074
Mid-Western	Rolpa	Dahavan – Division V	(i) Mangalsen First at Tila, Rolpa; (ii) Jawahar Smriti at Chaupatta, Dang; and (iii) Dirgha Smriti at Holleri, Rolpa	2,430
	Surkhet	Dasarathpur – Division VI	(i) Jeet Smriti at Dasarathpur, Surkhet; (ii) Ghorahi-Satbariya at Lek Pharsa, Surkhet; and (iii) Pili Smriti at Kalyan, Surkhet	3,109
Far Western	Kailali	Masuria – Division VII	(i) Lisne Gam at Masuriya, Kailali; (ii) Bahubir Yodha at Sahajpur, Kailali; and Lokesh Smriti at Chisapani, Kailali	3,335
Maoist Party HQ (security to leaders), defected and others				153
<b>Total</b>				<b>19,602</b>
<b>Source: UNMIN:2008</b>				

implement a timetabled action plan with clear benchmarks for IR of the combatants<sup>40</sup>. The paper proposed: 1st-4th week for the formation of six-party special committee secretariat, 5th-16th week for labor market survey, 17th-20th week for socio-economic survey, 21st-36th week to develop work plan for integration, 37th-39th week for choice of security force, rehabilitation option, and other packages, 40th-43rd week to work for the timeline for the groups namely IRV and Rehabilitation, 44th week for the initiation of rehabilitation process, 45th-50th week for the completion of management of weapons, and 51st-60th weeks to develop a bridge course training for the Maoist Army. PM Madhav Nepal was also presented a 112-day action plan which was sharply criticized by the UNMIN stating it is too short. Thus, the tussle between the Government and UNMIN intensified.

The UNMIN received top attention across the country, moreover, worldwide and its impact seen horizontally alone with a little impact in the countryside. The UNMIN staff breached the diplomatic protocol directly holding meeting with Prime Minister and others rather to follow proper channel, ie, Foreign Ministry. Besides, it was a political mission with a limited mandate just monitoring and management of arms and armies.

## Vertical Theory

The UNMIN verified 4,008 or 12 per cent (Table 4) MA as disqualified personnel including 2,973 minors and 1035 as late recruitment<sup>41</sup>. After several months of intensive discussions, the Government-Maoist signed<sup>42</sup> an action plan to discharge the disqualified on December 16th, 2009. The UCPN Maoist president, Peace Minister,

and Special Representative of the UNGS for Children and Armed Conflict Radhika Coomaraswamy attended as the witnesses of the action plan. The discharge of disqualified MA began late by 10 days than the time set for December 27th. However, it was completed within the stipulated time of 40 days. In the course of transformation from military to civilian life, the first group of minors discharged was from the cantonment in Sindhuli on January 7th, 2010<sup>43</sup>. Their (re)integration in the society was carried out following two steps.

Step I: Pre-Discharge led to agree on modalities, timeframes, CoC, and lists of disqualified MA. The UN logistic teams deployed to the cantonment sites three day prior to the commencement of discharged.

Step II: All those disqualified were assembled in groups of 50 at each concerned division. The UN team screened and cross-checked them by using their database. Photographs of the discharged were taken in civilian clothes. The ID cards were provided to each discharge for the due process of rehabilitation package. The UN informed them about the availability of voluntary rehabilitation packages. The Maoist party assembled all the disqualified discharged persons at the ceremony site. All of them were transported by bus. The UN provided NRs.10,000 and the Maoist NRs.12,000 as transportation and transition allowance to each person. The local organization of the Maoists welcomed the discharged persons at their concerned destination.

<b>Table 4: UNMIN Disqualified Maoist Army (January 7 to February 8, 2010)</b>			
Main Cantonment	Children (a)	Late recruit May2006 (b)	Unqualified (a+b)
Chulachuli- Division I	617	259	876
Dudhauli – Division II	277	95	372
Shakti Khor- Division III	367	219	586
Jhyaltung Danda – Division IV	424	198	622
Dahavan – Division V	396	56	452
Dasarathpur- Division VI	525	104	629
Masuria – Division VII	364	103	467
Kathmandu	3	1	4
	2,973 (74%)	1,035 (26%)	4,008 (100%)

*Source: Civil Military Relations: Theories to Practices: November 2011*

The rehabilitation package by the United Nations includes: formal schooling, vocational training, training as health workers, and setting up small/micro-enterprises. It is remarkable of that almost all discharged were above 18 years. Only some discharged minors and late recruiters were contacted for the rehabilitation packages. By November 2010, a total of 2,225 discharged former combatants were counseled under the packages. By December 2010, 399

enrollees (267 male and 132 female) had completed trainings and 105 graduates (62 male and 43 female) had started their own business<sup>44</sup>. Large number of discharged allegedly said that they received worth of NRs. 40,000 materials after trainings from which the UN had allocated them NRs 400,000.

Many discharged continued under the chain of command of the Maoist party. The discharged indoctrinated that the coalition government and the anti-Maoist elements treated them prejudicially. A few of them had joined the other revolutionary forces and few are trying to establish their own force for retaliation against the leaders. A part of the discharged have already spread their hands with criminal forces and some have chosen foreign employment, but a small number are preparing for recruitment in the state security forces.

Many discharged combatants had thrown their garlands in front of Prachanda, UN representatives, and other diplomats on February 8th, 2010, the concluding day of the ceremony in Dahaban, Rolpa district. The then government tried hard to retaliate them by not providing any package for their livelihood. The Maoist party, on the other hand, tried nothing to provide them, thinking that once they receive handsome resettlement package, they would initiate their normal life, but party will losing its cadres. Moreover, handsome package might influence them to work with other parties too.

Their pains, grievances, and sufferings of the disqualified discharged did not attract the civil society organizations (CSO) as they labeled themselves Maoists, from countryside, uneducated, poor, and from downtrodden family. CSO competed a lot to get livelihoods projects for them, not for humanitarian notions, moreover, mismanagement of funds. Most of the CSO represent from the elite society and have been working on (Anti-Maoist) parties' backing. Even UN office at Dhangadi, Kailali district, far-western region was vandalized by the Discharged MA on the charge of corruption on being provided food and accommodation during skill-oriented training on February 10, 2011<sup>45</sup>. The discharged MA reached their heart-broken and conflict victim families with empty stomach. A few of the powerful donor countries hate Maoist Army. Almost all organizations are puppet to them. The humiliated discharged MA shall create transitional insecurity for a long in Nepal.

## Control Theory

Nepal is geographically sandwiched between the two giant nations, ie, India and China. It is also sandwiched by way of contrasting politico-ideology (system), identity (socio-culture), resource (economy), demography, geographical area, and mosaic Shangri-La. Sino-India competition is separated in two systems: Disorderly under-governed India and orderly over-governed China. India adopts bourgeois-cum-competitive democracy whereas China stands firm on non-competitive proletarian democracy. It means the politics in China controls nation's economy; economy in India controls nation's politics. The control theory is now applicable because of growing security interest of both in Nepal. It might be coincidence that the Free Tibet Movement had been intensified in Kathmandu as long as the UNOHCHR and UNMIN stationed in Nepal.

Nepal is highly influenced by India's 4Ps of politics, power, property, and privilege along with other socio-cultural and historical dimensions. The successful mediation for 12-point understanding further strengthened India's upper hand in Nepal. India succeeded to declare Nepal a republican state wiping out monarch's close-tie with China. After the 12-point, India showed the outmost interest to train and provide the necessary material supports to MA. In returns, India said they are ready to assist integration model of the MA as party wishes. While the Maoist party rejected that proposal, India did not feel comfortable. Moreover, the invitation and establishment of UNMIN made India more frustrated.

Commenting to the Situation Update 87 (August 2009) on Global Practices of DDR-SSR, the Indian Embassy in Kathmandu wrote, "Reference DCM's query on the comments on Global Practices for DDR-SSR analyzed by Dr. Bishnu Pathak of Peace and Conflict Studies Center. The comments of the Defense Wing and Political Wing have been obtained and are attached at F/B." The comments say, "The paper greatly reflects on Civil and Military relationship in Nepal due to its long feudal past autocratic system in Monarchy. It also brings out that the SSR is a political phenomenon and not confined only to security institutions. The paper covers all the agreements on the issue in a fairly comprehensive manner taking into view points of various political parties." It further states, "Examples of SSR and DDR in certain other countries have also been appropriately covered with the aim of guidelines to a possible solution in the present context of Nepal. The coverage of DDR and SSR and other post conflict scenario are exhaustive and appear to be factual. Unique case of arms in Nepal has also been brought out clearly." On August 28, 2009, Apoorva Srivastava, First Secretary (PIC) suggests the following:

"First, the author of the appear may be confused to focus on ways and means to amalgamate the ex-combatants into mainstream civil life and in focuses which are of direct productive value to a developing society such as Nepal rather than various arms bearings job. Second, (re)integration to be referred as settlement. Third, explain whereabouts of 8,640 persons who were initially registered by UNMIN and later did not appear for verifications. Fourth, integration/settlement to be done into civil society, new security forces like CISF, BSF, Civil Government Offices, Police, and NA in that order of preference. Fifth, (re)integration be as per the following criteria: (a) Choice of individual; (b) Basic qualitative requirements of each security forces with certain relaxations; (c) No unit/sub-unit wise integration; and (d) No integration at leadership level in NA"<sup>46</sup>.

This is just an example. It itself states how much India has been interest on Nepal's security system. Because of India's interest, none of Nepal's elected government completed the full-five year tenure in six-decade of democracy. In the name of its security concern, India wants to control all systems in Nepal. Former Indian Foreign Secretary Shyam Saran said, "'If stability is ensured in Nepal, it will be the only country in South Asia that has potential to prosper on its own with its huge resources. And India's interest is to nudge Nepal towards realizing its potential for development"<sup>47</sup>. Moreover, Nepal's economy largely depends upon Indian economy.

Shyam Saran, one of the key interlocutors to sign 12-point understanding admitted that India actually intervened in Nepal to prevent erstwhile PM Prachanda for sacking then Army Chief Rookmangud Katuwal in 2009<sup>48</sup>. This is the first time ever that a high-level Indian official publicly spoke that New Delhi intervened in Nepal. Prof. Birendra Misra says, "...the then Indian foreign secretary Shyam Saran confirmed while interacting with the media on July 27 that India had interfered in Nepal's internal matter when the then Maoist PM Dahal tried to dismiss CoAS Katawal"<sup>49</sup>. He further states, India has fine-tuned its diplomacy to deal with security concerns vis-à-vis Nepal. The shift was apparent as far back as 1950<sup>50</sup>. In contrary, India put pressure to the 22 parties to submit a memorandum to the president that Katawal's dismissal be annulled. The president followed the same. Similarly, Bhattarai-led Government was pressured to appoint Umakanta Jha as a new chief secretary by the Indian Embassy as well as United Democratic Madhesi Front (UDMF) at the end of July 2012.

The interesting part is that the CPN Maoist presented the 40 point demands in nationality, democracy, and people's livelihood dimensions. Among the 9 demands of nationality, hundred per cent were against India<sup>51</sup>, but the same leadership sent request letter to the PM of India and bond-letter to Indian Intelligence Bureau saying that they do no activity against India<sup>52</sup> in July 2005. Interestingly, the same leadership ordered its activists for tunnel warfare against Indian extensionism and imperialism. Indeed, the RAW of India penetrates each and every sector to control all mechanisms including security in Nepal.

## Humiliation Theory

Amidst continuing intra-and-inter party conflict, the establishment faction of the Maoists decided to deliver the key of the weapons containers to monitors of the Army Integration Special Committee (AISC) for SIR of the Maoist Army on September 1, 2011. Criticizing the decision, senior vice chairman of the UCPN Maoist Mohan Baidya said that the unilateral decision would be suicidal for the party and that was against the central and standing committee conclusion. Similarly, the Deputy Commander of the Sixth Division cantonment in Surkhet protested the decision of the party. Baidya said, "This is a decision to dissolve the PLA by first disarming it"<sup>53</sup>.

The intra-party tussle in the Maoist further widened between the establishment and dissident factions, while the seven-party deal signed by the four mainstream parties namely UCPN Maoist, Nepali Congress, CPN (UML), and United Democratic Madhesi Front<sup>54</sup> on November 1st, 2011. It was a landmark on Maoist Army integration and power-sharing among the agreed parties<sup>55</sup>. The major points of the seven point deal are:

- Existing records of the Maoist Army will be updated;
- The maximum 6,500 MA will be integrated into the NA establishing a separate directorate under the NA comprising 65 per cent state security forces and 35 per cent MA;
- The MA should follow standard norms and rank harmonization of the NA however, the existing recruitment on age, educational requirements, and marital status will be made flexible;
- All the weapons stored in cantonments will automatically come under the government's security forces once the process moves ahead;
- The cost of the package will vary from Rs 600,000 to Rs 900,000 for those MA who wish voluntary retirement; and
- The paramilitary structure of the YCL would be dismantled.

On the course to updating the records of the Maoist Army in the main and satellite cantonments, there had been a lot of disturbance initiated by the commanders, deputy commanders, and others. The survey of the all cantonments initiated on November 19th, 2011, but the surveyors of the teams faced a lot of hurdles by the MA

Name and no. of Division	Number verified by Government Secretariat	Phase I (Nov. 12-19, 2011)		Phase II (Apr. 12-19, 2012) (a)		Final Recruitment into NA (b)
		Integration (a)	Voluntary Retirement	Integration (b)	Voluntary Retirement	
Chulachuli - I	1,517	796	711	248	548	125
Dudhauli - II	1,296	805	493	357	448	195
Shaktikhor - III	3,347	2,214	1,115	626	1,588	218
Jhyaltung Danda - IV	2,622	1,282	1,335	484	798	270
Dahavan - V	2,181	1,287	952	523	764	195
Dasarathpu - VI	2,958	1,559	1,378	571	988	238
Masuria - VII	3,131	1,762	1,363	314	1,448	219
<b>Total</b>	17,052 (100%)	9,705 (56.9%)	7,347 (43.1%)	3,123 (32.2%)	6,582 (67.8%)	1,460 (46.7%)

*Source:* Transformative Harmony and Inharmony: A Case of Former Maoist Army in Nepal (Forthcoming book from Madras University)

in many cantonments including Surkhet and Kailali believing that the seven-point deal was for to deceive them, humiliate them, and surrender them. Out of 19,602 MA verified by the UNMIN, a total of 13 per cent (2,550) did not attend during the second regrouping phase of the secretariat of the special committee (see Table 1 & 5).

A total of 9,705 (57%) MA personnel registered to integrate into the NA on the request of the Maoist chair Prachanda on regrouping process (Table 5). Prachanda and his favored commanders had a fear of that the integration number could be less than 6,500. It had happened while the dissident Baidya and Ram Bahadur Thapa faction urged the entire MA to boycott the regrouping process. The press release says, "The agreement related to army integration is against peace and is extremely disrespectful to the PLA. So, we call upon all Maoist Army to boycott such process"<sup>56</sup>. The regrouping process intends to complete within five-day, but it took 7 additional days than the scheduled date.

At first, Prachanda assured the MA that the number of integration shall be increased, but the NC, UML, and Madhesi leaders strongly condemned Prachanda's proposal of unilateral assurance. Finally both Prachanda and PM Bhattarai agreed to initiate regrouping process again to reduce the number of MA. The Special Committee agreed to provide opportunity to 9,705 MA opting for integration in the regrouping to choose VR or rehabilitation option again. Small number 3,123 (32%) (Table 5) MA agreed to integrate into the NA.

Prime Minister led Special Committee for SIR of the Maoist Army gave an order to Nepal Army and Armed Police Force (APF) to control Cantonments, arms and containers, and the MA along with physical properties of the cantonments on April 10th, 2012 unilaterally. A company (roughly 150) led by a NA Major was reached for the security of each main cantonment while a platoon (50 NA) under a Captain deployed at each satellite cantonment to control deteriorating situation in the cantonments. Immediate after decision, the NA and APF controlled all cantonments in a dramatic way. Thereafter, large 68 per cent (6,582) MA out of 9,705 including commander chose VR option weakening the establishment faction; strengthening to the dissident Baidya faction.

The dramatic decision came while Prachanda faction-led division commander and two deputies at the Chalachuli cantonments in Ilam fled the cantonment fearing of their lives on April 9th, 2012<sup>57</sup>. The situation was also explosive at Ilam, Sindhuli, Shaktikhor, Nawalparasi, Surkhet, and Kailai cantonments from the very day when the survey teams from the secretariat reach at the cantonments to initiate the VR process. The irate MA burnt vehicles and vandalized the quarters of their commanders. In some places, the commanders were hostage for a couple of days, ie, Sindhuli and Shaktikhor.

Five days after the handed over the cantonments to the NA and the APF, the Special Committee unanimously endorsed a seven-point agreement to kick-start the integration of MA into the NA on April 14th, 2012. The agreement includes setting up a General Directorate to integrate the MA. The General Directorate will have four Directorates (i) Infrastructure development (30%), (ii) Industrial security (20%), (iii) Forest and environment security (30%), and (iv) Disaster management (20%). The General Directorate will be headed by Lieutenant General. Nine-month basic training shall be conducted for those selected in officer ranks and seven-month basic training to those in junior ranks<sup>58</sup> in addition to three months specific bridging course. The following day, on April 15th, 2012, the Special Committee enforced a 12-point Code of Conduct (CoC) for MA in particular and NA in general to apply similar military disciplines to both.

The intra-party rift in the Maoist party further waived after the Dhobighat meeting in June 2012 while Prachanda faction unilaterally decided to handover the key of the arms containers of all seven divisions. On August 31th, 2011 Prachanda faction agreed to hand over keys of containers that stored 3,475 Maoist weapons<sup>59</sup>. After VR, the dissident faction of the MA established an Ex-PLA Voluntary Retired Coordination Committee (PVRCC) and Discharged PLA Combatants Nepal (DPCN). It is to be notwithstanding that the dissident Baidya faction formed a 17-member People's Revolutionary Bureau (PRB) under the leadership of standing committee member Netra Bikram Chand. The long-term objective is to develop the Bureau into a People's Liberation Army (PLA). The first-ever national gathering and meeting held a decision to this effect on April 24th, 2012. The three day first general convention of the National People's Volunteer (NPV) of the CPN Maoist led by Baidya faction was initiated from October 10th to 12th, 2012 in Kathmandu. The convention elected a 95-member central committee led by former Maoist commander Uday Bahadur Chalaune.

The dissident faction of the UCPN Maoist finally split from the UCPN Maoist on June 18th, 2012 owing to ideological, political, and strategically differences in particular and economic issue, haves vs haves-not, in general. The more no. of MA association with CPN Maoist shall cause serious transitional insecurity in future.

## Conclusion

Nepal follows unique model of democracy owing two opposite character armies<sup>60</sup> remained neck to neck for six years (November 2006-November 2012), although the CPA desired to accomplish the task in six months. One nation with two armies is itself an example of transitional security. History is itself confused whether that was integration or voluntary retirement. If we calculate, only 1,442<sup>61</sup> (4.5%) Maoist Army was integrated into the Nepal Army out of 32,250 registered by the UNMIN; but 7.4 per cent in 19,602 and 8.5 per cent in 17,052, UNMIN and Government verified numbers respectively. It is settlement as large numbers 91.4 per cent out of 17,052 Maoist Army chose VR to integrate into the society. Everything what India desire was fulfilled, namely, no unit or sub-unit wise MA integration and no integration at leadership level. The UCPN Maoist leadership was also surprised to see such as fewer number of integration. Most of the voluntary retired MA and verified minors and late recruits are dissatisfied with the role of prominent leaders that may cause attack to leaders in the past and that shall lead to assassination in the days to come. Most of the Maoist Army thinks that it was surrendered; undignified, unidentified, humiliated, and disrespected integration.

Similarly, the majority of such dissatisfied MA are closed with newly split CPN Maoist that further spreads transitional security to insecurity. Even Indian security diplomacy to deal with security concerns vis-à-vis Nepal failed this time that had been apparent as far back as 1950. The transitional security further enhanced insecurity from India trained goons to Nepalese who the one politically, ideologically, and religiously differ than India. Amresh Kumar Singh<sup>62</sup> is just a key example of recent days how he dares to choose Prime Minister in Nepal. It is remarkable of that India has given a birth of many Amresh Kumar from political high-command to general populace in the countryside. India principally wishes prolonged transitional security in Nepal that shall compel to sign revised<sup>63</sup> Extradition Treaty, Mutual Legal Assistance Treaty, and keep Air Marshal in Kathmandu's airport. If Nepal singed above mentioned measures, Nepal shall be kept under the security umbrella of India similar to Bhutan. Although, Amresh is a congress activist, he is recognized as an aide de to president of the UCPN Maoist. First Maoist-led government in 2008 permitted to keep portable x-ray machine at the door-step of Indian airplane in Kathmandu Airport for security check up of every passenger by the civil-dressed Indian security force<sup>64</sup>.

Nepal prolonged its transitional security internally while large numbers of the Maoist Army opted to choose VR disagreeing with policies and programs of the Maoist-Government and split of CPN Maoist on the cause of MA integration. In addition, the UCPN leadership and MA commander are heavily involved into a corruption charge while 2,550 UNMIN's verified MA were found missing on the regrouping process (November 19th to 30th, 2011). Three-member investigation committee was formed headed by president's trusted party secretary Post Bahadur Bogati on July 20th, 2012 with a month deadline, but they did not dare to publish report at the end of 2012. On September 21st, the Youth Association Nepal filed a corruption complaint at the CIAA<sup>65</sup> on charges of embezzling state funds NRs 4 billion allocated for former Maoist Army against UCPN Maoist president and present Prime Minister<sup>66</sup>. No initiative is taken yet by the secretary of CIAA, as UCPN Maoist trusted man holds the position.

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## Endnotes

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- <sup>1</sup> In a live telecast and radio address to the nation on November 22, 2012
- <sup>2</sup> Pathak, Bishnu. December 2011. *Comprehensive Peace Accord: Human Rights Status 2006-2011*. Kathmandu: NHRC.
- <sup>3</sup> Ibid
- <sup>4</sup> Ministry of Peace and Reconstruction. November 2012. Kathmandu
- <sup>5</sup> International Human Rights Law
- <sup>6</sup> International Humanitarian Law. Pathak, Bishnu. March 8, 2008. *Human Rights and Nepal Police*. Kathmandu: CS Center. p. 2.
- <sup>7</sup> UNHR. October 8, 2012. *Nepal Conflict Report*. Geneva: OHCHR.
- <sup>8</sup> Ibid
- <sup>9</sup> apart from prejudiced politics
- <sup>10</sup> The Twelve-point Understanding signed by the constitutional seven party alliance and the CPN Maoist
- <sup>11</sup> When the Maoists joined in the Parliament as a legitimate party
- <sup>12</sup> Seven Party Alliance (SPA) includes the parliamentary forces, namely Nepali Congress, CPN (UML), CPN (ML), Janamorcha Nepal, Nepal Peasants' and Workers' Party, Nepal Sadbhawana Party, and United Leftist Front.
- <sup>13</sup> Eight-Point Agreement signed by the top eight party leaders on June 16, 2006 at PM's official residence at Baluwatar, Kathmandu.
- <sup>14</sup> 7 main (Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli & Ilam) and 21 satellite cantonments (Art. 4).
- <sup>15</sup> Nepalnews.com. June 14, 2011. *Nepal becomes landmine-free country as NA clears its last minefield*.
- <sup>16</sup> The CoC for truce agreed between the GoN and the Maoists on May 25, 2006 at Gokarna in Kathmandu.
- <sup>17</sup> Chapagain, Kiran. September 14, 2010. *Government, Maoists sign 4-pt accord*. Kathmandu: Nepal Republica
- <sup>18</sup> Lambert, Alexandre. June 2005. *Categorization of Democratic Civilian Control (DDC)*. Geneva: DCAF.
- <sup>19</sup> UNSC. September 2, 2010. *Nepal for United Nations assistance in support of its peace process*. New York.
- <sup>20</sup> Chapagain, Kiran. September 16, 2010. *PLA under Special Committee now*. Kathmandu: Nepal Republica.
- <sup>21</sup> Basnett, Yurendra. March 2009. *From Politicization to Grievances to Political Violence. An Analysis of the Maoist Movement in Nepal*. London: London School of Economics and Political Science.
- <sup>22</sup> Lama, DB. September 2007. *Ups and Downs of My Life*. Kathmandu: Basundhara Lama and Sabitri Lala.
- <sup>23</sup> Pathak, Bishnu. December 21, 2008. *Modeling the Integration of the Maoist Combatants: DDR or SSR?* Kathmandu: Conflict Study Center.
- <sup>24</sup> Tamang, Shyam Kumar. 2063. *JanaMukti Sena: Aauta Nalekhiyako Ethihās*, Kathmandu: Akata Prakashan.
- <sup>25</sup> Pathak, Bishnu. August 18, 2011. *Sena Samayojanko Feharista (The Details of Army Integration)*. In Samachar Fortnightly. Kathmandu: Samachar Publication.
- <sup>26</sup> Lama, DB. September 2007. *Ups and Downs of My Life*. Kathmandu: Basundhara Lama and Sabitri Lala.
- <sup>27</sup> Bhusal, Puskari. June 7, 2002. *Comradely Conduct: What is behind the UMLs calm rationality in dealing with this political crisis?* In the "Nepali Times". Kathmandu: Jagadamba Press.
- <sup>28</sup> He once led the second battalion of the *MuktiSena* and became the prime Minister for four months in 1957
- <sup>29</sup> Whelpton, John. 2005. *A History of Nepal*. UK: University of Cambridge.
- <sup>30</sup> Misra, Birendra P. August 7, 2012. *Insecure South*. In Republica. Kathmandu: Nepal Republica Media.
- <sup>31</sup> Gyawali, Bandana et al. November 2005. *Sociology and Political Economy of Maoist Conflict in Nepal*. Kathmandu: Interdisciplinary Analysts.
- <sup>32</sup> On 8 January 1951, because of the international liberation movement, tripartite agreement between the king (strong backing of India), Rana-state power and Nepali Congress, rebel force, held in Delhi on the mediation of the then PM Jawahar Lal Nehru. Roka, Hari. Undated. *Outcomes of Democracy in Nepal*. Delhi: State of Democracy in South Asia and Kraemer, Karl-Heinz. Undated. *The Revolution of 1950/51*. University of Heidelberg: South Asia Institute.
- <sup>33</sup> Recruitment of the South African South African Defense Force and six other rebel forces.

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- <sup>34</sup> Adhikari, Saroj. January 3, 2012. *Uparathi Sahit 443 Officers Dabi* (Claim of 443 Officers including Major General). In Kantipur. Kathmandu: Kantipur publications.
- <sup>35</sup> Bhat, Bhoj Raj. December 2, 2012. *Adhyayako Samapti* (Accomplishment of Task). In Nepal. Kathmandu: Kantipur Publications.
- <sup>36</sup> Kantipur. November 26, 2012. Kathmandu: Kantipur Publications.
- <sup>37</sup> Who was defeated from two constituencies in the CA in 2008
- <sup>38</sup> Pathak, Bishnu. May 13, 2010. *Nepal's Peace Process towards Ambiguity*. Basel: TRANSCEND Media Service
- <sup>39</sup> Bimali, Pawan and Bishnu Pathak. December 16, 2009. *Child Soldiers: Crime against Humanity*. Kathmandu: CS Center. Situation Update 89
- <sup>40</sup> The non-paper suggested for political agreement on key issues, for example, rank harmonization, entry norms and modalities, operational and implementation plans, plans for government implementing bodies, basic packages for combatants opting for rehabilitation and voluntary retirement, and the beginning of time-line on IR. The discharge process included providing ID cards, organizing celebration ceremony, disbursement of cash and information, and exit from cantonments. The training should last for one year for rank and file combatants and 18 months for officers. Dahal, Phanindra. July 9, 2010. *UNMIN paper offers 60-week time plan*. Kathmandu: Kantipur Publications
- <sup>41</sup> Recruited after May 25th, 2006, the day of truce announced
- <sup>42</sup> Brigade Commander of MA Saral Paudel and Secretary of the Ministry of Peace Sadhu Ram Sapkota
- <sup>43</sup> UNMIN. January 7, 2010. *Report of the Secretary-General on the request of Nepal for United Nations Assistance in Support of its Peace Process*. New York
- <sup>44</sup> Pathak, Bishnu. September 13, 2011. *Women and DDR*. Basel: TRANSCEND Media Service
- <sup>45</sup> The Himalayan Times. February 11, 2011. *UN Office Vandalized*. Kathmandu: Nepal Republica Media
- <sup>46</sup> Pathak, Bishnu. 2010. *Civil-Military Relations in Nepal*. In Indian Journal of Nepalese Studies, Vol XVI. Varanasi: Centre for the Study of Nepal, Banaras Hindu University.
- <sup>47</sup> Acharya, Mahesh. July 27, 2012. *India intervened in Katal case: Sharan*. In the Kathmandu Post. Kathmandu: Kantipur Publications.
- <sup>48</sup> Ibid
- <sup>49</sup> Misra, Birendra P. August 7, 2012. *Insecure South*. In Republica. Kathmandu: Nepal Republica Media.
- <sup>50</sup> Ibid
- <sup>51</sup> Pathak, Bishnu. 2005. *Politics of People's War and Human Rights in Nepal*. Kathmandu: Bimipa Publications.
- <sup>52</sup> Muni, SD. 2012. *Bringing the Maoists down from the Hills: India's Role*. In Nepal in Transition. Cambridge.
- <sup>53</sup> Kathmandu Post. September 2, 2011. *Arms handover: Maoists hand over container keys to panel*. Kathmandu: Kantipur Publication
- <sup>54</sup> Five Madhesi groups are associated with the front. They are: SP; TMLP; MJF-D, MJF-R, and TMDP-N
- <sup>55</sup> Dahal, Phanindra and Kamal Dev Bhattarai. November 2, 2011. *Parties join hands on peace process*. In Kathmandu Post. Kathmandu: Kantipur Publications
- <sup>56</sup> Online Available at [www.nepalnews.com](http://www.nepalnews.com) (Retrieved on November 15th, 2011)
- <sup>57</sup> Republica. April 11, 2012. *Nepal Army Takes Charges of Cantonments*. Kathmandu: Nepal Republica Media.
- <sup>58</sup> The NA imparts 24-month training for officers and nine-month basic training for juniors.
- <sup>59</sup> Online Available at <http://www.satp.org/satporgtp/countries/nepal/index.html> (Retrieved on Sept 15, 2011)
- <sup>60</sup> Nepal Army and the Maoist Army
- <sup>61</sup> The integration number further goes down as 18 MA desired to go for VR from 1,460.
- <sup>62</sup> Convention member of the Nepali Congress
- <sup>63</sup> on the interest of India
- <sup>64</sup> Adhikari, Saroj. December 1, 2012. *Bharatia Chashoka Adhura Bisaya (Uncompleted Task of Indian Interest)*. In Koseli, Kantipur. Kathmandu: Kantipur Publications.
- <sup>65</sup> Commission for the Investigation of Abuse of Authority
- <sup>66</sup> *Kathmandu Post*. September 22, 2012. Kathmandu: Kantipur Publications.