Army and security forces after 2006

Sudheer Sharma

Two events in the past 20 years have had a big impact on Nepal’s security sector: the Maoist insurgency (1996–2006), and the 2006 People’s Movement. Together, these developments resulted in far-reaching changes in the overall structure and even role of the security forces.

Nepal’s security sector consists of four different institutions: the Nepali Army, the Armed Police Force, the Nepal Police, and the National Investigation Department (NID). The Nepali Army is under the nominal authority of the Ministry of Defence while the other three sit under the Ministry of Home Affairs. The NID is an intelligence agency but since it is not so much in the public eye and has also generally been seen as ineffectual, it is less relevant to the discussion here.

Dealing with the insurgency: from police to army

The Nepal Police tried to tackle the Maoists for the first five years of the conflict. But despite initial enthusiasm, it had become clear by the end of 2000 that the police had been more or less defeated, since they were neither trained nor equipped to take on a politically inspired and armed guerrilla force. Yet, the army could not be mobilised against the Maoists at this time for the simple reason that, although nominally subject to civilian authority, it was under the de facto control of the king and it was in the interest of the palace to allow the insurgency to fester, undermining democratic politics and the influence of the political parties.

Hence, in 2001, the government decided to set up a paramilitary unit, the Armed Police Force (APF), to tackle the growing insurgency. Given the specific mandate of the APF to take on the rebels, the Maoists began targeting the new outfit and almost immediately put it on the defensive. Actions such as the assassination of the founding chief of the APF in early 2003 helped the Maoists gain military ascendancy.

The Nepali Army entered the battlefield only after a direct Maoist attack on the military in November 2001. Thereafter, as part of its counter-insurgency strategy, the army brought the entire security sector under its umbrella following the concept of ‘unified command’, and for the remainder of the conflict the Nepal Police and the APF stayed in its shadow.

It was during the fight against the Maoists that the army expanded in both size and structure. Amidst comprehensive mobilisation of national resources and general international support, the army began an organisational restructuring, reviving a process that had stalled in 1990 following the restoration of democracy. The budgetary allocation for the army rose from less than a third of security sector expenditure in 1995–96 to nearly two-thirds in 2005–06 (Figure 1). The 54,000-strong force grew to 96,000, while the new organisational structure expanded correspondingly, from brigade-level to divisional commands. Six divisions were set up throughout the country and each of the 14 zones in Nepal housed at least one brigade.

The army also went on a spending spree. M-16 assault rifles from the United States and INSAS (Indian Small Arms System) replaced the standard issue Belgian FN 7.62 FAL (Fusil Automatique Léger – Light Automatic Rifle) of more than 30 years’ vintage. Procurement also included
First, a declaration on 18 May 2006 by the reinstated House of Representatives not only stripped the king of all his powers, but also initiated legal and constitutional efforts to bring the army under civilian control. Thus, the ‘Royal Nepali Army’ became the ‘Nepali Army’. Other changes, such as abolishing the royal title of supreme commander, and the appointment of the army chief of staff by the cabinet instead of the king, were also part of the declaration.

Later, in September 2006, the Army Act of 1959 was annulled and a new act was promulgated. The military secretariat at the royal palace was dissolved and thus the traditional relationship between the army and the king was successfully broken. Specific provisions were further spelt out in the Interim Constitution of 2007 to bring the army under the full control of the cabinet. Notably, the National Security Council under the prime minister for the first time did not include the army chief of staff – although this was changed in the 2015 constitution.

Evolving political role

The Nepali Army, alongside the rest of the country, has been affected by the post-war transition. Throughout, the army has sought to resist constraints on its power and autonomy. The November 2006 Comprehensive Peace Accord (CPA) placed Maoist fighters and their weapons in cantonments under the supervision of the UN, but also required the Nepali Army to remain in barracks, with the same number of weapons as the Maoists’ also stored under the watch of the UN.

Even though the storage of the Nepali Army’s weapons was only symbolic, since they had far more weapons still in the open, this proved to be a source of persistent discontent with the military. Likewise, the provision in the 28 November 2006 Agreement on Monitoring of Management of Arms and Armies (AMMAA) allowing UN monitors ‘access to any and all Nepali Army barracks for purposes of monitoring whether Nepali Army forces or weapons are being used for or against any party’ did not go down well since it meant outside involvement in the army’s internal operations. The CPA also barred fresh recruitment by the army and procurement of new military equipment.

The army was not happy with the UN Mission in Nepal (UNMIN), set up in January 2007, and its role in monitoring the management of arms and armed personnel of both the Nepali Army and the Maoist army, in line with the provisions of the CPA. The exit of the mission increasingly became the army’s primary objective. In January 2011, the government led by Madhav Kumar Nepal of the Communist Party of Nepal–Unified Marxist-Leninist (UML) refused to extend UNMIN’s tenure, even though the peace process

Towards civilian control

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a host of other automatic weapons, anti-mine vehicles, and night vision and bomb disposal equipment. The military air transport fleet expanded from around a dozen aircraft in 2001 to 27 three years later.

More significantly in terms of the broader power of the military, the deployment of the army in November 2001 coincided with the declaration of a national state of emergency and the introduction of an anti-terrorism law, which gave the army unchecked authority. Soon enough, the Nepali Army became complicit in the removal of a civilian government, not once but twice. When King Gyanendra sacked Prime Minister Sher Bahadur Deuba in October 2002 and staged a coup in February 2005, it was the army that stood firmly behind the monarch.

Paradoxically, it was this palace–army nexus that in fact brought the parliamentary parties and the Maoists together, and led to the accommodation enshrined in the 12-Point Understanding of November 2005: ‘to keep the Maoists’ armed force and the Royal Army under the United Nations or a reliable international supervision during the process of the election of a constituent assembly after the end of the autocratic monarchy’. This historic agreement laid the basis for the 2006 People’s Movement, the success of which enabled the reinstatement of the supremacy of the parliament, and, by extension, of civilian government.

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Figure 1: Security Sector Budget: 1995/96–2005/06 (in billion NPR)


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had not yet concluded, and so the UN body was forced to withdraw. The army’s next priority was the disarmament of the guerrillas living in the cantonments, which was achieved in April 2012.

As part of its counter-insurgency strategy, the army brought the entire security sector under its umbrella following the concept of ‘unified command’.

To give the Nepali Army its due credit, the country’s transformation into a republic would not have been so smooth without its implicit support. The army had its own reasons for not obstructing the move to a republican dispensation. Realising that most Nepalis were against the king and that the international community, including India, also supported a republic, it did not want to take any risks. Its own past experience of being used as a tool of the king’s ambitions, and the palace’s failure to find alternatives when the international community stopped supplies of military hardware even as the fight against the Maoists continued, are also likely to have played a role.

Nevertheless, at the height of the most intense debates on issues such as republicanism, federalism and secularism, then-Army chief Rukmangad Katuwal resisted the transformation agenda. In 2008 he took the extraordinary and highly controversial step of submitting written suggestions to the Constituent Assembly that such matters be decided through a referendum. Yet, apart from that one instance, the army did not openly take any position on political matters. Its main concern remained the disarmament of the Maoists.

There were two reasons for this. First, the Nepali Army was not happy that the Maoists’ People’s Liberation Army (PLA) had been given equal status in the CPA and AMMAA. Second, it felt that the Maoists could still potentially use the PLA to capture state power. After the formation of the Maoist-led government following the first CA election in 2008, antagonism between the Maoists and the Nepali Army began to increase. Katuwal remained uncharacteristically active throughout his tenure, while the Maoists tried to influence the army in different ways under the leadership of Pushpa Kamal Dahal Prachanda.

This hostility set the stage for a clash between the Maoist government and the army, culminating in the government’s extreme step of trying to remove Katuwal. President Ram Baran Yadav revoked the Maoist move, however. Armed with the presidential order of reinstatement – which had in fact been issued in contravention of the Interim Constitution, since such a move was the prerogative of the cabinet – Katuwal continued as army chief. Prime Minister Prachanda decided to resign, in an echo of a similar episode from 2001 when Prime Minister Girija Prasad Koirala had handed in his notice after the army had disregarded his instructions to take action against the Maoists. But, at that time the army was being shielded by
the monarchy, whereas in the latter case, the army had stood up to the government of a republican Nepal.

Thus, even though the Interim Constitution had brought the army under government control, in practice it appeared to be under the ‘command’ of the president, just as it had previously answered to the palace. After the Katuwal episode, the Nepali Army developed a sense of defiance towards government decisions or instructions. This suggests that the implementation of the principles of democratisation, inclusiveness and restructuring of the army is likely to remain a challenge in the days to come.

**Democratisation and inclusion**

Article 144 of the Interim Constitution enjoined the government to ‘prepare and enforce a detailed action plan on the democratisation of the Nepali Army’, which would also decide on its size. In December 2009, the government formed a ‘Committee for the Recommendation for the Formulation of the Plan for the Democratisation of the Army and Improvement of the Security Apparatus’, with then-Defence Minister Bidhya Devi Bhandari (now the President of Nepal) as the convenor and four other ministers as members. This committee submitted a ‘Detailed Plan for the Democratisation of the Nepali Army’ in August 2010, but since the report has not been made public there has been no discussion on its contents.

If the principal aspect of democratisation of the army is complete civilian control over it, the first condition had to be ending dual control between the government and the president – as had become evident during the Prachanda-Katuwal confrontation. This shortcomings has been redressed in the 2015 Constitution, with the cabinet granted complete authority to mobilise the army – albeit at the recommendation of the National Security Council, which is itself under parliament’s control. There is also the obligatory provision for the president to announce the mobilisation of the army, and parliament having to ratify such an action within a month. Likewise, the president appoints and removes the army chief, but only at the recommendation of the cabinet.

The Interim Constitution required the army to be ‘national and inclusive’ in character. Inclusiveness is linked to the idea that all of Nepal’s social groups should have access to all levels of the army and thereby develop it as a nationally representative institution. In the past, the leadership of the army has always gone to officers hailing from Kathmandu-based elite families. Up until 2016, there have been only three army chiefs from non-elite backgrounds, all of whom came to office after the 2006 People’s Movement. One of these was even a Janajati (a member of one of the recognised indigenous groups), which is significant given the substantial participation of Janajatis historically in the Nepali Army.

Continuing the spirit of the Interim Constitution, the 2015 Constitution also states categorically that federal law shall guarantee the participation of women, Dalits (‘low caste’), Janajatis and Madhesi (from the southern Tarai plains), along with other population groups ‘on the basis of principles of equality and inclusion’. Although the relevant laws to pursue such a policy have not been drafted, it is noteworthy that an institution that represents among the most illiberal aspects of the Nepali state has begun to accept certain aspects of inclusion, including adopting the quota system now mandatory for all government recruitment.

The increase in the number of women and the establishment of separate ethnicity-based battalions for under-represented communities stand as further evidence of the army’s readiness to own the concept of inclusion. Recruitment of women into operational branches of the army such as the infantry, as opposed to the earlier concentration in more technical branches, began in 2004 – although the shattering of gender barriers was first instigated by the significant participation of women on the Maoist side during the war. The army’s ultimate goal is to have a total female strength of 5 per cent, and going by the data available at August 2016, it is currently around 1,000 short of that target. This compares with women currently representing only 2.5 per cent of the Indian Army, according to The Guardian (2016); 3 per cent of UN military peacekeepers, according to the UN (2016); and 15 per cent of the United States military, according to the Huffington Post (2016).

The army has also acquiesced in the political decision that was part of the 8-Point Agreement with the United Democratic Madhesi Front in 2008. The agreement committed the government to ‘ensure proportional, inclusive and mass recruitment of Madhesi and other communities to give the Nepali Army national form and make it inclusive’. Subsequently, separate battalions were raised for people of Tarai origin and for eastern Nepal Janajatis of Kirat background.

**Where next for army restructuring?**

The size of the Nepali Army doubled in the four years or so that it fought the Maoists. Now that the conflict is over, it is pertinent to ask if the country needs such a large army during peacetime; whether the country can afford it; and, if so, what form the army should take. Restructuring of the army is linked to these fundamental questions.

The Maoists had proposed the formation of a national army by amalgamating the Nepali Army and the PLA. This did
not happen and neither were the Maoists able to force the issue. Instead, the disarmament of the Maoists was completed with the symbolic integration of only around 1,400 Maoist combatants into the Nepali Army [see article on the People’s Liberation Army after 2006, p.46]. Despite general agreement on the need to restructure the Nepali Army, the political leadership appears quite unclear on how this should be done. After having tried and failed, the Maoists have subsequently shown little interest.

Since the main political parties are not committed to introducing structural reforms, the Nepali Army remains the most powerful, well-organised and, to some extent, the most autonomous institution of the Nepali state. It also represents one of the few national institutions that has not changed much in the post-2006 period. But in a context where the restructuring of the entire state is continuing, the restructuring of the army is all the more imperative, particularly given its close links with the monarchy until recently. In fact, without the restructuring of the military, the restructuring of the state will not be complete. The professionalisation and modernisation of the military institution is possible only if this process can be moved in the right direction.

[Translated from the original Nepali by Manesh Shrestha]

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