

# ROLE OF THE SECURITY SECTOR IN NEPAL'S DEMOCRATIC TRANSITION



**Bhojraj Pokharel**

Annual Democracy  
Forum

August 25-26, 2016

Mongolia

# COUNTRY CONTEXT

- ❖ Nepal: a country of diversity (in terms of demography, geography, bio-diversity, ethnicity, caste-culture-languages)
- ❖ Socio-economic inequalities, long-standing discriminations and exclusion of major population from decision-making and policy-making and nation-building processes
- ❖ Around 17,000 people died and thousands injured and displaced as well as huge properties, states' infrastructure and individual's livelihood lost due to result of a decade (1996-2006) long Maoists-launched armed insurgency
- ❖ High intensity of conflict (direct encounters between then Royal Nepal Army (now, Nepal Army) as well as other state's security agencies (Nepal Police, Armed Police Force and National Intelligence Department) and the CPN-Maoists rebels
- ❖ Following the declaration of the new Constitution in 2015, disputes regarding a few provisions of the Constitution have started

# SOME UNPLEASANT EXPERIENCES FROM THE PAST

- ❖ Relation between the monarchy and political parties was adversarial.
- ❖ Major political parties have raised arms against the regime at some point of time during the democratic struggle. Army was mobilized each and every time.
- ❖ Pressure of senior army generals to maintain legacy of the country's sovereign power within the King in 1990's constitution, which was not agreed by the political parties.
- ❖ Relation between the post-1990's governments and the army was not healthy. The government rather focused on empowering police, which did not even go well.
- ❖ Army's refusal of enforcing the order of the Prime Minister to be mobilized against the Maoist combatants.
- ❖ Army was perceived to continue the alignment with non-democratic entities and position against the Maoists party even after their joining the government through peace process
- ❖ Personal behavior and attitude of the army's leadership (I will not allow the Defense Minister to enter my barracks-Commander in Chief)
- ❖ Maoist government's failed attempt to remove the Army Chief

# BROADER PICTURES!

- ❖ Peaceful abolition of 238-year-old Monarchy and Nepal became 21<sup>st</sup> century's newest Federal Democratic Republic through a peaceful means
- ❖ The king is living as a normal citizen within the country, and government offers minimum security facilities
- ❖ Violent conflict was ended through peace process without any forms of official international mediation or facilitation (initiated and led by Nepali actors)
- ❖ Federal democratic constitution announced, but differences still remains at large over inclusion, electoral system, citizenship, and demarcation of provinces
- ❖ The security sector is legally under the civilian command, and the constitution outlines roles and responsibilities of the security sectors, particularly military
- ❖ The Maoists combatants are integrated in the Nepal Army and there is no confrontation over command control
- ❖ The rebel supreme commander elected as the Prime Minister for the second time, and the rebel's former military commander is also elected as Vice-President of the Country



# BIG QUESTIONS: ANSWERS ARE NOT EASY

- ❖ What influences the military which was created, groomed and nurtured by the Monarchy to easily accept the political changes?
- ❖ What motivated the Maoists combatants towards democracy?
- ❖ Despite major differences, how are the forces (army and Maoist combatants) working together for the same mission, vision and command?
- ❖ What role did the security sector play in the democratic transition and how can sustainability be ensured?





**FACTORS THAT INFLUENCED STATE AND NON-  
STATE SECURITY FORCES TOWARDS DEMOCRATIC  
TRANSITION**

# 1. MASSACRE OF POPULAR ROYAL FAMILY

- ❖ King Birendra, limited to constitutional monarchy in 1990 and handed over the sovereignty to the people after first people's movement became popular within a short time
- ❖ Army was heavily criticized on their failure to protect their Supreme Commander and his entire family members in 2001, and even suspected their mysterious role
- ❖ Public outcry went beyond the limitation against newly throned monarch and army's democratization



## 2. ACTIONS OF AN UNPOPULAR KING

- ❖ Prince Gyanendra, with bad public image, became the new King- which was not taken well by the Nepalese people
- ❖ People doubt him as the main conspirator to end his brother's dynasty and rumors were spread on the possible support from the military for this conspiracy
- ❖ King's decision to become once again absolute monarch and end of democracy was strongly supported by the Royal Army in 2005, which was viewed as the "army of monarch" instead of "army of the country"





# 3. THE PEACE AGREEMENT

- ❖ Locally initiated negotiations and finalization of the Peace Agreement
- ❖ Both parties of signatory of the Peace Agreement joined in Interim Parliament and Interim Government as transitional administration
- ❖ High level political mechanisms to develop political understanding and recommend the Cabinet about the enforcement of peace agreement
- ❖ Special Committee on Integration, Rehabilitation and Monitoring of the Maoist combatants, and management of the former combatants through integration and resettlement
- ❖ Management of both armies and arms monitored by UNMIN and inclusive JMCC and JMT's (UN, Army and Maoists) mechanisms to resolve disputed over management of both arms and armies
- ❖ Transitional justice mechanism accepted, but not fully and timely enforced as per the spirit of the Peace Agreement
- ❖ Introduced principles of inclusion and secularism in state affairs, and state restructuring process started that includes the recruitment in the army



## 4. PEOPLE'S POWER

- ❖ Nepalese People's love for democracy, freedom and human rights
- ❖ Hundreds of thousands people marched in the streets throughout country for democracy in both (1989 and 2006) People's Movements,
- ❖ Strength of people power forced the army to rethink their strategy and advice the king accordingly to promulgate democratic system
- ❖ Army accepted the changes in its legislation, and internalize its loyalty to civilian government rather than monarchy
- ❖ Public debate emerged about civilian supremacy over military affairs and transformation of its ideologue, as well as democratization of army was introduced through the Peace Agreement and Interim Constitution



# 5. SUCCESS OF CONSTITUENT ASSEMBLY (CA) ELECTIONS

- ❖ Doubts regarding the success of an election in 2008, which was mandated to draft the new constitution and determine the future of Monarchy
- ❖ Army and the Maoist combatants were confined in UN monitored barracks and cantonments
- ❖ Huge security challenge, but security responsibility was given to the police who had bitter experience during the conflict, and was a highly demoralized and less equipped security agency
- ❖ Elections were successfully held. Out of casted votes, nearly 99 percent caste their ballot to pro-republic candidates
- ❖ Despite rumors and fear, no security threats were observed during polling and counting period except few incidences
- ❖ Security agencies, including army played positive role to successfully hold election, and manage the challenges arisen for democratic transitions





## 6. UNPRECEDENTED UNITY WITHIN THE POLITICAL PARTIES

- ❖ The restored Parliament unanimously suspended the Monarchy in 2006 and assigned the head of the state role to the Prime Minister
- ❖ The Parliament had unanimously decided to bring the Army under the Civilian Control
- ❖ Finally, CA voted to end Monarchy and the President became the Supreme Commander of the Army
- ❖ Again, security agencies accepted new arrangements, and easily changed its loyalty to civilian government



## 7. LEADERSHIP AND RELATIONSHIP MATTERS

- ❖ Mr. Girija Prasad Koirala, a five time PM and auctogenerarian veteran leader was central figure of the political transformation and peace process, whose leadership was unquestionably accepted by the democratic as well as the Maoists Parties
- ❖ A very strong and credible relation existed between Koirala and Maoist Leader Prachanda, paving the way to settle many disputed issues including management of arms and former combatants, as well as enforcement of peace agreement and other political understandings
- ❖ Koirala was respected from the security sectors as well



# 8. A VIBRANT AND STRONG CIVIL SOCIETY

- ❖ Nepal's civil society played a key role for the establishment of the democratic regime, and forced the Maoists rebels to end violent conflict through peace negotiation
- ❖ Collaborated with political parties to end absolute monarchy and bring all types of arms and armies within civilian control
- ❖ Continuous played as watchdog towards proper management of democratic transition, and play responsible role while enforcing peace agreement and political understandings



# 9. THE MILITARY FRONT

- ❖ Traditionally, monarchy through its Military Secretary controlled the army and the Army HQ was just only a facet
- ❖ People who faced injustice and were not happy with over domination of palace were silently supporting the pro-democracy forces
- ❖ Tradition of loyalty to authority and honored law of the land (army silently obeyed to be confined within the Barracks for over five years) and a culture of closeness with the power center
- ❖ Traditionally only the close relatives/family members of the monarchy had only opportunity to lead the Army. But after 1990, this dynamics changed, commoner's who better knew the ground realities started to occupy this position. Army has slowly started becoming the common people's place as well.
- ❖ Entry of new generation with broader outlook and logic
- ❖ Event though it was not absolute, the post-1990's period was relative exercised power of civilian control over the military. National Security Council was established and headed by the Prime Minister, which was partially functional



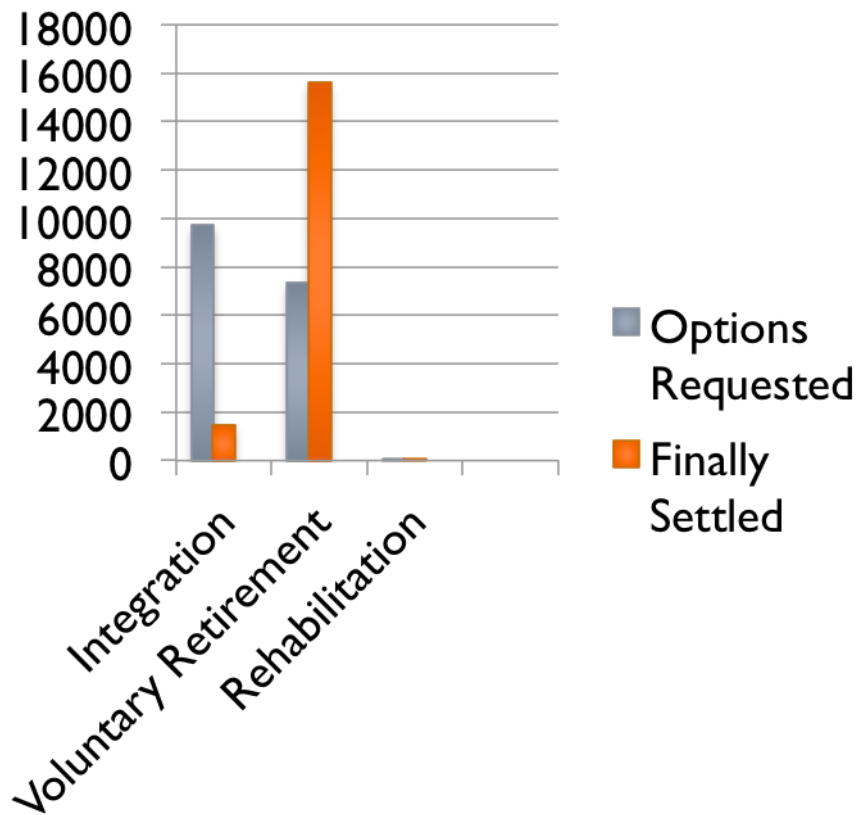
## 10. CRISIS WITHIN THE MAOISTS

- ❖ Serious differences over the peace process within the Maoist Party caused at least half a dozen splits
- ❖ Hardliner former rebels stood against the settlements made by the leadership and did not agree on many constitutional issues as well as integration modality
- ❖ DDR modality, number game but settled with minimum numbers
- ❖ Created environment for constitution writing

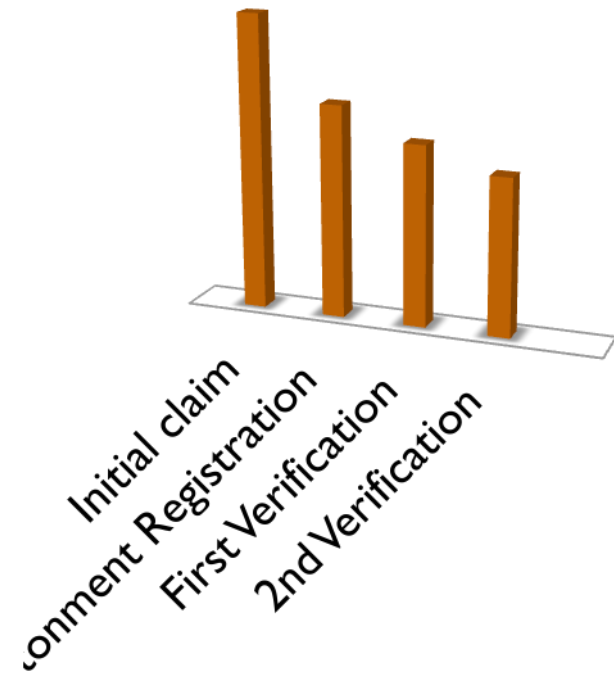




## Preferred Options and settled



## Numbers claimed and verified



**Number Game: Challenges  
in Negotiation** (Source: MOPR)

# 11. INTERNATIONAL AND REGIONAL CONTEXT

- ❖ UN through UNMIN was engaged in monitoring the arms and armies of both sides, and assigned major role in terms of monitoring peace process
- ❖ Office of the High Commissioner of Human Rights involved in documenting human rights situation during the conflict period and monitoring in changed context
- ❖ UN peacekeeping, as the 6<sup>th</sup> largest country to provide peace keepers, a charm to security sector
- ❖ Strategic location and dealing with two giant neighbors





## 12. NO ONE WON THE WAR!

- ❖ Both sides suffered heavy losses (physical, emotional)
- ❖ During the war, both sides were responsible for crimes against humanity, serious crimes and violation of human rights
- ❖ A win-win approach was accepted in peace negotiation.

# 13. FINALLY THE WISH OF NEPALI PEOPLE

**A strong wish of the Nepali people for peace, stability and prosperity.**





# **FACTORS INFLUENCING THE FUTURE BEHAVIOR.....**

## FACTORS INFLUENCING SECURITY SECTOR'S ROLE IN CONSOLIDATING DEMOCRACY

- ❖ Governance (24 governments in 26 years of democracy) and its performance
- ❖ Maintaining political stability and understanding within the major political forces
- ❖ Future of the security sector reform
- ❖ Guardianship role: level of trust and confidence between the civilian leadership and military
- ❖ Implementation of the constitution- particularly state restructuring and holding local, provincial and national elections
- ❖ The future of the peace process including TRC function