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## Civil-Military Relations: Theories to Practices

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### Abstract

*Since its establishment, the United Nations has become a formidable force toward disarmament, demobilization, reinsertion, repatriation, resettlement, rehabilitation, and (re)integration (DDRRRRR) (Pathak: September 13, 2011:3) or disarmament, demobilization, and (re)integration (DDR) of the armed/military forces and the right sizing of military and armed forces as a whole. Advocating Civil Military Relations (CMR), Huntington developed the objective of civilian control theory, encouraging professionalism of the forces and subjective control for the autonomous run of their institution. Janowitz tried to minimize the difference between objective and subjective controls by defending military effectiveness and democratic civilian control, whereas Haltiner pursued political-military theory on the basis of civil, military, and citizenry elements, reducing conscriptions en mass.*

*The CMR functions differently in communist regimes such as China and Vietnam. Both adopt Political Commissioner System (PCS) directly appointed by the ruling (single) party. The head of the state/government and party also acts as the supreme commander (non-professional or civilian person) of the military institution.*

*The CMR that exhibits relationship between civil society, citizenry, and military organization(s) is a new phenomenon in Nepal, although initiated informally from the Ditya Upadesh of Prithvi Narayan Shah. The distance between the armed or military officials and civilians has widened, while the army chief manipulated the institution recruiting his near and dear ones on the pretext of meritocratic recruitment. India has accepted the decade long demand of the Republic Nepal to please the UCPN (Maoist); on the other hand, the China tilted monarchy has been ousted. But the strategic policy of India to put the Maoists under its umbrella, like other political parties of Nepal, could not last long due to the Maoists'*

*ideology. Besides, the Maoists stand against the anti-Tibet activities within Nepal, which further strengthens their relationship with China. Meanwhile, China watches the Indo-US nuclear deal suspiciously because of their hidden desire for free-Tibet.*

*Delaying (re)integration (into security forces and societies), rehabilitation, professionalization, democratization, and right sizing of the NA are against the ethics of CMR in Nepal. The lack of confidence building measures among the parties, radical change vs. conservative interests, parties' affiliation with two extreme lines of thoughts; disorderly and under-governed liberal democracy of India and the orderly, over-governed, controlled democracy of China, are the salient hindrances for the CMR. Nepal's CMR cannot be isolated from the 'string of pearls' strategy; Indo-US-West and China-Confucian-Muslim allies.*

## **1. Introduction**

Civil Military Relations constitute the relationship between the state and civil society on one side and the military organization(s) on the other. They correlate the civilian and military authorities in a given society. Democratic Civilian Control (DCC) is the conception of military/armed forces controlled by the elected representatives of a given state or nation.

CMR is a new discipline in Nepal. It is a politico-legal concept initiated by western democratic nations/societies and developed alongside the progress of democracy, particularly after the end of the World War II and the establishment of the United Nations. It is estimated that more than 55 million people, including soldiers, had been extra-judicially killed or perished during the war (World War II: Undated). The number of people killed, wounded or missing and the casualties that occurred between September 1939 and September 1945 has never been calculated. In 1945, the United States had six million people in the US Army (World War II: Undated). The UN had major challenges to cut down the size of the army and armed forces, disarm and demobilize a huge number of soldiers and armed gun-men, improve relations between the civilians and the military, and reconstruct strategies to maintain peace and development throughout the world in various regions.

The slogan of 'civilian control' over the military was the invention of democratic parliamentarians as a way of increasing their power *vis-à-vis* the British Crown during the 17<sup>th</sup> and 18<sup>th</sup> centuries (Pathak and Uprety: March 7th, 2010 citing Samuel P. Huntington). CMR is one aspect of national security policy, the aim of which is to enhance the safety of nation's social, cultural, and political institutions against threats arising from other independent states (Huntington: 1957:1). The categorization of democratic civilian control is useful to assess the individual national models of CMR – in particular, should CMR reflect the role and mission of the armed services in a democratic society (Lambert: 2005).

In recent years, a lot of scholarly literature illustrates the civilian control (Cottey, Andre et al: Fall 2002). CMR establishes the basis for maintaining civilian control over the military. Not only it involves a diverse range of studies, such as democratic civilian control of the military, democratization of military professionalism, military institution(s) and operations or war; it also draws upon various fields of political science, law, philosophy, psychology, sociology, anthropology, economics, history of diplomatic missions, and military science, among others.

CMR encompasses the entire range of relationships between the military and society at every level (Feaver: 1999); it had started with Sun Tzu<sup>1</sup> and Carl von Clausewitz (1780-1931). Samuel P. Huntington and Morris Janowitz have effectively initiated CMR in scholarly debates in modern democratic society. CMR broadens the focus beyond democratic control to include other dimensions and levels of analysis (Bruneau et al: October 19th, 2009).

The principal aim of the present study is to enhance the level of understanding of CMR and to commence a debate and discussion on it among the concerned actors, including civil society, military, combatants of the Maoist Army<sup>2</sup> (MA), and ordinary citizens of Nepal. It explores contemporary notions found in the literature and thoughts of prominent philosophers of CMR. It intends to bridge the gap and strengthen dialogue between the civil society institution(s)/individual(s) and military or armed forces institution(s). It reflects the existing civilian control measures of the Nepal Army (NA) and the legitimacy of the combatants of the Maoist Army guaranteed by the peace accord, agreements, and understandings including the Interim Constitution 2007.

## **2 Three-Pillar Theory of Civil-Military Relations**

CMR has a trinity (three-pillar) flying buttress formed of Democratic Civilian Control (DCC, Leg I), Effectiveness (Leg II), and Efficiency (Leg III). DCC (Leg I) would not exist unless it is well grounded and exercised through institutions ranging from natural laws that empower the Ministry of Defense, overseeing committees, and executive bodies such as military, police forces, and intelligence agencies (Bruneau: 2006). Two classic works of American civil-military relations, Huntington<sup>3</sup>'s *The Soldier and the State* (1957) and Morris Janowitz's *The Professional Soldier* (1960), address both military effectiveness and civilian control (Nielsen: 2005). The first leg is interested in operating with like-minded security institutions such as the Defense Ministry and parliamentary security related committees, including National Security Council (NSC), putting accountability as a top priority.

The second leg of the trinity is the measure of effectiveness which is particularly focused on the fulfillment of the assigned roles and missions of the military, security forces, and other armed forces. Several considerations are needed to fulfill effectiveness. Firstly, different missions of various security forces and institutions and their potential roles form the basis of effectiveness. Secondly, adequate instruments including training materials and persons are the best assets to effectively implement their decisions. Thirdly, it links the wealth of information supplied by various intelligence organizations. Fourthly, a plausible alliance among the like-minded institutions is the essence of effectiveness.

The third leg is efficiency that centers on the utilization of resources to accomplish the assigned role and the mission. This dimension points out the goals and achievements of the roles and missions. The NSC plays a significant role to accomplish the efficiency tasks. It includes initiatives to inform and advise the concerned officials on the policy of national security and defense; coordinate between the key actors and establish consensus for the policy implementation; to communicate with the presidential or prime-ministerial system; to integrate multiple intelligence agencies; to produce documents for security assistance provided to the donors; to create healthy inter-agency processes for consensus; to set up reliable network with concerned institutions such as various ministries and foreign institutions

to handle foreign relations; and gather security information from the concerned intelligence agencies and actors.

All these three legs (DCC, effectiveness and efficiency) can function well by identifying the goals, basis, democratic requirements, actors, objectives and subjective, means, time, ways, and challenges of the control (Lambert: June 2005).

The general principle of DCC encompasses transparency and accountability. Civilian or parliamentary supremacy is the basis for the democratic control which promotes (re)integration of the armed forces or ex-combatants into society. The principles of democratic requirements focus on political parties, culture, and government in pursuit of integrated defense ministry, independence judiciary and media. Besides, it acts as a check and balance between the constitutional authorities, free and adult franchise, civic rights and freedoms, rule of law, civic education, dialogue, and mature civil society.

The actors of DCC include both civil and military authorities, such as head of the state and the government, NSC, heads of the parliament and judiciary, heads of ministries and bureaucracies, defense and security committees and commissions, formal and informal public leaders, heads of NGOs, chairpersons of courts, think tanks and academic institutions, etc. The objective of control (“who” actor of “which” concerned institution) is for the officials of mainstream political parties, CMR in all levels, military forces (para-military, police, intelligence, etc.) recruitment and size, chain of command, regulations and so forth. The subjective control complements the objective control for such (“what”) issue/activity as war, peace, security, policy, information, command control, operation, and armament.

The means (purpose or intention) of control would focus on (“which”) instruments or tools and exercises for the protection of constitutional court, judicial and its legal system, referendum, elections, treaty, management, budget, staff, etc. The timing (“when”) of control would be the subject of civilian control. It would follow reactive control (control *ex-post*), proactive control (*ex-ante* control), and simultaneous control: The *ex-post* is a control mechanism that comes into effect after the work is done, such as auditing the Defense Ministry’s expenses after the end of the fiscal year. *Ex-ante* is a preliminary control mechanism that anticipates the future document of defense white papers. The simultaneous control continues accurately at the same time when actions take place (Born: 2000). The timing of control intends to synchronize with civilian control at the time of military operation, following the transparency and accountability mechanism.

The ways of control refer to how control is exercised, as developed by Huntington, in the theory of civil-military relations. It belongs to objective and subjective controls. The objective control is the appropriate way to exercise control in a democracy and subjective control is the way of control for non-democratic systems of CMR (Feaver: 1999).

Along with the end of the cold war, new challenges were met in the areas of the DCC. The new challenges focused on restructuring the armed and military forces, enforcement of regulations, restructuring the defense management, asymmetric power relations, etc. The post-cold war encompasses budget cuts and downsizing the strength of the soldiers (Lambert: June 2005:21).

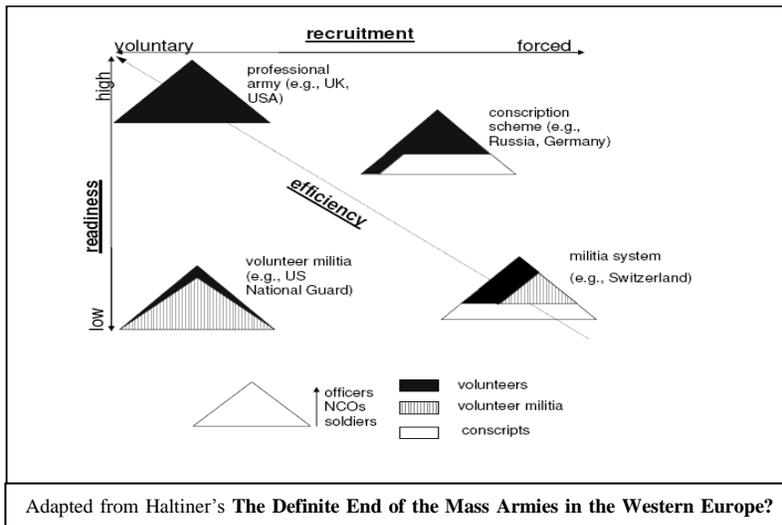
For all such control measures of the DCC, there should be an appropriate check and balance mechanism pursuing effectiveness, efficiency and legitimacy. The concept of DCC reflects mostly the classical meaning of democratic control of armed forces in addition to the traditional focus on military security and defense policy (Lambert: June 2005).

### 3 Control Theory of Civil-Military Relations

The control theory of CMR relates to the behavior affected by the person’s wants or desires at any given time for survival, freedom, love, power, or basic human needs (Pathak: May 27, 2010). The theory deals with the behavior of dynamic instruments of civil-military relations. There are four types of the control theory – objective, subjective, vertical, and horizontal – as described below.

#### 3.1 Objective Control Theory

Huntington’s theory of objective control was developed during the Cold War era. His model focused on maximization of military professionalism and its effectiveness. Politicians formulate a few general conditions for military operations and the military is compelled to execute those operations. The theory deals with the idea that officials of military not only work professionally within military’s autonomy, but also remain neutral actors in political affairs. The military officers implement the tasks as prescribed by their civil-political authority. Political leaders try to control the armed forces by introducing a politically friendly environment to their structures (Born: 2000:2). Janowitz tried to minimize the difference between objective and subjective controls by defending military effectiveness and democratic civilian control.



The civil and military affairs have been reflected by the US political model of checks and balances and power separation (Haltiner: 2000:2). After the end of the Cold War, Karl W Haltiner differentiated and extended Huntington’s control theory. He developed the theory further to reduce/abolish the numbers of universal conscription<sup>4</sup> and “citizen-soldiers” on the basis of civil, military and citizenry dimensions and lesser

emphasis on *en mass* military service (Haltiner: 2003:361)<sup>5</sup>.

### 3.2 Subjective Control Theory

Some countries apply the DCC to subjective control; for example, the Swiss model of CMR. Switzerland is recognized as the oldest democracy and a civil society federalist state in Europe; it has no standing army, but it has the largest militia (220,200) in the world (Pathak: August 29, 2009) which is used as a voluntary army (table no. 1) in case of a crisis, when the parliament appoints a qualified general focused in military and political culture and people are recruited as volunteer armed forces. Switzerland follows the “concordance” model of decentralization that leads to a political-military culture based on three elements: civil, military and citizenry (Haltiner: November 2000). The Swiss CMR demonstrates the subjective civilian control. The post-cold war world is largely divided not because of any ‘political ideology’, but due to adherence toward ‘identity theory’, prioritized fundamental human rights and civil freedoms along with military security. Huntington, in the course of carving a subjective control model emphasizes on the need for corruption control in the armed forces (Born: 2000:2).

### 3.3 Vertical Control Theory

**Table No 1: Countries where the minimum age for voluntary recruitment is under 18, including for training purposes or as cadets**

Armenia	France	Netherlands
Australia	Germany	New Zealand
Austria	Guinea-Bissau	Pakistan
Azerbaijan	Guyana	Papua New Guinea
Bangladesh	Hungary	Paraguay
Barbados	India	Peru
Belarus	Iran	Philippines
Bolivia	Ireland	Poland
Brazil	Israel	Russian Federation
Brunei Darussalam	Jamaica	Sao Tome and Principe
Burundi	Kazakhstan	Seychelles
Cameroon	Kenya	Singapore
Canada	Korea (Democratic	Tanzania
Cape Verde	People’s Republic of)	Tonga
Chad	Kyrgyzstan	Trinidad and Tobago
China	Lebanon	Turkmenistan
Cuba	Libya	United Kingdom
Cyprus	Luxembourg	United States of America
Dominican Republic	Malaysia	Vietnam
Ecuador	Malta	Zambia
Egypt	Mexico	
El Salvador	Moldova	

Source: Child Soldiers: Global Report 2008

Vertical control is top-down control of the military and armed forces that is linked with the concept of DCC. It exercises civilian supremacy through the government and the parliament; the constitutional, political, and legal measures, in turn, enhance the civil authority in the nation. It regulates the hierarchical relationship between politico-civilian and military leaderships, following the distribution of power, checks and balances, parliamentary supervision, defense and military laws, and regulations of the armed forces, etc (Lambert: June 2005:17). It is a kind of chain of command and control

mechanism.

### 3.4 Horizontal Control Theory

Horizontal control is the integration of military with civil society and in broad terms, it is linked with the concept of DCC. It means the military is responsible along with the civil society. This control is exercised by non-governmental institutions and non-official groups of society such as the media, various interest groups and associations, and research institutes,

etc. It emphasizes on practical and additional usefulness in promotion of security awareness, monitoring of the military, observing rule of law, and publicly scrutinizing the bureaucracy, among others. Such measures are generally conducted by the media, civilian experts, NGOs, and external actors, etc (Born: January 2001).

#### **4. Civil-Military Relations in Communist Regimes**

Chinese and Vietnamese civilian regimes often encounter problems similar to those of democratic regimes in the world. Both countries engage themselves with CMR through a different institutional mechanism, for instance, the Political Commissioner System (PCS), appointed directly by the party or the government. The People's Liberation Army (PLA) of China and Vietnam People's Army (VPA)<sup>6</sup> of Vietnam are influenced by political interventions. The role of military in such regimes encompasses a wide range of tasks such as defending national territory and sovereignty; securing the nation's maritime rights and interests; maintaining the unity of the motherland; ensuring internal stability; and maintaining a secure and stable external environment (Kamphausen et al: September 2007). One particular objective of the PLA is to view its core responsibility for its contribution toward the PRC's larger challenge – the national development goals (Finkelstein: September 2007). The military strategy guidelines rely on the coordinated development strategy of China in the areas of economy, politics, military, diplomacy, and culture (Cooper III: September 2007). The tasks of the VPA are 'to maintain combat readiness for safeguarding the socialist homeland and marking a contribution to the cause of national construction' (Thayer: August 23rd, 2009). Along with the modernization of the PLA and enhancement of its power and capabilities in the region, Vietnam also puts great emphasis in protecting its offshore territorial assets and economic interests in the South China Sea.

Nevertheless, CMR can function smoothly without any military-political conflicts due to the single party rule, in accordance with the vertical control theory. It is still being practiced as in the past even after the Cultural Revolution. The civilian authoritarian regime in Taiwan has started democratization in recent years, where the political commissioner has been replaced to ensure de-politicization of its armed forces for the sake of civilian control.

Both in China and Vietnam, the hierarchy of military officers is paralleled by the hierarchy of political officers representing the communist party (Shambaugh: 1991). Such parallel authority is reinforced by a high level military officer in the Communist Party. About 70% of high-ranking and mid-level security officers in Vietnam are from the governing party (Trinkunas: 1999). In communist systems, two military committees such as the military committee (MC) and the communist party military committee (CPMC) have developed as parallel organizations. The chairman of the PRC heads both the Central Committee and Central CPMC that have placed him as the supreme commander of the party as well as the PLA. Besides, the political commissariat monitors the implementation of the party's indoctrination policy for PLA and VPA. In the course of monitoring the armed forces, the communist party gives an opportunity to take high level members first to act as military (PLA) officers.

In 1969, during the Cultural Revolution (1966-1976)<sup>7</sup>, the PLA officer membership in the CP central community rose nearly by half, i.e. 45%, but dropped to 19% in 1987 (Shambaugh:

1991) along with the rise of Deng Xiaoping's free-market economy with the policy of "hide your strength, bide your time". Since the PLA's role was to preserve the CP's dominance during the Tiananmen crisis in early June 1989 (the rise of Jiang Zemin rule), the CP is still a leading player in the state policymaking and the configuration of CMR in China and Vietnam that have placed significant constraints to civilian rulers (Trinkunas: 1999). These constraints are further aggravated by the broad jurisdictional restrictions of the armed forces in China and Vietnam.

The expansive explanation of military's role has been amalgamated by the decision of party leadership in both China and Vietnam to moderately *marketize* the budget of the armed forces. In the case of Vietnam, 20% of the budget for the armed forces for 1989 was internally generated and 12% of military officials had participated directly in economic activities till 1994 (Thayer:1994). Military participation in the economy may diminish the economic burden of defense institution and the self-funding resources may give independence to the armed forces, but such trends heighten the interest toward military politicization and may intensify civil-military friction (Mulnenon: 1998). That may be why president Jiang Zemin in 1998 said to disallow the involvement of PLA in economic activities in order to strengthen their combat qualities (Kondapalli: October 2005).

The party's military department that controlled the armed forces was kept secret 38 for years (1950 to 1988). Zhao Ziyang (supported by the Deng Xiaoping) was succeeded by Jiang Zemin. Chinese CMR had shifted from the old analytical model of party-military symbiosis factionalism to clearer civil-military institutional boundaries, as Deng replaced Mao's agenda of revolution with four modernization policies for industry, agriculture, science and technology, and national defense (The Evolving Chinese Civil-Military Relations: November 2004).

When Deng passed away from the scene, China's real GDP growth accelerated and so its civilian economic base got strengthened a good deal. Taiwan emerged as an increasingly serious security issue for the regime. On the other hand, due to the problematic relations with US government in the aftermath of Tiananmen Square massacre, Jiang Zemin vehemently supported the modern defense system (Swaine, November 2nd, 2005). Due to PLA's willingness to continue supporting the rule of the Party and to obey the directives from the top party leaders, the PLA's influence also increased in selecting top civilian leaders, which in turn enhanced the PLA's ability to shape the domestic political environment. The Party Central Committee meeting ended on October 18th, 2010 elevating Vice-President XI Jinping<sup>8</sup> (born June 1953), Vice President of the Central Military Commission and Principal of the Central Party School as successor to President Hu Jintao from 2012 (Richburg, October 18th, 2010).

But, over the last two decades, the above issues have largely been shaped by five trends: increasing PLA professionalism, bifurcation of civil and military elites, reducing PLA's role in political institutions, reducing emphasis on political work within the PLA, and increasing military budgets. Thus, the role of the PLA got largely reduced in Chinese politics (Kiselycznyk et al: August 2010) along with the introduction of liberalization.

## 5. Civil-Military Relations in Nepal

The long history of CMR in Nepal looks asymmetrical, although it initiated with the *Dibya Upadesh* of Prithvi Narayan Shah, 242 years ago. His *Upadesh*, “Nepal is a yam between two rocks” is still relevant (Wagle: August 30th, 2010). Till the mid of 2006, the military of Nepal had been consistently used particularly by the Ranas and in general by the reigning monarchs for their own personal and vested interests in politics, power, property, and privileges, neglecting the national and public welfare. Such deep-seated selfish tradition and practice humiliated the military and decreased its capability. In fact, the manipulation of the military was initiated since its very inception. The first commander-in-chief (C-in-C) Bhimsen Thapa (1806-37), who became the Prime Minister also, started to appoint his brothers in senior positions for his own stronghold in the military. The Ranas further misused their power by creating “A”, “B”, and “C” divisions. Under the “A” category, sons of ruling Rana families were announced as military generals immediately after their birth. That was done to have their complete grip over the military and also to dissuade and intimidate the opponents. Very soon, the military got extremely centralized in the Rana family. By misusing the unchallenged military power, Junga Bahadur Kunwar transformed his Chhetri clan “Kunwar” to Rana. He decorated himself with *Shree-Teen* ( 3 grand honors) to become a parallel power center by compelling the then monarch who had been *Shree-Paanch* ( 5 grand honors) . He distributed all superior posts of the army to their brothers, sons and relatives, and promoted them to pursue the aim of consolidation of power as well as to secure his own and his family’s rule (Adhikari: 2005).

Nepal’s military has a long history that has deeply impressed a common perception among all, from ordinary citizens to civil society institutions, that it is not there to protect their life and liberty nor to safeguard national unity, independence, territorial integrity, sovereignty, national interests and values, or democratic government, but for the sole purpose of securing the autocratic regime at the time.

The current debate on civilian supremacy and democratic civilian control are the results of the military’s controversial history. The military-monarchy relationship was consolidated when the then King Mahendra promulgated Military Act 1959 and it deepened further when the Act on Rights, Duties, Functions and Terms of Service of the Commander-in-Chief, 1969 made the Chief of the Army Staff (CoAS) responsible and accountable to the King rather than the Government (Dhruba Kumar: 2009) and the people. After crushing the elected government, banning multi-party democracy, and putting numerous political leaders in jail, all in the name of protecting national interests and sovereignty, the military was formally made loyal to the Palace and even renamed as Royal Nepal Army (RNA) under King Mahendra's active rule; thus, the military power shifted from Singha Darbar to Narayanhity Darbar (Pathak and Uprety: March 7th, 2010).

King Mahendra had captured the state power in the name of nationalism, but in fact he had compromised with national interest and security on several occasions. He had signed the controversial Arms Assistance Agreement with India in 1965 that imposed constraints in procurement of arms, ammunition, and equipment for the army from third countries and practically pushed Nepal under India’s security umbrella. He tried to undermine his folly at times by playing China card against India at his convenience. He proposed ‘zone of peace’ in

vain. He could not finalize *Rastriya Mul Neeti*, a directive for basic policy for national interests. But, he signed the controversial Kalapani Treaty with India, besides other agreements.

Even during democratic movements, the then RNA, supported the autocratic regime and humiliated democratic leaders and cadres during 30 years of the Panchayat regime (1960-1990). During the drafting of the constitution in 1990, some senior generals of the RNA, covertly put pressure upon the interim PM Krishna Prasad Bhattarai to retain sovereignty with the king in accordance with the divine belief that the king being the sole personification of the State (Kumar et al: 2005).

During the Panchayat era, the entire security system, including the military, was filled with confidants of the king who would vow for the slogan, "*Rajbhakti, Hamro Shakti*" (loyalty to the king is the power of the army). The slogan itself states how much feudal culture had been ingrained deeply and even so practiced within the military. The Chief of Army Staff, Pyar Jung Thapa, gave a keynote speech to the graduating officer cadets at the 11th convocation of the Command and Staff College of the RNA on May 14th, 2004, which reads:

"The crown is the symbol of our identity and the kingship is the progenitor and guardian of the Royal Nepal Army along with the unalterable symbol of Nepali nationalism and national unity. The faith, devotion and trust of the people towards the Crown have remained the essence of Nepali nationalism since time immemorial. All Nepalese should therefore be united towards preserving the symbol of our identity along with the fundamentals of our national interests" (Kumar et al: 2005).

The popular Democratic Movements I (March-April 1990) and II (April 2006) have changed the political landscape of Nepal: from a multi-party democratic country, it has become a republic by abolishing the monarchy; power has shifted from the king to the people with civilian supremacy. An unpublished report on Understanding National Security Policy of Nepal says, "Nepal does not have a National Security Policy (NSP) even after such massive democratic changes have taken place" (Pathak: September 12th, 2010).

The post-1990 democratic government could not democratize the Army, rather ceased further recruitment and tried to restrict its role, encouraging instead the Nepal Police by allocating them more resources for seven years. A possible offshoot of this policy was the sudden resignation of Prime Minister Girija Prasad Koirala when the army was not mobilized against the Maoists in Holeri in July of 2001 (Pathak: 2005).

During the entire Panchayet-era in a supposedly constitutional monarchial system in Nepal, on certain occasions, the monarch donned himself in military uniform of the highest rank although he was not a trained soldier. He maintained an institution within the palace, called Principal Military Secretariat, through which all security forces were controlled and in fact managed. The Prime Ministers, all civilians, headed the Ministry of Defense. In the aftermath of the first democratic movement, the National Security Council (NSC) was established; it was presided by the head of the state with ministers of defense, home, and finance ministers as members. Its secretariat was filled with officers from the Nepal Army, Nepal Police, Armed Police, and National Investigation Department and its working function has not changed yet (Sharma: Undated).

Civilian supremacy versus military supremacy has become the most confrontational issue between the executive power holder prime minister and the ceremonial president since Nepal began the peace process. Pushpa Kamal Dahal (Supremo of the CPN-Maoist)-led government had fired the then Army Chief when he publicly expressed his dissatisfaction over (re)integration of the Maoist combatants in the Nepal Army and the challenge to civilian supremacy of the government emerged. However, President Dr. Ram Baran Yadav hired him back, challenging the constitutional rights of the cabinet decision. It resulted in lingering of peace process for a long time as the constitution could not be drafted within the stipulated period by May 28th 2010, and integration and rehabilitation of the Maoist combatants could not be held.

During the derailment of the transitional phase, Nepal suffered from security lapses when many socio-cultural groups initiated violent and criminal activities imitating “political power grows out barrel of gun” that substantially promotes a culture of impunity. The Maoist-led government had four options: (i) to withdraw from their stand on sacking the army chief citing international and national pressure; (ii) sack the army chief due to his refusal of the decisions of the civilian government; (iii) sack him on the grounds of his nearly assuming a coup against civilian authority; and (iv) resign from the government. Unwilling, to follow the first, and having exhausted the second and third, the party took the last option. Since then, Nepal has remained in perpetual confrontation leading to further uncertainty for the peace process (Pathak and Uprety: March 7th, 2010).

In the case of continued supervision, monitoring, and observation of the combatants of the Maoist Army (MA) in the main-and-satellite cantonments<sup>9</sup> and Nepal Army in barracks<sup>10</sup> and inspection of their arms and ammunition keeping them in the iron containers by UNMIN, four different voices were heard in public debates such as: (i) UNMIN yes, (ii) UNMIN No, (iii) UNMIN with a renewed mandate for a limited period, and (iv) the NA be out of UNMIN’s supervision and monitoring.

Firstly, the Maoist party, consisting of one-half of the whole peace process, urged for ‘UNMIN Yes’ until the completion of (re)integration of MA with the state security forces and/or their rehabilitation in the society. The Maoist leadership argued that there was no alternative to an impartial organization like UNMIN to complete the remaining tasks of the peace process. But, the government desired for ‘UNMIN No’ position because Prime Minister Madhav Kumar Nepal was highly influenced by India’s power and politics. So, a third option was to revise UNMIN’s mandate to suit the prevailing circumstances. That gave rise to yet another alternative as proposed by the army chief Chhatraman Singh Gurung who lobbied hard with the concerned authorities not to extend the term of the UNMIN beyond the stipulated date, i.e. September 15th, 2010 because the Special Committee was competent enough to supervise the completion of the remaining tasks of the peace process.

The NA view came when UNMIN criticized NA for their recruitment effort as evidenced by an advertisement published. The UNMIN said, “...any recruitment by either Nepal Army or the Maoist army constitutes a breach of the Comprehensive Peace Agreement and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA)” (Press release dated August 3rd, 2010). The press release further stated that any proposed recruitment should be referred to the Joint Monitoring Coordination Committee (JMCC)<sup>11</sup> for approval. The Supreme Court in its verdict recognized the JMCC<sup>12</sup> and directed it to resolve

the recruitment effort through consensus. However, on August 1st, 2010, the NA announced for fresh recruitment of 3,464 personnel and the Maoists announced its intention to retaliate the NA action.

The necessity to ponder over the concept of CMR is a new phenomenon in Nepal due to constant wrangling. The discussion over CMR was initiated when the House of Representatives transformed the then Royal Nepal Army into Nepal Army, dissociating it from the monarch completely and bringing it under democratic civilian control on May 16th 2006; this got duly legitimized upon declaration of the Federal Democratic Republic of Nepal in May 2008.

## **6. Civil-Military Relations in Parties' Manifestos**

The policies of the mainstream parties concerning CMR are excerpted below from their respective election manifestos for the Constituent Assembly elections.

### **6.1 UCPN Maoist**

The Maoist election manifesto has proposed for two armed forces in Nepal. It reads that professionalization of the PLA and democratization of Nepal Army should be carried out. A High Level Security Commission should be formed to restructure the security based on new democratic republic. Army should be brought out from the barracks to be involved in creative development and construction work. Army should be socialized and made pro-people. The national army should be made inclusive. The central government should manage and control the national army, whereas the autonomous states should build para-military forces and militia. There should be specialized security forces for border, industry, forest, highway, rural areas, etc. Special plans should be developed to utilize the experience of the ex-army men from Nepal and Gurkhas from Indian and British armies. The border security disputes and infringes in Susta, Kalapani, and other places should be settled as soon as possible based on the facts” (Nepal Communist Party-Maoist: Falgun 2064 BS).

### **6.2 Nepali Congress**

The Nepali Congress manifesto stated that a National Security Policy should be adopted to protect the national border, geographical/territorial integrity and natural resources, to promote social harmony, and to protect the life and property of the people. The border security and internal peace and security tasks should be the concern of the central government. The Policy should be meant not only for the army personnel but also for the citizens. The Nepali army should be made democratic, inclusive, and professional. It should be under the parliament, whereas the management and control should be done by the executive. The Armed Police, Nepal Police, and National Investigation Department should be transformed as per the federal structure (Election Manifesto of Nepali Congress: 2064 BS).

### **6.3 CPN UML**

As per the CPN UML manifesto, a National Security Policy should be developed for the sake of the security of the national border and to provide protection to geographical integrity and natural resources, social harmony, and protection of life. The Policy should be developed on the basis that it is not just for the Army personnel, but also for the people. Following the

democratic norms and values, Nepal Army should be democratized and professionalized besides being made inclusive. Nepal Army should be mobilized for constructive works. A concrete policy should be brought for the compensation of ex-Gurkha Army personnel and to protect their integrity. The integration and management of Maoist combatants should be carried out on the basis of consensus (Election Manifesto of the UML. 2064 BS).

#### **6.4 Madhesi Jana Adhikar Forum**

Is there any significance for a professional army in the context of Nepal's geographical reality? What should be its size even if it is deemed necessary? How relevant is the existing army structure and its size for the management of the country's internal security? How relevant would it be to link up the army for harnessing national security in a democracy? How important is it to make accountable the control, mobilization, and management of the army? It must be small in size and accountable to the elected parliament and the executive (Wagle: August 30th, 2010).

The Nepal Army has proposed for certain mandates for CMR. The traditional perspective for the security of the state is being gradually oriented toward change and improvement. The notion that national security can be guaranteed through the age-old perceptions is now gradually waning due to international relations developing after the end of the cold war, security environment, globalization, economic inter-dependence, development, liberal democratic political system, widespread human rights, and the growing asymmetric warfare. In this context, the national security must be taken in a broad and comprehensive form to address the internal and external challenges by considering the state and the people as reference points (Wagle: August 30th, 2010).

On March 29th, 2011, the Nepal Army put forward its proposal for (re)integration and rehabilitation of combatants of the Maoist army which has received positive responses from all corners. The NA has proposed to create under its command a General Directorate of 12,000 personnel taken from Nepal Army, Maoist Army, Armed Police Force, and Nepal Police. The integrated force would be deployed for special tasks of border, industrial, and forest security besides the rescue work in the event of natural calamity in any part of the country. It has stated that the directorate would be led by a Major General with 200 officers. The force would be divided into smaller units of 250 personnel. The NA has also ruled out bulk integration, but has agreed to be flexible in the criteria, including educational qualification, physical measure, marital status, and age of the combatant. However, the NA has disapproved of central committee's members of the UCPN-Maoist and the MA, accused of grave violations of human rights (Dr. S. Chandrasekharan: April 7th, 2011).

### **7. Proclamation of the Democratic Civilian Control Measures**

Several understandings, agreements, and accords, including the Interim Constitution 2007 have been adopted to put the Nepal Army and the Maoist Army under civilian control.

#### **7.1 Democratic Civilian Control of Nepal Army**

The Interim Constitution of Nepal 2007 states: "There shall be a 'Nepal Army' in Nepal as an institution (Art 144.1). The council of ministers shall appoint the Commander-in-Chief (Art

144.2). The Council of Ministers, in accordance with the law, shall control, mobilize and manage the Nepal Army. The Council of Ministers shall, with the consent of the political parties and by seeking the advice of the concerned committee of the parliament, formulate an extensive work plan for the democratization of the Army and implement it (Art 144.3). While formulating and implementing the action plan pursuant to clause (c) above, determination of appropriate number of Nepal Army, its democratic structure and national and inclusive character shall be developed, and training shall be imparted to the army in accordance with the norms and values of democracy and human rights (Art. 144.4). Other matters pertaining to Nepal Army shall be as provided for in the law (Art. 144.5)”.

In terms of National Defense Council as incorporated in the Interim Constitution 2007, it says, “There shall be a National Defense Council in order to recommend to the Council of Ministers for mobilization, operation and use of the Nepal Army comprised of the following chairman and the members: a). Prime Minister, President; b). Defense Minister, Member; c). Home Minister, Member; and d). Three ministers as nominated by the PM, Members” (Article 145.1). It further states, “The seniormost member of the Council of Ministers shall also be a member of the NDC if the PM holds the portfolio of defense minister (Article 145.2). The NSC, if it deems necessary, may invite other persons at the meeting of the Council (Article 145.3). The Secretary of the Ministry of Defense shall work as the secretary of the NSC (Article 145.4). Except in case of mobilization of the NA for reasons of natural calamities, the decisions made by the Council of Ministers for its mobilization shall be presented to the special committee as prescribed by the parliament within a month of the decision, and be approved by it (Article 145.5)”.

The House of Representatives assembled on May 18th, 2006 when the Maoists joined the Parliament as a legitimate party. The very day it proclaimed several measures concerning legislative, executive, army, royal palace, and so forth. It changed the name of the Royal Nepal Army to Nepal Army (Art. 3.1). The existing provisions regarding the National Security Council was repealed. However, there would be a National Security Council under the chairmanship of the Prime Minister in order to control, use, and mobilize the Nepalese Army (Art. 3.2); the Chief of the Army Staff of the Nepalese Army would be appointed by the Council of Ministers (Art. 3.3), revoking the existing arrangement of Supreme Commander of the Army (Art. 3.4). Any decision of the Council of Ministers to mobilize the Army must, within 30 days, be tabled before the special committee assigned by the House of Representatives and be endorsed by it (Art. 3.5). The formation of the Army would be inclusive and national in nature (Art. 3.6).

A letter signed by both the then PM and Prachanda was sent to UN General Secretary on August 9, 2006 informing him about the developments, including that the Nepal Army is monitored to ensure that it remains in its barracks and its weapons are not used for or against any side and other modalities would be worked out among the parties and the UN (Art. 4)<sup>13</sup>. The Comprehensive Peace Accord of November 22, 2006 had imposed several restrictions on Nepal Army. It had also stated that the Army would be confined within the barracks and their arms would not be used for or against any one. It could store its arms in equal numbers to that stored by the Maoists, sealing the container with a single lock as the Maoist would do theirs, and the key would be kept by the concerned party. A device would be used along with a siren and camera for the monitoring by the United Nations (Art. 4.6). The control, mobilization,

and management of the Nepal Army would be done by the Council of Ministers and the Council of Ministers should prepare and implement a detailed action plan for democratization, human rights observance, and inclusive character of the Army (Art. 4.7). The functions performed by the Army for border security, security of the conservation areas, protected parks, banks, airports, power houses, telephone towers, central secretariat and security of very important persons should be continued (Art. 4.8).

Similar agreements were signed between the Seven Party Alliance and the Maoists on November 8, 2006. It means that the basis for the peace accord had already been done between the parties before the accord was formally signed.

The Agreement on Monitoring of the Management of Arms and Armies (AMMAA) (December 8, 2006) also outlines several provisions. Under barracking, weapons storage, and control of the Nepal Army, the contents of Articles 4.6 and 4.7 of the Peace Accord have been recalled to further express their commitments. UN monitors will have access to any and all NA barracks for the purposes of monitoring the Army forces or its weapons, whether they are being used for or against any party (Art. 4.2.1). The barrack/barracks where NA arms would be stored under the conditions spelled out in Section 4.1.2 would be identified as agreed by the parties. The arms would be stored in storage containers (Art. 4.2.3).

The NA should continue the functions of border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat, and security of VIPs. Routine military activities (such as regular training, participation in official ceremonies, parades) and relief of troops (such as natural disasters on a one-to-one basis) should continue. Regular maintenance and replacement of lethal/non-lethal equipments, execution of development and construction tasks at all levels, participation in Peacekeeping Operations, and other directed by the Government (Art. 4.2.4) should also continue.

## **7.2 Democratic Civilian Control of the Maoist Army**

Democratic control of armed forces can be interpreted in different ways, since there is no shared definition with regard to the notion of 'armed forces' (Lambert: June 2005). The UCPN (Maoist) agreed in principle to dissociate their army from the party and put it under the Special Committee for supervision, integration, and rehabilitation (SIR) on September 16th, 2010. The former Technical Committee of SIR was replaced by a Special Committee with a 12-member secretariat to control the MA. The committee endorsed a code of conduct (CoC) to supervise, command and control the Maoist armed forces. It also agreed to add four more members each from Nepal Army, Nepal Police, Armed Police Force and Maoist Army. The CoC requires that the MA must delink all its ties from the party and it must be prohibited from carrying out political activities using pictures of communist leaders, singing communist songs and painting communist slogans in their cantonments (Chapagain: September 16th:1 and Dahal: September 16th:3).

The MA was made a legitimate force similar to the NA as mentioned in the transitional provision of the Interim Constitution mentioned . Article 146 says, "The Council of Minister shall form a special committee to supervise, integrate, and rehabilitate the combatants of the Maoist Army, and the functions, duties and powers of the committee shall be as determined by the Council of Ministers". For its management and monitoring, Article 147 guarantees, "The other arrangements in regard to the management and monitoring of the arms and the

army shall be carried out in accordance with the ‘Comprehensive Peace Accord’ concluded between the Government of Nepal and Nepal Communist Party (Maoist) on November 21st, 2006 and the agreement on Monitoring of Arms and Army Management reached on December 8th, 2006.”

The four-point Government-Maoist Party Agreement on September 13th, 2010, made several provisions on the Maoist Army. It agreed to give final shape to all the documents prepared by the Special Committee, to carry forward the peace process by reaching agreements as soon as possible, and to implement them. The Agreement directed to bring the Maoist Army under the Special Committee without delay and to share all the details about the Maoist combatants with the Committee, directed the concerned parties to undertake the remaining tasks of the peace process from September 17th and complete them basically by January 14th, 2011, and proposed to extend the term of UNMIN for the last time for a period of four months, under the same mandate (Chapagain: September 13th, 2010:1).

Following the commitment expressed in the letter sent to the United Nations on August 9th, 2006, Maoist Army has remained confined within the cantonments stated in the peace accord. The accord had stated that the MA should be verified and monitored by the United Nations by keeping them in seven main (Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli and Ilam) and 21 satellite cantonments. The sub-cantonments around the main cantonments had to be located at the rate of three each (Art. 4).

Except the weapons required for the security of the cantonments, the arms and ammunition should securely be stored in the iron containers in the cantonment with single lock and camera similar to the Nepal Army. The keys should be kept by the concerned party and similar to the Nepal Army, the United Nations should monitor the Maoist Army in the presence of the concerned party (Art. 4.2). When the Maoist Army stays in temporary cantonments, the Government of Nepal should provide rationing supplies and other necessary arrangements (Art. 4.3). The Interim Council of Ministers should work to supervise, integrate and rehabilitate the Maoist Army (Art. 4.4). Security provisions for the Maoist leaders should be made through the understanding with the Government (Art. 4.5).

Prior to the peace accord, six-point agreement between the SPA-Maoist Party signed on November 8th, 2006. It means the six-point deal concluded the numbers of the main and satellite cantonments and management of arms and armies of Maoist Army<sup>14</sup>.

In accordance with the commitment expressed in the letter sent to the United Nations, Maoist Army should be confined within designated cantonment areas according to the AMMAA. As per the AMMAA, the Government of Nepal will provide food supplies and other necessary arrangements such as communications and proper logistics (Art. 4.1). To ensure the safety of both monitors and Maoist army personnel, no improvised explosive devices or crude bombs will be brought inside the cantonment sites. Main cantonment sites’ management should be done. A solid fence will surround the specified area, including a gate with a lock. There will be signs on the fence clearly identifying the restricted area. The weapons storage depot will be composed of storage containers painted white and furnished with shelves for safe weapons storage and easy control, and with a complete inventory (weapon type, caliber and serial number). A 24-hour surveillance camera provided by the UN Mission will cover the storage

site and will be monitored from the UN office in the cantonment site. Floodlights will be switched on automatically during hours of darkness.

The UN Mission will provide an inspection registration device mounted on each container door indicating when the storage container has been opened. An alarm system provided by the UN Mission will be connected to sirens in both the UN office and the camp commander's office. The system will be activated if the container door is opened without a "safe button" having been switched off in connection with regular inspections. Each main cantonment site will be allowed 30 weapons of the same make and model to be used only for clearly defined perimeter security by designated guards, with each satellite allowed 15 such weapons under the same conditions. These weapons will all be properly registered with serial number. The UN Mission should monitor these commitments with a full-time presence at the Maoist army main cantonment sites, mentioned at the Art. 4.1.2 of the AMMAA.

### **7.3 Democratic Civilian Control of Both Armies**

Article 3 of the Twelve-point Understanding signed on November 22nd, 2005<sup>15</sup> in New Delhi stated that the Maoist Army and the then Royal Nepal Army should be kept under the United Nations or a reliable international supervision during the CA elections to accomplish the election in a free and fair manner. The CS should end the autocratic monarchy and involvement of a reliable international community even in the process of negotiation was also expected (Art. 3). The Eight-point SPA-Maoists Agreement signed on June 16th, 2006, requested the United Nations to assist in the management of the armies and arms of both the parties and to monitor them for a free and fair election of the Constituent Assembly (Art. 3)<sup>16</sup>. The Letter to the UN General Secretary written by the Prime Minister and Prachanda sought for UN assistance in the "management of arms and armies of both sides" deploying qualified civilian officials to monitor and verify the confinement of Maoist Army and their weapons within designated cantonment areas (Art. 3). In regard to weapons storage and control of the 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. The Code of Conduct (CoC) signed on May 25nd, 2006 between the Government and the 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). In regard to management of arms and armies, the discussion and understanding would be continued on the basis of mutual consent (Art. 5). Similarly, both the armies would not participate in public meetings, conference or any other political activities in combat dress or in possession of arms (Art. 6)<sup>17</sup>.

### **7.4 Prohibited Decree of Both Armies**

Both sides agreed not to carry out any type of arms and weapons targeted against each other; searching or confiscating weapons belonging to other side; setting up ambush targeting each other; murder and violent activities; kidnapping, arrest, detention and disappearance; damaging public, private, government or military property; aerial attack or bombardment; land mining and sabotage; spying on military activity of each other, stated Article 5.1.1 in the peace accord. The accord agreed not to recruit additional military forces; should not use

illegal trafficking of materials like arms and weapons, should not travel with illegal arms, ammunitions and explosives; should not present with arms or combat dress in any civil gathering, political meeting or any public program; stop to address as 'enemy' to any armed person of one side to the armed person of the other side and return public and private properties immediately (Art. 5.1.2 to 5.1.8).

As in the peace accord, several measures are adopted in the AMMAA. It restricted to harm or intimidate humanitarian and development workers and other non-combatants, and any seizure of their equipment and military, public and UN properties. It prohibited ambushing, murdering or violent operations, kidnapping, unlawful detention or imprisonment, disappearances; impeding or delaying the provision of humanitarian assistance, UN mission and ICRC including gender-based violence and free movement of people and goods. Redeployment of military forces and equipments should not be carried on without the consent of the Joint Monitoring Coordination Committee. The use of children under 18 in the armed forces was restricted (Art. 5.1)

### **7.5 Permitted Decree of Both Armies**

De-mining and decommissioning of military hazards; development activities including construction of roads, rehabilitation of bridges and passages and airstrips; humanitarian relief and other socioeconomic activities including assisting free movement of people, goods and services; free movement of unarmed soldiers in plain civilian clothes; supply of non-lethal items to military units, food, water, medicine, petrol, oil and lubricants, stationary, uniforms etc; and medical evacuation are permitted in the AMMAA (Art. 5.2)

### **7.6 Human Rights Measures of Both Armies**

Under the compliance of human rights, the peace accord agreed to make public the status of the people taken in custody and release them within fifteen days; make public the information about the real name, surname, and address of the disappeared people within 60 days; carry out relief work for the conflict victims constituting a National Peace and Rehabilitation Commission and a High-level Truth and Reconciliation Commission; withdraw accusations, claims, complaints cases; allow the persons to return back their homes voluntarily; create conducive environment to travel freely to any part of the country; operate donors-launched programs in a decent and respectable manner (Art. 5.2). It reconfirmed both armies commitment to respect and protect human rights; international humanitarian law including civil, political, economic, social and cultural rights; respect right to life, right to individual dignity, freedom and movement, rights of women and children, and rights to personal liberty (Art. 7).

The AMMAA restricted unauthorized troop movements, recruitment, conscription or mobilization and replenishment of military equipment; violation of human rights, humanitarian law or obstruction of freedom of movement of people, goods and services; espionage, sabotage, air surveillance and acts of subversion; and military flights, or military flights utilizing civilian aircraft, over cantonment sites without 48-hour notification to the parties and the UN mission, except in emergency situations or medical evacuations (Art. 5.3)

These agreements or understandings may be revised at any time with the consent of both parties. For this, both parties must provide each other prior written information if they wish to

make any change or amendment. Such amendments can be made in the agreement with the consent of both parties. The provisions made by such an amendment will not fall under the minimum standards of accepted international human rights and international humanitarian laws.

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 alliance along the lines of China and India, globalization, economic inter-dependence, liberal democratic political system, widespread human rights, asymmetric warfare, and security environment between neighbors.

## 8. United Nations Mission in Nepal

The UNMIN served in Nepal from January 23rd, 2007 to January 15, 2011, i.e. for 3 years, 11 months, and 3 weeks. The UNSC Resolution on September 15th, 2006 decided in line with the request from the Government of Nepal that UNMIN would stay in Nepal for a year initially. However, the tenure was extended six times on the request of the government. Finally, it was withdrawn with full humiliation in the midst of peace process. Madhav Kumar Nepal (who was defeated from two constituencies in the CA in 2008)-led government terminated UNMIN on the whisper of India, as he has been highly influenced by Indian power and politics since early 1990 (Pathak: May 13th, 2010).

The Agreement on Monitoring of the Management of Arms and Armies formally invited UN to (i) guarantee the fundamental rights of the Nepali people to take part in the CA in a free and fair environment

without fear; (ii) to ensure sovereignty for the Nepali people in the form of a progressive

<b>Table 2: United Nations Mission in Nepal (January 23, 2007-January 15, 2011)</b>			
<b>Term</b>	<b>From</b>	<b>To</b>	<b>Tenure</b>
<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>

political outlet, a democratically restructured state, and social-economic-cultural transformation; (iii) to fully observe the terms of the bilateral agreement witnessed by the United Nations; and (iv) to seek UN assistance in monitoring the management of the arms and armies of both sides.

UN civilian personnel confined both the Maoist Army and Nepal Army and their weapons at their cantonments and barracks respectively and their weapons were not used against each other (Bimali and Pathak: December 16th, 2009).

The UNMIN had initially registered 32,250 Maoist army 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, keeping the weapons in iron containers. The Maoist

<b>Table 3: Name, location of main and satellite cantonments and unqualified Maoists personnel</b>						
<b>Develop. Region</b>	<b>District</b>	<b>Main Cantonment</b>	<b>Satellite Cantonment</b>	<b>Children (a)</b>	<b>Late recruit May2006(b)</b>	<b>Unqualified (a+b)</b>
Eastern	Ilam	Chalachuli-Division I	Biplab-Srijana Smriti at Danabari, Ilam Ratna-Shakuntala Smriti at Tandi, Morang; and Chintang-Sukhani at Yangshila, Morang	617	259	876
Central	Sindhuli	Dudhauri – Division II	Solu-Salleri Jana Kalyan, Sindhuli; Bishal-Kumar Smriti at Tribeni, Udaypur; and Rambriksha Smriti at Kalijore, Sarlahi	277	95	372
	Chitwan	Shakti Khor-Division III	Basu-Smriti, Tinchowk, Chitwan; Bethan Smriti at Namobuddha, Kavre; and Pratap Smriti at Kamidanda, Kavre	367	219	586
Western	Nawalparasi	Jhyaltung Danda – Division IV	Paribartan Smriti at Thulokot, Kaski- Tanahun; Basanta Smriti at Tingire, Palpa- Arghakhanchi; and Krishna Sen Smriti at Jhingamara, Rupandehi	424	198	622
Mid-Western	Rolpa	Dahavan – Division V	Mangalsen First at Tila, Rolpa; Jawahar Smriti at Chaupatta, Dang; and Dirgha Smriti at Holleri, Rolpa	396	56	452
	Surkhet	Dasarathpur-Division VI	Jeet Smriti at Dasarathpur, Surkhet; Ghorahi-Satbariya at Lek Pharsa, Surkhet; and Pili Smriti at Kalyan, Surkhet	525	104	629
Far Western	Kailali	Masuria – Division VII	Lisne Gam at Masuriya, Kailali; Bahubir Yoddha at Sahajpur, Kailali; and Lokesh Smriti at Chisapani, Kailali	364	103	467
Maoist Party HQ (security to leaders)				3	1	4
<b>Grand Total</b>				<b>2,973</b>	<b>1,035</b>	<b>4,008</b>

Army personnel were disarmed and demobilized. The verification mission had disqualified 8,640 (27%) Maoist army personnel as they did not appear in the interview. 4,008 (12%) persons remain to be discharged, including 2,973 minors (UNMIN: 2007) (See Table 3 and 4). Those disqualified were minors or late recruitment after May 25th 2006, at the time of the ceasefire.

After several months of intensive discussions among the political parties and UNMIN, the Maoist party, Government, and the UNMIN signed an action plan to discharge the disqualified on December 16th, 2009. Brigade Commander of MA Saral Paudel Sahayatri and Secretary of the Ministry of Peace and Reconstruction Sadhu Ram Sapkota signed the plan for the discharge of disqualified Maoist army personnel from the cantonments at a function. The UCPN (Maoist) chair and former commander in chief of the MA, Puspa Kamal Dahal, Peace Minister Rakam Chemjong, and Special Representative of the Secretary-General for Children and Armed Conflict Radhika Coomaraswamy attended as the witnesses of the action plan. The discharge of disqualified (minors and late recruits) 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 (UNMIN: January 7th, 2010). Their (re)integration in the society was carried out in two steps.

**Step 1:** Pre-Discharge led to agree on modalities, timeframes, and code of conduct for the discharge process was established. A list of disqualified personnel were provided by the UNMIN to the Maoists verified in 2007. The Maoist party confirmed and provided the discharges one week in advance of discharge. The Maoist party arranged for transformation of the discharges. The UN logistic teams deployed to the cantonment sites three day prior to the commencement of the peace process.

**Table 4: Numbers of the Disqualified Discharged**

#	Development Region	District	Main Division/ Cantonment	Attended	%	Absent	%	Total no.
1	Eastern	Ilam	Chalachuli I	471	11.75	402	10.03	<b>885</b>
2	Central	Sindhuli	Dudhauri II	191	4.77	171	4.27	<b>367</b>
		Chitwan	Shakti Khor III	253	6.31	328	8.18	<b>587</b>
4	Western	Nawalparasi	Jhyaltung Danda IV	357	8.91	261	6.51	<b>627</b>
4	Mid-Western	Rolpa	Dahavan V	265	6.61	187	4.67	<b>459</b>
		Surkhet	Dasarathpur VI	527	13.15	70	1.75	<b>610</b>
4	Far Western	Kailali	Kailali VII	330	8.23	134	3.34	<b>472</b>
<b>Total</b>				<b>2,394</b>	<b>60.65</b>	<b>1,553</b>	<b>39.35</b>	<b>4,008</b>
<b>Source: UNMIN and Nepal : March 7, 2010</b>								

**Step II:** All those disqualified were assembled in groups of 50 in each concerned division. The UN team screened and cross-checked them by using their database. A briefing overview session was organized jointly by the Maoists and the UN. Photographs of the discharged were taken in civilian clothes and kept in the UN database. ID cards were provided to each discharged person; the cards were required for the due process of rehabilitation package. The information regarding all discharged persons was entered in the UN database. The UN informed them about the availability of volunteer 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 Rs.10,000 and the Maoist party provided Rs.12,000 as transportation and transition allowance to each person discharged. The local organization of the Maoists welcomed the discharged persons at their concerned destination.

UNMIN stated that about 500 of them were still under 18 years and 15 were under 16. Similarly, another group of 1,035 were disqualified because they were recruited after the ceasefire in May 2006 that ended 10 years of armed conflict. About one-third of the total number of those disqualified were female (UNMIN: February 8th, 2010). UNICEF Country Representative Gillian Mellsop said, “The release of these young people today is not only symbolic for the country but a milestone for these young men and women who spent their formative years inside a military structure losing out on critical skills vital for adulthood. All those concerned must now act swiftly to ensure that they reintegrate successfully and help build Nepali society fractured after this long conflict” (UNMIN: February 8th, 2010)

The rehabilitation package for the reintegration of discharged persons as supported by the Government and the United Nations includes: formal schooling, vocational training, training as health workers, and setting up small/micro-enterprises. Discharged persons must sign up for one of these packages within 12 months from the date of discharge.

A UN team would monitor the Action Plan that the discharged persons would not be engaged in violent activities within Maoists affiliated organizations. It was undertaken that when the Maoist party had fully complied the plan, the party would be considered for removal from the list of parties that recruit and use children in conflict and the matter would be included in the annual UN Secretary-General's Report on Children and Armed Conflict. Under the Plan, monitoring would last for six months, but monitoring under Security Council Resolution 1612 would continue beyond the said date (UNMIN: February 8th, 2010).

### **8.1 Where did the discharged go?**

It is remarkable that four-fifth (79%) of the discharged were above 18 years. Discharged minors and disqualified were involved in various activities. First, many of them contacted for the rehabilitation packages for their future livelihoods. By November 2010, a total of 2,225 discharged former combatants were counseled under the four available 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 (Pathak: September 13, 2011:16).

Second, many discharged continued under the chain of (political) command of the Maoist party believing that the coalition government and the anti-Maoist elements in society would treat them with prejudice. Third, a few of them had joined the revolutionary forces such as CPN-Maoist, led by Matrika Prasad Yadav, Revolutionary Communist Party, Limbuwan/Khabuwan Liberation Fronts, Akhil Tarai Mukti Morcha (Goit faction), Janatantrik Tarai Mukti Morcha (Jwala Singh, Bisfot Singh factions), etc. This trend continued to increase. Fourth, a section of them are trying to establish their own force in the name of retaliation against those (Maoists, NC, and UML leaders) who spoiled their normal life in the name of restoring People's Republic Nepal by eliminating semi-feudalism, semi-imperialism, and semi-extensionism or they hope to be recruited in state security forces for change. A few discharged are waiting for the right time for retaliation. Fifth, a part of the discharged have already spread their hands with criminal forces or have already formed criminal gangs. Sixth, a few discharged have chosen to go in foreign employment. Seventh, a small number of them 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 8, 2010, the concluding day of the ceremony in Dahaban in Rolpa district. This itself was an example that the discharged were not satisfied with the concerned actors. The government had tried to retaliate 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 in this manner the party is losing its cadres. The Maoist party also fears that handsome package might influence them to work with other parties.

## **8.2 UNMIN's 61-Week Work plan**

At the end of June 2010, the UNMIN prepared a non-paper proposing a 60-week time plan for the MA integration and rehabilitation. 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 implement a timetabled action plan with clear benchmarks for integration and rehabilitation of the combatants (Dahal: July 9th, 2010).

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 integration and rehabilitation. 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<sup>18</sup>, 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 retirement (R), Integration (I), and Rehabilitation (R), 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.

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. UNMIN had sharply criticized the 112-day action plan proposed by PM Madhav Nepal as too short.

## **9. Nepal Government's 112-day Action Plan**

On January 5th 2010, PM Madhav Nepal had presented a 112-day (time bound) action plan for the MA's supervision, integration, and rehabilitation, giving top priority to marginalized groups such as ethnic, dalit, Madhesi, and women in the Maoist Army. He proposed that 3,000 Maoist Army combatants be integrated in security bodies based on one- weapon -one-person principle of 3,475 weapons stored in the iron containers. He proposed that the Maoist army could be integrated in Nepali Army, Armed Police Force, Nepal Police or any other security forces. The PM presented three options: (i) to fix the strength of MA for integration in different security forces; (ii) voluntary retirement, and (iii) rehabilitation. He tried hard to set up a supervisory mechanism and code of conduct for the Maoist army, first proposed by the Technical Committee in September 2009 (UNSC: September 2nd, 2010). The MA meeting the existing practice and standards should be recruited in the security forces and be trained subsequently.

Rehabilitation focused on the premise that they could either join a political party of their choice or have an economic package or other options. Those opting for party politics should not receive any rehabilitation package or financial incentive, but those who want rehabilitation in society would have a rehabilitation package including formal education, skill-based training, vocational training, employment (home or abroad) or small income generating business.

In the High Level Political Mechanism (HLPM) of the three parties such as Maoists, NC, and UML on February 13th 2010, Maoist Chairman Dahal rejected any discussion on integration issues of proposal tabled by Prime Minister Nepal (Ogura: March 2010). Demanding the recount of the number of the MA, that proposal came 117 days before the deadline to draft a new constitution by the Constituent Assembly.

UNMIN and UNDP, together with the donor community, made a joint presentation to the Technical Committee, outlining lessons learned from the discharge of the Maoist army earlier in 2010 of minors and late recruits and rehabilitation processes. UNMIN decided to continuously meet with the Technical Committee and to convene coordination meetings at which donors and international organizations share information related to integration and rehabilitation (UNSC: September 2nd, 2010).

However, PM Nepal proposed to settle the rehabilitation and integration process of MA within 30 days on April 17th, 2010 amending his earlier 112-day plan, but the Maoist party boycotted the meeting. He proposed NRs 200,000 for a commander and NRs 150,000 for a combatant as rehabilitation package. The proposal further stated that government should provide scholarship for formal education, educational, and professional training and foreign employment opportunities providing up to Rs 252,000 over a span of three years to each MA person. An additional amount between Rs 200,000 to Rs 225,000 would be provided to disabled and seriously ailing combatants for their ailment. However, the Maoist leadership demanded to provide NRs 1,000,000 for each MA's voluntary retirement or rehabilitation.

## **10. Civil Military Relations in Nepal and India**

The Civil Military Relations and Army (Re)integration does not depend upon Nepal's concern alone. India has a deep interest on it. Commenting to the Situation Update 87 (August 2009) on Global Practices of DDR-SSR prepared by the Peace and Conflict Studies Center or PCS Center (formally known as Conflict Study Center or CS Center), the Indian Embassy in Kathmandu, Nepal said, "Reference DCM's query on the comments on Global practices for DDR-SSR prepared by Dr. Bishnu Pathak of Conflict Study 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."

This is just an example. It itself states that how much India has been interest on Nepal's security system. It is to be remarkable of that none of Nepal's elected government completed the full-five year tenure in six-decade because of India. Indeed, the sole interest of India is to control Nepal's natural resources influencing Nepal's political leaders, security institutions, and bureaucracies. India always tries hard to put Nepal under its fold either through 1965 security umbrella or 2011 exclusive economic zone agreements.

## 11. History of Armies (Re)Integration in Nepal

There have been intense discussions on (re)integration of Maoist Army in the national army in Nepal. The army integration is the most complex phenomenon in post-conflict Nepal through peaceful political negotiation. Arguments and counterarguments have appeared on army integration in the political scenario that has surfaced, unfolding several complexities in the process. However, (re)integration of the Maoist Army in the Nepal Army and Police Force is not the first such challenge in 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* after the tripartite agreement among the King, Ranas and Nepali Congress held with the mediation of Indian PM Jawahar Nehru in New Delhi, India. The *JanaMukti Sena* had been able to capture seven major cities in eastern Nepal (Basnett: March 2009) and mid-western region. On March 10th, 1951, the coalition Government led by Mohan Shamsher Jung Bahadur Rana accepted *JanaMukti Sena* as a Para-Military Force (similar to present Armed Police Force) of state without much debate and discussion. The Central Nepal Raksha Dal Brigade headed by Nod Bikram Shah included three battalions with the East, Central, and West commanding generals offices (Lama:2007). It is remarkable that Shah had been against the democratic change and also against the (re)integration of *Raksha Dal* in state security forces.

The *JanaMukti Sena* comprised of minority castes/ethnicities such as Gurung, Magar, Dalits, etc. The intention behind the integration was to bring them under the control of the conventional army (Pathak: December 21st, 2008).

PM Matrika Prasad Koirala united the *JanaMukti Sena* again in the name of *Rakshya Dal* (while it was ineffective in the course of implementation of the decision) and Gyan Bahadur Subba Yakthumba (*Badahakim* – the Chief District Officer of Ilam in Eastern Nepal) was appointed as its commander (Tamang: 2063). The government reintegrated some personnel of *Rakshya Dal* and Civil Police (established by the Ranas) in 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 was the prime minister. The remaining *Rakshya Dal* force was finally in 1960 transformed into Home Guard and some battalions, viz. Bardabahadur, Pashupati Prasad, and Simhanath (Pathak: August 18, 2011).

The history has been a witness that a total of six persons from the former *Jana Mukti Sena* were appointed as IGP. They were: G B Yakthumba, Gopal Shamsher, Purna Singh Khabash, Pahal Singh Lama, Ram Bahadur Thapa, and D.B. Lama (Lama:2007). Ironically, many of them had reached at the top position of Nepal Police during the Panchayat era.

Nepali Congress had seen sharp differences between the two brothers, B.P. Koirala and his half-brother Matrika P. Koirala. Matrika, who became Prime Minister for a second time (June 15th 1953 to April 14th 1955; the first term being November 6th 1951 to August 14th 1952), had a deep regard for King Tribhuvan, while B. P. Koirala was a revolutionary desiring for radical changes. Moreover, Matrika had been a one-time member of Rana bureaucracy, but B.P. was thoroughly a democratic leader.

The intra-party conflict made a fertile ground for the *Rakshya Dal* uprising (Bhusal: June 7th, 2002) and a section which was led by Nepal's first doctor, Dr Kunwar Indrarjit Singh who eventually founded his own party and became the prime Minister for four months in 1957. Dr Singh was also a radical leader of Nepali Congress. He had once led the second batallion of the *Mukti Sena*. He led the small section of Kiranti Secessionist Organization. He was kept in a jail in Singh Durbar on the false charge of robbery by his former colleagues in Nepali Congress. Along with two leaders, he was forcibly freed from the jail by the mutineers on January 16, 1952, but Singh went to Tibet with a few friends in self-exile, declining the offer to lead the revolt (Whelpton: 2005).

At the time, Dr Singh and his revolutionary *Raksha Dal* had captured almost all the Kathmandu Valley except the Narayanhiti Palace. Upon facing strong retaliation by the state-controlled forces, he fled from the scene of uprising. The government security forces soon controlled the mutineers in the absence of leadership. The then Communist Party of Nepal (CPN) which had a sympathy toward the *Rakshya Dal*, was banned in Nepal (Gyawali et al: November 2005) on the pressure of India. Singh had been unhappy against the Delhi compromise through which Rana regime had officially ended on February 8th, 2051. Besides, he was happy when the coalition government appointed Nod Bikram Shah as the head of the *Rakshya Dal*. That is why he and his revolutionary wing continued the armed struggle, revolting against Nepali Congress. As opportunists line themselves and encircle the party leadership in Nepali Congress since its inception, genuine party leaders and cadres get marginalized.

## 12. Conclusion

Nepal's Seven Party Alliance (SPA) and the CPN (Maoist) or SPAM signed the Delhi Agreement on November 22nd, 2005 to end the autocratic kingdom in Nepal and to make it a republic by accomplishing free and fair Constituent Assembly (CA) elections. It also urged for the monitoring of both armies under UN supervision. The understanding was made and signed under the leadership of Girija Pd. Koirala and Prachanda. Koirala had agreed to abolish monarchy on the advice of India as a retaliation against the king rather than to bring the Maoists in mainstream liberal politics.

In almost five years' period of peace process (2006-2011), many agreements have been signed, but the issues of (re)integration, rehabilitation, professionalization, democratization,

and right sizing of the NA could not be achieved except discharging the disqualified MA combatants. This has happened due to the lack of confidence building measures, rival aspirations for radical changes vs. conservative interests, parties' affiliation with two extreme lines of thoughts - disorderly and under-governed liberal democracy of India and the orderly, over-governed, controlled democracy of contemporary China. While 3,500 km Sino-Indian border has been tightened by both sides, transitional Nepal finds itself between the allies of India, the US, and the West (Hindu-Christian) on the one hand, and the allies of China, Confucianism, and Muslims (Buddhist-Muslim) on the other; in a way at the epicenter of the string of pearls (the theory informally initiating the identity-based cold war) (Pathak: manuscript). The former set of allies desire to weaken China by penetrating through Free Tibet Movement while China stands to protect it.

Due to the Sino-Indian security concerns, CMR of Nepal has become a crucial issue. The three-pillar theory does not apply to either army owing to fundamental ideological differences on drafting of new constitution, state restructuring, and identity-based army (re)integration. Among the objective control (maximization of professionalism), subjective control (autonomous military institution), vertical control (politico-civilian supremacy), and horizontal control (society-military link) theories, the former two are less effective, but the latter two would be the best assets in terms of CMR. Besides the three-pillar and control theories, identity theory would also be a very good option for CMR in view of the socio-cultural mosaic of Nepal. Civil-Military-Citizenry-Bureaucratic (CMCB) relations may set a good example in the transitional Nepal. The success of CMR depends on the vested security interests of India and China. The Chinese movements have substantially increased in recent years in Nepal since watching the Indo-US civilian nuclear deal of February 2nd, 2009 with suspicion.

Nepal and India have a unique security relationship; so much so that the chief of the army staff of Nepal is the honorary chief of Indian Army, and vice versa. However, being a very small and landlocked country, Nepal gets deprived from receiving the fruits of such honorarium. Not long ago, India had synergized the efforts to abolish monarchy to please the CPN (Maoist), but now their relationship has grown bitter. Such relationship aggravates the situation further when India tries hard to marginalize the Maoists by whispering through the ears of other mainstream and cultural parties of Nepal. India's fake propaganda, "India's Maoists have been trained in Nepal" is but an example, among numerous such examples. However, on the other hand, the Maoists have strengthened their ties with China and the movements of Indian delegates in Nepal have been retrenched. So long as Indian establishment continues to try to isolate the Maoists so as to incapacitate them to lead a government, and instead keep backing the unpopular and short living care-taker governments, India may have to pay heavily in terms of life and property owing to moral, political, technical, and economic boost to CPI (Maoist) and other identity-based struggling (sheltering) groups from Nepal's Maoists. If relations still worsen, Nepal's Maoists may serve as a ropeway to transport weapons from China to India, the same weapons what India had lost in Sino-Indian War some four decades ago. Should that happen, not only Nepal will experience CMR crises, India may also fall deep in the chaos and bloodshed, generating further the fertile ground for an unimaginable and unmanageable secessionist movement. India already suffers identity-based conflicts in more than half of the land (64 percent of area, in 18 out of 29 states) (Pathak: June 21, 2009).

Instead of remaining apolitical and neutral, Nepal Army is now seeking for a permanent ally, similar to the past monarch, in Nepali Congress and/or CPN (UML) with a back-up from India, choosing wrong partners at a wrong time. On the other hand, the Maoist Army is warming (improving) its relationship with China's PLA, also to counter NA's strategy. However, such crises of suspicion increasing steps strain the already tense civil-military relations. Such trends are against ethics, discipline, mutual shared vision, and collective will for continuous efforts. The proposal of MA to remain under the secretariat of the special committee should be considered a positive step, but the NA is yet to overcome its inferiority complex, "The monarchy reared and cared NA generals could not defend their argument in front of youthful officers of the Maoist Army." So, the NA presses upon the political parties and the government not to integrate large numbers of MA in senior positions of NA due to their political indoctrination. However, the history of ten thousand PLAs integration should not be overshadowed.

The CMR is a DCC that ends the culture of impunity by enhancing accountability and revitalizing ownership. First, the CMR stands for civil supremacy over the military, ex-combatants and other (legitimate and illegitimate) armed forces; second, it sets a direct coup against military or armed forces regime or those with the hold of power; third, it sets a silent coup over military or armed forces supported by the political parties' autocratic regime; fourth, it facilitates overthrowing of the military controlled and politically trained by a political party; and finally, it nurtures a government under civilian control.

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## References

1. *Twelve-Point Understandings*. November 22, 2005. New Delhi: SPAM.
2. *Eight-point SPA-Maoists Agreement*. June 16, 2006. Kathmandu: SPAM.
3. *Six-point SPA-Maoists Agreement*. November 8, 2006. Kathmandu: SPAM.
4. Adhikari, Indra. 2005. Nepal: Trends of Militarization (1996-2005) Available at <http://www.nccs.org.np/journal08-2/Indra.pdf>
5. *Agreement on Monitoring of the Management of Arms and Armies*. December 8, 2006. Kathmandu: Nepal Government-Maoist Party.
6. 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. Working Paper Series No. 07-78.
7. Baucom, Donald R. Fall 1985. *The Professional Soldier and the Warrior Spirit*. In Strategic Review.
8. Bhusal, Puskar. 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.
9. Bimali, Pawan and Bishnu Pathak. December 16, 2009. *Child Soldiers: Crime against Humanity*. Kathmandu: CS Center. Situation Update 89.
10. Born, Hans et al. November 2000. *Models of democratic control of the armed forces*. A paper presented at ERGOMAS Interim meeting of Working Group 'Democratic Control of Armed Forces', 4th ISF conference, Geneva: DECAF.
11. Born, Hans. January 2001. *Criteria for democratic civilian control of the armed forces*. Unpublished Working Paper. Geneva: DCAF.
12. Bruneau, Thomas C. et al (Eds). 2006. *Who Guards the Guardians and How: Democratic Civil–Military Relations*. Austin: University of Texas Press.
13. Bruneau, Thomas C. et al. October 19, 2009. *National Security Councils: Their Potential Functions in Democratic Civil–Military Relations*. Routledge Tylor and Francis Group. In Defense and Security Analysis Vol. 25, No. 3.
14. Chandrasekharan, S. April 7, 2011. *NEPAL: New Proposal of Nepal Army on PLA Integration: Strike while the Iron is hot: Update No. 249*. South Asian Analysis Group.
15. Chapagain, Kiran. September 14, 2010. *Government, Maoists sign 4-pt accord*. Kathmandu: Nepal Republica.
16. Chapagain, Kiran. September 16, 2010. *PLA under Special Committee now*. Kathmandu: Nepal Republica.
17. *Child Soldiers Global Report 2008*. 2008. Washington: Human Rights Watch. Volume 19 No. 15.
18. Clausewitz, Carl von. 1989. *on War*. Princeton: Princeton University Press.
19. *Code of Conduct for Ceasefire*. May 25, 2006. Kathmandu: Government and the Maoists.
20. *Comprehensive Peace Accord (CPA)*. November 22, 2006. Kathmandu: SPAM.
21. Cooper III, Cortez A. September 2007. "Preserving the State": Modernizing and Task-Organizing a "Hybrid" Plan Group Force. Roy and Andrew Scobell (eds.) in "Right Sizing the People's Liberation Army: Exploring the Contours of China's Military." USA. Available on <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub784.pdf>.
22. Cottey, Andre et al. fall 2002. The Second Generation Problematic: Rethinking Democracy and Civil – Military Relations. In *Armed Forces and Society*, Vol. 29, No.1.
23. Crowe, Sarah and Logan, Marty. February 17, 2010. *Last group of Maoist child soldiers discharged in Nepal*. Kathmandu: UNICEF.
24. Dahal, Phanindra. July 9, 2010. *UNMIN paper offers 60-week time plan*. Kathmandu: Kantipur Publications.
25. Dahal, Phanindra. September 16, 2010. *Special Panel Okays PLA directive*. Kathmandu: Kantipur Publications.
26. *Election Manifesto of Nepali Congress*. 2064 BS. Kathmandu.
27. *Election Manifesto of UML*. 2064 BS. Kathmandu.

28. Feaver, Peter D. 1999. *Civil-Military Relations*. Annual Reviews Political Science. Vol. 2. 211. 7
29. Finkelstein, David M. September 2007. *China's National Military Strategy: an Overview of the Military Strategic Guidelines*. Roy and Andrew Scobell (eds.) in "Right Sizing the People's Liberation Army: Exploring the Contours of China's Military." USA. Available on <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub784.pdf>.
30. Gyawali, Bandana et al. November 2005. *Sociology and Political Economy of Maoist Conflict in Nepal*. Kathmandu: Interdisciplinary Analysts.
31. Haltiner, Karl W. 2003. *The Decline of the European Mass Armies*. Giuseppe Caforio (ed.), "Handbook of the Sociology of the Military". New York: Kluwer-Plenum Publishers.
32. Haltiner, Karl W. November 2000. *Democratic Control of Armed Forces: Renaissance of an Old Issue?* Paper presented at the 4th ISF conference Geneva: DECAF.
33. Haltiner, Karl, W. 1998. *The Definite End of the Mass Army in the Western Europe*. Armed Forces and Society.
34. Huntington, Samuel P. 1957. *The Soldier and the State; the Theory and Politics of Civil-Military Relations*. Cambridge: Belknap Press of Harvard University Press.
35. Janowitz, Morris. 1960. *The Professional Soldier: A Social and Political Portrait*. Glencoe Illinois: Free Press.
36. Kamphausen, Roy and Andrew Scobell (Eds.). September 2007. *Right Sizing the People's Liberation Army: Exploring the Contours of China's Military*. USA. Available on <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub784.pdf>.
37. Kiselycznyk, Michael and Phillip C. Saunders. August 2010. *Civil-Military Relations in China: Assessing the PLA's Role in Elite Politics*. Washington: National Defense University Press. Institute for National Strategic Studies. China Strategic Perspectives, No. 2.
38. Kondapalli, Srikanth. October 2005. *China's Political Commissars and Commanders: Trends & Dynamics*. Singapore: Institute of Defense and Strategic Studies. No. 88.
39. Kumar, Dhurba and Hari Sharma. 2005. *Security Sector Reform in Nepal: Challenges and Opportunities*. Kathmandu: Friends for Peace.
40. Kumar, Dhurba. 2009. *Democratic Control of Security Force*. Kathmandu: Nepal Institute for Policy Studies and SAFERWORLD.
41. Lama, DB. September 2007. *Ups and Downs of My Life*. Kathmandu: Basundhara Lama and Sabitri Lala.
42. Lambert, Alexandre. June 2005. *Categorization of Democratic Civilian Control (DDC)*. Geneva: DCAF. Working paper No. 164.
43. Limbu, Ranadhoj. August 30, 2010. *National Security Strategy: Options in Nepal*. Presented at the Understanding National Security Policy of Nepal, organized by the Nepal Institute for Strategic Studies (NISS), Kathmandu.
44. *Monitoring of the Management of Arms and Armies*. December 8, 2009. An agreement signed at Kathmandu by the Government of Nepal and the Maoist Party.
45. Mulnenon, James. 1998. *The Military in Post-Deng China*. Washington: East-West Center.
46. Nepal Communist Party (Maoist). Falgun 2064 BS. *Election Manifesto (New Ideology and New Leadership for a New Nepal: Commitment Paper of the CPN-Maoist for the Constituent Assembly Election)*. Kathmandu.
47. Nielsen, Suzanne C. 2005. *Civil-Military Relations: Theory and Military Effectiveness*. Public Administration and Management Volume Ten, Number 2.
48. Ogura, Kiyoko. March 2101. *View from the cantonment*. Kathmandu: Himal South Asian.
49. Pathak, Bishnu. September 13, 2011. *Women and DDR*. Basel: TRANSCEND Media Service.
50. Pathak, Bishnu. August 18, 2011. *Sena Samayojanko Feharista (The Details of Army Integration)*. In Samachar Fortnightly. Kathmandu: Samachar Publication.
51. Pathak, Bishnu and Devendra Uprety. March 7, 2010. *Disarmament Demobilization and Reintegration and Security Sector Reform in Nepal: A Preliminary Sociological Observation*. Basel: TRANSCEND Media Service.

52. Pathak, Bishnu. December 21, 2008. *Modeling the Integration of the Maoist Combatants: DDR or SSR?* Kathmandu: Conflict Study Center. Situation Update: 80. Available at <http://www.internationalpeaceandconflict.org/forum/topics/modeling-the-integration-of>.
53. Pathak, Bishnu. 2005. *Politics of People's War and Human Rights in Nepal*. Kathmandu: Bimipa Publications.
54. Pathak, Bishnu. Manuscript. *Nepal at the Verge of Sino-Indian Battleground*. UK: Conflict, Peace and Development Journal.
55. Pathak, Bishnu. May 13, 2010. *Nepal's Peace Process towards Ambiguity*. Basel: TRANSCEND Media Service.
56. Pathak, Bishnu. May 27, 2010. *Assessing Maoists Janaandolan III in Theory*. Basel: TRANSCEND Media Service. Available at <http://www.transcend.org/tms/2010/05/assessing-maoists-janaandolan-iii-in-theory/>
57. Pathak, Bishnu. September 12, 2010. An Unpublished Report on *Understanding National Security Policy in Nepal*. Kathmandu: Nepal Institute for Strategic Studies.
58. Pathak, Bishnu. August 29, 2009. *Global Practices of DDR-SSR: SSR in Nepal*. Basel: Transcend Media Service.
59. Pathak, Bshnu. June 24, 2009. *Federalism: Lessons from India*. Basel: TRANSCEND Media Service.
60. Pillsbury, Michael. 2000. *China Debates the Future Security Environment*. Washington DC: National Defence University Press.
61. *Press Statement*. August 3, 2010. Kathmandu: UNMIN. Available at <http://www.unmin.org.np/downloads/pressreleases/Press.Statement.Recruitment.03AUG2010.ENG.pdf>
62. *Proclamation of the House of Representatives*. May 18, 2006. Kathmandu: Parliament.
63. Richburg, Keith. October 18, 2010. *China's Vice President on track to become next leader*. In Washington Post. Washington: Washington Post Company.
64. Shambaugh, David. 1991. *The State and the Soldier in China. The Political Work System in People's Republic of Nepal*. China Quarterly 127 (September).
65. Sharma, Bala Nanda. Undated. *Civil Military Relation: Strengthening Democracy in Nepal*. Available at [http://www.fesnepal.org/reports/2009/seminar\\_reports/papers/Article%20of%20Lt.%20Gen%20Balana%20Sharma.pdf](http://www.fesnepal.org/reports/2009/seminar_reports/papers/Article%20of%20Lt.%20Gen%20Balana%20Sharma.pdf).
66. Swaine, Michael D. November 2, 2005. *Civil-Military Relations and Domestic Power and Policies*. Paper Presented at the Conference on "Chinese Leadership, Politics, and Policy": Carnegie Endowment for International Peace.
67. Tamang, Shyam Kumar. 2063. *JanaMukti Sena: Aauta Nalekhiyako Ethihis*, Kathmandu: Akata Prakashan.
68. Thapa, Pyara J. August 30, 2010. *National Security Strategy: Perspective of Nepal*. Presented at the Understanding National Security Policy of Nepal, organized by the Nepal Institute for Strategic Studies (NISS), Kathmandu.
69. Thayer, Carlyle A. 1994. *The Vietnam People's Army under Dai Moi*. Signapore: Institute for South-East Asian Studies. Pacific Strategic paper 7.
70. Thayer, Carlyle A. August 23, 2009. *Vietnam People's Army: Development and Modernization*. Ministry of Defence: Sultan Haji Bolkiah Institute of Defence and Strategic Studies.
71. *The Evolving Chinese Civil-Military Relations*. November 2004. Report of a Conference of an Organized by the Institute of Defense and Strategies Studies (IDSS).
72. Trinkunas, Harold A. 1999. *Ensuring Democratic Control of the Armed Forces in Asia*. Washington: East West Center. Political and Security Series No. 1.
73. Tzu, Sun. 1971. *The Art of War*. Oxford: Oxford University Press.
74. UNMIN. 2007. *Arms Monitoring*. Available on [www.unmin.org.np](http://www.unmin.org.np) retrieved on December 15, 2009
75. UNMIN. February 8, 2010. *United Nations Press Release*. Rolpa.
76. 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.
77. *UNSC Resolution on UNMIN*. September 15, 2010. <http://www.ekantipur.com/2010/09/17/oped/unsc-resolution-on-unmin/322334/>.

78. UNSC. September 2, 2010. *Nepal for United Nations assistance in support of its peace process*. New York: UNMIN.
79. Wagle, Geja Sharma. 2009. *National Security Policy and Role of National Council in “Changing Security Dynamics in Nepal”*. Kathmandu: Nepal Institute for Policy Studies and SAFERWORLD.
80. Wagle, Geja. August 30, 2010. *Challenges and principles for National Security of Nepal*. Presented at the Understanding National Security Policy of Nepal, organized by the Nepal Institute for Strategic Studies (NISS), Kathmandu.
81. Whelpton, John. 2005. *A History of Nepal*. UK: University of Cambridge.
82. World War II. Undated. *Wars and Battles, 1939-1945*. Available at <http://www.u-s-history.com/pages/h1661.html>.
83. Zimmermann, Doron. 2005. *between Minimum Force and Maximum Violence: Combating Political Violence Movements with Third-Force Options*. Switzerland: Swiss Federal Institute of Technology.

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## Endnotes

<sup>1</sup> The famed Chinese military general, (ancient) military strategist, philosopher, and writer of the *Art of War*.

<sup>2</sup> *Maoist Army (MA)*: The regular active duty members of the Maoist Army who joined the service before May 25, 2006, who are not minors and who are able to demonstrate their service record, including the CPN (Maoist) identity card and other means as agreed by the parties (AMMAA: December 8, 2006).

<sup>3</sup> He developed the Theory of Politics to ensure the security of US citizens focusing on the long-term threat from the former Soviet Union.

<sup>4</sup> This concerns compulsory military service or involuntary enrolment in the military in the name of service to the country.

<sup>5</sup> After the end of Cold War in 1990, on May 28, 1996, French President Jack Chirac announced the abolition of universal conscription from 1997 onwards. Belgium and the Netherlands have proceeded and Spain, Portugal and Italy have joined the decision to end conscription gradually. Germany, Hungary, Sweden and Slovenia have started public debate on conscription and abolition is expected (Haltiner: 2003:361).

<sup>6</sup> The VPA was founded on December 22, 1944 with the strength of only 34 personnel (Thayer: August 23, 2009)

<sup>7</sup> Unsuccessful fight against political and bureaucratic corruption.

<sup>8</sup> Fifth generation leader and the 6th ranked member of the Politburo Standing Committee, country's *de facto* top power organ.

<sup>9</sup> Cantonment (of Maoist Army) is a temporarily designated but clearly defined geographical area for encampment and provision of services for the Maoist combatant units including weapons, ammunition and equipment. The cantonments are provided for all echelons of the Maoist Army (AMMAA: December 8, 2006).

<sup>10</sup> Barracking (of Nepal Army) is the deployment of Nepal Army units to barracks, including weapons, ammunition and equipment. No units below a company level will be independently deployed unless for activities specified elsewhere in this agreement or otherwise mutually agreed by the parties (AMMAA: December 8, 2006).

<sup>11</sup> JMCC is chaired by Col. Marcos Manuel Miranda Caceres, the Chief Arms Monitor, UNMIN; NA Brigadier General Purna Chandra Thapa and PLA Commander Nanda Kishor Pun as Vice Chairmen; and Lt. Col. Arun Ghale and Col. Sanu Tamang from NA and Deputy Commander Chandra Prakash Khanal and Division Commander Birendra Budhamagar from PLA as Members.

<sup>12</sup> Clause 6.1 of the Agreement on Monitoring of the Management of Arms and Armies (ANNAA) said that the JMCC should comprise of three members each from UNMIN, Nepal Army and MA and serve as a dispute-resolution mechanism for the implementation of the agreement.

<sup>13</sup> Both Prime Minister Girija Prasad Koirala and Prachanda separately sent identical letters to the United Nations General Secretary on the same day, i.e. August 9, 2006.

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<sup>14</sup> Official translation of the top leaders' decision as a roadmap for Nepal based on the consensus on management of arms and armies and formation of high level commissions on November 8, 2006.

<sup>15</sup> The Twelve-point Understanding signed by the Chairman of the Maoist Party Prachanda and PM and Nepali Congress President Girija Prasad Koirala, General Secretary of the UML, General Secretary of the ML, Janamorcha Nepal, Nepal Peasants' and Workers' Party, Nepal Sadbhawana Party, and United Leftist Front.

<sup>16</sup> Eight-Point Agreement signed by the top eight party leaders on June 16, 2006 at PM's official residence at Baluwatar, Kathmandu.

<sup>17</sup> The Code of Conduct for Ceasefire agreed between the Government of Nepal and the CPN (Maoist) on May 25, 2006 at Gokarna in Kathmandu.

<sup>18</sup>Such as rank harmonization, development of entry norms and preparation and refinement of rehabilitation package based on the results of the labor market.