Chapter VI

THE POWER SHIFT: RESTORATION OF DEMOCRACY AND DEMOCRATIZATION OF MILITARY SINCE 2006

Security, peace or the sources of conflict need to be dealt with in a new democracy as that of Nepal. For, most institutions are either in the initial stage, or are being planned due to uncertain transition. Hence, a variety of threats that the people have been facing for a long time are under discussion. Despite these difficulties, the parties that claim to have led the people need to find out ways and means for making the transition smooth. And military is one such institution whose role is being debated for more than half a century particularly relating to its training, recruitment, and management in accordance with the spirit of democracy. Highlighting the civilian indifference to military, an ex-military officer compartmentalizes the jurisdiction of both the military and the civilian leaders in the government: “A democratic military serves its nation rather than leads it. Military leaders can advise, but the decisions made by the elected leaders must be carried out in the policy and implementation level. Only those who are elected by the people have the final authority and the responsibility to decide the fate of a nation. This idea of civilian control and authority over the military is, thus, fundamental to democracy”

Thus, after the April uprising in 2006 known as the 2nd Mass Movement, the interim parliament and government have taken several steps towards democratizing the military for making it favourable to the newly introduced political change in the country.

Interim Parliament and Its Measures Towards Democratization

For the first time since 1951, power shifted to the people from the Monarchy following King Gyanendra's proclamation that accepted people of Nepal as “the source of state authority and sovereignty”. The proclamation also recognized the spirit of the movement and “call[ed] upon the [agitated] Seven Party Alliance (SPA) to bear the responsibility of taking the nation on the path of national unity and prosperity, while ensuring permanent peace and safeguarding multiparty democracy”. Accordingly, he was forced to give the

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1 Bala Nanda Sharma, Paper Presented at a High Level Seminar organized by Ex-Police Organization and FES in Kathmandu on 24 April 2009.
2 Royal Proclamation 24 April 2006 as given in Press Digest, Kathmandu: NCCS.
sovereign right back to people and reinstated the House of Representatives (HoR) dissolved by him on 22 May 2002. The interim government was formed by the SPA under the premiership of G.P. Koirala, leader of NC. Recognizing the role of the people in establishing sovereignty through the 2nd Mass Movement, the HoR became the strongest organ of the government. The HoR also highlighted that people were the sole source of state power of the independent and sovereign Nepal. The restored HoR and the interim government were accepted as legislative and executive body of the state, respectively. Both the organs of government were responsible to the people, and adopted the 12-point understanding reached between the SPA and the CPN-Maoists—as the roadmap for conducting the affairs of the state.

The HoR took several steps to detach the institution of monarchy from military as per the 12-point understanding between the parties, as they viewed clearly that "without establishing absolute democracy by ending autocratic monarchy, there is no possibility of peace, progress and prosperity in the country." Firstly, the right and duty of the monarchy was suspended, the role of the king was accepted nowhere. Secondly, all the executive rights rested with the Council of Ministers. Third, the stakes of the king in the state were also removed, as His Majesty's Government decided to be termed 'Government of Nepal' from then onwards. Fourthly, the Council of Ministers remained responsible to the House of Representatives. Finally, the administration, army, police and all other executive organs remained under the purview of the government.

The HoR proclamation changed the name of "Royal Nepal Army" as "Nepalese Army" (NA). The existing provision regarding the National Security Council was repealed and a new National Security Council was formed under the chairmanship of the Prime Minister in order to control, use and mobilize the NA. But no role of the Chief of the Army Staff (COAS) as an institutional representative of the military was accepted. The authority to appoint the COAS of the NA remained with the Council of Ministers revoking the existing arrangement of the Supreme Commander of the Army. According to the proclamation, the decision of the Council of Ministers on mobilizing the Army must be tabled in the House and endorsed within 30 days by the special committee.

4 Ibid.
assigned by the HoR. The necessity of formation of the inclusive NA representing various communities, regions and gender was recognized for the first time formally by the state.

In the context of changing the rule of the game, most hardcore royalists and ex-COASs used to be appointed as members of Raj Parishad, which is now removed by the HoR. This institution used to advise the King on different political subjects as outlined in the 1990 constitution. However, the King used it as a weapon to increase his power contrary to the spirit of the constitution. Every member of Raj Parishad could enjoy the facility equivalent to the State Minister, except the salary. Now under the new interim arrangement, the right to make laws, amend and nullify laws regarding the succession to throne, and expenditure and facilities for the King rested “on the HoR”. The King was compelled to pay tax for the private property and income as per the law. Acts performed by the King were questionable in the HoR or in court that made him under the law as a general citizen. Existing Royal Palace Service was made part of the civil service of the state. The Council of Ministers had the responsibility of security of the Royal Palace.

The HoR declared Nepal as secular state to which the army did not raise any voice as in the past, though it is not directly related to the army. In the past, Nepal’s Hindu religion was a source of strength of the military as it used to pray to Hindu Gods and Goddesses in every barrack. The priests (pujaris) were recruited in military institution, Sivaratri was the army day, and its source of motivation was the Hindu religion with which monarchy was identified. Removing all powers of the King until the final resolution of Constituent Assembly (CA) for ending monarchy, the army-king relationship was also snapped.

The interim HoR promulgated the Interim Constitution of Nepal-2063, most provisions of which were the historic declarations that were formalized in the constitution. Various steps were also taken towards democratizing the Nepal Army. According to the

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8 Ibid.
9 Ibid.
10 Ibid.
11 General Binalnd Sharma while talking to researcher.
constitution, 'Nepal Army' is accepted as an institution of the state removing the term "Royal" that was added by King Mahendra in 1962 in its original name—Nepal Army. The authority to appoint the COAS has been given to the President who, according to the law, shall control, mobilize and manage the Nepal Army on the recommendation of the Council of Ministers. The Council of Ministers (COM) has the responsibility to formulate work plan for the democratization of the Army and implement it, but it does not have full freedom as it should do so with the consent of the political parties and by seeking the advice of the concerned committee of the parliament. The constitution, while formulating and implementing the action plan pursuant to article 144.3, urges all the concerned bodies to determine appropriate numbers of Nepal Army, develop its democratic structure in order to make it national and inclusive in character. Accordingly, training shall be imparted to the Army in accordance with norms and values of democracy and human rights for the RNA was highly criticized for violating human rights during the Maoist insurgency.

The Interim Constitution has formed a six-member National Security Council (NSC) in order to recommend it to the COM for mobilization, operation and use of the NA. It comprises the Prime Minister as Chairperson, and Defense Minister, Home Minister and three ministers nominated by the PM as members. Being aware of the tradition of Nepal where the PMs have generally kept the portfolio of Defense with themselves in the past, the NSC now has tried to balance the influence of the PM. The constitution has fixed the seniormost member of the COM as a member of NSC in case the PM holds the portfolio of the Defense. Similarly, the NSC, if necessary, can invite other persons to the meeting of the NSC for special consultation. Such invitees could be people from chief of the security agencies, COAS, bureaucrats, other ministers, or security experts. In addition, it is also fixed that the Ministry of Defense will play the role of the Secretary of

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18 Article 145(3) and Article 145(3), *Ibid.*
the NSC\textsuperscript{20}. The President even on the recommendation of the COM, is not free to
mobilize the NA for long except in the case of rescue operations from natural calamities,
but is controlled by the Special Committee prescribed by the parliament for its
mobilization. The decisions made by the COM for the mobilization of the Army have to
be presented to the Special Committee within a month of the decision, and be approved
accordingly\textsuperscript{21}.

The constitution is the only legal foundation as it can not be implemented by itself. Its
spirit can be maintained if it is executed in the proper sense. Thus, all depends on the
capacity and commitment of political leaders in government and in parliament.
Evaluating the provision of NDC under the 1990 Constitution and NSC in the Interim
Constitution, an ex-army officer said, "The constitution promulgated after the 1st Jana­
Andolan [in 1990] had clearly defined the place of the monarch as a ‘constitutional head’
and the insertion was some how similar to what he enjoyed during the Panchayat era.
Accordingly, the NDC under the 1990 constitution was created to exercise the democratic
control of the military. However, the government of the day did not want to change the
existing relationship between the military and the monarch as long as both of their
political ambition could not be threatened". However, after the Jana-Andolan 2006, a
new NSC has been created but is not functioning satisfactorily. Similarly, the Interim
Parliament passed a Military Act-2063(2007), some provisions of which are
contradictory with the Interim Constitution. The composition of NSC itself is
contradicted, as the NSC constitutes five members— PM as Chairperson, Defense
Minister, Home Minister, Foreign Minister and Finance Minister as members. According
to the Act, the PM is not free as in the Interim Constitution to select the other three
ministers in the formation of NSC. Similarly, the President is the Supreme Commander
of the military and acts on the recommendation of the COM. The Constitution and the
Act have used different terms regarding the recommendation of NSC to the 'Government
of Nepal' and 'the Council of Ministers', which is one of the organs of the government.
But such provision in the Act does not create any confusion because the laws
contradicted by the constitutional provision will be automatically nullified.

\textsuperscript{20} Article 145(4) of Interim Constitution 2007 and Article 6(4) of Military Act-2063.
\textsuperscript{21} Article 145(5) of Interim Constitution 2007.
Several other provisions to manage civilian supremacy over military have been introduced in the Military Ac-2063 (2007). The President, on the recommendation of COM, appoints the COAS\(^{22}\) who should be responsible to the Government of Nepal.\(^{23}\)

The major responsibility of the COAS is to manage the army under the directives and legal system of the Government of Nepal\(^{24}\). The COAS having a three-year tenure can work till 61-year\(^{25}\). The government has full authority to fire the COAS at any time if need be\(^{26}\). The COAS shall work under the Article 10(1 and 2). If the COAS recommended any military general with logical reason stating that she/he is physically and mentally capable to work, Nepal government shall extend her/his tenure for thee years\(^{27}\).

In most republican countries, the president whether she/he is the executive or ceremonial, acts as the Supreme Commander-in-Chief. Even in countries like India and the US, the largest and most powerful democracies in the world, have their presidents as Supreme-Commander-in-Chiefs. The most important thing is that the person who holds the post is not a big issue, but the system that matters as to how it is being run and how it is functioning and how the system is guiding the person in the post. Thus, the president has no absolute authority even if he/she is the Supreme Commander-in-Chief of the armed forces that include the three military organizations—Army, Navy and Air Force. There is also a check and balance system in every level of operation—from legislation, executive and judiciary to bureaucracy and security forces. That is why, the name of organizations and committees such as State Affairs Committee, Cabinet Committee of National Security, Parliamentary Standing Committee on Defense, National Security Council, Ministry of Defense, National Defense Committee, etc., are formed in these countries for checking the Commander-in-Chief and the Council of Ministers. There is also the Supreme Court to judge whether or not the order given by the Supreme Commander and the related law made by the parliament is under the jurisdiction of the respective authority, and whether these actions and steps taken by the civilian authorities are


contradicted by the constitutional provision. Similarly, the respective committees for defense management in parliament can question not only the COAS, but also the COM. Similarly, the president appoints the COAS who is responsible to the COM, and the president can take any step only on the advice or recommendation of the COM. The COAS can be removed from the post by following the same process of the appointment, if he violates the rule of law. The President can be removed from the parliament, if a motion of impeachment is passed against him by at least a two-thirds majority of the current CA on charges of gross violation of the Constitution. Thus, no authority can have absolute power to use, misuse and abuse the strength of the military so that the possibility of politicizing the military is remote and democracy can be safeguarded from the ambition of military.

Similarly, the HoR agreed to prohibit the NA from investing its Welfare Fund (WF) to establish or operate its own industries or commercial business. A taskforce of HOR State Affairs Committee also decided to amend the existing regulations confining its expenses only to the welfare of former service holders and dependent members of their families. The concept of WF management committee has been conceived constituting the COAS as Chairperson, an ex or in service NA officer nominated by WF Preservation Committee, an ex or in service officer nominated by the COAS, first class officers from the MoD and Ministry of Finance (MoF) as members. The right and responsibility to manage the WF is not only limited to NA, but it is also the duty of ministries of the government. Similarly, the Parliamentary State Affairs Committee finalized for amending and integrating Acts related to the NA, stipulating a provision for a Military Special Court (MSC). The MSC has constituted an appellate court judge as the head, and the Defense Secretary and Chief of the Army's Legal Unit as its members. The jurisdiction of the court has been limited in looking into cases of corruption, theft, torture and disappearance committed by the army personnel. The concept of a panel headed by the Joint Attorney General has been adopted to probe and file cases at the MSC, that obviously makes the justice system within the military the broader and public. Similarly, the MSC justice system can be heard by the Supreme Court in case either party of the

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28 Article 36E(B), Interim Constitution of Nepal-2007 (Fourth Amendment 2008)
case is dissatisfied with the justice of the MSC. As per the amendment of the Military Act-2063, cases can be filed against the verdict of the MSC in the Supreme Court. Thus, the Military Court has come under the jurisdiction of the Supreme Court, since it can regularly be observed and monitored by the apex court just like other public courts.

Military and Change Since 2006

Nepal Army remained in low profile during and after the 2nd Mass Movement in 2006. The COAS, General Pyar Jung Thapa, reminding of the past commitment to peace-building through talks, said that NA is unwaveringly committed to its "primary responsibility" to protecting the country's sovereignty, integrity, nationalism and the nation's interests. His commitment to following the directives of Nepal government helped the country to move ahead with the objective of strengthening multi-party democracy and lasting peace. It might be quite unexpected for the general people who were not unaware of the several provocative statements made against the political parties by the COASs for defending the King. Addressing his officers, the same COAS had mentioned that, "the crown is the symbol of our identity. Moreover, the Kingship is the symbol of progenitor and protector of the Royal Nepal Army along with people's nationalism and national unity. Therefore, all Nepalis should be united towards safeguarding the symbol of Nepal's characteristics along with the fundamentals of our national interests and desire." Coming close on the heels, the civil-society members also demanded for punishing the COAS, who ordered the security forces to suppress the 2nd Mass Movement. They had already started charging the government of acting with split-mindality and being confused of upholding the republican spirit of the people. Highlighting the event of the recommendation of the High-Level Probe Commission (formed by the government to investigate atrocities during the pro-democracy movement under the chairmanship of Krishna Jung Rayamajhi) to the government to take action against all chiefs of security agencies, they described it as "objectionable that the government has spared the chief of

31 He said so while addressing the Staff College trainees and army officers under Nepali Army's command at a function at held Shivapuri.
33 COAS, keynote speech to the graduate officer cadets at the 11th convocation of the Command-in-Staff College of the RNA on 14 May 2004.
A murder case was filed at Kathmandu District Police Office on 19 June against the COAS by Ram Maya Nakarmy, a family member of one of the 49 persons who disappeared urging that among the 49, her husband Padam Narayan Nakarmy was allegedly killed by the state with the involvement of the RNA Bhairabnath Battalion at Maharajgunj. She had accused the COAS and others—then commander of the battalion Lieutenant Colonel Raju Basnet, Major Bibek Bista, Captain Indibar Rana and Chief of the Directorate of Military Intelligence, Dilip Rayamajhi—of murdering her husband. In addition to these cases, a writ petition was filed at the Supreme Court seeking its order to suspend COAS Thapa, the Officiating Chief of the Armed Police Force Basudev Oli and Valley Deputy Inspector General Dilip Kumar Shrestha. Thapa, Oli and Shrestha had been accused of using excessive force to suppress the people’s movement. Again, Krishna Jung Rayamajhi, Chairman of the High-Level Probe Commission assured that the Commission would not spare anybody, including army personnel, and would start to interrogate the officials involved in suppressing the people’s movement in the second phase of the investigation after investigating former ministers appointed by the King.

The then COAS, with more than a dozen Generals, met the PM including the Finance Minister Dr. Ram Saran Mahat and Home Minister Krishna Prasad Sitaula at the official residence of the PM without informing him. Other senior military officers also in uniform went there. The purpose of the meeting did not emerge clearly, except for some speculative information. What was perceived was that the visit of the COAS with force compulsion to the PM was for pressurizing him psychologically. It indicated that the government might get no support from military if any steps against the military officers would be taken as per the demand of the members of civil society, family members of victims, rights activists and institutions, and assurance of the Rayamajhi Commission to the people. At the same time, the SC again sought clarification from the government for not taking action against COAS Thapa for his controversial role during the 2nd Jana

34 The Kathmandu Post, 8 May 2006.
36 The writ petition was filed jointly by the General Secretary of the Nepal Human Rights Organization—Baburam Giri, and members of Legal Aid Committee of the Organization Born Bahadur Karki, Hariram Labuju and Ashikram Karki on 20 June, The Kathmandu Post, 21 June 2006.
37 The Kathmandu Post, 21 June 2006.
38 Talking to reporters during his field visit to Mahendranagar, Rayamajhi gave such an assurance on 14 June, The Kathmandu Post, 15 June 2006.
andolan. It also had ordered the government to furnish separate written replies for not suspending chiefs of the other security agencies—Acting IGAPF Oli and DIG Shrestha for their suppressive role during the movement. The chiefs of both police organizations who were playing a subordinate role under the then RNA, were suspended by the government but not the COAS of NA.

The Rayamajhi Commission probe panel summoned COAS Thapa along with five other army generals—Rukmangad Katuwal, Dipak Bikram Rana (Retd), Kiran Shumsher Thapa, Kul Bahadur Khadka and Suresh Kumar Karki—including the suspended chiefs of the APF and Nepal Police for interrogation over their role during the movement. The COAS of the NA, Pyar Jang Thapa did not appear before the Rayamajhi Commission to submit his statements against the allegation and sent a statement in the form of fax to the commission’s office about his inability to attend, due to a prior schedule. The incident converted the suspicion of Rayamajhi into a reality as he had already indicated that the investigations being carried out by the Commission could face hurdles, saying “we are not too sure if we can carry out tasks unhindered.” There was a hue and cry for ignoring the Commission by the COAS. The media was in search of the source of the incident and broadcasted the breaking news saying that the COAS ignored the High-level Rayamajhi Commission formed to probe into the atrocity during the April uprising. Calling the media in the evening, the Prime Minister clarified that he had permitted the COAS to proceed with his scheduled visit to the Western Division of NA. The reality was that COAS Thapa neither informed the Ministry of Defense nor the Prime Minister (who was holding charge of the Ministry of Defense also), about his visit to Pokhara barrack. According to the rule, the COAS should have informed the Ministry of Defense, which passes on the information to the Defense Minister, the then PM. But the military always bypassed the Ministry of Defense because of the lack of will power of political leaders in the government to control and command the military. Otherwise they could have ordered

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40 Krishna Jang Rayamajhi, Chairman of the High-Level Probe Commission on 18 June said he was aware that the investigation being carried out could face hurdles. “We are not too sure if we can carry out tasks unhindered” he said during a face to face programme with district level party leaders and persons injured during people’s movement II in Butwal. He also said that the Commission would go to the people if there were any obstacles during its assigned task. See, The kathmandu Post, 19 June 2006.
the military to come through proper channel. After four days, the COAS including other seven Generals, were summoned because of public and political pressure.

Prime Minister G. P. Koirala's rescue action to COAS, as analyzed above seemed that Koirala's move helped to break the tradition. It initiated civil-military working relationship at least at the leadership level, even if such relation was, as perceived, guided by the mutual interest. PM Koirala played the role of protector to COAS Thapa ignoring the High-Level Probe Commission and the SC. The COAS, along with three other top army Generals—Lt. General Rukmangad Katuwal, Major General Govinda Bahadur Gurung, Major General Kiran Shumsher Thapa—called on PM Koirala and expressed Nepal Army's full support for the ongoing peace process. “The COAS told the PM that the army was extremely positive towards the peace process initiated by the government and would support it to meet people's aspiration for peace.” The meeting was held at a time while the Deputy PM expressed fear of foreign intervention and asked the people to “be prepared to take up arms” for the nation. “We cannot allow foreign army in our motherland.” It came as a reaction to unfolding incidents within the country and to the reactions of the foreign politicians and diplomats.

The cabinet was very much conscious of its past mistake and its result faced by the governments after 1990, since the government after 1990 neither tried to make security policy as per the changing political situation nor could put military under it through professional enhancement. As a result, the RNA remained more as a “Royal Army” rather than a Nepal Army. Therefore, the government took other steps on July 24 2006 to put military under its control. First, the Cabinet decided to scrap the Principal Military

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41 Vishnu Datta Upreti, the then Defense Secretary, said it in course of an interview with the researcher.
44 The Himalayan Times, 6 August 2006.
45 The causes of the Deputy PM's reaction were: (1) the US Ambassador James Moriarty's suggestion to the PM to check continuous intimation demonstrated by the rebels, The Himalayan Times, 30 July 2006; (2) arrival of ex-Indian diplomat, K.V. Rajan for stressing the need for trust among Nepal political forces to “restore peace and democracy” see, The Kathmandu Post, 1 July, 2006; (3), arrival of Sita Ram Yechuri, Indian leftist leader and his comment against Moriarty's remarks as “Grossly violated” international norms, The Himalayan Times, 1 July; (4) Prachand's letter to the UN against the letter sent by the government, The Himalayan times, 25 July 2006; and (5) 8-point agreement between the SPA government and the Maoists that agreed “on the basis of consensus” to replace the HoR with “an alternative arrangements” including the Maoists in such body, see, Article 4, 8-point Agreement and The Kathmandu Post, 9 July 2006.
Secretariat inside the Royal Palace that was functioning as a crucial link between the army and the King before the HoR stripped the King's power, including his title of Supreme Commander-in-Chief. Secondly, it also decided to set up a coordinating committee to look after the security of the Royal Palace. Likewise, thirdly, the cabinet approved a bill to amend the Military Act and asked the Defense Ministry to present it before the HoR. The amendment removed the COAS from the NSC and added Home, Foreign Affairs and Finance Ministers as new members making the NSC a purely civilian agency that would be responsible for control and mobilization of the army.

RNA was treated as the superior wing among the security agencies and could not think of being subordinate to any other law enforcement agencies irrespective of the concept of separation of power under the democratic system. However, the Nepal Police was demoralized for having been undermined by the RNA. The army was beyond the purview of even traffic police who are responsible for regulating the vehicles on road. The RNA personnel felt humiliated if questioned by the police for their faults. It could be substantiated by an incident involving some three dozen armed soldiers from the NA's Bhairabnath Battalion who seized Darbarmarg Ward Police Station at gun-point. Taking away forcibly the three police personnel\textsuperscript{47}, including officers from the police station, they tortured them (police) for two hours at the battalion barrack on the accusation of reminding an army captain to follow traffic rules. The NA soldiers were also encouraged by the changing political environment in the country and tried to revolt expecting the friendly environment within the barrack to take the advantage of the new democratic atmosphere. The logic was proved by an incident at Tripura Company at Pokhara. NA soldiers at the company revolted against the tradition and cruel behaviour of officers in the barrack, beating their commanders Major Himadri Thapa and Captain Yadav Silwal, and made them run away from the company on the charge of behaving cruelly with them\textsuperscript{48}.

In the meantime, the Koirala Government appointed Lieutenant General Rukmangad Katuwal as the acting COAS following COAS Thapa's decision to go on a month-long leave on the eve of his retirement. Subsequently, the cabinet not only promoted Katuwal but also appointed him as the COAS despite charges leveled against him by the

\textsuperscript{47} The seized personnel were Police Inspector Ram Bahadur K.C., Assistant Sub-Inspector Dharmendra Roy and Constable Dilli Ram Tamang.

\textsuperscript{48} The Kathmandu Post, 21 August 2006.
Rayamajhi Commission. Perhaps the government wanted a smooth transition with the support of the army by rewarding General Katuwal. On his part, Katuwal convinced the new rulers that the army was behind the legitimate civilian authority. It seemed that such new relations snapped all links with the erstwhile monarchy. It was perceived that the promotion and appointment of Katuwal to the post of COAS in spite of excessive public pressure for punishing him also promoted the wrongdoers. It is partly because of background of General Katuwal who was educated and socialized in the palace, as he was brought to the palace by King Mahendra when he was on a tour of Eastern Nepal. Yet, he was a simple citizen of a remote village who later on managed to climb up the ladder in the army due to favour bestowed on him by the Palace. Katuwal defended the royal action of February 2005 calling it a constitutional step, adding that "King did what was mentioned in the constitution". Before the Commission defending the role of the military in suppressing the 2nd Mass Movement, he said that "state's duty is to maintain law and order" and "to obey the order of the state is our [security forces] duty" 49. Earlier he had defied the Commission's letter that wanted him to be present.

Why did the government appoint him as COAS despite being controversial for his alleged highhandedness during the movement? There were several reasons for this: (1) He was the first person from the grassroots to be promoted to that particular post. Prior to him, nobody except the Rana, Shah, Thapa, and other members of the Palace courtiers could become the COAS. (2) He was the second in the rank and file of NA. The government might have thought not to intervene in the institutional promotion system of NA, which might establish a wrong precedent for the future. It could be politicized of the professional army. (3) He could be acceptable for both forces in the transitional period and also could be helpful in maintaining both continuity and change. It was perceived as an initiation of change rather than action that might create hurdles for the process of democratic transformation. The appointment was also a calculated move on the part of the government to detach the military from the monarchy to which the army had been showing its total loyalty. (4) It was the right time to take military into confidence detaching it from its guardian, the King. Instead of taking revenge by purging the armymen, the government thought of building confidence between the new regime and

49 NA Lieutenant-General Rukmangad Katuwal on 4 August defended the 1st February 2005 steps taken by King Gyanendra and the role of military including other security agencies to suppress the movement in front of the Rayamajhi Commission, see in detail, The Kathmandu Post, 5 August 2007.
the army. (5) There could be an understanding between the military and civil leaders to cooperate with each other for, since the NA had the crisis of confidence with the new leaders in government, and the NC was the moderate party among other political forces, it was easy for the army also to work with the NC leader as Prime Minister with full acceptance of national and international powers. It could be easily understood from the nature of response of PM Koirala, who was the most humiliated person when the army did not obey his order for quelling the Maoist war during his tenure as Prime Minister. Thus, the mutual interest of both seemed more important. Much praise showered on the army by the Prime Minister was the demonstration of government support to the former. Interestingly, COAS Thapa had not met the King after the formation of the Interim Government. On the contrary, Prime Minister Koirala of Interim Government instructed General Thapa to come with his immediate subordinate Lieutenant General Katuwal to the meeting, pat on him in front of his cabinet members “to work confidently”. What was more important was that it was not the right time to touch the military organization, as the country was in a transitional phase. If the military was touched, the CA election, the main responsibility of the Interim Government, might not have been conducted smoothly. The logic was that the military should be reformed after making the security policy and enforcement of law regarding the military reform. Such an approach alone could make the transition smooth.

General Katuwal, who switched his loyalty to the new government, expressed his “interest to see supremacy of the people established in the country”. He requested the Parliamentary Committee for State Affairs to keep the NA out of politics, so that it would get support from the people. He briefed the Committee that the NA has changed with the changes assuring that he would bear the responsibility given by the government.

50 The Constitution of NC was not clear about the future polity being “silent” for the issue of Monarchy. G.P. Koirala and his daughter were advocating for the “baby” and “cultural” king, respectively, before CA election, though most of the cadre of the NC was advocating for the Republic Nepal. More than that 54 out of 75 district committees passed their resolution for Republic Nepal and presidents submitted the passed resolution to the NC President G. P. Koirala. More than that, no top leaders of NC have spoken about the downsizing of NA.


52 The Security Advisor of Interim PM, Girija Prasad Koirala, Ramesh Jang Thapa while talking to researcher at Office of PM, Simha Darbar.


54 Acting Chief of the Army Staff, Katuwal on August 24 presented a report on Nepali Army to the members of the parliamentary state Affairs Committee at the NAHQ. He assured the MPs that the Nepali Army had adopted a policy as per the changed political environment within the country and concept of
with full dedication. "...The army will not betray the government" adding that he "would do...[his] best to implement the government's orders to democratize the NA". Advocating the role of soldiers who must realize civilian supremacy over security wings in a democratic system, he assured that "NA always stands for democratic norms and value and it safeguards national independence and sovereignty".

The NA initiated actions against the guilty soldiers as expressed by the newly appointed COAS. Military Court punished some of its officers and other personnel for their involvement in irregularities. NA started using a common mess for both officers and soldiers. NA also converted the Army Officers' Wives' Association to Army Wives' Association including wives of all soldiers regardless of rank. It publicized for the first time its otherwise secretive Welfare Fund as per the Supreme Court's order. It came in the wake of the ex-armymen's protest against the SC delay in hearing the case they filed four years ago. The NA had been ignoring more than half a dozen times the order of the Supreme Court to make public its Welfare Fund. Similarly, the COAS stated that the "Army must be an inclusive state institution". These steps taken by the NA were understood as initiations towards democratizing the NA. These changes are positive but not enough for democratizing the army internally. It needed to be changed behaviourally and institutionally for the long-term process of democratization.

The instruction of the COAS given to the military officers urged them to be active in making democratic institutions stronger and more reliable for fulfilling the people's desire as well as for lasting peace. It should help the people to understand that the new world order and rule of law. "Special training programme on who to ensure citizen's human rights are being conducted, the rights violation case are being investigated with priority, and those proven guilty are being punished as per the existing law" as quoted in the statement by Directorate of Public Relations of NA. See, NA, Press Statement, Nepal Army's Directorate of Public Relation, NAHQ, 24 August 2006.

Talking to reporters after PM and Defense Minister G.P. Koirala presented him the insignia of the post of Commander-in-Chief on 10 September amidst a special function held at national Planning Commission hall. See The Kathmandu Post, 11 September 2006.

The Kathmandu Post, 21 September 2006.

The Kathmandu Post, 13 and 18 October 2006.


COAS General Rukmangad Katuwal, on 9 February instructed military officers to be active in making democratic institutions stronger and more reliable and for fulfilling the people's desire for lasting peace. Addressing the 15th Convocation of Command and Staff College Cadets at Army Headquarters, he further instructed officers to work honestly as per the People's desires and needs, taking into account the changed circumstances and demand of the time, see, The Kathmandu Post, 10 February 2007.
military was taking into account the changed context and demand of time. Other offices also followed the COAS command by "keeping themselves mentally and physically trained to be mobilized under Aid to Civil Authority concept". Sometimes, suspicion against military was created in the political circle and civil society which prompted PM Koirala to advise the military to change its "role, duties, conduct and practices according to the changed context". PM Koirala, who was proved an unsuccessful leader because of non-cooperation of the military in the end of 1990s, "praise[d]" the military and expressed "satisfaction" of its role terming it as a "backbone of the nation". PM Koirala preferred the policy of cooperation rather than confrontation with the military for making the peace process and political transition easy.

The commitment to modernizing and promoting the professionalism of the NA had time and again been repeated by the military leadership with the confidence that the army would remain united and disciplined, and demonstrate a sense of responsibility for the protection of national integrity and democratic rights. Every rank and file of NA was directed to be prepared to face any challenge in the future for nation and the people. Senior officers with necessary instructions were ordered to be ready to carry out their duties and responsibilities assigned by the state, respecting human rights. All ranks and files had been warned of stern action against anyone in the army who violated laws.

An understanding and cooperation between Koirala and Katuwal was a positive signal for a good civil and military relationship. But people had viewed that such good relations should not be confined to individuals as the need to institutionalize such close ties was still to be realized. Following the view of PM Koirala, NA objected to the idea of penalizing army officers for their work under the previous regime organizing a two-day seminar on "Democratic Transition and NA Reform" at NAHQ on the eve of the CA election. Highlighting the "apolitical role" of a professional institution-NA, the COAS

61 Hinting that NA could be mobilized to contain the ongoing violent activities across eastern and central Tarai, Dilip SJB Rana, acting chief of NA's Western Divisional Headquarters, on 5 February directed his subordinates to remain on "high alert". Rana informed that NA requested the government to take initiatives to develop an interim agreement with the UN and CPN-Maoists to mobilize its personnel for a limited period. Addressing the Western Divisional Headquarters Conference at Pokhara he said, "I direct 22 Number Brigade Headquarters to remain alert by keeping themselves mentally and physically trained to be mobilized under Aid to Civil Authority concept". See The Kathmandu Post, 6 February 2007.


63 Talking to the researcher during an interview, in May 2008 General Rukmangad Katuwal, COAS, highlighted the role of the army in the changed context.

64 The Kathmandu Post, 24 August 2007.
assured that NA would be “against any ism that came against the democratic process”. The only wish of the NA was that it would always dedicate itself to protect the Nepali people and their human rights.

The army in the Royal Palace, kept under the King’s Household Cavalry, came under the Nepal Army Headquarters as per the order of PM to the Chief of the Staff to halve the strength of the security personnel stationed at Narayanhiti Royal Palace where around 4,000 army personnel were stationed. It was ordered in reaction to King Gyanendra’s move of going to the Kumari (temple) as a King on 30 September 2007 for performing puja. Since the King was stripped of all his powers and even ceremonial functions, his duties were being performed by Prime Minister after the declaration of Interim Parliament. Even on the occasion of the 57th National Democracy Day on 18 February 2007, King Gyanendra called his February 1st step (coup) was correct and legitimate, blaming the then PM for recommendation of the dissolution of the HoR, after having failed to hold the general election within the stipulated time.

Considering the possibility of creating hurdles to the election of CA by the suspended king, the Interim Government proposed for amending the Interim Constitution in the parliament to fix the future structure of the state. The Interim Parliament on 2 December passed a third amendment stating that “Nepal will be a Federal Democratic Republic” after the CA poll, but the decision would be enforced by the first meeting of the CA. The amendment also provided full authority to the parliament to abolish the monarchy through two-thirds majority of the CA. It was also to look into the matter whether or not

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67 The Interim Parliament amended Article 159 of the Constitution. The amendment reads: “Nepal would be Federal Democratic Republic”. Altogether 270 out of the 321 existing members voted in favour of the amendment proposal tabled by the government. Only three members—Pashupati Shumsher Rana and Krisha Pratap Malla of RPP, and Pari Thapa of CPN-United voted against the proposal. It highlights: (1) Nepal as a federal democratic republic state. To be effective, the first meeting of the CA would take a decision on the final abolition of monarchy. (2) PM held the power of the head of the state until the republic was made effective. He also exercised executive power of the state affairs. (3) King will have no say on the state affairs. The republic can be made effective prior to the CA polls if parliament approves a proposal on the same if the suspended king was found in creating any obstruction against the polls. (4) Mixed election system for the CA of 601. The first-past-the-post holds 240, proportional holds 335 and the 26 members to be nominated by the cabinet. See, The Kathmandu Post and The Rising Nepal, 29 December 2007.

Amendment in Article 4 of the Constitution: “The words “A fully democratic State” have been replaced by the words “Federal Democratic, (Point 3, Fourth Amendment to the) Interim Constitution, 2007 (B.S. 2063). République State” in Clause (1) of Article 4 of the Constitution.
the king was conspiring against the poll. And the military took all these steps in good strides assuring the people that it was indeed behind the change. As it has also been observed:

"Unexpectedly, the military kept a low profile throughout the political movement. This was contrary to the general thinking that the Nepal Army was loyal to the king. The dramatic change in the army's attitude proved many pundits wrong. The army not only switched its loyalty but also cooperated with the government formed after the 2006 April uprising. When the Interim Parliament stripped the king of his powers, the army went along without any hesitation. In 1990, this same institution had pressured the then interim government and the constitution recommendation committee to invest the king with state authority, name him the supreme Commander-in-Chief of the armed forces and declare Nepal a Hindu kingdom. But in 2006, the military reportedly ignored the palace's order "to revolt against the historical declarations of the Interim Parliament" making Nepal a secular and federal republic. The army has now been brought under the civilian government mainly because the popular forces have unified. The blunders made by the king, who lost his credibility and relevance, questioned the monarchy's relevance and made the military realize its professional duty, responsibility and accountability. In addition, the interim government showed a liberal attitude towards the army top brass by not taking action against army personnel allegedly involved in suppressing the April Uprising despite the people's call to punish them."

The military failed many strategic pundits who had been advocating that NA would hatch a coup if the king were removed. Contrary to it, the military adjusted to the new environment and obeyed the government in spite of the order from "above [Royal Palace]" to take immediate steps against the decision of the parliament for making Federal Democratic Republic by the first meeting of the CA. The official view for making such a conditional provision of the declaration of Republic Nepal even before the CA election was that the professional chain of command of the NA was still intact which could be used by King Gyanendra against the decision of the parliament. Some statements coming from a few Generals were also taken as threats to the new dispensation.

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70 Hinting that NA could be mobilized to contain the ongoing violent activities across eastern and central Tarai, Dilip SJ B Rana, acting chief of NA's Western Divisional Headquarters, on 5 February directed his subordinates to remain on "high alert". Rana informed that NA requested the government to take initiatives to develop an interim agreement with the UN and CPN-Maoists to mobilize its personnel for a limited period. Addressing the Western Divisional Headquarters Conference at Pokhara he said, "I direct
However, the reality was that the army always followed and obeyed the power that be, and he (the PM) had such power after the 2006 change. The broad political support to the new regime was an indication that no military adventure could tilt the balance against the agenda of republican Nepal. The head of the Council of Ministers, G.P. Koirala, was not only the head of the government but also the head of the state with the backing of all the popular forces. It proved that the emergence of good civil-military relations should not be difficult if the unity among the major political parties remained intact, and the top leaders developed a security policy that need not be changed with the change of political guards. It was also proved that the leadership with a vision for modernizing and building closer links between the military and the civilian authority was equally important.

Maoists and Military In the Context of Peace Process

After the CPN Maoist accepted the multiparty democracy and came to the mainstream politics, the rivalry between the ex-insurgents and the NA was evident. Neither the military leader in the NA nor the Maoists leaders tried to realize the necessity of initiating any measure to create the environment for confidence building. The NA was always under attack of the top leaders of the CPN Maoist. They (Maoist leaders) tried strategically to make the military lose its credibility in the eyes of the general people. Maoist Chairman said that the “NA knows nothing except to kill the people”.... It has not shown any bravery throughout the history of Nepal except at the time of Sugauli treaty when Nepal lost its about one-third territory. As he claimed the necessity of downsizing the numerical strength of the NA up to 20,000 rationalizing that the NA was neither able to fight with PLA of China nor with the Indian Army, who were immediate neighbours of Nepal. Any threat to the country's sovereignty and integrity cannot be averted by the army alone. Prachanda criticized the NA irresponsibly despite the participation of CPN Maoists in the Interim Government.

22 Number Brigade Headquarters to remain alert by keeping themselves mentally and physically trained to be mobilized under Aid to Civil Authority concept. See, The Kathmandu Post, 6 February 2007.
71 It was expressed by the Defense Advisor of the then PM, G.P. Koirala, at PMO, Singhadarbar in May 2007.
72 It was said by the Maoist Chairman, Prachanda at the PM's official residence in Baluwatar in June 2006 in special government programme that was telecast live all over the country and was attended by top political leaders. Issuing a statement, NA had expressed serious concern saying it as misleading comments and allegations of Maoist Chairman
In addition, the Maoist leaders never tried to own the NA as the military of Nepali state but advocated it as traditional force. Their argument was that there are two armies, “Royal Army” and Maoist PLA. In the same spirit, Prachanda also attacked the NA institutionally, terming it as an institution constituted by “a bunch of corrupt and rapists”. He also challenged the COAS personally through his speech in public address “who is the Katuwal [then COAS of NA]”. His augment was that NA could be in a position of a National Army only after integration of PLA into it.

But it is also true that the Maoist army is not recognized as a state institution but is kept in cantonments with the “possible integration” “into security sectors”. Such comment of the Maoist top leaders not only annoyed the military but also raised the question among the Nepali people whether the Maoists and “Royal[ists]” only represented Nepal or other political forces except them are also in existence, representing the mainstream politics. NA clarified its position and said: “The NA has always remained and will continue to remain committed to protect the country’s sovereignty, territorial integrity and dignity of the people under the direct command of the prevailing constitutional government”. Such Maoist utterances could only create an atmosphere of sympathy to the NA which, in the opinion of many people and politicians, was in the process of transformation. Many of them thought that the NA was a lesser threat to democracy than the Maoists, who, according to their perception, wanted to demoralize the military.

The increasing confrontation between the Maoists and the military had negative effects. Any cooperation and measures of confidence building became weak. Being the oldest institution next to monarchy, the Maoists might have thought that the NA was only an obstacle for enhancing their own agenda of communism. First, since it was institutionalized and disciplined, it naturally became a target of the Maoists whose PLA were relatively not disciplined and organized, nor were competent professionally. Second, the Maoists relied more on the military capacity which could be the means of “capturing” political power. Their agenda of state control could be impossible unless the NA was either weakened or pacified. It was also clear that the Maoist over take was

74 News Front, 28 May-3 June 2007.
thwarted by the NA during the insurgency. The NA had at least maintained a balance between the two forces and had prevented the country from being over run by the Maoists. Third, the NA might not have easily accepted the PLA's indiscriminate integration into NA. Hence, the NA had taken a stand that no compromise was possible on the minimum qualification required for new recruits.

The senior officers made known their grievances with several intellectuals and politicians maintaining that every candidate required to meet the minimum criteria of NA which in a way could also maintain international standard of soldiers. Moreover, most senior officers of NA were not in favour of integration of any politically indoctrinated person and group in "an apolitical institution". But they understand the compulsion of the peace process according to which the qualified persons could be integrated into the army if the respective committee prescribed the numbers to be taken into it. The military men argue that the "political recruitment of the ex-PLAs into the military would not only politicize the military but also weaken it professionally. Such a view is neither against the agreement between the government and the Maoists nor against the spirit of the peace process. But the only thing is that military men have nothing to initiate debate on the political issue, as political leaders can alone take up such issues. But this spirit should be equally applicable to the ex-PLA members kept in cantonment in the process of professionalization. Unfortunately, the remarks of the ex-PLA leaders who come out in the media seemed to be provocative and one-sided.

Such remarks and rumours of power take over by the NA had come at a time while the civil-military relation was slowly improving due to the personal rapport between the '2Ks', PM Koirala and COAS Katuwal. The Maoist side presented a picture that the PLA was also as significant as the army and hence the need for equal treatment. Since the NA was still to be tested in view of its past royalist background, any prospect of military coup could be resisted by the PLA kept in cantonments. But the Maoist argument is too

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77 Agreement on Management and the Monitoring of Arms and Armies reached between the Government of Nepal ad the CPN (Maoist), 28 November 2006; Comprehensive Peace Accord held between the Government of Nepal and CPN(Maoists), 22 November 2006.
78 Barsa Man Pun (Ananta), Deputy Commander of PLA in his interview with Himal Khabar Patrika, 16-32 Srawan 2064. Similarly Prachanda warned that any attempt to stage a coup would be foiled by the Maoists. He said, "A war for liberating the Nepalese had been won but there are still battles to be fought
simplistic as the Nepali army had never staged a coup by itself. It was, however, used by
the rulers for establishing the regimes as was done in 1960. More importantly, the fact is
that in Nepal the military can not sustain in power even for a single month after such a
coup, if external powers do not help it. It has been clarified by no other persons than the
COAS himself, saying that “The NA will never stage a coup in the country”, as it was
already a part of the democratic system and would abide by that system. In
reality, the projected suspicion of the Maoists was guided by a double-edged weapon
against the NA calculating that the concept of the military coup would vitalize the
relevance of the PLA in cantonment for a long and NA would lose its credibility in the
public. They have all along been referring to the idea of B.P Koirala, the deposed Prime
Minister in 1960, who later regretted for dissolving the Mukti Sena of NC after 1950 and
expressed that King Mahendra would not be able to hatch the coup in 1960 if the NC had
kept some thousands Mukti Sena under its command. Firstly, it had been argued by the
opponents that the PLA could not be integrated before the Constitution Assembly
election because the Maoists would take advantage of it during the election. Secondly,
such a calculation would have created a gulf between the NA and democratic forces
which have no armed groups, while the Maoists had them. Therefore, it was an unequal
battle between the Maoists and the other parties. In the meantime, leaders of CPN Maoist
tried to demonstrate a relationship with the ex-and in-service military men
simultaneously. It was obvious that they wanted to include and use the people from
military background and their relatives for gaining their strategic strength by revising the
idea of B.P. Koirala, who realized the necessity to be friendly with the military men
personally and organizationally in the later days of his life, though the objective and
rationale of the Maoists and Koirala seemed to be different.

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79 For nationalism and for institutionalizing republic”. See, The Rising Nepal, 22 December 2007. Himal
80 The Kathmandu Post, 24 October 2007.
81 Baburam Bhattarai mentioned this to the researcher during the interview referring his
“Atmabritanta”.
82 Puspa Kamal Dahal Prachanda, Address to ex-PLA members in Shaktikhor Cantonment on party strategy
and ex-PLA settlement issue, Chitwan, in January, tape records, popularly known as “Prachanda tape
prakaran”, 2008.
84 Koirala concluded that the party should make a policy to recruit, mobilize and socialize the people
having military background or relation with the military or ex-military men. The party should also take
initiatives to develop relation with the military men directly and through their relatives, and should give a
The Maoists were/is still not fully committed to the liberal democracy. For, the Maoist fail to show their commitment to basic democratic values such as the rule of law, pluralism, universally accepted human rights and non-violence which also remain the foundation of the Comprehensive Peace Accord. Their violent activities were not stopped and the confiscated properties of the persons and institutions were not returned to the owners. Their contradictory statements also added more confusion to the politics of the country. The rejection of security guards provided by the army for the protection of Maoist ministers during the Interim Government was taken as humiliation by the NA. However, owing to criticisms coming from various sides, they had to accept the security guards.\textsuperscript{84} Coming from a different political background, the Maoists did not rely fully on the NA against which they had fought in the immediate past. Despite various bids made by the Maoist leaders to put both the NA and the PLA under a single command\textsuperscript{85}, other parties' leaders did not accept it. The Nepali society had already been divided on whether or not the military could come to the forefront.

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<th>SN</th>
<th>Military Perspectives</th>
<th>Maoist Perspectives</th>
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<tbody>
<tr>
<td>1.</td>
<td>If the Maoists did not surrender weapons before election of the CA, it would be risky.</td>
<td>If the CA election would not be held that could create the crisis of legitimacy.</td>
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<td>2.</td>
<td>If the PLA members in cantonments did not accept the social transformation process, it would also add to the problems.</td>
<td>If the either side did not accept the result of the CA election, the crisis would be intense.</td>
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<td>3.</td>
<td>If the Maoists were not able to assure the people that they would fully adopt the Multiparty Democratic System, the climate of distrust would continue.</td>
<td>If in the first meeting of the CA it was to abolish the monarchy, what would be the reaction of the NA?</td>
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<td>4.</td>
<td>If the violent activities of the YCL could not be stopped, what other strategies could be developed by other parties?</td>
<td>If the health of PM Koirala weakens creating the crisis of leadership, what other factors could be influenced?</td>
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<td>5.</td>
<td>If any armed group declared its own autonomous regions, what strategies should be adopted by the Maoist party?</td>
<td>If the Maoists took over the power what would be the probable response to it?</td>
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\textsuperscript{85} Talking to the official of the Federation of Nepalese Journalists on June 29 in Lalitpur, the Maoist supremo Prachanda floated an idea and said, “we are ready to put the armed forces of the both sides under a single command when a government is formed as per the new interim statute”. He further added, “The Prime Minister of the day will be the Supreme commander of the combined army”. See, The Kathmandu Post, 30 June 2006.
There were two schools of thought to analyze the possibilities of the military intervention or use of the military for such intervention: military perspectives and Maoist perspectives are describe above. The top political leaders of the SPA were in favor of neither school of thought. They saw no possibility of such intervention but engaged in developing rapport with the military institutionally and personally. They thought that military only could save their political existence. The situation at that time was really critical because of the cooling off relationship between the Maoists and the military. Interestingly, the SPA leaders were not confident of both the Maoists and the NA. Such condition was neither helpful for the peace process nor for the long-term political interests of parties. How political leaders in the government were seemingly dependent on military to resolve the political issues was proved by the response of PM Koirala to the queries of the foreign Ambassadors regarding the Tarai movement—"The military is still remained [with us]" and then its implications. Relying heavily on the army, Prime Minister Koirala did not like to invite the armed Tarai groups for talks.

The NA on its side did not express its view on integration or rehabilitation of the PLAs but went on repeating that they could be assimilated in various other sectors of society through broader consultation with the people and international community. The NA understood that the issue of integration of the PLA only into the NA was adopted as a strategy by the Maoists to divide and weaken the NA, as they were still guided by the rival psychology. They argued that if the politically indoctrinated armed group formed for the political gain by a party is integrated in an "apolitical institution", there may be a danger of influencing the whole institution by politics. The political leaders, who were reluctant to follow the agreement in terms of management of the PLA from the initial days of formation of the Interim Government, were afraid of the Maoists. And army's own reluctance to accept the PLAs came as a relief to such politicians.

Meanwhile, CPN Maoist Chairman Prachanda found an idea for forging an "alliance of nationalists"—royalists, parliamentary parties and the Maoists. This was the first time that the Maoists—long known for their public animosity towards those close to the monarchy—advocated a tie-up with the royalists. The idea was conceived just for wooing not only pro-royalist military group but also the rightist groups politically to

86 Himal Magazine, 16-32 Srawan 2064, p.35.
87 View of most ex and in-service senior officers during the interview taken by the researcher.
88 The Kathmandu Post, 5 December 2007.
shake hands with the Maoists ensuring them that they had still an option. If they supported the Maoists for ‘narrow nationalism’, they could form the Maoist-led government, helping to approve the Maoist agenda. Similarly, he again reported “rumours” to the media that the Maoists were regularly in contact with the top officials of NA, and discussed with them on the issue of integration of the PLA into NA. The idea was conceived in order to show that it was not the NA but the politicians themselves who were opposed to the integration. Not only NA, but other parties in parliament took such remarks of the Maoist Chairman as an attempt for politicization of NA and “political polarization” within the major political forces. It made the SPA unity more complex and so was the case in the military institution as many genuine soldiers were in confusion regarding their relationship with the Maoists. Such a policy of the Maoists was understood by the NA as a “conspiracy hatched to divide the Nepali Army and democratic forces in order to fulfil their self-interest”. The army officers were requested to be aware of those elements urging Nepali people to come “under a single umbrella” of unity for the national interest.

The influence of the NA was being increased because of the weak political alliance, and irresponsible activities of the Maoist leaders, as other power groups also tried to fish in troubled waters. At that time, the government was weak and the leaders in the government tried to be secure not by democratic control of the military or through rule of law, but by promoting it to criticize against its opponents. The mindset of Nepali politicians in general was that they needed military in order to checkmate the Maoist pressure while, at the same time, projecting the latter as the group bent on capturing power in the name of civilian control, did not help the peace process to reach a logical end.

Gen. Katuwal’s ill-timed and ill-advised statements came as a result of political complexity. The COAS, Gen. Katuwal, declared that “the Nepalese Army will not accept any induction of political ideology into the Army” nor “should it be influenced by an ideology or ism”. Such statements came by way of clarification that political influence

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90 Krishna Sitaula, “Maobadile Eaitihaisik Bhul Gare” (Maoists Committed Historical Mistake), an interview taken by Hari Bahadur Thapa and Khim Ghale, Kantipur Daily, 11 January 2009.
91 The Kathmandu Post, 6 December 2007.
92 Rajdhani Daily, 4 October 2007.
93 The Kathmandu Post, 6 January 2008.
in the NA would only invite bigger problems for the country. This message was not wrong in itself, but it was construed as being directed towards the Maoists. The issue of Security Sector Reforms and the proposed ex-PLA integration in several agreements between the SPA and the Maoists and the Government and the Maoists, and constitutional provision itself urged the government to form a special technical committee for determining the criteria and *modus operandi* for the integration. The COAS also repeated to obey "the legitimate order of the government" which has only the authority to decide whether such "ism" should be countered or flourished.

The role of media also encouraged the PLA commanders to publicize their rigid stand on the issue of integration. Provocative statements of the PLA commanders and Maoist leaders having combat background against NA also prompted the NA to speak in a similar language which in turn helped the latter to harden its position on the issue. Statements coming from the NA and counter-statements of the PLA were similar to the statements of politicians. It could be observed that both the Maoist leaders and military Generals were at fault for stalling the peace process. It was due to this reason that no government leaders could take any strong decision on integration of PLA into the army and in other sectors of security and society as agreed.

Going by the Maoist leaders' statements and media reports, they were not happy with such developments and remarked it as "unfortunate and against the spirit of the peace process". It was taken as a game-plan for provoking the Maoist so that the elections could be deferred again. It also was an intended psychology of the Maoists itself who were waiting for such a pretext till their good position in CA could be assured. Thus, the statement of General Katuwal in particular could give an excuse to the Maoists to postpone the poll again. Since Prachanda was reportedly facing internal differences over the party going for "mainstreaming", his maneuverability was expected to be limited if no steps were taken towards integration in whatever form. The occasional statements made

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94 Lt. Gen. (Retd.) Bala Nanda Sharma said it in an interview with the researcher.
95 Barsa Man Pun, Commander of Holery Attack, while taking interview by the researcher.
96 South Asian Analysis Group, No 425. 16 January 2008.
97 Govinda Raj Joshi, Ram Saran Mahat, Kanak Mani Dixit, Kapil Shrestha during the interviews taken by researcher.
by the COAS on other issues relating to the human security conditions of the people, etc., also contributed to the Maoist-army bitterness.

Issues of Military Reform

One of the major demands of the 2nd Mass Movement was to democratize the NA. People believed that until the position of the army was intact in terms of its structure, tradition and orientation, Nepali democracy would always be in danger. The rationale after the logic was the history of the Kingdom. Monarchy had been identified with the nation-state since its unification in 1768. There was no distinction between the king and the country, since the authority of the nation was represented by the king. The symbiotic relationship between the king and the country was thus understood: the existence of the country was the existence of the king as if both were integral to each other. The king was perceived as the source of aspiration of Nepali people, “Hamro Raja Hamro Desh Pran Bhandar Pyaro Chha” (our king and our country is dearer than our lives) was made out to be an orientation of the Nepali people. That is why, Nunko Sojho (true to the salt) was the motivating factor of the NA as well. As a result, the primary duty of the army was to protect the king which by implication was also the protection of the country.

The NA was thus trained to obey the king who was both a boss and source of livelihood of people. It was the raj dharma of the king to provide security to the people. During the coronation of the Hindu King, the doctrine of raj dharma had been invoked. Nepali Kingship also swore by such declarations during his coronation. Such an intertwined relationship between the monarchy and the state was the guiding spirit of the NA, though it switched its loyalty to the Ranas after Jung Bahadur came to power in 1846. He threw the kings into the background but continued monarchy as a toothless institution. The 1950 revolution, however, helped to restore monarchy following the overthrow of the Rana regime through the armed insurrection led by the Nepali Congress. Since then, the army once again changed its role by supporting the monarchy vis-à-vis elected governments.

The new change after 2006 has changed the role of the NA as it has for the first time accepted the sovereignty of the people. It has also realized that its duty is only to protect

98 "I don't want to speak more as I have to bear innumerable comments but I wish all Nepalis to have a stomach full of food and to wear a single garment". See, The Kathmandu Post, 15 October 2007.
the country and the people as the latter is the source of power and authority. The money which they get from the government is also contributed by the people by paying regular tax and by other means. Thus, one of the crucial agendas of the new order is the security sector reform which can also manage the integration process of the PLAs. A policy of Demobilization, Demilitarization and Democratization (DDD) and Rehabilitation has been debated but no concrete steps have yet been taken towards ending the problem of integration. The idea opposed the proposal of the Maoists who had advocated that the Nepal Army would be National Army only after integration of the PLA. The point is that the integration issue has come out only from the power sharing perspective but not as a solution to the conflict. Security Sector Reform (SSR) was introduced as one of the long-term aims of peace building in the post-war rehabilitation process. The Disarmament, Demobilization and Reintegration (DDR) must associate itself with the reform of the security sector, through the reduction, in many cases, of its troops, making the institution more professional. In addition, such reforms should also pay attention to human rights and rule of law without which no democratization agenda would be complete. Hence, all security sector reforms are also related to the greater agenda of democratization of NA and the Maoist combatants. The element of the DDR can be included in SSR vis-à-vis the understanding of the Maoists and NA. The both define the SSR for their own understandings and benefits. According to the Maoists, SSR means “Restructuring” and the NA defines it as a kind of ‘Reform’ in the security sectors. The decisions taken for Security Sector Reform (SSR) will have an impact on the DDR process as well. It will determine the size of the new army, eligibility criteria for ex-combatants and other criteria to be determined by the committee. In addition, while the particularities of the two processes must be taken into consideration in a practical manner, there are certain steps that are identical in both cases: absorption into the new armed forces, demobilization of under-age soldiers or the exploration of physically and psychologically fit persons who can be taken into various security sectors. One of the major components of the security sector is the NA. Other areas of security are Nepal Police, Armed Police Force, and National Intelligence Department. The concept

100 Nanda Kishor Pun, the Maoists leader from military background, defined it while talking to the researcher during the interview.
addresses the wider security infrastructure seeking to ensure NA's function according to national planning priorities, democratic policies and principles, adequate capacity and resources and an acceptable degree of oversight\textsuperscript{101}. The main understanding of the NA reform is that only the responsible and accountable institutions can contribute to reducing potential threats to the country and to the security of ordinary citizens. The issue of NA reform includes transformation of the NA to society and advancement of professional skill. The NA should also inculcate the culture of obedience to rule of law and civilian authority.

So, the SSR was adopted as a guiding principle for establishing democratic control of armed forces by accepting different terms of \textit{civilian supremacy} over military. The term democratic control is a precondition to\textsuperscript{102}: (1) ensuring political supremacy of the democratically elected civilian authorities, (2) safeguarding the rule of law, human rights, and enhancing human security, (3) serving the interest of the people and enjoying popular support and the legitimacy by the armed forces, (4) making the policies and capabilities of the military congenial to the national objectives and commensurate with its resources, and (5) maintaining surveillance over the possible misuse of the armed forces for political purposes. But the concept of civilian control over military can be perfectly practiced only after the adaptation of the two fundamental principles of democratic ideals—separation of power and check and balance—that assure accountability, legitimacy and transparency.

The separation of power should be between the civil-military sphere of the government on the basis of reciprocity of the interests and mutual compliance. The armed forces and civil/political leaders should refrain from involvement in politics and interference in operational matters and military chain of command, respectively, as defined by the law. The concept of ‘separation of power’ does not mean that the armed forces are just being subordinated to obey the order of the civilian government. But the roles and responsibilities of these forces are equally accepted as an eligible partner of the government for participating, conceptualizing, and contributing while formulating


defense policies in the decision-making process. Secondly, the power and the function should be exerted by the armed forces as determined by law, i.e. the constitution and military act. The fundamental of the military service is that only the officers are authorized to issue orders as per the legitimate decision made by their civilian leaders, and soldiers are obliged to obey them being limited within the framework of the national and international law. It provides legitimacy of such functions or actions of the armed forces, because the mandate for such action has to be given by the elected government to the security forces with the assurance\textsuperscript{103} that they perform their duties in accordance with the democratic dispenses for the public interest, but do not impose their own agenda contrary to the national interest.

Similarly, the defense and security related matters should be transparent respecting the people's right to information that helps both the security forces and the government to keep things above suspicion and not unnecessarily contentious. Transparency requires information for providing not only better understanding between the civil-military functionaries but also through people's participation, reflections of action/reaction, while formulating policies and decision-making. It is a method to determine civilian oversight over military by accepting the ownership of the people for such policies and decisions. Otherwise, the means of democratic control or oversight may be lost and remain ineffectual in case critical information required in policy formulation is denied and remains opaque. The major challenge in the case of Nepal is to impart the information and knowledge to the general public, as information on the armed forces remained confidential in the past\textsuperscript{104}. PM G.P. Koirala resigned from the post because of the non-cooperation of military in 2001. And to the surprise of the people, the PM did not like to disclose the factors that led him to resign.

Similarly, there is no need that each and every thing should be made public. Sometimes, sensitive issues or information may be "top secret" which cannot be divulged due to security reasons. Hence, it is necessary to draw a boundary line between the "need to know" and "need not to know" in the interest of national security. There can be a legal

\textsuperscript{103} The assurances are best provided through the provision of oversight mechanisms located within the executive—such as the role of the Ministers and an Ombudsman system, for example, and the legislature as reflected in the powers of parliament and the oversight responsibilities of the parliamentary committees. Indirect oversight can also be maintained by the civil society, the media and policy advocacy groups comprising NGOs in formulating security policy. See, \textit{Ibid}, p.52.

\textsuperscript{104} \textit{Ibid.}
distinction between “classified” and “declassified materials” for public dissemination conforming to the legitimate rights of the people to know. Such dilemma can be easily resolved by passing the freedom of information act through legislative practice that helps to determine the limits of openness of the security issues. Additionally, the court, cabinet, parliament exercise their respective authority on security matters and the chief of the security agencies can be asked justification for their respective official actions, expenses and acts, if they have doubt.

It is extremely challenging to disengage the military from internal security roles as given to the civil police in the democratic countries and to exclude the military from involvement in politics. Training can be designed as per the democratic principles strengthening basic job skills, public relations, coordination and communication, and even use of the equipment. The training packages should be introduced with the objective of strengthening democratic governance, human rights, law enforcement capacity, and military and policing capabilities. Re-enforcing strengthening techniques and skills, peacekeeping training, familiarization modalities with civil society, adopting the fundamentals of impartiality, the use of minimum force and managerial function are also important aspects in the process of military reform in Nepal.

Likewise, the present numerical strength of the army has been taken as an oversized military and is not possible to make it right-size overnight. Thus, the military reform programmes should seek alternative opportunities and options after early retirement to meet the required strength, needs and availability of the financial situation of Nepal, as there is no need to have more than 100,000 army that cost over US$100 million a year. Intellectuals argue that Nepal should gradually downsize its army to half of its current size, or to a level of around less than 50 percent soldiers, within five to ten years. Suggestions have also poured in to reduce military expenditure, as per the required major roles and responsibilities of NA. Some of them are: (1) the traditional military functions of maintaining peace and security in the country; (2) serving international

105 Ibid.
peace-keeping and peace-building operations; (3) supporting disasters relief and rehabilitation; (4) providing certain specialized security services like VIP security, industrial security, protection of vital installations and historical places, etc; and (5) to involve in certain reconstruction and developmental activities during the slack period when large numbers of soldiers are not busy with other assignment. All these tasks can be performed in a specialized manner, except in technical fields.

The concept of national unity and security developed in the Panchayat era and its continuity in practices even in the democratic era after 1990 has been changed with the initiation taken by the restored HoR for making Nepal a Federal Democratic Republic in 2007. The concept of national security and unity has been shifted from the monarchy to people having diversified identities. It is also realized that Ministry of Defense, Ministry of Home and National Security Council — all should work actively in formulating the security policy. Such policy requires work for recognizing the security threats, fixing the strength to meet such challenges, and making a conscious attempt of averting possible threats and for searching further options for defense with minimum cost. Discussions should be initiated in the parliament regarding the security issue and role of NA that was treated earlier as an exclusive domain of the Palace. Now the challenges for the national security are internal conflicts, emerging trends of ethno-regionalism, and communalism and terrorism. It is thus imperative to develop the idea of a new national security policy that could address the “changing domestic context and geo-political sensitivity”.

Similarly, the Ministry of Defense also needs to be empowered and its role has to be changed, as it was used solely as a “post office” between the RNAHQ and Prime Minister’s Office (PMO) after 1990. The necessity of a separate Defense Minister was realized to look after the Defense Sector so that he/she can genuinely play an oversight role in taking responsibility and inspecting the implementation of the new roles and responsibilities of the Ministry. In addition, the holding of responsibility for determining the numerical strength and budgetary allocation and expenditure of the armed forces, the MoD can also determine its responsibility for the management of national defense policy.

108 Defense Minister Ram Bahadur Thapa argued while taking charge of the Ministry of Defense. He said: “to make our country more secure and to protect our very identity, we must draft a new security policy considering the domestic changed political context and geo-political sensitivity”. See, Kantipur Daily, 3 October 2008.

109 The term “Post Office” was used by the former Secretary under the Ministry of Defense, Bishnu Datta Upreti while interviewing.
processes and the defense procurement cycle. Both the policy and cycle are understood as an inherently political process that would help develop the spirit of civilian authority.

It is observed that there are some crucial lapses because of non-functioning of the MoD in the past due to the absence of a full time defense minister. The situation led to a gap between the civil and military leaderships. Lapses are also found in inter-agency interactions and mutual relationship between the civil-government and armed forces. As a result, it continued the mistrust between the two. It requires the skilled and experienced administrator, trained personnel in MoD and exchange of knowledge and experience between the military top brass and administrative officers of MoD through discussions, workshops and seminars. Such sharing makes the officers from both sides familiar not only individually, but also institutionally with the policy, practice and implementation. Such trend helps to minimize the complexities of inter-agencies' coordination and cooperation of both sides and removes the absence of democratic control contrary to the past experience that the civilian leadership had no ultimate decision-making power on defense policy, including personnel recruitment or perhaps weapon replenishment. In addition, poor manpower was also one of the weak aspects for not providing dominant position to the MoD. Thus, a good numerical strength with high morale is required for maintaining a balance between the MoD and NA.

Constitutionally the NDC (Article 118) was free to make its own operating method and the government could make the law for the establishment, management and regulation concerning the RNA, but both the institutions could not exert the respective authority. As it has been observed, “whatever proposal was submitted by the COAS would be approved by the Prime Minister in order to appease the army” during the democratic era during 1990s. A coordinated approach between the policy-making bodies and implementing agencies has been advised for effective security policy formation and implementation.

110 Bishnu Datta Upreti, former Defense Secretary during the interview in May 2007
111 Ibid.
113 Policy making bodies are constituted by the office of Prime Minister, Ministry of Defense, Ministry of Home, Ministry of Finance and National Security Council, and policy implementing agencies represented by the Nepal Army, Nepal Police, Armed Police forces and National Intelligence Department. Ibid, pp.86-88.
Prospect of Integration of Maoist Combatants into NA

"The end of the [People’s] war" was declared on 21 November 2006 by signing The Comprehensive Peace Agreement between the Nepal Government and the Maoists. Prime Minister Girija Prasad Koirala and Maoist Chairman Prachanda, guaranteed the "ceasefire" to be permanent with the "end of the armed rebellion and of the mobilization of armed forces". The Agreement obliged the Maoists not to resort to recruit, and it was also necessary that the NA remained confined to their barracks in proportion to the number of the Maoist fighters. Such agreement compelled both the parties to abide by the values of the multiparty democracy. The Agreement shifted the responsibility from the Maoist party to the state to meet day-to-day needs of ex-PLAs, to arrange for their security, and settle them with the help of the UN for their verification and monitoring till final settlement. The government had the full responsibility "to carry out the monitoring, integration and rehabilitation of the Maoist" ex-combatants by forming a special committee and to “make arrangement for the security of the Maoists leaders [that was earlier the duty of the combatants] as per the agreement of the Maoist leaders and the Nepal Government.

The United Nations Mission in Nepal (UNMIN), on the request of the Interim Government and the CPN Maoists, was established on January 23, 2007 as per the United Nations Security Council Resolution 1740. It had a limited role: "monitoring and supervising the peace process", whether or not the respective parties confine their activities in accordance with agreements between the government and the Maoists.

115 Major highlights of the agreement were: (1) Mosaic fighters will be confined to Kailali, Surkhet, Rolpa, Nawalparasi, Chitwan, Sindhuli and Ilam districts, to be monitored by the UN team; (2) Both sides (ex-PLA and NA) will inform each other about location of landmines planted during the war within 30 days and remove them within 60 days; (3) both to return private, public and government property seized during war within 30 days; (4) extortion and illegal taxation will be prohibited; (5) both sides to make public the status of persons under their control and set them free within 15 days; and (6) both sides to abide by values of the multiparty democracy. See, Article 5(1.1 to 1.8) and Article 4(1), ibid.
116 Article 4, ibid.
117 Article 4(3), ibid.
118 Article 4(1) and 4(2), ibid.
119 Article 4(4), ibid.
120 Article 4(5), ibid.
121 Note: For more on the UNMIN, www.unmin.org
122 Prime Minister Koirala’s Letter to the UN secretary-General, 2 July 2006, CPN-Maoists Chairman Prachanda’s Letter to the UN Secretary-General, 24 July 2006, and Agreement of the UN with Government of Nepal and the Maoists.
UNMIN had neither the right of initiating nor the decisive role for the process but it could facilitate to follow and implement the agreements in letter and spirit.

The process of armed management began on 8 January after a Joint Monitoring Coordination Committee (JMCC) was formed under the Agreement on Management and the Monitoring of Arms and Armies between the government and the Maoists. The UNMIN announced the final results of the verification of PLA on 27 December 2007. The process to keep the ex-PLA in the cantonment was conducted in two phases: registration or entrance of the PLA members in the cantonment and their verification. Out of the 30,852 PLA members registered at the seven main cantonment sites and 21 satellite cantonment sites, only 19,602 (15,757 men and 3,846 women) were verified as eligible to stay in the camps and the rest were disqualified being either “minor” or new “recruits”. Similarly, in totality, only 3,475 weapons of PLA were registered. The number includes “522 weapons for perimeter security and 96 weapons registered outside of cantonments”.

The controversy was started from the result of the verification of the ex-PLA and their registered weapons. The interesting fact was that the Maoists accepted the figures without a demur, as most ex-PLAs were disqualified by the verification team for being children/“minor” or new recruits. The result was out of general assumption that the Maoists were initially claiming publicly that they had more than 30,000 advanced military strength at the centre except a core number of militia at local level and “approximately 40 percent women constituted the Maoists force”. Contrary to this speculation, the Maoists themselves were surprised at such an unexpected result. It in fact proved that the Maoist claim was false.

The reality came to the fore while the media and security exports raised a question about the difference between the real number of ex-PLA members and the registered weapons.

123 Accordingly, the UNMIN recruited a total of 126 monitors including 15 UN monitors, 111 Gurkha ex-servicemen who had served in the Indian and British Armies for the management and verification of the Maoist cantonments and weapons. The monitors were kept under the Joint Monitoring and Coordinating Committee (JMCC) of the Agreement on Management and the Monitoring of Arms and Armies that was constituted by three members representing UNMIN, ex-PLA and NA.

124 The type of weapons registered so far are 91 mortars (of which 55 were locally made), 61 machine guns, 2,403 rifles, 61 automatic weapons, 9 sub-automatic guns, 114 side arms, 212 shot guns, 253 miscellaneous and 244 home-made weapons.

125 The Rising Nepal, 10 March 2007, as given in Nepal Update, January-April, 2007, p.91.

Later, the number of persons kept in camps and number of weapons deposited there did not tally nor match to which Chairman Prachanda stated subsequently that some weapons were swept away by the rivers, while others were burnt down. Yet, the weaponry "that the Maoists had deposited to the UN teams was even less than the numbers they had looted at Dang". The Maoist Chairman’s response to the questions raised over the actual number of weapons did not convince the people. He, however, said that "thousand of [his] party's combatants and weapons are still outside the cantonments as they could not meet United Nations standard to be registered with the latter". His clarification further raised a question on the authenticity, reliability and validity of the role of the UNMIN, the JMCC and the leaders in government themselves. These institutions had the full authority and responsibility to verify the quality of weapons and the PLA after completion of the process. The duty to evaluate the quality lay on the UNMIN and the JMCC, but not with the Maoists alone so that they could submit their PLA members and weapons to register selectively. The view of Prachanda was not justifiable because all the ex-PLA members and the weapons, whether they were qualified or active or not, should have been submitted indiscriminately to the UNMIN and JMCC, if they were really involved and used during the "People’s War".

The level of reaction against the PLA management issue was intensified while Prachanda disclosed that “Maoists still have technical human resources outside the cantonments who have the ability to launch massive attacks simultaneously at several places on a single night”. It helped to raise questions on whether the Maoists have come in the peace process honestly or they used the people’s support for peace strategically. Such a

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127 The title of the newspapers: Maoists arms declaration doubtful: Oli, see The Rising Nepal, 3 March 2007; Nepal Army Reutes reports, and UN concern over Prachanda’s remarks, see The Rising Nepal, 4 March 2007; Maoist did not submit 781 weapons among those registered in the UN: Army, see, The Kathmandu Post, 10 March 2007; PM Koirala expresses doubt about the arms shown by Maoists, see, The Rising Nepal, 13 March 2007.

128 Commenting on the number of registered weapons of the Maoists, one of the ministers of the Interim Government, Narendra Bikram Nembang, Minister for Law, Justice and Parliamentary Affairs, told so adding that he was surprised at the few arms they handed over during the arms management.

129 CPN Maoist Chairman Prachanda said on 25 February at Butwal that the weapons registered with the UN were indeed less than the actual numbers as many of them were “swept away” by the rivers, while others were burnt down. He further clarified “many of our weapons that we had earlier seized from government security forces were burnt to ashes when Nepal Army soldiers set fire to houses in villages. Many weapons were swept away while crossing rivers, and others were made dysfunctional due to various reasons”. See, The Kathmandu Post, 26 February 2007 as given in Nepal Update, January-April 2007, p.53.


131 The Kathmandu Post, 13 March 2007.
situation has developed a crisis of confidence between the Maoists and other political parties, who had no military but worked hard to make the Maoists accept the multiparty democracy.

The SPA leaders, who had faced a hard time to convince not only the cadre of their own parties, but also the international community, especially the US, for their alliance with the Maoists, were embarrassed. The Maoist behaviour made these countries suspicious of the former. The Maoist sister organization, Young Communist League (YCL), also gave grounds for such suspicions as it continued its atrocities as usual. The PLAs who were in the cantonment were often reported to have committed crimes outside or indulged in Maoist party activities including the involvement in strikes, marches, processions, etc. Since the ex-PLAs were fed by the government and were under UNMIN supervision and monitoring, their outside activities could naturally be taken seriously by both the international community and other political parties. It has complicated the problem as no non-Maoist parties and others, including the NA, are prepared to accept that the Maoists have changed fully in order to be in the mainstream multiparty politics in the country.

Taking all opinions into account, the society has been divided into two camps either in favour of the PLA's integration into NA, or it should be absorbed into other security sectors or in other jobs in the society, only. Both the views are not only extreme, but are also against the spirit of the Interim Constitution and peace Agreements. First, the agreements talk about the "possible integration" giving a sense that every PLA member living in cantonment after UN verification is not required compulsory integration, but can be eligible for such integration, if she/he "fulfil[s] the standard norms".

Second, the eligible ex-PLA members might be integrated into "security forces" in the country—Nepal Army, Armed Police Force, Nepal Police and National Intelligence Department, and not necessarily into the NA only. But it does not mean that no one should be integrated into NA. The logic can be proved by the practice of NA pacification with the equal numbers of the ex-PLAs being kept in cantonment after UN verification and involvement of NA in the PLA verification process. Although the Agreements have termed both the NA and PLA as "Armies" through titles, these differentiate the status of both terming "Maoist Combats" or "Maoist army" and the latter as "Nepal Army" in the

\[132\] Agreement on Monitoring of Management of Arms and Armies, on 28 November 2006
text, respectively, clarifying the Nepal Army as National Army unlike the PLA that is in
the process of being a "possible" integration into the NA and other security agencies\textsuperscript{133}.
The claim of the Maoists that the NA can be a national army only after the integration of
PLA into it, is overrated as the interim constitution made by the SPA and the Maoists
themselves has defined "Nepal Army in Nepal as an institution"\textsuperscript{134} and PLA as
"combatants of the Maoist Army"\textsuperscript{135}. The terms used in the Interim Constitution have
stated them as national army and a political party's army respectively that proved the
claim of the Maoists is wrong. In addition, the government can form other security
agencies like border security force, industrial security force and home guards, as well
following the agreements, if it wants to accommodate them in the security sector for
making the peace process a success. More importantly, the agreements talk about the
provision of rehabilitation of Maoist combatants avoiding the compulsory integration of
all ex-PLA members even in other security agencies but leaving an option to resettling
the rest of them in society with due respect. Therefore, there is no alternative to follow
the spirit of agreement for both sides despite their respective stands. What seems
important is to internalize the peace process by adopting a more flexible approach than
what is being done for the last three years. In actuality, management of the Maoists
combatants is solely depended on the consensus between the Maoist and non-Maoists
parties.

Since the integration issue is a political problem, its solution should also be found
politically. But the situation has become more complex partly because of the ideological
differences and misunderstanding among the major political parties. The problem started
while one of the parties of the 12 points agreement, (the SPA) led Interim Government
and another (CPN-Maoists) remained still as a dissenter under the peace process, even if
they were included in Interim Government. Secondly, the agreement reached between the
systemic and extra-systemic opposition of Royal regime backed by military. That is why,
obviously the agreement is prejudiced against the then RNA and National Army has
been dealt equally with the rebellion army formed by a political "party". Thirdly,
commitment of NA to democracy has been tested, other parties felt that the Maoists may

\textsuperscript{133} Agreement on Management and the Monitoring of Arms and Armies reached between the Government of Nepal ad the CPN (Maoist), 28 November 2006.
\textsuperscript{135} Article 146, Ibid.
the great threat to democracy, since the commitment of the Maoists to transfer their party as a civilian party was not materialized honestly, and NA can be the sole protector of democracy and parties themselves. The situation led shifting the country from the politics of consensus to polarization. Accordingly, the nature of political parties is also partly responsible for generating conflicts among them due to their over indulgence in power game, i.e., for making and breaking governments. Yet, the government has the sole responsibility "to supervise, integrate and rehabilitate the combatants" by forming a "special committee"\textsuperscript{136}. It was agreed long ago but it has not been materialized till 2007. The psychological factors described above have prevented governments from going ahead with the agenda remaining incomprehensible.

The CPN Maoist has to co-operate with the government for making the process successful. By doing so, it would prove that it is a responsible party for competitive politics. The management of the combatants either by integrating them into the existing security agencies or by making other kinds of arrangements for their livelihood, along with the democratization of the NA as per the peace agreement need to be expeditiously made for the stability and development of the country. On the one hand, the mindset of the old guerrillas should undergo a change, and the process of democratic acculturation of the NA is no less significant on the other. However, no governments seem to be serious on both. Political parties think that the finalization of the new constitution by the CA should be preceded by the management of the Maoist combatants. Otherwise, parties without armed forces would suffer from the same fear psychology as they had undergone in the past.

**Civil-Military Relations after CA Election**

The result of the CA election held in April 2008 changed the whole political chemistry of the country. The Maoists, the Nepali Congress (NC) and the CPN(UML) became the first, second and the third party having 28.13 %,\%\textsuperscript{137} 22.8 %, and 21.5 % of the total vote respectively.\textsuperscript{137} The Maoist became the largest party in CA winning 228 seats, (NC won 115 seats, and the UML won 108 seats including proportionally elected representatives). No party got the majority in the CA denying each of them including the

\textsuperscript{136} Ibid.

CPN(Maosit) to form a government on its own. Thus, consensus or the mustering of majority in a House of 601 members was the only way out. The rigidity of other parties, who hardly recognized the position of the Maoists in CA, also helped to create the problem in power-sharing thus violating the politics of consensus. NC, which was annoyed with the CPN Maoist during the election of the president sat in the opposition, but the CPN(UML) and the Madheshi Janadhikar Forum supported the Maoists to form the government expecting that they could make it fulfill their respective objectives and populist agendas.

A good civil-military tie developed during the Premiership of G.P. Koirala was soon cooled down following the formation of Interim Government headed by Pushpa Kamal Dahal Prachanda, the Maoist Supremo. Prachanda while he took an oath as PM in presence of People Liberation Army (PLA). Some PLAs were allowed to work as security staff by the previous government to which he also continued. The COAS of NA felt embarrassing situation, since the PLA was not a part of national security agencies but was in the process of "professionalization" and integration into these agencies\(^\text{138}\). In addition, the NA became further unsecured when the former PLA commander, Ram Bahadur Thapa known as an extremist within the CPN (Maoist) become the Defense Minister. In fact, one of the reasons for the NC-Maoist rift was also the Defence portfolio to which the NC wanted to hold while forming the coalition government headed by Prachanda. In stead of paying more attention to remove the psychological distrusts and mistrusts between the former rival forces by initiating some confidence building measures, the civil leaders in government took several steps that further deepened the old confrontation rather than forging cooperation. Similarly, other political parties, whether in the government with the Maoists or in opposition, also could not support the Maoists who had PLA in cantonment and did initiate nothing for its management as agreed in several agreements. On the contrary, the Maoist leader's declaration in Kharipati meeting held in 2008, that the PLAs should be ready for political and ideological offensive for a complete revolution. It was also disclosed that the integration into the NA would be so planned that could further the cause of "proletarianism and revolution". Likewise, neither the Maoists disbanded the paramilitary structure of Young Communist League [YCL] to

\(^{138}\) Comprehensive Peace Accord held between the Government of Nepal and PN(Maoists), 22 November 2006. Agreement on Management and the Monitoring of Arms and Armies reached between the government of Nepal ad the CPN (Maoist), 28 November 2006.
convert it into a civilian party nor did it return the property confiscated during the “people’s war” to the owners as agreed upon. The unbalanced and immature expressions of Maoist leaders and their reluctance to implement the agreements also helped create mistrust between the Maoists and non-Maoist parties. The civil-military relation has been threatened now by the division of political parties for the sake of their petty and partisan interest. After detaching the relationship of military from the monarch institutionally and politically, the democratic political parties especially the NC (even CPN (UML) thinks military as its reliable ally lending unconditional support to the military for its undue activities. The CPN Maoist, now the Unified Communist Party of Nepal (Maoist) wanted to weaken the army thinking it as a rival organization. Similarly, political parties from Tarai want group recruitment in military proportionate to population through political decision. All assertions and efforts made by major political forces was not in favour of professional interest of the military nor did it match with the concept of Civilian Supremacy over military as respective arguments of the parties were subjectively guided. On the contrary, the trend further helped to set military as an independent power centre under the newly introduced political system making it more politicized, defensive, in some cases offensive also.

The military strongly opposed the government’s order to stop the new recruitment as “regular process”. But the government is equally responsible to make such precedent because of lack of competence and maturity of Defence Minister to make independent and rational decision. In addition, he became offensive against the NA to the extent that cooling civil-military. Such strained relations also worked to indulge the foreign powers in support of the army. The statement annoyed both the NA and international community. The reality was that all the political parties supported the NA recruitment

139 Prime Ministers Dahal told, “I am confused, whether I am the Prime Minister of the country or rebellion leader” http://www.telegraphnepal.com/news_det.php?news_id=4527, “who can stop us to integrate PLA into NA, while the government is ours”, and “it is ridiculous (pakhandipan) to talk about politics without violence” etc., See, http://www.nepalnews.com/archive/2008/dec/dec14/news13.php.
141 Ministry of Defense allowed military to initiate recruitment process for maintaining the agreed strength of NA but turned down the decision under the pressure of PLA—either to stop the NA recruitment or to allow it for the same.
142 He told the committee for National Interest Preservation in the Parliament that the NA is acting as the foreign diplomats in Kathmandu signaled it. See, Editorial, Nagarik Dainiki, 29 January 2009.
143 Indra Adhikari, Kantipur Dainiki, “Chisido Sarkar-Sena Sambandha” (Cooling Civil-Military Relation), Kathmandu: 1 February 2009
process as they were guided by the short term calculation for their political gain after
the CA election. Surprisingly, the Maoist leaders, as other did, could hardly address the
integration issue when they were in government.

The division of political parties in military matter has multiple effects that directly
hampered the process of democratization. The first effect was the weakening of the
professionalism of military. NA has lack of weapons to train the soldiers because of the
restrictions to import till the peace process ended. As a result, it decreased the numerical
strength of NA made the weapons obsolete. Second, the government became week when
it picked up quarrel with the COAS who started opposing the government. He
demanded for the revival of his role in the main decision making body of the government,
especially in National Defence Council. Third, it was the revival of the tradition that
always ignored the change. The manner in which the NA ignored the Prime Minister and
Defence Minister on the Army day on the occasion of Shivaratri also suggested that there
had been no cordial relationship between the Army and the Maoist government, nor had
the NA internalized the secular sentiment of the people and spirit of the Interim
Constitution. On the part of government, the PM and Defence Minister ignored the
suggestions of coalition partners and Army Integration Special Committee not to attend
the programme organized by PLA on the occasion of the PLA day, as if they are only the
leaders of Maoists party. So they could not get supportive actions from their coalition
partners against the celebration of army day also, because the Maoist leaders in
government responsible for defense issue themselves provoked the NA to do so.

The government, through an ordinance, introduced a policy of quota reservation in the
army on the basis of caste, ethnicity, gender and region. The ordinance came at a time
when civil-military relation had already cooled following the NA’s denial of the order of
the Ministry of Defense to stop the recruitment process. The army rationalized its move
for recruitment stating that it was being done on the approval of the government. Since
the process was in the last stage, it became difficult to stop. The other parties, which had
yet to recognize the Maoist party as a systemic force, were not consulted, nor was the
issue (reserving 32%, 28%, 20%, 15%, and 5% quotas in NA for Ethnic/endigenous,

144 See, http://www.kantipuronline.com/kolnews.php?&nid=177693,
145 The Chief of Army Staff had received a memorandum from the conflict victims for initiating to settle
their problem, and gave a lecture saying that no compromise in the quality of military was possible in
Nepal. It came while the Maoists were advocating the integration of PLA into Nepal Army.
Madeshies, women, Dalit and backward region respectively), introduced for debate or consensus in parliament by them. However, separate platoons were already formed in NA that represented the Kirats, the Madheses, Gurungs and Magars. More importantly, the confrontation was fueled between the Ministry of Defense and the Military Headquarters because of the provision of the ordinance about retirement process. According to it, one should be retired voluntarily, if he/she crosses 30 years of service or is over 60 years of age, as the provision had already been applied in Civil Police, Armed Police Force and Civil Service. If the policy was applied, most senior officers, commanders in different divisions and policy makers in NA would be removed so that the military policy of Maoist could remain unopposed.

Military became independent when distrust among the major forces continued unabated. It resulted in more offensive role of the government vis-a-vis the military without realizing the coalition compulsion. Thus, other parties opposed the Maoist attitude towards the army. Such trends not only widened the misunderstanding among the already fragmented political parties but also halted the peace and democratization processes. The Maoist leaders decision to penalize the COAS, Rukmangud Katuwal, firing him from the post, became costly when no other political parties including the coalition partners supported it. It eventually led to the resignation of Maoist Prime Minister himself who said that he was taking such a decision in the name of “civilian supremacy” to which the President, on the promptings of other parties and foreign powers, had overturned the decision allowing the COAS to continue in office.

In actuality, the accusations against the COAS were really weak. The clarification sought from the COAS was, in the opinion of other coalition partners, enough that could

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146 "Whether integration or reservation”, editorial, Kantipur Daily, 3 February 2009.
147 Ripumardan platoon with Kiratis, Naya Sabus with madeshies, Purano Gorkha and Kalibahadur Platoon for Magar and Gurung respectively are already in existence in NA constituting 32% by the ethnic community.
148 The charges against the COAS were really weak: (1) the first charge was, the COAS defied the order of the government in the case of recruitment, though the process was initiated after getting approval of the government. After tremendous pressure put to the government from PLA in cantonment saying that government should either stop the recruitment process of NA, or allow them to the same. Then only it ordered the NA to stop the recruitment, at that time the process was in the last stage of publishing result. (2) The second charge was that he continued the three generals in office ignoring the civil authority. But he continued them after the SC ordered both the NA headquarters and government which decided to discontinue them, to continue them in the respective posts. And (3) the third charge was that NA withdrew from the game in which the PLA also was going to take part. NA did not withdraw the game officially, only selective game in which PLA had taken part was withdrawn by the players of NA personally protesting that entry of PLA in the game was out of rule of game. It was allowed in the game
make him realize his mistake. Second, when the Prime Minister could not even select his cabinet members and had a lot of limitations on running the coalition government, such a risky decision was likely to be costly for the Maoist leadership. Third, the way Dahal Cabinet in the presence of Maoist members only decided to remove the COAS and sent a written order to the COAS "without following due process was constitutionally and customarily wrong. As a reaction, the Maoist party made the President target of the whole episode turning it into a struggle for establishing "civilian supremacy".

The present situation suggests that the Nepali people should work rigorously for rethinking and renewing existing provision on integration of PLA in order to make the peace process practical and relevance in accordance with the spirit of the previous agreements. It should maintain peace for ever, as more than 42 armed groups are still waging war in different parts of the country and some of them have already demanded in the negotiation table to integrate their combatants also into NA. The political forces within the system should take bold decision whether it is better to follow the words and spirit of peace process that establishes the precedent of integration of all the interested armed groups into NA and or to search for other holistic option in which other combatants also could be included. Homeworks should be done whether a soldier is qualified by the skill to hold and use the weapons indiscriminately? Do education, physical fitness and mental or psychological health, age factors not matter for serving the National Army? Can an armed 'rebellion, motivated by the revengeful attitude towards some political parties, section, class, caste and regional groups after his/her integration in National Army, treat impartially to all the people of the country?, Can they maintain the dignity of Nepal Army which has been playing peace keeping role on behalf of the state by participating in United Nations Peace Keeping Operations? Can the country like Nepal resolve the problem and maintain its national army, if all the unemployed/unsatisfied people demand to recruit them in NA? Is the big army desirable and relevance for Nepal? More importantly, can Nepali people expect the non-political and non-partisan army that after the government’s intervention. The PLA had taken part in the game after the game had already been inaugurated, though all players should have already been registered before game schedule was made.

All of them might have no interest to serve in NA because of different causes, as their aim/interest to join PLA might be different. Their mother parties have been romanticized them advocating that the combatants should be integrated in NA. Views from some combatants has come out that they are involved in PLA to work for the Maoists Party not for integrating in NA or job in security agencies in the state. See, the republica...
can respect the civilian supremacy over the military? And how can the government differentiate the role of military from militant and criminal groups?

In addition, about four thousand conflict victims who were compelled to leave their jobs from the security force are agitating for reappointing them in their respective jobs and posts. A former COAS had already received a memorandum from them requesting him to continue them in respective jobs. The leaders of CPN Maoist also provoked the issue saying that they left their job for supporting the people's aspiration, and their qualified members also should be recruited into security sectors. It indicate that both the forces are competing for politicizing the issue which is not justifiable in the case of security sector, as the personnel who had left job during conflict is against the military ethic, are called “betrayal” and hence unacceptable for reappointment. So, it has also raised a question whether it is justifiable to reappoint the security personnel who left the job either by being influenced from any political movement or for saving their own lifves in stead of making sacrifice for saving the life of people. Such nature of job responsibility of security agencies makes them “symbolic”, “highly emotional” and “distinct apolitical institutions”.

So it can be said that no single political party can control the situation now. Thus, it is realized that there is no option for political parties which needed to work together being responsible to overcome the problems of critical interim period. Otherwise, the romanticization of the issue of “integration” and “civilian supremacy” can only harm the peace and constitution making processes. If the established civilian rule is eroded due to the high degree of partisan and personal interest of politicians politics is likely to be more uncertain. It will also undermine the very spirit of the 2006 movement.

Democracy and the Road Ahead

The miscalculation and ambition of King Gyanendra made leaders of the parliamentary parties oppose the revival of monarchial absolutism and initiate coalition with the Maoist party, which had already emerged as a force. The unity of two political forces against the royal action could make the 2006 movement a success. The movement established full-fledged democracy, where the state played a minor role in this direction, since every

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ministry was particularly equipped before to deal with the problems of war but were not prepared for the immediate post-war period. In addition, the movement gave the verdict to representatives of people to rule the country with the consent and interest of the people, leaving the personal, political and organizational interests behind. Nevertheless, the leaders who had overwhelming support of the people have been engaged in the confrontational politics that prevented them from sitting together to set some common agendas for translating the achievements of the movement.

The political system, environment, situation and people’s expectations were changed but the mindset of the political leaders remained the same, hence the problem of adaptation to the changes. The hesitation of political parties for the management of ex-PLAs showed how they were compelled even half-heartedly to follow every radical agenda without any serious homework for their political survival. All of them are not unknown to the interest of people and the state. The delay to verify the ex-PLA after they were kept in cantonments and ignorance of suggestions of security experts to develop an independent institution to detach them from their party also proved the shortsightedness of the parliamentary political leaders and dishonesty of the Maoists. Such mutual threat perceptions and distrust have made them more self-centred and devoid of any vision for the consolidation of democracy.

The involvement of the YCL in criminal activities, and formation of a similar force such as the Youth Force and Yuba Dasta by CPN (UML) and RPP respectively for countering the YCL, promoted the trends of human rights violation and impunity in the country. The nature of work of such groups formed under the major parties challenged the law enforcement mechanism, especially civil police and the court of the country. Some of these parties that run the government fail to take action showing that the state in essence does not exist for ordinary people. That is why, the necessity of making the law enforcement mechanisms strong in the transitional period has been ignored. Such political indifference led to by the government has created demoralizing effects on security agencies. Providing political shelter to the wrong doers or criminals has shown the failure of the state. As a result, democratic culture is fast eroding with all youth groups affiliated to parties going berserk. Likewise, the emergence of various armed

151 Lt. Gen. (Retd.) Bala Nanda Sharma shared his view with the researcher in an interview; see also, Indra Adhikari, “Maobadiko Chunabi Rajniti” (Maoists’ Electoral Politics), Kantipur Daily, 24 December 2007.
groups in the Tarai and other parts of the country is no less serious. The parties which have indulged in the power game can hardly forge any consensus on tackling such violent trends. Now the army also asks questions as to how develop democratic culture if the whole society and polity are being affected by the spurt of violence and anarchist trends. Some positive trends of civil-military relations could be observed in the aftermath of the 2nd Mass Movement. The Interim Government did try to develop rapport with the army but all such efforts were confined to individual level only. Institutional mechanism, which was expected to be developed soon after the change, could not be created. The Maoist demand that the PLAs should be integrated into the NA recognizing it as yet another national army, did not help the peace process. The “possibility of integration in security sectors” was not equivalent to the military, national army or to any other institution. Moreover, reliance of the Maoists on their armed power and the divisive mindset has hampered both the peace process and constitution making. The Maoist leaders’ failure to accept the NA as a national army has widened the gap between the army and the Maoists on the one hand, and between the non-Maoist parties and the Maoists on the other.

Spread of culture of impunity and violence, and the failure of the state to deal with such trends have also made every aspect of society more complex. And the reasons behind them are several. First, the army protected its soldiers while the Maoists protected their fighters, in spite of international efforts to press the NA and the Maoists to cooperate in investigation of human rights violation during the conflict period. Taking a stand to protect such violators, each side avoided arrest of culprits. Second, institutions like courts, police and the National Human Rights Commission (NHRC) are “inherently weak”. They should be strong enough to challenge the army and the Maoists. Third,

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156 Police investigations are very weak. They do not have proper equipment, training and commitment. They do not wake up in the morning thinking “I am going to solve the crime”. They think of other things. The courts are also very weak though there are good lawyers and judges. Similarly, other institutions like
the army leadership says they were right and the Maoists were wrong, and the Maoists and ex-PLAs have similar views on NA. Both sides believe that whatever they did was necessary for the good of the country. Finally, people serving in senior positions in the both institutions, believe that they are actually above the law. They do not think that the law should cover them. Both the organizations denied almost everything against them as “overstated” claiming that they did not accept/allow impunity and have held all their people in the ranks accountable for human rights violations. They were either in denial or not telling the truth. Again, protecting role of the respective political forces and leaders, instead of discouraging such attitudes of these forces, is responsible for everything for continuation of the tradition of impunity. It is because of lack of will power of the political leaders who are indifferent to the issue and are being guided by self-protecting policy. Such attitudes of civilian leaders to favour criminals as “ours” and “theirs” obviously hamper the establishment and development of the democratic institution and culture in the country, at a time when “institutions are crumbling; democratic culture is floundered”.

Excessive partyization in the society and polity by “filling up posts with parties’ members and hangers-on” has further spoiled the democratic prospect. Since all parties want to put their own people in different posts and institutions when the opportunity arises, no institution including the army can function according to the universal standards needed for them. The process could be taken positively or even could be called politicization if it orients people towards the democratic political system creating a new political culture that makes democracy sustainable within the parameters of the system. But the practices as a whole showed the contradictions not only between the expectations and the NHRC are not playing their role effectively. See, Adams, Brad (2009), “India Is Protecting Nepal Army”, an interview taken with him (Asia Director of Human Rights Watch (HRW)) by Kiran Chapagain, My Republica, 3 November 2009: http://myrepublica.com/portal/index.php?action=news_details&news_id=10954.

Ibid. One reason is that if individual soldiers are arrested, put on trial and found guilty, the question that will arise is: Who gave them the orders in the first place? Hence, the blame would shift to those in the upper ranks in the army from political level. Is it possible that all these killings happened without any order being given, hence the problem of accountability and responsibility of even the political leaders from the Maoists and SPA themselves who were in the government after 1996 to 2004 and led the “People’s War” till 2006.


Ibid.
experiences of the people but between the word and action of the leaders in government. Recruitment of respective cadres not on the basis of required quality but on political affiliation helped to institutionalize the politics of bhagbanda (distribution of share) at each and every level and sector as per the share, among the political parties in the power structure. This has had particularly adverse consequences for the peace process— in that the Ministry of Peace and Reconstruction has been right from its “creation a partisan ministry”, rather than a consensus mechanism of peace implementation.

All norms of institutionalization have been ignored forgetting their past lessons that make them learn that at least major political parties should be united for some of the key and crucial issues related to the national interest. Political parties that were/are in government also play the role of opposition. Thus, on the one hand, all such negative developments and myopia of Nepali leaders has only contributed to make people more desperate than ever before, and disabled politicians from grappling with the emerging problems on the other. Since such trends have gone “much ahead of the present context of politics, it will be difficult for the existing leaders to correct them”.

The political parties in democracy are key players. Their role is vital for systemic stability and institutionalization, despite their competition. The confrontational attitudes of the leadership and their engagement in exchanging the charges at each other at very low level and fulfilling their petty interests are the major challenges of the political stability in Nepal even after 2006. Since there is no other traditional institution like the monarchy to which to put the blame for creating such a political mess, the people see them now as the major culprits for stalling democratic development and peace process. It is also the “repetition of history” of not only post-1950 but also the post-1990 political scenario though the actors, system, and situation are different.

The division of political forces on the basis of ideology is another challenge for democratization, as the Maoists consistently claim the need for “capturing the state”. Reactions that come from other forces talk of ‘tit for tat’ treatment vis-a-vis the Maoists. The differences between the two forces on the civilian supremacy over military are also guided by their subjective interpretations. The Maoist dictum accepts the army as an

161 Indra Adhikari, “Tri. B. Ra Gunastariya Shiksha” (Tribhuvan University and the Question of Quality Education), Kantipur Daily, 4 February, 2008.
extension of party that reflects the will of the people\textsuperscript{164}, while others take it as an "apolitical institution". The overall effort of the Maoists to make fusion of party and the security wing of the state thus remains a central feature of such confrontation\textsuperscript{165}. The Maoist view and action plans seemed to annoy the military institutionally as it tries to polarize the political forces into pro and anti-NA and ex-PLA. Similarly, the commitment of the Maoists to return the confiscated individual and institutional property to the owners and disband the parallel organizations created during the insurgency could not be fulfilled sincerely. Such commitments, among many other utterances, remain unfulfilled creating more mistrust among the political forces indicating a pessimistic futuristic scenario for institutionalization of democracy as envisaged by the 2006 Movement.

\textsuperscript{164} As early as 1929, Mao stated clearly that the "Chinese Red Army is an armed body for carrying out the political tasks of the revolution" (Mao Tse-tung, Selected Works Vol. 1. pp. 106. 1929.

\textsuperscript{165} The Maoists resolution passed in Kharipati, Bhaktapur Kathmandu, in December 2008 says:

--Of the three stages of the Maoist People's War, the Maoist revolution in Nepal has currently reached the stage of strategic offence with its own indigenous characteristics.

--The PLA's main role is to serve as a force to complete the revolution and prevent counter revolution. It has to prove itself as a force of creativity, firmness, offence, dynamism and invincibility.

--Prepare the PLA politically and ideologically for the offensive to complete the revolution.

--The PLA will undergo ideological and political training on Prachandapath and MLM (Marxism, Leninism and Maoism). The training will be at basic, intermediate and advanced levels.

--There will be regular interactive meetings with the party committee in the army.

--The integration of the PLA will be used in a manner that will further the cause of proletarianism and revolution. The issue of army integration should be used in this context. See, Prakash Chandra Lohani, \textit{The Kathmandu Post}, 1 November 2009; Puspa Kamal Dahal Prachanda, Address to ex-PLA members in Shaktikhor Cantonment on party strategy and ex-PLA settlement issue, Chitwan, in January, tape records, popularly known as "Prachanda tape prakaran" 2008; Ram Saran Mahat, "Recruitment Controversy", \textit{The Kathmandu Post}, 25 January 2009; CPN Maoists (2008), The Maoist's Resolution passed in Kharipati, Bhaktapur Kathmandu, in December.