Chapter VII

CONCLUSION

The Nepalese soldiers are at all times, and under all circumstances, most singularly obedient to the "powers-that-be", and they obey the constituted authority be it Rajah, Rani, Prince or Ministers most unhesitatingly, and without any reference to the duty required or its consequences.

By character, military organization can never be democratic. It is always a highly centralized administrative mechanism practicing through a single control and command system with full acceptance of hierarchical arrangement among the ranks and files within the organization. But it does not mean that such 'distinct organizational discipline' and its nature of specialization for resolving the crisis by force make a military undemocratic. Yet, military can be understood as democratic, if it mainly: (i) follows the order of the legitimate authority as per the constitution; (ii) internalizes the international law where the state is one of the signatories; and (III) respects norms and values of human rights with its specialized skill, capability and authority of 'monopoly of violence'—as far as possible. Thus, the role of the military in politics and its level of professionalism itself indicate the status of democracy in a particular country. For, good civil-military relation and democratic oversights of the military have a symbiotic relationship and work co-relatively in deepening and strengthening democracy. All these requisites are not only deeply influenced by the national history, sentiments and traditions, but also depend on relationship of military with the spheres of power, politics, economy, modern science and technology, culture and history. It is determined by public opinion towards defence and foreign policy of the regime and certain action of the military for such policy etc.

The nature of problem in civil-military relation is very complex as both the society and the military are changing in a very peculiar way. The role of political parties, backbone of democracy, is also equally important for changing the civil-society-military complexity to cooperative relation in more broader and liberal ways. Experiences of different states

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in the world show that without good triangular relations among society, civil government and the military, there can be no socio-political harmony for maintaining political stability and democratization.

In South Asia, no other countries but India and Sri Lanka are stable democracies where the military is under the civilian control. In Sri Lanka, particularly during the ethnic war, the military might have played an important role in taking military decisions, but on the whole the established constitutional order continued to prevail. In the case of Nepal, the founder of the military is also the founder of the greater Nepal and its direct use under the command and control of the king without compartmentalizing the responsibility of the public administrative, civilian and military authority created the character of the civil-military relation. Then, the character of the National Army (NA) can be described as being (1) loyal to the de-facto ruler, (2) controlled and commanded by the strongest having vision and mission in making military policies and tactic and professional/corporate enhancement. Among other qualities for commanding the Nepali army, a ruler should possess the capacity to be recognized as capable and strong, should be able to look into the interest of the army.

Thus, whoever wanted power in Nepal found the military as the best constituency. It put both civil and military fields under the command of the power wielders even after 1990, despite the lip service paid to the kings who lost power due to internal conflicts during the rule of the Shah dynasty. The civilian leaders like Bhimsen Thapa, Mathbar Singh Thapa and Jang Bahadur Rana became powerful leaders in the history of Nepal by taking military in their confidence and involving it for their political gain, i.e., removing their potential threats from the political scene by using it. The Nepal Army stood by Jang Bahadur Rana during and after the Kot and Bhandarkhal Massacre of 1846 in his struggle against the 'plenipotentiary queen', Rajyalaxmi, and subsequently in Alau massacre also against King Rajendra since 1847. Even during the Rana oligarchy, the army stood by the strongest members irrespective of the rule of succession made by the founder of the system. Similarly, the army stood as a shield of the Rana government during the armed insurrection by Nepali Congress (NC) in Nepal and did everything in its power to crush the popular armed uprising even after King Tribhuvan had shown his sympathy for the popular democratic force. The same army, after the king was restored to his position by
securing the throne as a result of the tripartite agreement between the Rana, King and NC for the 1951 political change, prompted the king and newly appointed Home Minister, B.P. Koirala to maintain a distance from the pro-Ranas. While the armed police force, Raksha Dal, formed from the liberation army of NC, revolted against the NC government of the day, the army again came to the rescue of the government. Contrary to the incident, the army stood firmly by King Mahendra, when he decided to impose the state of emergency and dissolved parliament on 15 December 1960, imprisoned the first elected Prime Minister (PM) of Nepal, B.P Koirala and his cabinet members. During 1960-1990 and 2002-2006 the Royal Nepal Army stood as a defender of institution of monarchy.

The military, however, found no rationale to support the leaders of government having neither the power to exert the state authority nor the agenda that made the military men benefit personally and organizationally. In case of good civil-military tie, it could only make the king suspicious of politicians. On the basis of the military, the kings tried to be assertive. Hence, the Kings invariably became the major power centre. Monarchy as a traditional institution also added its authority besides being the head of the army.

The logic can be proved by the attitude of the military in responding to the 1st and 2nd Mass Movements in 1990 and 2006, respectively, and to the interim governments formed thereafter. Yet, neither authoritarian ruler nor government before 1990 and after 2002 could be saved by the Nepal Army, though it had been badly used by the ruler of the day for the safety of the imposed system. The question raised here is whether the NA accepts the political change as claimed by the military commanders. Nepal Army, like most armies of the world, is neither against nor in favour of democracy and the representative government. This is proved by the reaction of a commander of NA in the field after 2005 who says “how many soldiers (“mera ketaharu”) under me should be lost for fulfilling the interest of a greedy man”, King Gyanendra. It seems that the main concern of the military is its professional and corporate interest. It can support any government on the condition, if the government assures either status quo or advancement of the military, by softly applying the relative benefit theory. In Nepal, its orientation, socialization, and institutionalization process does not allow direct military intervention in politics. But it always prefers to work in tandem with authoritarian forms of government mainly because representative governments, as military understands, not only limits its role firmly within
defense activities except rare consultation for the policy-making and implementation arena, but also controls its commandeer sources. However, this is yet to apply applied in Nepal.

Most representative governments give higher priority to investment in the social service sector for assuring human security rather than in strengthening armed forces, which may in the long-run challenge the democratic system itself, if the state faces the crisis of leadership for long under the new and fragile democracy. The rationale is that without developing the source of 'soft power' of the state—quality population, investment in strengthening the military capability (an instrument of hard power) may be proved unproductive investment for security of the people and the state. More importantly, the ambition of making a highly professional and large-sized army can be a source of foreign intervention for a poor and developing country like Nepal, which has to be dependent on the other countries not only for professionalization and modernization of the army, but also on its institutional sustainability. It makes the country more vulnerable in terms of loosing secrets having strategically and diplomatically high value in the area of politics and military. Similarly, external dimensions also expand the role of military. The way American Ambassador visited in the military regional Headquarters in 2004 and Indian especial envoy stayed in Military Quarters in 2006 show how the foreign powers play in the country by making military as an instrument. Also, the RNA which could hardly brief security situation of the country to the PM and concerned committee in parliament, briefed the US Assistance Secretary, Cristina Rocca, in 2003 at RNA Headquarters about the security situation and military policy to control it.

Thus, successful reforms also require a long-term policy vision, driven by political leadership. The military should be steadily removed from non-military responsibilities, such as rural development, domestic intelligence, policing and giving political appointment that erodes the distinct role of military as a defence force, allowing it to be indulgent in political conflict. Moreover, "democratic empowerment" of civilian authority is equally important for achieving competency in managing military intelligently and responsibly. It can be done by staffing expertise in defense ministry, foreign intelligence bureau and legislative oversight committee, etc. It, however, takes time to adopt the new structure of authority as well as to develop confidence and trust
between it and the civil-military elites. Any form of violent protest, ethnic secessionist
movements, and religious fundamentalism that can provoke the military for intervening
the politics, should be solved through peaceful accommodation for stabilizing democracy.
If democracy is institutionalized and more economically developed, the conflicting social
groups and military itself become more viable partners of the representative government.

The separation of power is one of the principles of democratization of all organs of
government. The army came under the civilian command after 2006, needs to work in
close coordination and cooperation of executive, legislative and judicial organs
respecting the theory of check and balance. The proper system and channel should be
developed between the COAS, Defense Minister, Prime Minister and the President, The
main obstacle for good civil-military relation during the 1990s was the old modus-
operandi followed by the new leadership. The Palace had the de-facto control of RNA
and the COAS was required to be in good rapport with it, thus bypassing the defense
ministry. Naturally, RNA had a strong control over the national security issue even under
the civilian government, as the government leaders considered the RNA as the exclusive
domain of the Palace and refrained from raising any question concerning the army.
Therefore, the elected governments were neither able to amend the Military Act of 1960,
nor make the security policy. The Prime Ministers invariably tried to develop rapport
with the COAS bypassing the Ministry, but the control of the military lay with the king
rather than with the government regardless of its the nature – elected or nominated.
Theoretically, the post 1990 governments were more powerful than those of the royal
regime prior to it. In actual practice, however, the old relationship of the palace with the
army continued. Thus, haunted by the “ghost of the palace” or guided by the petty
interest for being in power, parties' leaders did not care for changing the military
structure. For them, it was a "sensitive" area which could hardly be changed without the
approval of the King.

It can be found that the major problem of non-cooperation of the military to civil
governments and its halfhearted involvement in actions were the dual command system
including personality and power clash of the non-professional authorities of RNA—the
King and the PM. The developing activities and relation between the civil and military,
and PM and President after 2008 showed that the political scenario and system have been changed but the attitude and mindset of the leadership is the same. This logic has been proved by the constitutional ambiguity even in the interim constitution that has created parallel power centres as head of the COM and head of the state, i.e., PM and President respectively. Both are elected by the same institution—Constituent Assembly (which also acts as parliament), using a similar method of election. Somehow, the PM under the constitution is really in a pitiable condition, since he can neither choose cabinet members under him nor take a decision on any important issue without getting prior approval of the coalition partners of the government.

Most civilian leaders hardly try to understand the rationale of democratic control, but politicized the military in the name of ‘civilian supremacy over military’ ignoring structural constrains and customary evidences. Military seems independent, while civil authorities are divided into civilian authority and coalition partner in the cabinet, and largest parties and oppositions in parliament in this regard. The practices led ultimately to either subjective control or military dominance in politics. The conflict between General Rukmangad Katuwal and Pushpa Kamal Dahal Cabinet in 2009 in Nepal was output of such practices of “Civilian Supremacy”. Mostly even so called democratic leaders prefer to more ‘loyal army’ rather than professional one, such attitudes also lead way the subjective control over military which ultimately, one or other way, threaten the process of democratization.

The constitutional head of the state under the parliamentary democracy, if other partners of the government do not agree on a particular issue, can defy or nullify the decision of the PM as “the guardian of the constitution” showing the cause of violation of the constitutional provision that dictates the government to solve major issues in consensus. The decision taken by the Maoist-led government to suspend the then COAS, General Rukmangad Katuwal, and the step taken by the President against the decision of the Dahal Cabinet, is one of the outputs of such constitutional ambiguity. The parliament became an eye witness to the power conflict between the PM and President that led the country towards establishing yet another form of constitutional authoritarianism. The idea, strategy and modus operandi adopted by both the civilian leaders have adversely affected the role of military under the newly established political system. The precedent
against the spirit of "objective control" of the army was not new in the history of Nepal. Several leaders in the government before and after 1990 resigned from the post because of the confrontation between the civilian and military leaders. Yet, struggle for recovery of their political image and life remained unsolved. What is more worrisome today is that the same old pattern is likely to be repeated by making military more powerful for determining the dynamics of politics in the country. Such primacy gained by the NA is only due to the mutual threat perceptions developed by the major political parties in the post-CA election 2008.

"Civilian supremacy" gives the democratically elected government unquestioned authority over all policy arena including the goals, organization and implementation of national defense. But it does not mean that it is above the constitutional arrangement, i.e., rule of law, which is the main spirit of democracy. Even the duly taken decision should go by proper channel while it is in the process of implementation. The immaturity had been shown by the then government led by Puspa Kamal Dahal, while taking the decision of suspending the COAS. It not only ignored the cooperation of its coalition partners but also annoyed the President by not adhering to the procedures required for sending its decision to the latter. Other twenty-two parties also forgot their experience of the past when the king started to be more assertive after the 990 change (while the opposition party in parliament and faction of PM's own party went to the palace for seeking the grace of the king for their opposition steps). Their request to the President to take steps against the Prime Minister's decision to sack the COAS was contrary to the system of parliamentary democracy. Action and reaction of the parties in government and parliament on the Katuwal suspension issue has shown that no party has a strong stand on its own agenda. It seemed that all are engaged to fulfil their short-term petty interests. As a result, the government headed by the Maoists (the largest party) collapsed following the resignation of the prime minister on the issue of violation of civilian control over the army. Political parties are now divided. The Maoists, now UCPN (Maoist), are engaged in politics of opposition. The constitution-making and peace process became uncertain. The main beneficiaries are the traditional and regressive elements including the military. Such uncertainty and political mess has provided an opportunity to the external powers that are bent on creating their own influence in Nepal.
The political system, environment, situation and people's expectation have changed but the mindset of the political leaders remains the same, hence the problem of adaptation to the changes. Halfhearted involvement of political parties in the peace process and their compulsion to follow every radical agenda without any serious homework has also created hurdles for institutionalizing democracy. Similarly, the shortsightedness of the parliamentary political leaders to integrate the "qualified" Maoists' combatants into army and dishonesty of the Maoists not to adopt the parliamentary system of government created mutual threat perceptions and distrust among them. It ultimately made them more self-centred and devoid of any vision for the consolidation of democracy. The Maoist official stand that recognizes the NC as a major enemy and the CPN(UML) as an opportunistic party have further widened the gap between the three major forces of Nepali politics.

The involvement of the Young Communist League (YCL), a sister organization of the Maoist, in criminal activities and formation of similar forces such as the Youth Force and Yuba Dasta by CPN (UML), respectively, for countering the YCL have promoted the trends of human rights violation and impunity in the country. Providing political shelter to the wrong doers or criminals are evident in the failure of the state. As a result, democratic culture is fast eroding together with the emergence of criminal gangs and armed groups in Tarai and in other parts of the country. The parties that have indulged in the power game can hardly forge any consensus on tackling such violent trends. A serious question can be raised here as how democratic culture can be developed if the whole society and polity is being affected by the spurt of violence and anarchist trends in the protection and provocation of major political parties.

Excessive partyization in the society and polity by "filling up posts with parties' members and hangers-on" and involvement of political parties in institutionalizing the politics of bhagbanda (distribution of share) in each and every level and sector as per their share in the power structure has further damaged the democratic prospect. Such practices as a whole showed the contradictions not only between the expectations and experiences of the people but also between the word and action of the leaders in government. It has thus
created adverse consequences for the peace process. The ministry created for promoting peace and reconstruction of the state has almost turned into a partisan ministry. 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 making the charges at each other at very low level for fulfilling their petty interests are the major challenges of maintaining political stability in Nepal even after 2006. Since there is no other traditional institution like the monarchy to put the blame for creating such political mess, the people see them now as the major culprits for stalling democratic development and peace process.

In addition, the division of political forces on the basis of ideology is another challenge for democratization. Maoists' consistent claim for "capturing the state" and others reactions of 'tit for tat' treatment vis-a-vis the Maoists, have put them in extremely opposite polar. The differences between the two forces on most issues, including the civilian supremacy over military, are also guided by their subjective interpretations. The Maoist dictum, for example, accepts the army as an extension of party that reflects the will of the people, while others take it as an "apolitical" institution. The Maoist view and action plans seemed to annoy the military institutionally as it tried to polarize the political forces into pro and anti-NA and ex-PLA. Such polarization ultimately vitalized the importance and influence of military in politics that made the issue of democratization of army more complicate. Nor did such division between the civilian parties on military matters help to establish the civilian supremacy over the army. 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.

Similarly, military reform is one of the major issues in terms of its democratization, without which the process of institutionalization of democracy may be remote. The rationale of the existing armed forces, keeping the existing geopolitical reality, state capacity and national experiences in mind, should be justified in Nepal where army has
not fought external war for defending the sovereignty after 1816 but has always been used against the elected government and democracy. Hence, adequate attention should be paid for establishing a system of democratic control of armed forces while writing the new constitution rather than limiting it in a bureaucratic system of appointment of COAS, control, mobilization and management of the army. Such an arrangement can be made possible by convincing military officers that expanding civilian control does not compromise the nation’s security, institutional prestige and integrity of the military.

Likewise, the regime’s performance in the field of politics and economy and capacity of political institutionalization through strengthening bureaucracy, institutionalizing all organs of the government, electoral system and political parties, and assuring accountability of rule of law are also required for consolidating democracy. Thus, a gap between the commitment and performance of the leaders in the party and the government, and the trends of the formation of the government including the people having no popular mandate, is against the spirit of the representative democracy. These are the major challenges for democratization in Nepal.