

# **Nepal: Looking Beyond Kathmandu**

## **The Nexus of DDR/SSR**

**First Phase Registration day one in MCS1 (Elam)**



By

Amanuel Mehreteab (Ph.D)

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# MAP



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# 1. Background

Nepal is one of the least developed countries with per capita income of US\$ 297 (2004/05) and ranks 133rd out of 177 in terms of Human Development with a Human Development Index of 0.5271. More than 31 percent of Nepal population lives below the poverty line. The country's economy rely on subsistent farming with more than 84 percent of the population residing in rural areas and about 70 percent engage in subsistent agriculture. The diminishing return of employment from agriculture has pushed people to seek employment opportunities elsewhere, but agricultural sector is still the prominent sector providing employment.

Long-standing authoritarian regime coupled with lack of proper opportunity to fight extreme poverty and socio-economic exclusion have created a series of political conflicts, violence, and in the end fuelled armed insurgencies in Nepal. The recent insurgency Nepal experienced was mainly due to exclusion and neglect. Currently, Nepal is at crossroad of its historical transition period from armed conflict to post-conflict recovery and reinstating democratic government. Proper handling of this highly sensitive and volatile period will play a crucial role in creating unified, strong and prosperous Nepal. But the transition from war to peace and revitalizing post-conflict economy is fragile, sensitive process characterized by intense political, economical and social uncertainties.

The Nepali state has followed a tumultuous historical course in the last two decades. Opened with the People's Movement in 1990 that ended the 30-year autocratic Panchayat regime under the direct leadership of the monarchy and established a parliamentary democracy with a constitutional monarchy, the political course saw the biggest ever-political change in 2008 – the election of the Constituent Assembly and the abolition of the monarchy. The peace process that started in 2006 brought an end to the 10-year-old Maoist insurgency and the Constituent Assembly is now in the process of writing a new constitution that is expected to give the country a stable and prosperous democracy. While the political transformations in the process has shown signs of promise for state restructuring and stability, the floodgates it has opened have also created numerous new challenges that the country's leadership has had to handle with far sightedness and wisdom.

In the early 1990s, a major emphasis of peace-building activities was directed towards economic and social reconstruction. The broader and more sensitive task of facilitating the building of domestic capacities to provide security was often neglected. Security governance issues such as disarmament, demobilization and reintegration (DDR), security sector reform (SSR) and reinforcing the rule of law are now increasingly recognized as priority peace-building tasks. Usually when a country is in post-conflict stage, disarmament, demobilization and Reintegration (DDR) followed by security sector reform (SSR) is the defining contour of security, peace, and development. Within the framework of post-conflict peace-building, strong linkages are particularly apparent between DDR and SSR because both activities concern the military, the security sector more broadly, as well as overlapping groups responsible for their management and oversight. Addressing the needs of former combatants is directly linked to opportunities to reform (or transform) the security sector both immediately following conflict and as a contribution to longer term security and development.

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<sup>1</sup> *Human Development Report-2006, United Nations Development Program*

But current post-conflict situation is marked by uncertainty in all walks of life which demands utmost attention from all stakeholders. Currently common Nepalese are facing day-to-day problems even to meet their basic needs; the Maoist combatants are still in cantonments/barracks. The under-aged and post 25 May 2006 Maoist recruit has just started to be released (early 2010) and are being reintegrated into the mainstream of the society. Internally displaced people and forced migrants are returning to their villages but unfortunately with limited safety net to eke out a living; the legitimacy of the government especially in the rural area needs to be restored.

Rural infrastructures which are necessary for supporting the recovery of early livelihoods are still in a devastated state; socio-cultural attitude towards returning women migrants has always been stereotyped and stigmatized making their reintegration into the society difficult and the list goes on – of despair, dispossession, disappointment and disillusionment. Still the main focus of the government of Nepal is at the centre and there is a need to look beyond Kathmandu and address different inherent societal problems of exclusion. Economical and military anomalies are still not touched and need to be addressed. Nepal authorities currently bogged down on how to go about DDR for Maoist army but they are missing the bigger picture – to embark on Security Sector Reform (SSR). Both the Nepali army and the Maoist, majority of their forces is the member of ruling elite ethnic group –Brahmin.

As usual, the brunt of the conflict is being borne by the already disadvantaged - women, children, youths and senior citizens including widows, single women, orphans and the handicapped. The country situation spells out a climate of fear, distrust, anarchy and volatility. The very issues of poverty, exclusion, denial, exploitation and lack of opportunities that partly fuelled the decade-long violent conflict have ironically been further aggravated than mitigated even after peaceful election. When the dust of election settles down in April 2008, one of the main priority issues that came forward and was/is begging solution is how to reform the military and what to do with the two armies (Maoist and Nepal Army). The logical answer is to downsize and democratize the armies and reintegrate them into the mainstream of the society, which is the vital ingredient for the overall post-conflict recovery process.

The one-year UNDP experience in registration and verification indicates that the process going on in Nepal is not the classical DDR program and had demanded a lot of innovative solution and in the process a lot of lessons were learned. One of the main flaws of the designing of downsizing the army in Nepal was “it only focused at the Maoist army and forgot the Nepali army.” When the Maoist army flocked to the cantonments and established itself in seven main sites and 21 satellites camps the UN run to collect arms. Conceptually it was not thought through what will happen to both arms and that is why we see a stalemate in Nepal on how to go about DDR/SSR. The political changes that have been taking place in Nepal have been extremely far-reaching. In a sense, the underlying motive of the changes is still to leave the old Nepal behind and enter a new era of nation building where everything has to be re-thought out, re-planned and re-implemented. This is the time that the country requires highest degree of imagination, creativity, courage and vision.

DDR and SSR are both recognized as key elements of post-conflict peace building. DDR has a direct impact on the prospects for SSR since Disarmament and Demobilization – often conducted before SSR is addressed – set the terrain for future reform efforts by establishing the numbers and nature of the security sector. A successful DDR programme may also free up much needed resources for SSR. Decisions on the mandate, structure and composition of security services can impact on the numbers of personnel that will need to be demobilized and reintegrated into society. It can also be argued that DDR is SSR to the extent that demobilization is a form of

defence reform, albeit ad hoc in nature: decisions are often made by former warring parties and reflect concerns such as rewarding loyalty or removing troublemakers. This may result in performance improvements (depending on who is demobilized or retained) but may also run counter to the central goal of developing effective or accountable armed and security forces loyal to the state and its citizens (as opposed to the regime in power). If former soldiers are employed in other parts of the security sector as a reintegration measure, DDR can also contribute directly to SSR. The Nepali army is not keen to absorb the Maoist army in its rank and file sighting that they are highly politicized. It can't be done as per the request of the Maoist and if reintegration to the military apparatus is done without vetting and according to clear criteria, this may only fuel insecurity if individuals with inappropriate backgrounds and inadequate training are simply re-deployed within the security sector. Finally, failed reintegration places significant strain on SSR by increasing the pressure on police, courts and prisons.

The main aim of the paper is to put DDR/SSR at perspective and cull out lessons learned so far as to minimize pitfalls during the overall reintegration process. The situation in Nepal is certainly not portrayed as 'classical' post-conflict situation in which a UN peace support mission is mandated to ensure Security Sector Reform. The process of arm management and registration and verifying the status of an individual combatant took solid one year with ups and downs in its implementation and demanded a lot of negotiation and innovative solutions. Maximizing the potential synergies between linked post-conflict peace-building issues such as DDR and SSR is essential if peace, stability and development are to be achieved in Nepal.

## **1.1 Context**

Nepal's political history is unique in the sense that the democratic and communist parties -- like Nepali Congress, Communist Party of Nepal (Unified Marxist Leninist) and Unified Communist Party of Nepal (Maoists) -- have collaborated and forged alliance in the course of democratic movements. The joint collaboration and appeal made by these two juxtaposed political forces successfully led the people's movement in 1990 that overthrew King's party-less Panchayat system and re-established democracy in the country. The political reality in Nepal is also unique in the sense that it challenges the liberal theorists of international relations, who argue that the communist forces need to be marginalized in order to ensure democratic development in any country. Contrary to this hypothesis, an interim government was formed in Nepal in 1990, representing the members of both communist parties and the Nepali Congress, with the mandate of drafting a new constitution and holding elections to the parliament based on the principles of multi-party system. Thus, the role of communist forces has remained crucial in establishing democracy in the country. A new constitution was drafted by a Constitutional Commission in 1990 and promulgated within a year, despite numerous hindrances posed by the royal palace.

The political changes that have been taking place in Nepal have been extremely far-reaching. In a sense, the underlying motive of the changes is still to leave the old Nepal behind and enter a new era of nation building where everything has to be re-thought out, re-planned and re-implemented. This is the time that the country requires highest degree of imagination, creativity, courage and vision. The impact of violent conflicts on the social fabrics of a society is devastating. War weakens community and family cohesion as an outcome, traditional and modern decision-making structures, social security provision and income-earning structures are severely damaged if not entirely lost aftermath of the conflict. Violence and war leave behind much more damage than is met



by our naked eyes. The deep damage to victim's attitude also is equally important because they leave scars on the human mind in the form of trauma, guilt and hatred, which usually trigger thirst for revenge. But cessation of hostilities or at least the ebbing of widespread-armed conflict also provides an opportunity for war-torn countries to rebuild their societies, economies, and politics and to jump-start reforms and economic development.

The conflict between the state and masses is also not a new episode in Nepal. The country was ruled by Monarchy, which represents feudal bureaucrats, military/police generals and Hindu fundamentalists for more than 235 years. Oppressed people of Nepal have challenged the combination of power sharing in different occasions of their political history. People's movements have at times gained momentum but were always severely suppressed and oppressed by the ruling class in different juncture of Nepal history. The democratic movements of 1949, the anti-Panchayat movement during the period of 1961 and 1989, the peasants' uprising (Jhapa Aandolan) of 1972, and the students' movement of 1979 are some of the glazing examples of people's movements against the state in Nepal. These movements were either led by the Nepali Congress Party or by the Nepal Communist Party or by the people. As an outcome, Nepali people tasted freedom, democracy and justice. Nevertheless, Nepali people are yet to exercise a full-fledged democracy and freedom.

The 1990 people's movement has achieved several positive features for democracy, human rights and social justice in Nepal. However it is sad, the basic masses consisting of farmers, workers, landless, homeless and slum dwellers of Nepal could not be liberated from basic exploitation, discrimination and injustice during the period of multi-party democracy. The increasing gaps between rich and poor, imposed consumerism, unemployment, lack of social security and social identity, bad governance and corruption by enlarge has frustrated and annoyed the general population with the state as well as with the political parties. The Communist Party of Nepal (CPN) - Maoist who went underground after submitting a 40 points demands to the Prime Minister and had waged the "People's War" starting in February 1996 for a Republic Nepal.

After the signing of Comprehensive Peace Agreement Technical Assessment Mission was dispatched to Nepal and the findings of the Technical Assessment Mission were presented in the Report of the Secretary-General on the request of Nepal government for United Nations assistance in support of its peace process, of 9 January 2007. This led to the adoption of UNSCR 1740 creating United Nations Mission in Nepal (UNMIN), with the following mandate:

To support the peace process - assisting the transformation of the ceasefire into a permanent, sustainable peace;

- (i) To monitor the management of arms and armies, including the cantonment of Maoist combatants and their arms and munitions, including improvised explosive devices;
- (ii) To assist with the registration of combatants and their weapons; and to monitor the Nepal Army;
- (iii) To assist the parties through a Joint Monitoring Coordinating Committee (JMCC);
- (iv) To assist in the monitoring of the ceasefire arrangements together with OHCHR;
- (v) To provide support for the conduct of the election of a Constituent Assembly;
- (vi) To provide monitors to the electoral process, and the conduct of the election, while ensuring a clear division of responsibilities with the electoral assistance team; and
- (vii) To execute the above tasks with special attention to the needs of women, children, and traditionally marginalized groups in the country.

The registration and verification operation needs of the Maoist combatants were organized and implemented by UNDP Country Office under the direction of UNMIN. Senior Management team was formed from UNMIN, UNICEF and UNDP and was headed by UNMIN Verification and Registration Manager. Project Manager was responsible for the day-to-day management of the UNDP activities as set out in the project. The UNDP Project Manager had the authority to run the project based on instructions received from UNMIN. The Project Manager's prime responsibility was to ensure that the project produces the support request by UNMIN - to complete the registration and verification exercise successfully.

The registration and verification project is based on the following output and activities:

Output: *Under the direction of the UNMIN, registration and verification of Maoist combatants completed in accordance with the December 2006 Agreement on the Monitoring of the management of arms and armies.*

Activities:

- a) Recruiting international registration/verification experts;
- b) Procure IT equipments (thumb scanners, computers, printers and telecommunication equipments) needed for the project;
- c) Recruiting National caseworkers;
- d) Hire expert to develop combatant database (DREAM Data Base); and
- e) Provide logistical support to UNMIN and UNICEF and UNDP staffs engaged in the registration and verification exercise.

One of the many challenges PLA is facing - gaining legitimacy as a political party inside the Nepali government and the overall perception of the Nepali society. It is proving to be hard to translate from guerrilla army to political party. Currently the Popular Liberation Army (PLA) is in the process of transforming itself into a democratic political party from a violent rebellion group. The PLA signed Comprehensive Peace Agreement (CPA) in November 2006, contested the elections of Constituent Assembly in April 2008 and secured larger seats than other political parties, and formed the government accordingly. All these processes have garnered legitimacy to PLA. However, that is not enough. The party still holds the command over its People's Liberation Army (PLA) in practice, although the combatants of the UCPN (Maoists) are under the command of Special Political Committee on Army Integration as per of the provision of the Interim Constitution.

As long as the people and the international community perceive the UCPN (Maoist) as an insurgent group, which happened when the party was leading the government until May 4th, 2009, the party is suffering crisis of legitimacy – changing from liberation front to be a party. In any democratic state, the dual armies cannot exist and a political party running a government but also commanding over its own army is against the principles of democratic norms and practices. Therefore, it is for the interests of the UCPN (Maoists) to negotiate the future of its PLA that can enhance its legitimacy into Democratic Party that is respected by the national actors and international community as well. In this context the PLA needs support politically and financially to clear its house and be ready to function as a political party but unfortunately all the indicators from the ground is to isolate them which will push them to be in word looking and it will prove to be hard to open-up later which is unfortunate. The notion is we had been all alone during the era of the armed struggle and now we are alone and the only option is to continue the revolution and id creating fertile ground for the radical group who were marginalized in the process of democratization but now they are gaining momentum.



## **1.2 Cantonment or Barracks?**

From January 7 – 9, 2007, a team of UNDP representative carried out an assessment of all seven main cantonment sites where PLA combatants are residing. This mission was carried out in conjunction with similar inspection initiatives on the part of the office of the Personal Representative to the Secretary General (OPSG) and the United Nations Population Fund (UNFPA). The main objective for the UNDP team was to evaluate camp infrastructure and population as well as environmental, gender and child welfare aspects.

In addition to extensive construction of roads, housing, water, and electrical provisions PLA commanders have made significant accomplishments in terms of premises development and camp organization the whole 2007 and work is still in progress. For example, MCS 3, PLA cadres have begun building permanent hospitals and excavating multiple acre sites as public recreation areas in March 2007. Camp organization is equally impressive. While visiting the camps you can witness day-to-day schedule, including physical exercise, camp maintenances and educational activities. The ones who are demobilized as not eligible ex-combatant (around 7,000) in 2010 have stayed in the cantonment 2006 – 2010 and were trained militarily and politically. Releasing them now without putting reintegration mechanism only creates more problems and they can be readily recruited by splinter groups in which unfortunately are rampant in Nepal.

In order to ameliorate the cantonment problem before it becomes a hurdle to the whole peace process it was felt important to organize a visit comprising both government higher officials and PLA leadership. A high level government officials, PLA leadership and United Nations Mission for Nepal and UN families (UNMIN, UNDP and UNFPA) visited PLA cantonment sites 5 (Rolpa), 6 (Surkhet) and 7 (Kailali) on March 19 and 20, 2007. The objective of the mission was to assess the living conditions and propose measures for quick improvement of the cantonment sites and up keeping of the PLA members. The main finding illustrated that the cantonment visited do not meet the basic requirements as per the agreement reached between the government and the CPN-M on the temporary camp settlement construction. Satellite sites were not visited for priority construction work has targeted only the main sites and therefore conditions was presumed even worse at satellite sites.

### **General observations of cantonment/barracks were:**

- Frustration regarding improvement of living condition;
- Debt with local communities was a major issue;<sup>2</sup>
- Suspicious of Government actions/motives and was interpreted as an attempt to weaken PLA through poor treatment;
- Irritation with outside visitors for not seeing tangible improvement of their conditions;
- The Incident of Gaur<sup>3</sup> incident was raising concern;
- Trust and confidence levels were deteriorating and was/is interpreted as conspiracy against PLA; and
- UN is subjectively implicated for not acting.

There was/is clear and immediate need to establish a cantonment improvement team for combatants will stay at least two to three years before the overall reintegration of the PLA members and security sector reform is addressed. Future cantonment improvement team must

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<sup>2</sup> The government promised to pay 60 Rupee per individual combatant and didn't pay as promised and was creating a lot of resentment

<sup>3</sup> 28 Maoist combatants were slain during a rally in a place called Gaur.

include senior representatives from the PLA and the Government with UNMIN/UNDP as advisers.

- This team should comprise individuals from each organization who are highly operational;
- Have the authority to make on the spot decisions (that include day to day activity – funding, purchasing and procurement; and
- Would spend the majority of their time in conducting joint field inspections and assessments in a direct effort to improve conditions in the cantonment.

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Despite many achievements inside the cantonments/barracks, site condition remains still a challenge throughout the country. There is no central management framework from the government that coordinates and controls the money to build the infrastructure. It depends on the good offices of the Maoist commanders with no mechanism for monitoring the whole activity. Building cantonment that lasts for long time has its drawbacks. Now nearly all the cantonments are well-established military garrisons. In the document of the Monitoring of the Management of Arms and Armies 2006, it was clearly stipulates what cantonment means:

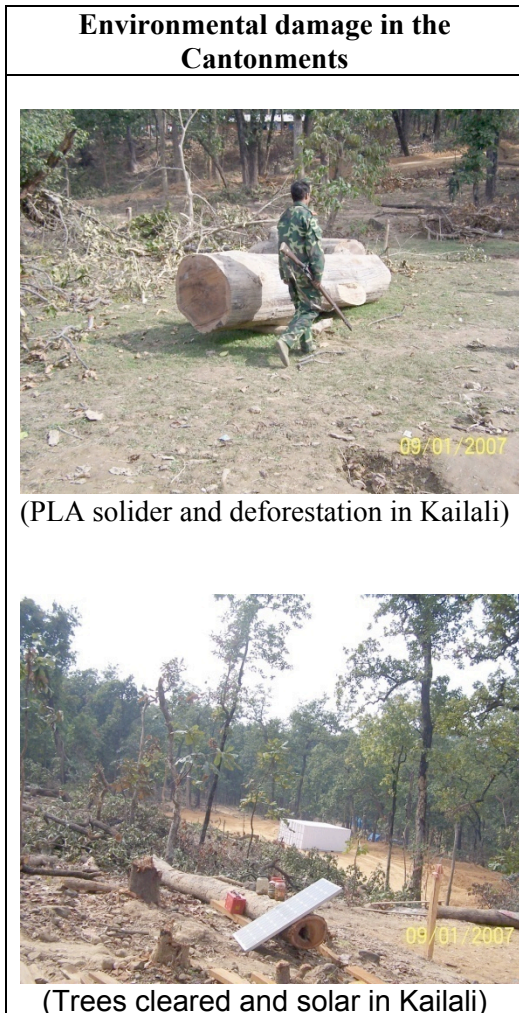
*Cantonment is a temporarily designated and clearly defined geographical area for encampment and provision of services for the Maoist combatant unites including weapons, ammunition and equipment. The cantonments are provided for all echelons of Maoist army.<sup>4</sup>*

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<sup>4</sup> 2006, *Agreement between Negotiating Team of Government of Nepal and Communist Part of Nepal on "Monitoring of the Management of arms and armies"*, published by Peace Secretariat Kathmandu, Nepal

### 1.3 Environment damage

While successful in terms of weapons and combat registration, the cantonment process has already resulted in considerable environmental damage. For example, of the 28 cantonments, approximately 21 are located in forested area. Moreover, the 12 camps for PLA (Division 3, 4, and 7 have been established directly in within well-established restoration target areas, identified by Government of Nepal and various donor agencies as the highest priority environmental sites in the country. Accommodating the day-to-day needs of the nearly 33,000 resident combatants has placed a further strain on ecosystem.



Early on UNDP environmental assessment of cantonment sites has confirmed energy for camp food preparation is almost totally dependent on Nepal's single greatest resource of deforestation: illegal firewood extraction. PLA representative in the central cantonment for Division 1 to 4 estimated their combined consumption as roughly 1,482 tons per month. In addition to this PLA is cutting wood to build residential house (at least for 20,000 combatants) and has exasperated the problem. With natural resource exploitation of this intensity, it will be a matter of time before these key environmental sites are permanently destroyed. UNDP Nepal has put suggestions and way out of the environmental degradation but so far the Government of Nepal and Maoist leadership does not pick it up.

It is unlikely that the Maoist combatant settlement will be history in the near future. The one who are now verified as Maoist combatant (19,602) will at least stay two to three years in the cantonment till the government and PLA leadership reaches an agreement on DDR/SSR and start implementation of reduction of force. The environment will be taxed heavily and is high time now to put mitigation plans that fit to the overall recovery process.

During the registration and verification a sizeable number of Maoist members had left Cantonment with around 150 middle and high PLA commanders. It is not known for sure where they have gone but looking at the mushrooming of different new splinter group it can rightly be assumed they had joined their ranks. The release of minors and late recruits although was overdue still it is welcomed but need to be followed with comprehensive reintegration process. Tracing minors and re-joining them with their family will not help. Adequate and long term reintegration mechanism should be placed. Knowing that the reintegration process is starting without proper labour market study and no opportunity mapping is worrisome to say the least because the approach will be generic.

## 2. Finding

### 2.1 Analysis

Table 1: Maoist combatants registered and verified by UNMIN

Division	TOTAL VERIFIED AND REGISTERED					
	<i>Members</i>	<i>Minors</i>	<i>Post</i>	<i>Verified</i>	<i>Absentee</i>	<i>Total</i>
<b>Division I</b>	1,933	617	259	2,809	442	<b>3,251</b>
<b>Division II</b>	1,656	277	95	2,028	818	<b>2,846</b>
<b>Division III</b>	3,912	367	219	4,498	1,893	<b>6,391</b>
<b>Division IV</b>	3,074	424	198	3,696	1,657	<b>5,353</b>
<b>Division V</b>	2,430	396	56	2,882	1,364	<b>4,246</b>
<b>Division VI</b>	3,109	525	104	3,738	1,105	<b>4,843</b>
<b>Division VII</b>	3,335	364	103	3,802	1,335	<b>5,137</b>
<b>KTM Security</b>	153	3	1	157	26	<b>183</b>
<b>Total</b>	<b>19,602</b>	<b>2,973</b>	<b>1,035</b>	<b>23,610</b>	<b>8,640</b>	<b>32,250</b>

#### General finding

- 19.4 percent are female;
- In the first phase registration one out of six was illiterate. In the second phase verification and registration this has improved and was nearly reduced by half only 8.2 percent (was 16.6 percent) and this shows literacy and numeracy was one of the main activity of PLA members;
- A big chunk of PLA members have adequate educational background Primary (34.6 percent) and Secondary (49.2 percent);
- The majority members of PLA (71.6 percent) are single but 45.2 percent one or more children;
- The majority of the combatants (68.4 percent) had stayed three to four years in the army;
- As per 21 December 2008 there were 120 pregnant and 354 lactating mothers;
- As per the data collected in the second phase verification and registration there are 50 female and 274 disabled combatants. But 7.8 percent that 478 female (1.5 percent) and 2031 male (6.3 percent) were injured;
- Majority (63 percent) they are in good health only 102 (0.3 percent) responded that their health condition is bad;
- The minority community is underrepresented in the PLA Army. For example Terai Nationalities for in the Nepali society as per the study conducted by Nepal Statistics office put the number as 13.86 but in the PLA rank and file they are only 2.6 percent, Muslim in the community form 4.29 but in the PLA they are only 0.2 percent, Newari community form 5.48 but in PLA they are only 1.8 percent;

- Nearly half (45 percent) PLA members have farming occupation prior joining insurgency;
- PLA members have the responsibility of dependents of 1, 2, 3 or 4 and the percentage is 28.2, 20.9 18.8 10.9 percent respectively; and
- As of 21 December 2007, PLA members were categorized into Members (60.8 percent); Minors (9.2 percent); Post 25 May recruits (3.2 percent); not verified (26.8 percent).

Ethnicity	Female Maoist Population		Male Maoist Population		Total Maoist Population		Total Population of Nepal	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Chhetri	1289	4.10	5399	17.20	6688	21.40	3927616	17.27
Brahmin	810	2.60	3881	12.40	4691	15.00	2906337	12.78
Magar	781	2.50	2704	8.60	3485	11.10	1739989	7.66
Tharu	530	1.70	1784	5.70	2314	7.40	1533879	6.75
Tamang	389	1.20	1791	5.70	2180	7.00	1292118	5.68
Newar	85	0.30	477	1.50	562	1.80	1245232	5.48
Muslims	9	0.00	68	0.20	77	0.20	975949	4.29
Rai	300	1.00	1120	3.60	1420	4.50	771394	3.39
Gurung	67	0.20	399	1.30	466	1.50	543571	2.39
Chepeng	5	0.00	17	0.10	22	0.10	52237	0.23
Dalit	957	3.10	3479	11.10	4436	14.20	3080532	13.56
Danuwar	4	0.00	26	0.10	30	0.10	53229	0.23
Derai	13	0.00	20	0.10	33	0.10	14859	0.07
Dhimal	2	0.00	16	0.10	18	0.10	19537	0.09
Kumal	40	0.10	132	0.40	172	0.50	99389	0.44
Limbu	111	0.40	472	1.50	583	1.90	359379	1.58
Other Janjatis	10	0.00	51	0.20	61	0.20	242488	1.06
Rajbanshi	7	0.00	76	0.20	83	0.30	95812	0.42
Sherpa	42	0.10	149	0.50	191	0.60	154622	0.68
Terai Nationalities	60	0.20	815	2.60	875	2.80	3150207	13.86
Thakali	1	0.00	4	0.00	5	0.00	12973	0.06
Others	411	1.30	2497	8.00	2908	9.30	233944	1.03
N/A	2	0.00	16	0.10	18	0.10	231641	1.02
<b>Total</b>	<b>5925</b>	<b>18.90</b>	<b>25393</b>	<b>81.10</b>	<b>31318</b>	<b>100.00</b>	<b>22736934</b>	<b>100</b>

## Specific Finding

### Post 25<sup>th</sup> Recruits

- The total number of post may recruit is 1035. Majority (72.5 percent) of them are between the age of 21-25 and 22.3 percent are female;
- 13 percent are illiterate and the majority (78.1 percent) had completed their primary and secondary level;
- Terai Nationalities are bigger (6 percent) compared to the overall members present (2 percent) in the rank and file;
- The majority (77.3 percent) were soldiers;
- Nearly three quarter (70.5) percent had stayed in the rank and file of PLA probably as militia;
- Nearly half (49.5 percent) originates from the hill, 11.8 percent from the Mountains and 38.7 percent from Terai planes.

### Not verified (Absentee)

- The total number of the ones who are not verified in the second phase verification and registration is 8638 (26.8 percent) and 13.8 percent are female;
- According to the first phase registration more than three-fourth (75.6 percent) are between the age of 21 to 25;
- The biggest number of not verified are from MCS 3 (21.9 percent) followed by MCS 4 (19.1 percent) and MCS 7 and MCS 5 nearly having nearly the same number (15.5 and 15.8 percent respectively);
- 14 percent were illiterate (2.5 percent female and 11.5 percent male);
- Primary and Secondary makes more than three-fourth of the whole population (34.7 and 44.7 percent respectively);
- In the absentee population the minority community is highly represented than the Nepali population. For example, Tharu are 6.75 percent of the whole population but it is 8.9 percent in the absentee. Magar in Nepali society is 67.6 but in the absentee is 8.8 percent. Thama are 5.68 but in the absentee they are 7.2 percent ...etc;

## 2.2 *Transition Period*

Transition from war to peace environment is a complex process marked by the need to stabilize the economy, demilitarize the country (demobilization and demining being paramount), reintegrate dislocated populations, protect the most vulnerable war victims (children, disabled, and widows), and reestablish civil society and good governance. Thus, in post conflict countries it could be argued that the whole generation had grown up in an environment of armed warfare and violence culture.

Governments of Nepal as all post-conflict country had inherited bloated military and/or excruciatingly understaffed civil bureaucracies and serious fiscal and balance of payment problems. At the macro level priorities of economic rehabilitation includes macro- economic stability and economic reform. At the micro level this means providing support to households so as to rebuild their livelihood systems by paying greater attention to the excluded segments of societies such as ex-combatants single women ex-combatants, child soldier and ex-combatant's dependents. All this intervention is beyond the post-conflict Nepal capacity and certainly needs help from variety of institutions. Besides reintegration of refugees and internally displaced population in general and ex-combatants in particular is a daunting challenge, few governments are able to cope on their own. There have always been conflicts; unfortunately, violent civil conflicts have continuously been the most dominant ones. Usually women and children bear the

brunt of it. Conflict has impoverished post war countries in general and the least developed countries in particular and in many cases, wiped out decades of economic achievements and social development.

Different political parties and identity groups in Nepal have voiced the demand for reforming the military to divert the money spent and restructure the state mechanisms. The emphasis is particularly on those institutions that are mandated to provide security to the people, so as to ensure inclusion, participation and representation in the system from different members of the society which is currently dominated by Brahmin and Chitri. If these demands remain unaddressed in the time of transition, these political institutions will lose trust in the eyes of political and social groups, because their presence is not there, which will result in the erosion of the legitimacy of the state ultimately. This is the first type of challenge the country is currently facing.

In the context of Government's denial to address the political demands of the groups, it is likely that the level of frustration increases, which may motivate the political groups to resort to violence to assert for their demands. The transition from war to peace and from economic crisis to revitalization is a fragile process characterized by intense political, economic, cast and ethnic rivalries. When a country is transitioning from war to peace and development, disarmament and demobilization become defining features of security and stability. The transition from war to peace is often characterized by insecurity, uncertainty, and repeated cycles of violence before lasting solution takes hold.

The impact of violent conflicts on the social fabrics of a society is devastating. War has weakened Nepali community and family cohesion as an outcome, traditional and modern decision-making structures, social security provision structures; income-earning structures are severely damaged if not entirely lost aftermath of the civil war and need support to strengthen them. Violence and war had left behind much more damage than is met by our naked eye. The deep damage to victim's attitude in Nepal also is equally important because they leave scars on the human mind as trauma, guilt and hatred, which usually will trigger thirst for revenge. But cessation of hostilities or at least the ebbing of widespread-armed conflict also provides an opportunity for war-torn countries to rebuild their societies, economies, and politics and to jump-start reforms and economic development.

When the dust of war starts settling, one of the main priority issues that comes forward and begs solution is the demobilization and reintegration of former combatants/soldiers, which is a vital element for the over-all post-conflict recovery. Peacetime DRPs are likely to include the overall objective of a reduction of spending on the military, and an assumption that the dividends will be redirected to the social sectors. In peacetime, these dividends constitute an important economic rationale for embarking on a demobilization program. Once budgetary savings are achieved through a reduction in force, the main focus of a DRP will be on the social consequences of such military downsizing. A DRP will cater for ex-combatants and their families. The ultimate objective of a DRP is economic, social and political reintegration of combatant/soldiers and their families. Appropriate program design requires information on the characteristics, needs, and aspirations of combatants/soldiers and their families.

Impact of violent conflict on a country's economy and society is profound and multiple. The designed DDR intervention can be highly visible as smashed buildings, maimed civilians, and burst water mains. But the impact can also be invisible, such as the collapse of state institutions, the spread of mistrust in government and pervasive fear. In both cases, recovery needs are



immense and urgent. After all, only if both types of effects are addressed adequately and simultaneously can post-conflict reconstruction lay the foundation for a return to 'normalcy'.

Tragically, the invisible effects of violent conflict have often been neglected during reconstruction efforts with the argument that re-building responsive institutions and building confidence through participatory processes take time, which is not affordable when other needs are critical. Post-conflict programs, therefore, have typically been divided into an initial "humanitarian" or "crisis" phase, and a "transitional" or "developmental" phase. Social and economic recovery depends on a well-managed transition from emergency to development, during which the domestic economy is rebuilt and institutional capacity are restored.

The demilitarization, demobilization and reintegration (DDR) program constitutes a vital part of army reduction in particular, and the transition from war to peace, in general with a number of complex and interrelated tasks. Before planning negotiated settlement for ex-combatants/soldiers proper feasibility study should be conducted on how to go about implementing DDR program. Once these are done, building political consensus and popular support for weapon collection programs and other peaceful alternatives to violence follows. If properly implemented these interventions in the end might lead the reintegration of the former combatants/soldiers into civilian livelihood. Thus, a strategic framework that identifies the objectives, approaches and sequences of recovery activities are necessary and should be developed early on before the start of DDR process.

Given the large variety of circumstances, in which a DDR process is conducted, there are few hard and fast rules to follow. For example, in some situations there were a clear victor and a clear loser but in others, a stalemate. In some case there were only two factions and in other there might be more than two. One conflict was contained within state borders but another crossed several international borders simultaneously. In one conflict, donor interest was vivid and generous while in the other donor's intervention was minimal or a complete neglect. In one situation, there would be a functioning government, able to call for Bank support - in another; there is a failed state, unable to function even at the most basic level. It is not always certain that there would be a robust peacekeeping operation, authorized by the Security Council – possibly there would just be a few military observers on the ground. The list could continue on and on but a survey of demobilization cases shows they have generally occurred in the following arrangements.

**Factors resulting in demobilization:**

- A peace accord between fighting parties;
- Defeat of one of the fighting parties;
- Perceived improvement in the security situation;
- Shortage of adequate funding;
- Perceived economic and development impact of conversion; and
- Changing military technologies and/or strategies.

A successful DDR program requires several actions:

- Classifying ex-combatants according to their characteristics, needs and desired way of earning a livelihood (mode of subsistence);
- Offering a basic transitional assistance package (safety net);
- Finding a way to deliver assistance simply, minimizing transaction costs while maximizing benefits to ex-combatants;

- Providing counseling, information, training, employment, and social support while sensitizing communities and building on existing social capital;
- Coordinating centrally yet decentralizing implementation authority to districts; and
- Connecting to ongoing development efforts by re-targeting and restructuring existing portfolios.

The general principles guiding the UN's approach to DDR are:

- People-centered and rights-based;
- Flexible
- Transparent and accountable
- Nationally owned
- Integrated
- Well planned.
- These points could equally apply to an overarching UN approach to SSR, thus offering a potentially valuable bridge between DDR and SSR in terms of first principles.

### 2.3 *Nepal's Security Sector Reform (SSR)*

Security institutions are political structures by definition, and they require restructuring in the context of Nepal as the country is in the processes of peace building and federalization. These institutions need to be redesigned so that they suit the new would-be federal structure of the country as well as to address the concerns for inclusion as raised by many identity groups in the country. Lederach (1997) emphasizes the importance to redesign political institutions as integral part of peace building, which may require time of over 20 years. Effective political restructuring of the State as the process of post-conflict peace-building strategy can address the grievances of the parties in conflict as well as be a framework for preventing violence in the future (Bastian & Luckham, 2003). In addition, peace-building processes have to have a defined objective so that it can attain the goal of democracy building. The objectives, in the context of Nepal, have to be democratic peace, justice and equity and the country needs to develop effective state mechanisms to attain these objectives. The new mechanisms are expected to address the grievances of the people in general; the aspirations of the victims in the immediate, and can peacefully settle any political or social conflict that may arise in the future.

When the Nepal government and the PLA agreed on a comprehensive peace the logical thing that comes to the mind is how to deal with SSR? When discussion started between the former warring parties the process was structured around two parallel but linked issues: one on the question of weapons management and two on political questions including the shape and size of the interim assembly and the nature of the interim constitution. As it turned out, the logical assumption was essentially correct but wrong in its terminology “Weapons management” was not perceived by the PLA as part of SSR and demilitarization, demobilization and reintegration is wrongly understood as a process that only deals with a defeated army. Weapon management or encampment is:

*“the formal assembly of ex-combatants in identified areas. Encampment allows authorities to register ex-combatants, conduct needs assessment for the reintegration phase, provide health services and basic needs and provide pre-discharge orientation or counseling”*

Demilitarization is the process in which a state moves away from a military-dominated society. Demilitarization is a long-term activity that can occur across generations and governmental administrations. Activities that can occur during demilitarization include demobilization or military downsizing, demine a shift in fiscal spending from the military toward social or economic development, instituting civilian control of the military with accountability of the army to the people and their representatives, and establishing programs to professionalize the military.

The army also got it wrong for it understood that SSR is only for PLA combatants and may be it might accommodate a fraction of the PLA combatants in its rank and file. This tells a lot and there is a clear misconception and misunderstanding that need to be iron out before the SSR starts. Nevertheless both sides are committed to give peace a chance so that a free and fair election can be conducted in June 2007. Election can be conducted as agreed or there is probability that it will be postponed and held September - November and then it means that the PLA combatants will stay in their designated cantonment areas for longer time.

The broader definition of security sectors has yet to be introduced in the political discourse of Nepal. Generally it is understood that the security sectors mean the Nepal Army, Nepal Police and the Armed Police Force. Although reference is made to the National Intelligence Service, the importance of this institution is very minimal in the political circle. Hesitations to accept the CPN

(Maoists)'s People's Liberation Army, private security companies and different armed groups operation in the Tarai, mid-West and Eastern Hills as security providers are visible in the political discourses. These institutions, which were not considered as legitimate institutions by the ruling political leaderships in the different time phases, claim and assert themselves as security providers to the people. Certainly, the definition of security sectors goes beyond the general understanding of the political leaderships, the government, academics and concerned institutions and individuals in Nepal. Therefore, this Almanac attempts to highlight a wide range of institutions under the purview of security sectors' definition so that the policy makers in the country will pay substantial attention for the democratic control and mobilization of the armed forces and security institutions.

Security providing institutions are one of those political and bureaucratic systems established during the time of absolute monarchy in the history of Nepal or during the time of armed conflict. As examples from the countries hit by violence around the world suggest, the security providing institutions are heavily politicized during the armed conflict. These institutions are or need to be part of state's jurisdiction, which requires transformation and need to be considered as part of peace-building process so that the reformed political institutions are capable of sustaining democratic change in the country. The process of restructuring the security institutions has, indeed, begun in the context of Nepal. The political leaderships have signed many peace agreements and understandings that discuss the need and importance of transforming these institutions.

The process of security sector transformation must deal with the legacies of violence (Bryden & Hanggi, 2005), including delivery of justice to the victims as a vital component of peace-building, is required for rebuilding fractured relationships, and the plight for justice needs to be looked at as an integral part of the initiatives on security sectors transformation. This is the process of reconciliation, which is critical to unite people in the deeply divided societies (Lederach, 1997). The process of reconciliation also ensures the transformation of protagonists' enemy images, which is a common phenomenon in a war-torn society, towards the realisation of need for co-existence. However, the process of reconciliation cannot be complete in the lack of justice to the victims of armed conflict. The armed forces in Nepal have committed a number of atrocities and human rights crimes against the civilians during the armed conflict, including the Nepal Government's attempt to suppress peaceful demonstration during the peaceful uprisings in the Tarai in the recent years. The perpetrators of human rights violation must be brought to trial in the competent court, preferably through commissioning a special court so that there can be independent, speedy and neutral proceedings over the cases. The process ensures justice to the victims on the one hand, while on the other, it ensures accountability of armed forces to the democratic values and principles of human rights. Once the armed forces are accountable to democratic system and human rights, scholars and practitioners generally assume that they may refrain from committing violence in the future.

A nation-state in transition from violence to democracy and peace has many challenging tasks to deal with. The issue of internal security is one of the challenging tasks in the post-conflict settings and attention has to be paid in establishing an effective and independent police force. It is the civilian police force that takes the charge of security in the transitional phase, but creating a neutral and credible police force is a challenging task (Kumar, 2001). In addition to civilian police forces, the policy makers need to pay attention to restructures a wide range of security providers, whose role is vital to ensure justice and security to the people. Generally, the people of Nepal discuss about the Nepal Army, Nepal Police and the Armed Police Force as the main security providers. However, there are a number of institutions and structures providing direct or indirect security, which were established in the past. But, these security structures need reform to

address people's concerns for inclusion, justice and security as well as to cope with the new unfolding political dynamics in the future.

### **3. Window of opportunity**

Demilitarization is a precondition for reviving civil society, reducing poverty, and sustaining development. Under many circumstances, demilitarization requires conversion of human and material resources away from military purposes towards development activities. Demilitarization of conflict and society is crucial to build sustainable peace in countries emerging from the scourge of civil war. Indeed, increased demilitarization is a precondition for reviving civil society, reducing poverty, and sustaining development. Demilitarizing exercise shows the necessity of transforming instrument of war that is from combatants to citizens as well as ridding wider society of armaments. Reductions in military forces can yield greater dividend to budgetary reallocations. These dividends constitute an important economic rationale for embarking on a demobilization program, particularly in peacetime.

Demilitarization of conflict and society is crucial to build sustainable peace in countries emerging from the scourge of civil war. Indeed, increased demilitarization is a precondition for reviving civil society, reducing poverty, and sustaining development. When combatants are asked to give up their arms; they face a point of no return. Ex-combatants and their leaders must have faith that in the future advantage of peace outweighs that of war. Without a vision of peaceful future, ex-combatants will not dare to venture for peace. Disarmament and democratization are possible only when constituent of societies are able to function fully as citizen. The immediate objective of disarmament of combatants is to restore security and stability of post-conflict country. Disarmament is only one component of the larger process of demobilization, which is concerned, with the transition of combatants from soldiers to civilians. The long-term goal is to resettle ex-combatants in their areas of choices and to facilitate their peaceful, productive, and self-sustained social and economic reintegration into civilian society.

Disarmament is the collection of small arms, light and heavy weapons within a conflict zone. It frequently entails the assembly and cantonment of combatants; it should also comprise the development of arms management programs, including their safe storage and their final disposition, which may entail their destruction. Demining may also be part of this process. Disarmament is the part of the demobilization process in which weapons are collected, registered and controlled by a legitimate authority. Disarmament must be considered as an activity that occurred within the demobilization phase, not a separate phase.

A demilitarization process will assist countries to achieve economic growth, social reconciliation, and in the end progress toward democracy. It will enhance stability based on emerging peace and consolidates individual interests in the process that makes return to conflict more difficult. Partnerships that link collaboration between national DDR programs and security sector reform is essential. Arms reduction efforts through demobilization would reduce risk initially at short-term and will boost gains for the longer-term development of post-conflict country. Thus, direct assistance to the security sector reform by bilateral donors would help ensure towards regional demilitarization.

If we take the situation of Nepal we can say they are in the first stage of DDR and if handled innovatively can be an entry point to a full fledged SSR. Once constitution election is done the immediate issue the needs to be addressed will be reduction of force. A political understanding will be reached among the parties on the size of the Nepal's Modern Army. The process will

kick-on six to nine month down the road. The hiatus can be used to build confidence among former rivals and if done properly can be window of opportunity.

But what can be done realistically to boost confidence? The immediate issue is to improve the habitability of the cantonment site for PLA combatants. The conditions in the 28 sites where the PLA combatants are cantoned range from poor and appalling. Failure to put in place adequate shelter, water, sanitation, and health or transport infrastructure in the five months since the sites were identified has created a range of health problems, a very high level of dissatisfaction among combatants – not least towards the UN, and a very tense atmosphere at the sites. On several occasions, combatants have left the camps to protest the poor conditions, and a major exodus cannot be ruled out if conditions are not improved drastically before the monsoon season. Apart from the health implications for resident combatants, this ongoing situation creates a range of security risks: to surrounding communities whose populations are often forced to accommodate or feed under-provisioned combatants. Unless immediate solution is put in place then it is a matter of time that a sizeable number of cantoned combatants will leave the site and will have an implication to the overall peace and stability the country is experiencing and second phase of registration (status verification) will be delay.

The second phase registration (verification) of PLA combatants and demobilization of minors and those recruited after the 25 May 2006 cut-off date as required by the CPA has not yet begun, as a result of failure to agree on the modalities for identification and demobilization. This in turn has delayed any discussions on early DDR planning, with the Nepal Army (NA) maintaining their position that all combatants be demobilized before any can be recruited into the NA, and the Maoists maintaining that all should be integrated into the NA first and then the NA should be restructured and downsized. In the meantime, the likelihood that the verification process can be completed before the monsoon rains begin in June decreases by the day. This might result in the verification exercise for some sites being postponed until after the monsoon season. The prospect of verification not being finalized until September or October further complicates the cantonments establishment and provisioning needs, and extends the shadow of the PLA over the constituent assembly elections. There is some possibility that the delays in agreeing the modalities for second phase registration-verification may be resolved with the inclusion of the CPN (Maoist) in the Interim Government. However, it will be important to press ahead with preparations for reintegration of demobilized combatants, through completion of labour market surveys, combatant profiling and human security assessments, some of which have already been initiated by UNDP's Peace building and Recovery Unit.

In the context of Nepal, the political actors have yet to acknowledge different types of security providers, understand the way they function, internalize their strength and weakness, and explore if new institutions are needed to balance the internal and external threats to the country. Nevertheless, there are existing structures, for example, the judiciary, military, police, the government, office of the President, political parties and so on. Also, there are human actors as 'agency' that lead or operate these institutions and formulate policies accordingly. However, what are lacking are the rules, laws and guiding principles that facilitate the subtle interactions between these structures and human agencies. No doubt, a constitution is the main law that ensures a framework for interactions between the state and society, and between the structures and agency. However, the constitution is in the process of making and the whole Nepalese society is in the course of redefining social contracts between the state and society. In the transitional phase, it is the peace agreement that fills the gap to mediate interactions between the agency (political actors) and structures (security sectors), which should lay down principles of civilian control over the armed forces, to be reflected in the new constitution and laws in the future.

Certainly, the armed forces are main institutions to provide security to the State and its citizens. Therefore, scholars of democracy have highlighted the need for bringing the armed forces under democratic control, through laws and practices, in order to ensure sustainability of democracy over the time. Dahl (1998), a renowned political scientist, suggests that security forces in the countries in transition to democracies have to be brought under civilian control for the sustainability of multi-party democracy. However, the ruling elites in Nepal after 1990 did not feel any necessity to bring the then Royal Nepal Army and other security mechanisms under civilian control. If the elected government had designed and implemented a plan for security sector reform, particularly focusing on the army, the traditional power of the monarchy would have been curtailed. As a result of the failure of the ruling elites to democratically control the armed forces, Pokhrel et al. (2006) argue that the Royal Nepal Army remained loyal to the King throughout the history, but not to the elected governments. Therefore, the structures of the Nepal Army need to be restructured by bringing it into the control of civilian authority (Bhattarai, 1998). Equally important is the need for bringing the UCPN (Maoists)'s PLA under the democratic control, which should abide by the State's laws and regulations, once integration task is complete. The process of bringing the PLA under control has begun as agreed upon provisions in the Comprehensive Peace Agreement (CPA) and the Interim Constitution. As per the provision in the Interim Constitution, a Special Political Committee on Army Integration is formed and the Committee is working to complete the task of integration and rehabilitation. The process of security sectors reform is meant to create democratic and inclusive political structures. Democratic political institutions ensure space and avenues for the social forces to discuss and negotiate agendas through dialogue, and to renegotiate social contract between people and state through peaceful means (Kahl, 2006). Transformation of security sectors is a means of creating democratic institutions and is a part of larger peace process. It is a step-by-step process, controlled by civilians and locally owned, and the framework for which is normally defined by a cease-fire agreement. In addition, the process requires a holistic approach that involves military and technical aspects (leading from ceasefire agreement to the discharge of combatants), security (arms control and reduction of threats from the combatants), humanitarian (ensure livelihood and well-being of the former combatants) and socio-economic (cutting of the links of war economy and linking income generation schemes to the ex-combatants) aspects (Salomons, 2005). However, the peace agreements in Nepal neither have provisions for detailed strategies to guide the process of structural reform of the security sectors nor for integration of armies. Probably, the plan for security sectors transformation in Nepal requires a separate agreement, as an extension to the Comprehensive Peace Agreement (CPA), which details who will do what, how and when.

### ***3.1 Restoring Basic Law and Order***

A year after the People's Movement and beginning of the peace process, village-level governance has yet to be restored to most of the village development committees (VDCs) across the country. The garrison mentality where both VDC and district development committee (DDC) officials have remained largely confined to a very small geographic area continues in many districts, where VDC secretaries have only been allowed to return to post to distribute citizenship certificates or support voter registration. In the vast majority of VDCs, block grants remain unspent and there have been little if any improvements in ordinary people's livelihoods or the services provided to them. UNMIN has already called on the UN Country Team to make clear that its highest priority is to assist local government actors that have returned to post. There is a clear need to establish rapid impact, fast disbursing livelihood projects that can extend the benefits of the peace process to excluded communities with small scale infrastructure and essential service projects to be identified and implemented through returning VDCs. While it cannot be expected that VDCs will become fully functional immediately, the UN should support



the embryonic establishment of political structures at this level, including by involving in their own deliberations appropriate local authorities that emerge in the coming months. A balance will need to be struck between emphasis on isolated communities and traditionally marginalized groups and special attention to areas where there may be high numbers of under utilized young men as potential spoilers.

Democratic theorists suggest that presence of strong political institutions is required pre-condition for successful democratic transition (Bastian & Luckham, 2003; Dahl, 1998; Huntington, 2006; Mansfield & Snyder, 2005). Absence of national political institutions in an emerging democracy or when they are weak, the likelihood of state to go to war or violent conflict is higher (Mansfield & Snyder, 2005). This is true in the context of Nepal, since the country plunged into a violent conflict since February 1996, although the democratic system was re-established in 1990. The violence erupted because the process of democratization in Nepal has become a tragic failure, and the difficulties in the process have sprung from both historical and institutional factors (Ganguly & Shoup, 2005). Historically, the betrayal by the monarchy to abide by the agreements reached in 1950s blocked the process of democratization, and had remained as a source of continued national strife and political uncertainties. Concerning institutional factors, the succeeding governments after 1990 miserably failed to bring changes in the security, bureaucratic and justice-delivery institutions. These factors have prevented popular participation in the nation-building process, reduced political competition and resulted into the inability of the state actors to address the increasing demands of the social forces.

When democratic transition is incomplete and political institutions are weak, the state increasingly fails to manage the rising power of the mass population (Migdal, 2001). In the context of Nepal, the ruling elites concentrated more on personal interests and engaged in power politics for their political survival (Pokhrel, Gautam, & Sharma, 2006). Rather than concentrating in building national institutions, including their own political parties required for democratic development, the ruling elites spent significant time in designing strategies to stay in power by any means. The ruling elites continued their historic competition over power; democracy was largely confined to the ritual of voting; and frequent changing of Prime Ministers demonstrate the example of feudal rivalry in the Nepalese politics that overrides the democratic politics in practices (Loocke & Philipson, 2002). The process of democratization has remained incomplete in Nepal despite establishment of democratic governance. The political institutions established to guarantee basic rights and fundamental freedoms were paralyzed and increasingly politicized in Nepal. The impact was significantly visible in the judiciary, which increasingly failed to ensure that justice is delivered on time. After all, the substance of liberal democracy depends on the rule of law that was unfortunately diminished due to the deterioration in the court and police systems in the country (Uphoff, 2005). Currently, the elected Constituent Assembly is drafting a new constitution in Nepal. Drafting a new constitution through a Constituent Assembly is regarded as process oriented which engages wider population and establishes people's ownership in the constitution. The process is considered as a means of power transfer from monarchy to the civilian authority represented in the parliament (Acharya, 2006).

Tragically, the demand of Constituent Assembly had remained as an unfinished agenda in the political history of Nepal for the last six decades. Failure of the monarchy to abide by the promises and agreement reached in 1950 to hold election to Constituent Assembly has been one of the fundamental factors of the Maoists' armed uprising since February 1996. Following the King's royal-military coup in February 2005, the political parties of Nepal and the Communist Party of Nepal (Maoists) signed a 12-point Understanding in November 2006 that sparked the People's Movement II, which forced the King to step down in May 2007. The outcomes of the People's Movement II are reflected in the Comprehensive Peace Agreement (CPA), which

formally suspended the armed conflict in Nepal and has opened the door for peace building. The ruling elites in Kathmandu rhetorically use the word peace or peace-building; however, a clear understanding or definition of peace-building is apparently lacking in their discourses.

The breakdown of public order in the Terai during the Madhesi crisis was reminder of the continued weakness of the state to maintain order even after a year of peace. Although there have been almost no clashes or incidences of violent confrontation between the security forces and the Maoists since the restoration of democracy, improvements in policing and law and order have been slow and superficial. Local police forces have been steadily returning to post across the country, but the process has not been effective due to lack of cooperation from Maoists concerned about the slow pace of implementation of the peace agreements and the establishment of the Interim Government. There are also enormous organizational and capacity weaknesses to be overcome, in addition to the culture of low morale. Many aspects of the police response to the Madhesi crisis in February mirrored the excessive and unnecessary use of force employed by the security forces in response to the protests in April 2006, indicating that they have not developed capacity to deal with such situations and that they do not enjoy the trust of large portions of the population. The clashed between the police and the MJF supporters in February led to deaths of 40 people.

The need for a comprehensive police advisory and capacity building assistance is recognized, particularly in light of the Nepal Police's frequent use of disproportionate force in dealing with the recent unrest, the institutional weaknesses of the force and the absence of state structures in many rural areas. The presence of UN staff in as many districts as possible will have a dissuasive effect on potential abuses by the Maoists, the police or other parties. The expected deployment of UNMIN Civil Affairs teams will be important, and there should be a plan to shift resources and personnel to priority areas on the basis of a mapping of the presence of international personnel and domestic monitoring groups across Nepal. As Nepal moves closer to the Constituent Assembly election, this grid should effectively include the deployment patterns for EU, Carter Center and other potential observers to maximize impact. UNMIN and the UNCT should work together to develop the mapping of this presence.

### ***3.2 Peace-Building***

Security institutions are political structures by definition, and they require restructuring in the context of Nepal as the country is in the processes of peace-building and federalization. These institutions need to be redesigned so that they suit the new would-be federal structure of the country as well as to address the concerns for inclusion as raised by many identity groups in the country. Lederach (1997) emphasizes the importance to redesign political institutions as integral part of peace-building, which may require time of over 20 years. Effective political restructuring of the State as the process of post-conflict peace-building strategy can address the grievances of the parties in conflict as well as be a framework for preventing violence in the future (Bastian & Luckham, 2003). In addition, peace-building processes have to have a defined objective so that it can attain the goal of democracy building. The objectives, in the context of Nepal, have to be democratic peace, justice and equity and the country needs to develop effective state mechanisms to attain these objectives. The new mechanisms are expected to address the grievances of the people in general; the aspirations of the victims in the immediate, and can peacefully settle any political or social conflict that may arise in the future.

The process of security sector transformation must deal with the legacies of violence (Bryden & Hanggi, 2005), including delivery of justice to the victims as a vital component of peace-building,

is required for rebuilding fractured relationships, and the plight for justice needs to be looked at as an integral part of the initiatives on security sectors transformation.

This is the process of reconciliation, which is critical to unite people in the deeply divided societies (Lederach, 1997). The process of reconciliation also ensures the transformation of protagonists' enemy images, which is a common phenomenon in a war-torn society, towards the realization of need for co-existence. However, the process of reconciliation cannot be complete in the lack of justice to the victims of armed conflict. The armed forces in Nepal have committed a number of atrocities and human rights crimes against the civilians during the armed conflict, including the Nepal Government's attempt to suppress peaceful demonstration during the peaceful uprisings in the Tarai in the recent years. The perpetrators of human rights violation must be brought to trial in the competent court, preferably through commissioning a special court so that there can be independent, speedy and neutral proceedings over the cases. The process ensures justice to the victims on the one hand, while on the other, it ensures accountability of armed forces to the democratic values and principles of human rights. Once the armed forces are accountable to democratic system and human rights, scholars and practitioners generally assume that they may refrain from committing violence in the future.

A nation-state in transition from violence to democracy and peace has many challenging tasks to deal with. The issue of internal security is one of the challenging tasks in the post-conflict settings and attention has to be paid in establishing an effective and independent police force. It is the civilian police force that takes the charge of security in the transitional phase, but creating a neutral and credible police force is a challenging task (Kumar, 2001). In addition to civilian police forces, the policy makers need to pay attention to restructures a wide range of security providers, whose role is vital to ensure justice and security to the people. In the following section, I discuss the existing security structures or security providers in Nepal. Generally, the people of Nepal discuss about the Nepal Army, Nepal Police and the Armed Police Force as the main security providers. However, there are a number of institutions and structures providing direct or indirect security, which were established in the past. But, these security structures need reform to address people's concerns for inclusion, justice and security as well as to cope with the new unfolding political dynamics in the future.

### ***3.3 Bridging the Gap -Structural Reform***

In the context of Nepal, the political actors have yet to acknowledge different types of security providers, understand the way they function, internalize their strength and weakness, and explore if new institutions are needed to balance the internal and external threats to the country. Nevertheless, there are existing structures, for example, the judiciary, military, police, the government, office of the President, political parties and so on. Also, there are human actors as 'agency' that lead or operate these institutions and formulate policies accordingly. However, what are lacking are the rules, laws and guiding principles that facilitate the subtle interactions between these structures and human agencies. No doubt, a constitution is the main law that ensures a framework for interactions between the state and society, and between the structures and agency. However, the constitution is in the process of making and the whole Nepalese society is in the course of redefining social contracts between the state and society. In the transitional phase, it is the peace agreement that fills the gap to mediate interactions between the agency (political actors) and structures (security sectors), which should lay down principles of civilian control over the armed forces, to be reflected in the new constitution and laws in the future.

Certainly, the armed forces are main institutions to provide security to the State and its citizens. Therefore, scholars of democracy have highlighted the need for bringing the armed forces under

democratic control, through laws and practices, in order to ensure sustainability of democracy over the time. Dahl (1998), a renowned political scientist, suggests that security forces in the countries in transition to democracies have to be brought under civilian control for the sustainability of multi-party democracy. However, the ruling elites in Nepal after 1990 did not feel any necessity to bring the then Royal Nepal Army and other security mechanisms under civilian control. If the elected government had designed and implemented a plan for security sector reform, particularly focusing on the army, the traditional power of the monarchy would have been curtailed. As a result of the failure of the ruling elites to democratically control the armed forces, Pokhrel et al. (2006) argue that the Royal Nepal Army remained loyal to the King throughout the history, but not to the elected governments. Therefore, the structures of the Nepal Army need to be restructured by bringing it into the control of civilian authority (Bhattarai, 1998). Equally important is the need for bringing the UCPN (Maoists)'s PLA under the democratic control, which should abide by the State's laws and regulations, once integration task is complete. The process of bringing the PLA under control has begun as agreed upon provisions in the Comprehensive Peace Agreement (CPA) and the Interim Constitution. As per the provision in the Interim Constitution, a Special Political Committee on Army Integration is formed and the Committee is working to complete the task of integration and rehabilitation.

The process of security sectors reform is meant to create democratic and inclusive political structures. Democratic political institutions ensure space and avenues for the social forces to discuss and negotiate agendas through dialogue, and to renegotiate social contract between people and state through peaceful means (Kahl, 2006). Transformation of security sectors is a means of creating democratic institutions and is a part of larger peace process. It is a step-by-step process, controlled by civilians and locally owned, and the framework for which is normally defined by a cease-fire agreement. In addition, the process requires a holistic approach that involves military and technical aspects (leading from ceasefire agreement to the discharge of combatants), security (arms control and reduction of threats from the combatants), humanitarian (ensure livelihood and well-being of the former combatants) and socio-economic (cutting of the links of war economy and linking income generation schemes to the ex-combatants) aspects (Salomons, 2005). However, the peace agreements in Nepal neither have provisions for detailed strategies to guide the process of structural reform of the security sectors nor for integration of armies. Probably, the plan for security sectors transformation in Nepal requires a separate agreement, as an extension to the Comprehensive Peace Agreement (CPA), which details that will do what, how and when.

National security strategy, cease-fire agreement and/or comprehensive peace agreements are the prerequisites for a successful transformation process, which determines the role of armed forces, and time, phase and level of structural changes. The prerequisites are in place in Nepal, except the national security strategy. The parties have signed the Comprehensive Peace Agreement and promulgated the Interim Constitution; however the modalities of arms management and integration of armies are not sufficiently elaborated. In addition, the peace agreements do not envision importance for transformation of wider security structures. Therefore, a supplementary and detailed agreement on the issues of structural transformation of security providing institutions is necessary.

The supplementary agreement can define the concept of security, and its structures; negotiate what kind of national security policy or strategy the country may require, and lay down the strategy for restructuring the relevant institutions. The national security policy will have to define what kind of security forces, in terms of their size and relevancy, the country may require to deal with the internal and external threats. The supplementary agreement can also negotiate the agendas of integrating the armies as well as addressing the demands for inclusion in the security institutions. In essence, a supplementary agreement for security sectors transformation bridges the

gap between the structures and agencies, since it offers a framework for interactions between the actors and systematically reflects negotiated security agendas. The parties in negotiation can include many actors including identity groups in Nepal, which have voiced the need for inclusion in the process of negotiation and nation-building as well as have desired for their representation in the state's institutions. The concerns of identity groups for inclusion and representations, if addressed well by the political leaderships, can further enhance legitimacy of the State.

## 4. Conclusion

The most important time to implement demobilization is at the end of war is it in the form of interstate or intrastate conflict. From military point of view, demobilization takes place so that an army can be disbanded, or the troop number can be reduced, or an army can be assembled anew to pave away to recovery and development. The general advantage of demobilization lies in the reduction of costs and open chance for restructuring. These newly reformed armies often have better qualified soldiers and few invalids.

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But conducting demobilization first and foremost demands winning the support of combatants. Reassuring ex-combatants that their security will be safeguarded; their political concerns will not be ignored; they will not lack basic necessities; and at the end of the day they will not find themselves at the margins of society can only attain this noble objective. Combatants who gave the good part of their youth and adult years to fight a bitter war certainly need reassurance. Demilitarization is a slow structural and psychological process that is full of uncertainties. This narrow path of transition calls upon close control and safeguards of military equipment firmly put in secured place and nurturing trust on the transition period that combatant's future will not be endangered or compromised.

Demobilization programs if implemented properly in Nepal will play an important role in reviving the economy and positive impetus on the social development of a country. The success of demobilization determines the chances of permanent peace and sustainable development of a post-conflict country. As longstanding conflict comes to an end, international and national government must aim at supporting demilitarizing process in its broader term. Demilitarizing exercise shows the necessity of transforming instrument of war that is from combatants to citizens as well as ridding wider society of armaments. Reductions in military forces might also yield greater dividend to budgetary reallocations. These dividends constitute an important economic rationale for embarking on a demobilization program, particularly in peacetime.

A strong sense of security is essential to creating an environment that encourages inclusive development. ‘Security’ must go beyond traditional notions of a powerful military, however. Security sector reform (SSR) is the process by which governments recast domestic security and justice services into a coherent set of organizations that work together to uphold the law, promote human rights and foster development. The security sector refers to organisations and entities that have the authority, capacity and/or orders to use force or the threat of force to protect the state and civilians. It also includes the civil structures responsible for managing such organisations. Three components make up the sector:

1. Groups with the authority and instruments to use force (e.g. militaries, police, paramilitaries, intelligence services);
2. Institutions that monitor and manage the sector (e.g. government ministries, parliament, civil society—see chapter on governance); and
3. Structures responsible for maintaining the rule of law (e.g. the judiciary, the ministry of justice, prisons, human rights commissions, local and traditional justice mechanisms—see chapter on transitional justice).

In states affected by armed conflict, the security sector also includes non-state actors such as armed opposition movements, militias and private security firms. Additionally the media, academia and civil society can play an important role in monitoring activities and calling for accountability. The reform of this sector is important for promoting peace and good governance in the short and long term. In the short term, SSR is needed to ensure that:

- Forces do not regroup to destabilize or pose a threat to peace;
- Bribery and corruption are eliminated; and
- The sector (including leadership structures) is fully transformed so as to gain credibility, legitimacy and trust in the public eye.

If the security sector is not handled adequately and in time, it is likely that funds will continue to be misdirected, putting a severe constraint on the process of post conflict reconstruction. In the longer term, SSR is typically understood to have four dimensions:

1. political, primarily based on the principle of civilian control over military and security bodies;
2. Institutional, referring to the physical and technical transformation of security entities (e.g. structure of security establishment, number of troops, equipment, etc.);
3. Economic, relating to the financing and budgets of forces; and
4. Societal, relating to the role of civil society in monitoring security policies and programmes.

Transforming the political dimension begins with overarching discussions about the role of the armed forces in society and how defense policy is made and implemented. This may include public and parliamentary debate as well as input from civil society. In many cases, international donors press for democratic, civilian control of the military and other security forces—including control of their budget— and an independent judiciary. In some cases, the entire shape and focus of the armed forces can be reformulated during this phase, as a new military doctrine is drafted along with a budget. In such a framework, the government states the nature, roles and intentions of its military forces (e.g. if it will be defensive in nature, or will be gearing up to face a known external threat). In South Africa, widespread public consultations resulted in discussions about “What is security?” and “What are the threats to the nation?” This led to a general shift from traditional military notions of security to a political framework that placed human security—development, alleviation of poverty, access to food and water, education and public safety—at the centre of the national security framework.



The institutional dimensions of SSR refer to the physical and technical transformation of these structures so that they meet the international standards expected of a democratic country. This is often the most difficult component of SSR, as powerful military leaders or institutions are often unwilling to give up their control or agree to be under the leadership of a civilian government. Moreover, since they are often the most qualified personnel to address security issues, their influence remains strong even in reform processes.

Steps to transform security institutions include:

1. Transforming the structure of the military and security bodies, including, where necessary, reduction in its size through disarming and demobilizing forces (see chapter on disarmament, demobilization and reintegration) and/or combining former guerrillas and the military to create a new national service;
2. Instituting new recruitment and training policies to “professionalize” and “modernize” the new military and police forces (building their capacity, reorienting their focus and teaching new skills such as respect for human rights);
3. Training and supporting reformed judicial and penal systems (ensuring their independence and accountability to civil society); and
4. Fostering a cultural transformation so that previously excluded sectors of society (e.g. ethnic or religious groups, women, etc.) are included in security forces and institutions are sensitive to their needs.

The economic dimensions of SSR relate to the finances and budgets of the security forces. This requires the legislature or governmental bodies to determine the tasks of the new security forces and the appropriate level of funding necessary to carry them out. This may require actually increasing the military budget in the short term—e.g. to pay for reintegration benefits for demobilized combatants, retraining soldiers, etc.

The societal dimensions of SSR concern the role of civil society in monitoring the development of security policies and the actions of security services, and ensuring transparency and accountability on all issues. This includes public awareness activities and advocacy efforts by such groups as the independent media, religious organisations, student groups, professional associations, human rights advocacy groups and women’s organisations.

## Reference

- 2006, Ball Nicole, Disarmament, Demobilization and Reintegration “Mapping Issues, Dilemmas and Guiding Principles” Netherland Institute of International Relations ‘Clingendael Conflict Research Unit’
- 2005, Bryant Heather, Swaenakar Dharma and Thapa Neeta, “Reaching the Disadvantaged” As Assessment of and Recommendation for UNDP’s Strategy to reach the Disadvantaged; Internal Report Kathmandu Nepal (Draft)
- 2002, Gebremedhin M. Amanuel, “Veteran Combatants do not fade Away, They Need Reintegration” A Comparative Study of Two Demobilization and Reintegration Experiences in Eritrea, Paper 23, Bonn International Centre for Conversion
- 2007, Nathan Laurie, “Local Ownership of Security Sector Reform: A Guide for Donors”
- 2006, Peace Secretariat, Agreement between Negotiating Team of Government of Nepal and Communist Party of Nepal (Maoist on Monitoring of the Management of Arms and Armies”
- 2006, Peace Secretariat, “Comprehensive Peace Accord Concluded Between the Government of Nepal and the Communist Party of Nepal (Maoist)
- 2004, Richard Paul, Social Capital and Survival: “Prospects for community Driven Development in Post-Conflict Sierra Leone”
- 2006, Sharma, Tanka Nath, ‘Technical Education and Vocational Training in Nepal: Current Issues, Challenges and Future Direction’, Paper presented at, Kathmandu September 2006
- 2007, Security Council, Report of Secretary-General on the Request of Nepal for United Nation Assistance in Support of its Peace Process”
- 2007, UNDP Nepal, “Concept Note for Second Phase Registration of PLA Combatants.”