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Impact of Conflict on Security and the Future: The Case of Nepal

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ABSTRACT

This paper argues that to understand Nepal's conflict and security requires an understanding of the political structure of the state. Moreover social exclusion and the centralised control of state power by elites has exacerbated conflicts, particularly in underdeveloped regions of the world.

This article illustrates two of the most noticeable trends for the future of security, stability and status of the Nepali state.

The first is that the Maoists have discredited the state's exclusive authority over the use of force and delegitimised its sovereign control of its territory.

Second, is that the growing sense of insecurity of the state has led to the process of state militarisation through the acquisition of a repressive capacity through legislative measures, such as the use of emergency powers, the anti-terrorist act, and curfew. Integral to this trend is the state's withdrawal of social welfare and representation of the people.

The paper concludes that effort in Nepal should focus on the need for judicial reform, since the extent of the conflict and how the military and the monarchy have responded, has created wide and systematic human-rights abuses.

INTRODUCTION

Conflict studies, particularly in the context of the underdeveloped regions of the world, have contextualised in the causes of conflict the situation of social exclusion and the centralised control of the state power by a minority elite group. The economic determinism as a core of conflict has been taken as an explanatory tool for investigating social discrimination and increasing economic inequalities fuelling socio-political and economic antagonism prone to violent conflict. The discourse in Nepal has also continued to revolve around development and conflict. Economic inequalities, regional disparities and social exclusion prominently feature the conflict narratives in Nepal (e.g. NPC 2003; World Bank 2004; DfID 2004). Severe economic disparities causing abject poverty have pointed to grievances as a catalyst for conflict (Bray, Lund and Murshed 2003:107-32). Similarly, ethnic revivalism has become a primary focus for understanding and analysis of intra-state conflicts in general and specific cases (e.g. Tambiah 1986; Licklider 1993; Brown 1996; Volden and Smith 1997; Bhattachan 2000). Some authors have observed that internal conflicts also comprise economic functions for protagonists for making short-term benefits (Kaplan 1994; Keen 1998; Ignatieff 1998). A general theory of societal conflict and violence has almost usually reverted to explaining the core concept of "relative deprivation" that Gurr (1970: 13) has defined as caused by the "perceived discrepancy between men's value expectations and their value capabilities."

In the case of Nepal, economic inequality, deprivation, grievances or even economic benefits cannot, however, be rationalised as the root causes of conflict (Kumar 2004). Nor can the primordial concept of ethno-nationalism be grasped as a cause igniting conflict in Nepal. The Maoist insurgency in Nepal is neither separatist nor secessionist. The conflict is neither a case of ethnic upheaval nor the cause of economic destitution and marginalisation. Violent insurgencies have erupted in Nepal not from the areas of abject poverty and deprivation, but from the relatively well-off areas. The first Maoist insurgency had erupted from the comparatively rich Jhapa district in eastern Nepal in the early 1970s, where the government had launched the land reform pilot project with American aid. Similarly, the presently ensuing Maoist movement has spread from the area where the USAID had spent some $50 to $60 million in the 1980s through 1995 on the Rapti Doon Integrated Development Project (Gersony 2003). Had insurgency any embryonic relationships with destitution, deprivation and discrimination, the inaccessible and the least developed Karnali Zone could have been a logical breeding ground for violent anti-state movement rather than Rapti Zone as a citadel of the Maoist uprising. Coupling development with conflict particularly in the case of Nepal would, therefore, be less explicable unless the structural impact of development programme is thoroughly explored and understood.

The conflict has also no distinct dichotomy drawn from the enemy image of the others. It is neither characterised by the process of *severe* ethnic victimisation nor by religious suppression. The leaderships, both in the

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establishment and rebel groups, are composed of people of the same caste and social groups. A majority of the leaders, in reality, belong to a similar economic background. If the Brahmins, Chhetris and Newars are predominant in the national power hierarchy; it is so in the Maoist central hierarchy composed of 95-member central committee. The former Maoists, who are now functioning as the establishment party in the shape of the Communist Party of Nepal-Unified Marxist-Leninist (CPN-UML) and the members of incumbent government, are a class of the dominant high caste hill Hindu Brahmin group.

Brahmins command the protracted conflict begun by the CPN (Maoist) in 1996. Hence the violent conflict in Nepal essentially has the primacy of political rather than ethno-religious and economic reasons, notwithstanding the case for the Maoist insurgency is explained in the political economic terms (Bhattarai 1998). The most influential ideologue of the Maoist insurgency, Baburam Bhattarai, has pointedly asserted that the "People's War was initiated with a proclaimed aim of establishing a new democratic socio-economic system and state by overthrowing the present socio-economic structure and state." Making People's War the inevitable instrument of New Democratic revolutionary transformation (Bhattarai 1998), the Maoists have waged their struggle for dethroning constitutional monarchy and multiparty democracy to attain the goal of establishing a republican state in Nepal. The conflict is therefore a momentous sign of the change in the mode of political bargaining against the conventional non-violent, electoral and parliamentary measures for effecting socio-political movements and mobilisation. The tendency to use violence has been superimposed over other means in achieving a political objective making it a dominant mode of collective bargaining in the political landscape of Nepal.

As the conflict is cast with the objective of capturing the state power with violence and militaristic pursuits of the insurgents, sensitivity to regime security becomes the primary focus of the statutory security sector. The ensuing armed conflict last nine years has caused over 10,000 deaths, dislocation and over the displacement, damages of property and infrastructure along with economic down turns. Violence intensified after the declaration of a national emergency on 26 November 2001. Over 8,000 people are killed in the aftermath of counter-insurgency deployment of security forces. The total cost of conflict by the year 2002, according to an unofficial estimate, was Rs.219.46 billion. The amount comprises 49.04 per cent of national GDP of Rs.446.18 billion for the year 2002/03. In terms of convertible currency it amounts to US$2.81 billion as per the exchange rate of the year 2002 (Kumar 2003: 206).

State in conflict consciously shifts the attention from social to security sector. Consequently, such a policy change deepens deprivation and marginalisation. This situation has increasingly being reflected in the steady rise in the regular expenditure of the government in comparison with the falling development expenditure in the national budgetary allocation. The development expenditure declined sharply since last three years against the background of the negative economic growth rate of –

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0.5 per cent in the fiscal year 2001/02 (MoF 2003; Budget Speeches 2002/03 – 2004/05). The development scene in Nepal is also characterised by the meagre disbursement of the allocated amount and the government's inability to spend the stipulated money to meet the target, understandably because of the continuing violence.

Of the multidimensional impact the conflict has caused, I will illustrate here just two most noticeable but dreadful trends developing in the country that may cast a long shadow on the future of security, stability and status of the Nepali state. The first trend is that by disrobing the state's exclusive authority over the use of force the Maoists have opened severe vulnerabilities of state delegitimising its sovereign control of the territory. The growing sense of insecurity of the state has led to the process of militarisation with the *modus operandi* of acquiring repressive capacity through legislative measures such as the use of emergency power, anti-terrorist act, and curfew and situating the state further under the unified military command. Integral to this trend is the state's withdrawal of security, welfare and representation of the people. This is the second most devastating and grievous trend coupled with the case of a disunified national elite producing a series of unstable regimes, the repercussion of which could be most horrendous for the future of the country if the first trend is not sensitively scrutinised and reflected upon against the national reality.

TOWARDS A VIOLENT STATE

The institutionalised definition of security is state centric. The referral of security is the state. Stephen Walt has related security intricately to the state defining security studies as the "study of threat, use and control of military force" in relation to a specific policy that a state adopts, "in order to prepare for, prevent and engage in war" (Walt 1991: 212-13). Though the critical security studies have questioned the merits of such narrowly conceived views on security making it a contested concept (e.g. Baldwin 1997), the security practices of the state have continued the tradition remorselessly making the state the primacy of security. This tradition is vigorously reinforced particularly after 9/11and the worldwide uproar against terrorism. This is exemplified by treatment of the inmates at the Guantanamo Bay prison and the *biopolitics* that the United States, one of the most liberal countries of the world, has adopted in the name of national security through which the ideals of humanity have been degraded. This has made the people subservient and complicit to dictates of statist considerations. Societal conflicts have been converted into "terrorism" a euphemism that the state has reinvented to unleash the forces of structural violence with the objective of making its military power impregnable. Joseph Nye's metaphoric definition that "security is like oxygen - you tend not to notice it until you begin to lose it, but once that occurs there is nothing else that you will think about" (Nye 1995: 91) has come into full play as a consequence of violence committed by the non-state challenging the invincibility of the established order. Writing on violence, Georges Sorel had argued early in the last century that it could demystify the ideological construction of established order making

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change a possibility (Sorel 1941). Violence is conceived as a strategic choice to obtain a certain goal.

The Maoists in Nepal have attempted to change the state structure through violence. Although change through their brutal violence could be unattainable, the violence, however, can be consequential. Between the plausible and possible, Nepal is, thus, facing the diabolic violent conflict internally. The threat to security emanates from domestic contestants rather than external forces. Never before has Nepal faced such a prolonged state of domestic insurgency leading the country to a violent edge by exposing its structural fragility. The security predicament of the state is therefore increasingly reflected in the resources allocated to the security forces for the counter insurgency forays seeking a military solution to the conflict. The violence that the Maoists have wrecked during the last nine years has succeeded in further weakening the already fragile state structure, rusticating democracy, and forcing the country to move from dependent development to dependent militarisation. They have been able to destroy the civilian bases of power as the country has now reverted back to the control of non-elected institutions. This success, however, has been achieved at a price. Domestic disorder has led to the circumstances of reinforcing realism in security decision-making by strengthening the central authority rather than its collapse as aspired to by the change-prone non-statutory forces of violence. The violence, as a consequence, has led to the transformation of the ceremonial army into a combat force and the military becoming overwhelmingly influential in the security decision-making of the state.

Dimensional Change in Conflict: The Royal Nepal Army (RNA), despite its intermittent involvement in domestic pacification tasks, has never been a battle-tested force. Fortunately, as the country has been at peace since the 1816 signing of the Sugauli treaty with the British East India Company, any external forces have never threatened Nepal's sovereignty and territorial integrity physically. The RNA was not only under-trained and under-armed it was also obsolete in military parlance. The change that the Maoist insurgency and the domestic conflict brought about in Nepal therefore can be stated categorically in terms of the increasing military profile of the state and its interventionist tendency. Hence the easiest way to measure the impact of conflict on security is to look at the spiralling security expenditures of the state, which is explained by the government as "investment for peace" (MoF 2002: 8). Another measure can be the number of personnel inducted in the core security sector in terms of the ratio comparable to the past. Secondly, " in view of the serious crisis facing the sovereignty, integrity and security of the country," the government declared the state of emergency on 26 November 2001 and subsequently adopted an anti-terrorist act to deploy the armed forces that ultimately culminated in the announcement of Unified Military Command on 4 November 2003. Thirdly, the impunity provision of the anti-terrorist act as a legislative measure has not only provided unrestrained power to the security forces formally, it has also covered their secret activities committed in plainclothes. The consequence therefore is that the overt militaristic approach to security

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has increased tensions in the state-society as well as the relationships between the security sector and judiciary.

The focus of this section therefore would be on new developments caused by the violent internal conflict. There are very few studies documenting these recent changes in Nepal's security policy especially concerning its military programme of securitising the state. Security, meaning the defence of the state, was actually a non-priority sector, although civil police administration was given considerable attention by maintaining an domestic law and order situation. Between February 1996 and November 2001, these civil police forces had essentially engaged the Maoist's guerrillas while the insurgency was interpreted simply as the law and order problem. The army was reluctant to be involved in the "dirty job" unless the government evolved a national consensus, declared a national emergency, and branded the Maoists as terrorist with the adoption of an anti-terrorist law. The government did however not expect this. It led the government thus to raise an additional paramilitary / Armed Police Force (AFP) composed of some 15,156 personnel (Regmi Report 2000: 72), which are presently around 18,000 with a separated Head Quarters under the Home Ministry. The APF is conceived as a Special Task Force with the responsibility by managing and controlling the violent armed conflict and disturbances bordering on terrorism, separatism, rebellion and communal riots in the country. Despite being an independent paramilitary force created by the Home Ministry, the role of the AFP remains subordinate to the RNA during the period of mobilisation of the armed forces (Regmi Report 2000).

Another unforeseen and unrelated but crucial event that galvanised a change in the security decision making in Nepal was the 9/11 and its international impact. Following the US "war on terrorism" and Patriot Act, Nepal also hardened its position against the Maoists branding them terrorists, declaring an emergency to mobilise the armed forces by transforming the simple "law and order" problem to a serious "national security" crisis. This change in the thinking of the security elites and the strategy adopted to quell the Maoist violence has much to do with the anticipated armed assistance from the international community for a coalition partner, which is also traumatised by internal conflict. An evident increase in the American interests in Nepal with the visit to the country by the Secretary of State Colin Powell, Assistant Secretary of State Christina Rocca as well as the American military missions and their conferring with the army and the then US Ambassador Malinowaski's frequent trips to military camps in Nepal encouraged a tendency among the security elites for a closer networking of their interests with that of the global "war on terrorism." The US alone has provided Rs.1,716 million ($22 million) worth of security assistance in the past three years. Under the Global Fund for Prevention of Conflict, the British interests have also been resurrected for aiding Nepal militarily with the initial fund of Rs.780 million (6.5 million sterling pound). The neighbouring state of India and China, particularly, India that had previously been most reluctant to support Nepal with arms assistance, have become the most generous and

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the largest providers of military hardware worth Rs.6.5 billion sensitising its own security interests in Nepal.

The influx of security assistance has been critical for Nepal's efforts in sustaining its security needs. Between 2001/02 and 2002/03 a total of Rs.39,634 million was spent on security of which Rs.21,284 million was spent alone in the latter year that comprised over Rs.6,213 million of foreign military assistance excluding the supplementary allocation by the government. Of the total, the off-budgetary allocation amounted to Rs.5,000 million (Kumar 2003: 182). In the year 2003/04, over Rs.910 million was transferred to the army to beef up security needs only from the amount stipulated under the Poll budget heading (Kathmandu Post 17 March 2004). The additional amount received by the armed forces from sources like charges for guarding strategic installations like hydropower plants, telecom towers, industrial structure, and commercial buildings; from non-transparent or largely aggregated budgetary categories or divergence of resources from social sector after budgetary approval remain undisclosed because the Auditor General's Annual Report has not appeared in public in the absence of the parliament, for the last three years. Table 1 below is, thus, an indicator of the official budgetary allocations for the core security sector.

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Table1.
Budgetary Allocation Trends under Crucial Headings
(Regular Expenditure in Rs. 000)

Fiscal Year	Total expenditure	Regular expenditure	Royal Palace	Core Security Sector		Social Services#	Debt Servicing
				Defence	Home/Police		
1990/91	19,791,000	7,465,000	42,295	1,113,888	750,307	751,259	2,308,000
1995/96	51,647,800	22,821,500	64,165	2,193,900	1,935,200	5,817,943	7,226,500
1996/97	57,565,615	24,984,832	69,640	2,426,816	2,644,804	6,264,024	7,841,660
1997/98	57,707,293	27,693,948	73,410	2,619,691	2,092,704	6,678,188	8,311,197
1998/99	59,579,023*	31,047,691*	83,410	3030343	3,346,137	7,899,598	9,108,851
1999/00	67,564,726	34,272,761	87,910	3499089	3,925,981	8,752,574	10,268,821
2000/01	91,621,335	43,512,746	92,965	3,816,488*	5,959,678* +1,856,000**	10,799,722	12,762,800
2001/02	99,792,212	49,321,941	116,285	5,829,776*	7,528,693*	13,533,612	14,114,000
2002/03	96,124,796	57,445,121	387,900+ 231,163<	7,494,805*	7,699,865*	14,129,865	16,347,469
2003/04	102,400,000	60,555,000	329,175	7,184,221	7,053,671	14,359,619	17,551,116
2004/05	111,689,900	67,608,431	330,075	8,000,257	6,749,834>	37,381,932◘	20,112,898

Source: *Budget Speeches*, Kathmandu: Ministry of Finance, Documents of the Fiscal Years Indicated.

*Indicates actual and revised estimates.

** The amount was allocated for raising the Armed Police Forces to strengthen the security situation.

< The amount indicates the development expenditure for the King and the Royal Palace as classified in the Nepali version of the Budget Document of 2002/03, p. 8-1. Ceremonial expenditures or incidental service expenses meted out to the members of the Royal family by the national exchequer are not included.

Social Service includes regular allocation on Education, Health, Drinking Water, Local Development and other services combined.

>Allocation indicates for Police only. There is over Rs.1 billion separate allocations made for the armed police forces.

◘ The figure has ingeniously been lumped together with the expected development assistance of nearly 70 per cent of the amount from the donor countries in the social sector, which may not be the case in reality. See Appendix-8A of the budget document 2004/05. The total development expenditure for the fiscal year 2004/05 is stipulated at Rs.44.08 billion.

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The figures should be read only as the maintenance cost of the core security sector. The RNA is pursuing a role with increased recruitment of the armed personnel and weaponisation with sophisticated gadgets. The increase in the number of armed personnel to the officially claimed 78,000, but actually around 90,000 including reserves, at the moment from a figure of 47,411 put at the 20th Session of the then House of Representatives in 2001 before the declaration of national emergency (Rajdhani 2 November 2001) is an indication of rapid stride towards militarisation. One of the former Chiefs of Army Staff (COAS) of the RNA has been consistently arguing for increasing the size of the force structure to 125,000 to meet the diverse security needs. Following this, the spokesperson for the RNA has recently disclosed that the army has been pursuing the increase in the number of its armed personnel to 100,000 with the establishment of divisional headquarters according to its newly adopted 10 year plan (Deshantar Saptahik, 25 July 2004; Himalayan Times 20 April 2004). The size of the military now has been planned to expand to 5 Divisions from its previous 3 Divisions will reach to the five development regions of the country. Likewise, the maintenance cost of the armed forces has increased from nearly Rs.6 billion in 2001/02 to over Rs.8 billion in 2004/05 although the number of the armed personnel has increased nearly two-fold (Table 1). The operational cost of the army was initially put at Rs.10 million a day inclusive of supplies of food, fuel and provision of special allowances to the military (Kumar 2003: 179). On the other hand, Nepal's civil police has around 48,500 personnel and the Armed Police Force is numbered 18,000 making a combined strength of 144,500 men in uniform (official data unless otherwise stated).

The Army has recently proposed an additional budget of Rs.11 billion to enhance the security situation in the country. For the current fiscal year 2004/05, the RNA has stipulated the need for an additional Rs.6.13 billion and the rest for two subsequent years. The classification of the proposed amount however shows a total of Rs.13.86 billion for the activities to be undertaken under the Unified Military Command. Accordingly, the RNA has proposed for an additional budget of

- Rs.6.13 billion for current fiscal year 2004-2005;
- Rs.1.00 billion for infrastructure and street urchins' management;
- Rs.2.5 billion for recruitment of 13,500 army personnel;
- Rs.1.00 billion for recruiting 4,500 personnel for the Armed Police Forces and 3,700 personnel for civil Police;
- Rs.0.28 billion for domesticating the street urchins;
- Rs.1.35 billion for the procurement of 4 units of helicopters; and,
- Rs.1.6 billion for Kathmandu Valley Security Command.

The RNA had recruited a total of 6,440 personnel in the fiscal year 2003-2004 (Ghimire 2004a). It has planned to recruit 8,500 personnel in the current fiscal year. It has also been reliably informed that the RNA has decided to make this bargain with a "take it or leave it" option and face the consequences. The urgency for releasing the money for the upkeep of

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the Kathmandu Valley Command was conveyed to the government even before formally placing the proposal through the Defence Ministry. The RNA has fairly put its sensitive bargaining chip vis-à-vis the government for the security of the national capital to drive the point home. This is exactly a situation in which a weak and fragile government can be forced to comply and be subservient to the interests of the armed forces. This situation has therefore given rise to militarism in Nepal. Militarism begins with threats of sanctions (non-cooperation) if the government do not cooperate with military demands. This is, in other words, the high-handed technique that the military uses when the reliance of the government increases on the armed forces. Nepal provides an ideal situation for the army to bankroll its needs, as the government is most unpopular, illegitimate, isolated and moribund and cannot survive a day if the army pulls out its support. This is the classic situation of "blackmail" that Samuel Finer had noted by suggesting that the "armed forces in fact begins to rule covertly, either by exercising a veto or by substituting policies and personnel of their own choice for those of the *de jure* government" (Finer 1962). The RNA, as it should be noted, has already acquired such an extreme position in the national decision making process through the development of the Unified Military Command System, which will be discussed subsequently.

The situation unfolding in Nepal has also favoured the security forces' rise to prominence by the default of external events to push their demand coherently notwithstanding the state's capacity to sustain the security spending. For instance, when the shockwave of the atrocity of the 12 Nepali labourers taken hostage by the Iraqi militants spread like a bushfire, the city of Kathmandu went berserk on 1 September 2004. The spontaneously outpouring of mobs roaming the streets destroyed over 300 thriving manpower-exporting companies along with Qatar Airways, Sahara Airways, Biman and PIA ticketing offices, and Kantipur Publications, Space Times Network, Channel Nepal TV station damaged. The unruly mobs stoned and tried to set some Mosques located at the heart of the city on fire. All the informal business sectors of the Muslim community were ransacked. The daylight arson and lootings turned the city into a smoking den. Despite numerous SOS calls from the Home Minister down to the security forces for hours, the only response the victims of arson and pillage got, as Kantipur daily stated, was the "whole city is burning, not only your place" (Kantipur 2 September 2004). The total cost of devastation caused on that fateful day is preliminarily estimated at Rs.1.5 billion by the Federation of Nepal Chamber of Commerce and Industries (Ghimire 2004b: 1; Khatri 2004:1).

Although the capital city is the core of the Valley Military Command headed by a Major General, nowhere was a single security personnel in sight. The regular patrolling of the streets by armed security forces, which was a common sight till the other day, was conspicuous by its absence. Only after the government declared a curfew in effect from 2 P.M., truckloads of security personnel with guns poised at the empty streets and military helicopters' sorties over the sky were sighted. Although there is no evidence to suggest why the mobs had been led to

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the extent of inciting sectarian riot, circumstantial evidences however provide ample ground for inferring the existence of complicity on the case. The unpropitious remark of the for spokesperson the Army that "We have been mobilised by the government against the Maoists, [and] if the local administration seeks help after imposing a curfew, the army can be mobilised" (Gautam and Pathak, 2004: 22) can be interpreted as an instance of not only rendering the concept of putting the state under unified military command invalid but also a case of refraining from any responsibility for the state and the people. One is reminded, in this context, of the reported remark made by the former COAS on 1 June 2001 Royal Palace massacre: "The army is not responsible for the security of the Palace." Though it may be apparently a polemic, a reverse case can however be drawn conjecturally to reflect on the situation: what would have the army done had the crowd attacked the *Bhadrakali* temple situated in front of the RNA Head Quarters rather than the Kashmiri *Takiya* and the *Jame* Mosque located near the Royal Palace? The PIA counter is located not more than 15 meters away across the road from the Royal Palace compound. The mosques and airlines' offices are all situated within the premise of the prohibited zone. But when these were being destroyed and plundered there was no response from any responsible quarters. The contention here is that the usual security patrolling of the streets could have prevented a lot from being damaged and destroyed.

Perhaps this reviled episode can force the government to immediately release the Rs.1.6 billion demanded by the army for strengthening the Valley's Military Command to avoid the recurrence of such an ugly event.

To overcome its deficiencies in mobilisation and rapid response capacity, the army, on the other hand, has recently spread its wings around the country, particularly by establishing Divisional Headquarters in the conflict prone regions by enhancing the central command systems. Corresponding to the need of decentralised military divisions, the army has procured surface transport systems, equipment and military helicopters on aid from India and abroad (Kumar 2003: 182-83). The army currently possess 1 Avro-1, one Skyvan, two Skytrucks, 3 MI-17 helicopters, one Puma helicopter, 2 Ecureuil helicopters, two Cheetahs and two Lancers helicopters. Also the army has procured two STOL aircraft from Britain and MI-17 helicopters. The army has also reportedly procured a Bell helicopter for its VIP flights. On June 13, 2004, two Advance Light helicopters arrived from India for RNA. Reportedly, these helicopters are fitted with chin-mounted three-barrel 20mm gun and four pylons capable of carrying 68mm or 70 mm rocket pods. Also arriving shortly from India, according to RNA, is a Short-Take-Off-and-Landing (STOL) aircraft and other military software such as trucks, and hardware constituting about 10,000 guns and ammunition (Kathmandu Post, 14 June 2004). On top of this, as arms assistance to Nepal has become a new imperative for India as it views the Maoist insurgency as a "shared security threat," India has promised a further consignment of military hardware comprising three advanced light helicopters, 20,000 INSAS rifles, 15,000 SLRs, 5,000 machine guns of different calibre, 8,000 trucks

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and jeeps, 100 mine protected vehicles (MPVs) and other equipments (Himalayan Times, 11 September 2004).

Earlier in the decade preceding the intensification of the armed insurgency, the army had acquired arms amounting to US$ 57 million from different sources (Kumar 2003a: 1282-83). At the moment, the RNA is equipped with more than 17,000 M16s, 5,500 Belgian Minimi guns and 10,000 INSAS rifles (Infantry Small Arms Systems), the latter being supplied by India. The RNA has also raised the Rangers Battalion of 1,000 soldiers for commando operations. Understandably, the RNA is expanding its force structure and pursuing its weapons acquisition programme on the basis of its 10-year plan that will apparently meet its current needs as well as higher direction of war in future.

The Unified Military Command: Significant military development after 4 October 2002 has concurrently led the RNA to evolve a Unified Command structure for its operational efficacy comprising "all elements of national power including political, economic, information and diplomatic activities" (Brief 2003:3). The Unified Command is envisioned as a force multiplier by the RNA defining it as a concept to "gain optimum use of capabilities and resources of various security forces" from centre down to the district levels under its direct operational control (Brief 2003:5). The concept of Unified Command was deliberated upon at the two-day coordination meeting of the regional commanders of security agencies of the country at the RNA Headquarters between 14 and 15 October 2003. Prime Minister Surya Bahadur Thapa made the formal announcement of the Unified Command on 4 November 2003 providing operational responsibility to the army for implementing the concept.

Accordingly, the RNA has drawn a Civil-Military National Campaign Plan (CMNCP) to "tackle the Maoist problem" under the Unified Command. As the *Brief* suggests, the strategy of a civil-military plan is to:

1. conduct relentless operation against the Maoist to disarm them in order to stop violence and terrorism;
2. negotiate with the Maoists only once their military capability is reduced considerably or if they agree to abide by the present constitution;
3. enhance the credibility of the monarchy;
4. provide fair and effective governance;
5. continuously seek support and cooperation of other political parties;
6. continuously seek faith and support of the citizens;
7. disarmament, demobilisation and reintegration; and
8. seek the support and cooperation of the international community, civil society and media

(Brief 2003: 4).

The adoption of a Unified Command under the façade of civil-military coordination has two important implications in the social sphere. The first is that the Unified Command is the tacit continuity of an emergency situation in the country, which has already been sustained by TADA. On

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the other hand, the Unified Command is not only a measure for overt assertion of state power by the military; but it is also a covert declaration of the state in a war situation. Hence the second implication of the Unified Command is ominous so far as it relates to the civil order in the country.

The militarisation of the civilian sphere, unfortunately, is reflected in the military pursuit for arming the unarmed under the Unified Command. The decision announced on 4 November 2003 for the creation of a "self-defence force" in villages and districts by distributing arms to citizens has created a condition for widening conflict possibly with misuse of arms. The decision has also gone against the grain of neutralising civilians in the armed conflict. The armed civilians could be easily identified and made targets by the Maoists who have already practised killing civilians for allegedly being informers of the government. On the other hand, the problem created by the decision in the social context already brewing with ethnic grievances and popular alienation is that it can lead to a more volatile situation with the intentional spread of gun culture. Again, the decision was announced at a time when unconfirmed reports are circulating about the defections of police and army personnel with newly acquired guns and ammunition to the Maoist have increased.

The critical influence of the army on the government has again been evinced by the decision of the Deuba Cabinet on 5 August 2004 letting the RNA to indulge in business and investment ventures inside and outside the country by utilising the army welfare fund. The Royal Gazette published on 29 August 2004 has provided a multitude of incentives to the army to freely indulge in business enterprises and an investment spree through enactment of the act. It should be recalled here that the former Prime Minister Koirala had, however, rejected outright a similar proposal by the army for opening a bank and business enterprise in 2001 that understandably became a wrangling point for the army's non-cooperation to his government.

Anti-Terrorist Act and Militarisation: Terrorism has, indeed, become a good harvest for security apparatuses of the state. Political violence caused by non-statutory forces leads to militarisation of conflict as the protagonists rely heavily on military means to advance their cause. In such a situation, the state repression becomes a critical factor in expanding conflict. Because once a state defines the non-state violence as terrorism, counter-terrorism would be rationalised for securing the state to make its actions unbridled by any civil rationality in carrying out acts of violence against the suspects or the so-called anti-government forces with impunity. In such a situation it would be difficult to determine who and what actually becomes the perpetrator of violence. The immunity and impunity provided initially by Article 20 to the security forces under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance 2001 (TADA) has certainly been a death knell to the fundamental rights of the people and the expression of the fascist mentality laid bare by the government scuttling the legal order governing the state (Informal 2002:18-23). This is what the security forces have achieved, particularly

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by the RNA, through its intensive but reluctant bargaining with the civil government. With this expediency, the political salience of the military has profoundly increased in Nepal. As the RNA is responsible to none but the king, there is no other agency of the government to maintain operational control.

The army has argued its field operation is intertwined with the continuation of the anti-terrorist act. An Army Brigadier General has gone even to the extent of arguing for the inevitability of TADA to continue its mobilisation asserting that the army "cannot be deployed by any other laws…[except] TADA" (Ojha and Chapagain 2004). This assertion made by a soldier who is the chief of the human rights cell at the Army Headquarters responsible for preventing and protecting human rights violations by the army has not only obscured the position of the National Defence Council (NDC) that is entitled to recommend the force mobilisation to the king. It has also proved all the existing laws, including the Military Acts, redundant in the case of mobilising the armed forces. Such absurdity, unfortunately, has forced the civil authority to be completely subservient to the demands of security forces thereby taking suicidal decisions to close the public sphere by reorienting national priorities from civilian to military interests.

Perhaps, the extension of the TADA for six more months through an ordinance adopted on 10 April 2004 can be understood as a means to further this goal. It is ironic, however, to note that the security forces are again provided with impunity by the ordinance issued merely two weeks after the government has publicised its 25-point commitment to protect human rights in Nepal (The Rising Nepal 27 March 2004). Following this announcement made by the prime minister, the Office of the Prime Minister and Council of Ministers has also adopted a *National Human Rights Action Plan* in April 2004 guaranteeing the "inalienable fundamental rights" to the people with a commitment to "increase awareness and understanding" on the issue (HMG/NHRAP 2004: 1-2). The double irony, however, is that the government expresses commitment to increase awareness and understanding of the human rights issues when the evidence of the human rights violations by the government security forces is in abundance.. The status report issued by the National Human Rights Commission in 2003 is enough to make both the government and the people of Nepal aware of the human rights situations (NHRC 2003). By simply replicating the NHRC document on glossy paper with a stamp of authority does not make the situation any different unless the action plan is concretely implemented with determination by the government.

Facts stand to prove all these concerns and commitments pledged by the government to human rights issues have been merely a façade under which the government has hidden sinful crimes. This is exemplified by the National Human Rights Commission Act 1997 according to which the National Human Rights Commission was established in 2000. Article 10 (a) of this Act has firmly restricted the jurisdiction of the NHRC to investigate "any matter" related to the Military Act -1959 (NHRCA 1997). This has clearly emasculated the operational scope as well as

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capacity of the NHRC. Neither is the NHRC a law-enforcing agency. Sections *b*, *c*, and *d* of Article 10 are also equally incompatible with the functioning of the NHRC putting prohibition by the government to commission any inquiry sensitive to its interests. And the firm reality in the country is that the most serious violator of human rights is the government – to be precise none other than its security forces. Serious cases of rape, torture, custodial killings, arbitrary arrests and disappearances and "atrocities" occur "virtually every day somewhere in the country during these bloody days of violence…. The situation [has] worsened, because the brutality is being sanctioned officially" (INSEC 2004: 106-07; AI 2003; 2002; 2001).

Similarly, extra-judicial executions have risen to a harrowing proportion as security forcers have unlawfully killed nearly half of the "Maoists" officially declared as killed since November 2001. According to the Amnesty International, "Those unlawfully killed included civilians suspected of providing shelter, food or financial assistance to the Maoists. They also included members of the CPN (Maoist) killed in circumstances where they could have been taken into custody or where they had already been taken prisoner" (AIR 2003:184). Comparably, the Maoists are also not lagging behind in their sinful acts of killings by torture, mutilation and beheading their victims. Hence as a confidential report has observed," People are terrified, of both the RNA and the Maoists." The author of the report says: "I have worked in a number of countries in conflict – and Nepal ranks among the worst human rights situation I have ever seen" (O'Neill 2004:1).

O'Neill has authored a report which is in fact a critique of the duplicity with which the donors approaches the question of human rights relevant to their pursuit of SSR in Nepal. He has specially chided the UN complicity with the government in promoting the human right awareness project by funding the drafting of the National Human Rights Action Plan (NHRAP) rather than focusing on "enhancing the government and Maoist accountability for human rights violations." He has opined that the "UN's credibility is at risk if it fails to recognise this need and is diverted into funding projects that have little or no visible impact on the rapidly deteriorating human rights situation in the country." Further, O'Neill has stringently stressed that "Nothing the UN does should permit the weakening or marginalisation of the National Human Rights Commission (NHRC)." He has also questioned the "wisdom" behind the launching of NHRAP in a country in conflict absent of parliament and a genuine representative government (O'Neill 2004: 1).

The point that O'Neill has stressed is relevant in the context of the functioning of the NHRC that has become problematic for the government to work with. This has led the government to establish a separate Human Rights Promotion Centre at the Prime Minister's Office intending to marginalise the independent role of the NHRC with crosscutting purposes. Actually, the human rights issue has become a war of nerves between the government and various advocacy groups, the including the media. This resulted in the controversial expulsion of John Bevan, the human rights

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special advisor to the resident representative of the UN, as his role in strengthening the NHRC become was offensive to the government (Nepal Saptahik 9 May 2004:26). The UN had no alternative but to comply.

SECURITY SECTOR AND JUDICIARY

In fact, the judiciary has to confront the security sector in a situation of abnormality when the declaration of national emergency and subsequent adoption of TADA stole the rights of the people. Emergency suspended sub-clause a, b, d of Clause 2 of Articles 12 (Right to Freedom), Clause 1 of Article 13, and Article 15,16, 17, 22 and 23 of the fundamental rights stipulated in Constitution 1990 for 9 months. Under the state of emergency, TADA is provided with wider latitude with several clauses or sections directly contravening the constitutional order in the country (Informal 2002: 18-23). Section 3 facilitates the security forces' unquestionable authority to arrest, search, detain and use necessary force to accomplish their objectives. Under Section 9 and 12 of TADA, people can be arrested and held in preventive detention up to 90 days and in detention for investigation for 60 days. If proven they will be tried under the Special Court Act passed in 1974 during the *panchayat* era. Section 20 of TADA provides total immunity for the security forces even in the case of extreme violations of human rights if "any act or work performed or attempted to be performed… in good faith under the Act." This impunity provision has not only dissociated the country from the normal judicial practices, the establishment of the Coordination Committees under Section 13 (5) of TADA to be supervised by the Chief District Officers has compartmentalised the system of justice confined to the arbitrary decision of the persons comprising the coordination committees with self-regulating law and order. Although the declaration of a national emergency has not suspended the rights to remedy of *habeas corpus,* the persons detained under TADA have yet to enjoy this constitutional right.

The total disregard for human rights of the people therefore is an expression of denial of human security by the state. Reports on excessive violations of human rights released by the National Human Rights Commission (NHRC) are ignored. Hence, the NHRC has been forced to explicitly disclose the record of human rights violations by publishing the details on the disappearance of 709 persons on the 55th International Human Rights Day (Kantipur 10 December 2003: 10-11). Of the total, the report said that the state was responsible for the disappearance of 579 persons, the Maoists for 111 and 19 for unknown group. The NHRC has further disclosed that the record on the number of disappearance has increased to more that 1,100 till the first week of June 2004. Along with this, there is a record of 176 journalists arrested and detained by the security forces during the period of emergency between 26 November 2001 and 25 August 2002 (FNJ 2003:161-66). So far the security forces have killed 9 journalists, most of them after 27 August 2003, and whereabouts of ten journalists are yet unknown (Himalayan Times 19 April 2004). A comparable figure for the journalists killed by the Maoist is 6 and the whereabouts of 3 are unknown. The Maoists have threatened the lives of ten more journalists by issuing a fatwa.

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This is a similar is the case to the law practitioners who are threatened, arrested, detained and tortured by the security forces. The security forces have arrested and detained some lawyers for their alleged complicity with the Maoists. According to the Nepal Bar Association, of the ten arrested lawyers, two have been released and the whereabouts of the eight lawyers are yet unknown (Rajdhani, 28 February 2004). The latest report on the human rights situation in Nepal accounting for the average killings of 12 persons a day after the breakdown of the second truce on 27 August 2003, thus, suggests that the culture of violence is deepening its roots in the Nepali soil. In the year 2003 the recorded deaths by the state were 1,163 in comparison to the 646 deaths by the Maoists. Similarly, the security forces had arrested 2,716 people and 368 have disappeared, which, according to the Amnesty International, was the highest number of a recorded appeal from Nepal in a year in comparison with those registered from different countries of the world (Kantipur 21 March 2004).

Sensitive human rights issues, particularly, illegal detention and disappearance made by the security forces have become the core of contention between the judiciary and the security sector. Numerous cases of illegal detention and disappearance filed in the 16 Appellate Courts and 75 District Courts as well as habeas corpus petitions filed in the Supreme Courts have in fact remained filed due to the lack of required cooperation from the related agencies. As noted by the Amnesty International in its recently released report on 28 July 2004 Nepal: Human Rights Defenders Under Threat, the situation has become so frustrating that the country has really plunged into lawlessness and anarchy. The defenders of human rights and their families have been increasingly pointed targets of the security forces as well as the Maoists. And the judicial remedy to the issue so far is disappointing. Although the judiciary has moved to examine some cases of illegal detention with success, it has however failed to uncover the cases of disappearance made by the security forces, thus has subsequently dismissed many of the judicious cases filed. The helplessness of the judiciary is understandable as the law enforcing agencies are themselves in contravention the court orders in many cases. The blatant disrespect of the court order and disregard of the law have been observed in several instances of arrest of the people released by the court within its premises by the police without any warrant order. Although the judiciary is activated to maintain some modicum of sanity to prevail, the tragedy, as noted by INSEC (2004: 50), however, is that the judiciary has not been able to successfully probe the cases on the "legality of arrests [even] of legal practitioners" by the security forces. Further, INSEC reports, [T]he security forces [have] disobeyed, cheated, lied [to] the Supreme Court on the information sought by it regarding the whereabouts of many people. This sort of contempt of court must immediately stop. The security agencies have downplayed the spirit of rule of law, human rights and democratic system… . The denial of the army to accepting letters issued by the Supreme Court and telling lies when asked about the whereabouts of people and later releasing them from the army custody makes it look as if the army is trying to bring the judiciary under its control (INSEC 2004:49).

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Certain controversies have recently occurred between the judiciary and the army regarding the investigation on habeas corpus cases over the issue of not letting the investigation team inside the barracks to search for the illegally held person. The army's denial of the right to enter the sensitive premises of the barrack has been interpreted as a contempt of court further straining the already unpleasant relations between the judiciary and the security forces. The COAS responded to this issue by ordering the military barracks to respect the rights of the judiciary as a control measure. The military has however asked the investigation team to visit the barracks through proper channels and coordination. The Army has even refused to register the letter of intent for investigating the case either in the Supreme Court or the NHRC. In another instance, the army has not responded to the Supreme Court order regarding the military affairs. This refers to a report "Army Headquarters did not response to the inquiry of the Supreme Court," published in a newspaper concerning an inquiry made by the apex court to submit the audit report of the last 30 years of the Royal Nepal Army's income and expenses for its involvement in the peacekeeping missions abroad. The supreme court has repeatedly asked the Army HQ to submit the audit report following a writ petition filed by the chairperson of the Nepal National ex-Army Commission along with some former army personnel invoking Article 16 of the 1990 Constitution on rights to information (Rajdhani, 16 March 2004).

The Army have argued that certain cases falling within the jurisdiction of the military court conferred by the Military Act 1959 cannot be reviewed or investigated by the Supreme Court. Article 86 of the Constitution 1990 exempts the military court from the judicial hierarchy of the Supreme Court. The Clause 2 (a) of the Article 88 of the Constitution restricts the Supreme Court from interfering in the military affairs except in the case of the involvement of the non-military person tried by the military court for offences not related to the Army (Constitution 1990: 67-68). In the tense atmospherics of counterinsurgency mobilisation, the problem of defining the "offence relating to the army," however, has occurred. The army has arrested and detained many civilians, as the data of the NHRC and INSEC cited above reveal, under the slight pretext of suspicion of being Maoist under TADA. In numerous cases the army have rejected outright the allegations that it had ever held any person incommunicado and made them disappear.

In an earlier report issued on 25 February 2004, the US State Department has asserted that the "RNA (Royal Nepal Army) was responsible for a number of killings, including deaths in custody in which torture was credibly alleged. The RNA continues to kill civilians." This Report on the human rights situation in Nepal has further stated that the "security forces used arbitrary and unlawful lethal force and continue to abuse detainees, sometimes using torture as punishment and to extract information. The disappearance of persons in custody was a problem. Prison conditions remained poor. Impunity remained a problem. [Thus] the government's human rights record remained poor, and it continued to commit numerous serious abuses" (US Department of State 2004).

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The persistent probe on the *habeas corpus* issue made by different human rights organisations along with law practitioners and the international pressure, however, has finally led the Home Ministry to disclose the condition of 24 out of 36 persons involving the cases of disappearance made by the state (Kantipur, 12 August 2004). But this is the tip of the iceberg if the number of disappearances made by the state as indicated in the NHRC document is taken as evidence. Hence the cooling-off of relations between the judiciary and the security sector would continue unless a "truth commission" honestly investigates the cases of violations of the law of the land. But the establishment of a "truth commission" can only be a possible agenda for the future, not a present reality. Also it depends on the type of regime established in the future. Given the past precedents it is doubtful that the "truth commission" would ever be able to uncover the truth. And even if the truth is disclosed, the law may not be enforced to punish the wrong doers.

Unfortunately, Nepal has a tradition of not keeping the historical records straight. The country had experienced numerous violent upheavals, deaths and disappearances made by the state. Records of these issues are still highly speculative. There is no record of the Nepali Congress and other party rebels killed and their disappearance by the security forces during their struggle against the *panchayat* regime. No body knows for sure how many people exactly were killed during the 1990 *Jana Andolan*. There is still a controversy over the issue why the Interim government had formed after the success of *Jana Andolan* that had established a "truth commission" not acted according to the report of the Mallik Commission and why not by the elected government to arrest the culprits. But there is a record of an elected prime minister's dismissive answer to the concerned rights people exclaiming: "All might had been killed!" when they approached him seeking justice in early 2000. Until justice prevails and citizens irrespective of being in uniformed or civilian status abide by the rule of law, the relations between the state and society, not simply between an organ of the state and the community, would always be tense and adverse. A country, which is driven by the urge for militarisation of the social sphere and the security forces which are mobilised under the provision of an anti-terrorist act would certainly devalue the societal norms hence undermine the human rights and security sensitivities of the people when impunity prevails.

CONTEMPLATING THE FUTURE

As noted above in passing, Nepal has experienced the Maoist rebellion twice. The first that occurred in the early 1970s was localised, short-lived and systematically suppressed by the state. The violence was an expression of the underground communist activities of some emotive youths influenced by the Naxalite movement across the border of Nepal in Naxalbari areas of West Bengal, India. By contrast, the second Maoist rebellion was launched by a splinter group of a legitimate political party – the United People's Front – that had the third largest seat in the House of Representatives between 1990 and 1994. The insurgency which began in 1996 has become a protracted one with a conscious strategy for popular

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mobilisation, large-scale terror and indiscriminate violence explaining a phenomenon of equally desperate counter-insurgency mobilisation by the state. Yet the state has failed to contain the post-1996 Maoist insurgency. The Maoists claim that they have maintained a military stalemate by fielding over 3 Division of armed guerrillas. They have also intensified their guerrilla operation forcing the government to turn to more militaristic approach to conflict that may perhaps prolong the debacle of state. A significant increase in the state's resolve to defeat the insurgency militarily has yet to make any considerable impact on improving security measures as it was evident in the cases of the Maoists mobilisation, deployment and successful attacks on Bhojpur and Myagdi district headquarters in the eastern and western Nepal in last March.

The deeply entrenched fear psychosis created by the Maoists has yet to be overcome as was indicated by the situation created by a weeklong blockade of the Kathmandu Valley – the citadel of the state power – in August. The 1 September 2004 episode in the capital city when arson and plunder had their free rein has not been reassuring to the people either. Perhaps the concern of the people do not correspond with the questions that concern policy makers. But the chasm between the people and the polity is obvious at the perceptual level: the concern of the state to increase security militarily has led to the situation of intensification of insecurity of the people. The most challenging situation created by the Maoist insurgency is that the people have lost trust in the state. The failure of security assurance by the state is exemplified by the following cases:

- The closure of industries under the Maoist threats, even partly owned by the king, is glaring evidence of the public distrust of the security forces that was proved by their inaction against the daylight arson and pillaging of the Kathmandu city. Nearly 70 industries and enterprises are being closed of which Surya Nepal, Soaltee Crowne Plaza Hotel, Fishtail Lodge and Sipradi trading are partly owned by the king/Royal family among others (Kantipur, 11 September 2004; Saptahik Bimarsha, 10 September 2004). It will add to the already deteriorating unemployment situation and may fuel social unrest as well as making a dent in the government revenue. Despite repeated government assurances the industrialists did not agree to commence their business.

- The national economy has been buttressed by the remittance from abroad that has also been undermined thoroughly by the events of 1 September 2004. Nepal's remittance earning has crossed over $1.5 billion per annum. The fate of nearly 60,000 people waiting to go abroad for foreign employment now looks in uncertain. (Saptahik Bimarsha, 10 September 2004). Poverty, unemployment, economic down turn would be a worst scenario in the future that may be a recipe for further destabilisation of a domestic order. The victimisation of the general populace has continued as a consequence of the increasing perception of insecurity. Along with the fall in the economy, industries and commercial enterprises suffered incalculable losses. Tourism

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declined. Imports surged and trade deficit increased (Economic Survey 2003/04: 94-95).

- The conflict has already led to mass migration from the worst affected areas in the hills to other parts of the country and beyond. Food shortages in western Nepal has produced a complex humanitarian crisis. Lack of development activities has further forced the people to make their exodus. Beyond the barbed-wire district headquarters, the Maoists rule where even the security forces hardly venture to enter. The alternative to the presence of state is chaos, anarchy and fragmentation.

On the other hand, the Maoists have lost their ideological impetus for insurgency. 'People's War' becomes terrorism whenever and wherever the guerrillas and militias enter. Through extortions, lootings, kidnappings and indiscriminate killings the Maoists have become a treacherous hoard and their forced recruitment of child soldiers have created mayhem, schools and educational institutes closed and displaced hundreds of thousand of people from their domiciles. They have killed those for whom they have understandably raised arms. They have plundered the villages, ransacked the homesteads, and rusticated the people whose very plights have assumed to provide the political-economic rationale for launching the people's war. The rationale of rebellion thus has gone astray. The tragedy therefore is that the Nepali state has not been able to capitalise on this situation and gain popular support to contain insurgency. Political parties that were ousted from power after 4 October 2002 have not been able to garner the support of the people, as they were previously largely responsible for using the Maoists for their own purposes. Particularly, the CPN (UML) was afraid of any favourable outcome of negotiations held between the government led by the Nepali Congress and the Maoists. The party had determined that in case the Maoists enter the mainstream politics it would heavily impinge on its electoral position in the country. The CPN (UML), which is a partner of the incumbent government nominated by the king, would hardly be in favour of negotiating a deal with the Maoists despite its rhetoric to the contrary.

Political parties have also proved themselves inept in popular mobilisation even in the process of anti-monarchical tirade and anti-Maoists stance in the aftermath of the assertion of the executive power by the king. The prospect for them to regain the lost democratic order in the country through electoral politics has been complicated further by deepening militarisation of the conflict that cannot be realistically resolved in the near future. Political parties have failed in their representational role for mobilising popular support to reinstate the parliamentary democratic process in the country. The governments representing the state had failed in their functional role of even averting a threat of Nepal *bandh* posted by e-mail or a fax in the name of the Maoists. Hence the state has relied more on the militaristic policy by becoming a major arms proliferator. The external military assistance between 2002 and 2004 has reached around Rs.10 billion besides the direct procurement. On the other hand, the Maoists have relied on the cross-border illegal arms transactions, although they are moreover dependent on indigenous weapons and sophisticated

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arms lootings from the RNA soldiers. As the trend of rearming Nepal suggests there is probability of violence more continuing rather than being contained through other means. Unless a situation is created for evolving mutually compatible interests between the protagonists, it would not be realistic to imagine resolving the violent conflict.

Finally, in the case of Nepal the *position* of the monarchy should be primary when thinking about the mutually compatible interests. A realistic appraisal of the monarchical position has yet to be seriously made, researched and documented. Besides this, the democratic experiments locating the representative politics and the pattern of civil-military relations should be assessed. Civilian supremacy remains an ideal, but not practised even under democratic politics. The oversight agencies were manipulated and their roles confined to routine affairs. Civil society that has for long been dormant but assertive for representing self-value with articulation of selfish interests should also be thoroughly interrogated and exposed. Along with this, the responses of the international community should be critically scrutinised. Nepal being dependent for both development and defence cannot remain without being subservient especially to the influence and interests of donor communities. The pattern that has been observed at the moment is that notwithstanding the serious thrust for development, democracy and human rights of the donor communities as witnessed during the 14th Nepal Development Forum Meetings (Kathmandu Post 6 May 2004), the priority for strategic information sharing network remains high through establishing military-to-military relations between the influential donors and Nepal. It should therefore be noted that donors are themselves at the cross purposes while aiding Nepal.

To surmise, even if the Maoist insurgency is violently suppressed, a return to status quo ante is no longer possible. Not only have the political parties lost their sway in national politics but also has the disapproval of monarchical position increased in the country. Never in the history of Nepal have the people questioned the position of monarchy and the image of the institution tarnished. To return to the fundamentals of authority and state building a national consensus on democratic reform is a prerequisite for the country to look towards the future, which cannot be brought about through the administrative reform and coercive consolidation of state power. The fundamentals are human rights and human security the denials of which influence the insecurity of the state. There is thus a need to reform the state dissuading it from the objective of centralising state power for personal material advancement of the few to the broader human welfare with the provision of the ownership of the state by the people. This, however, remains a Nepali dream.

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