

Transitioning the “Royal” Nepal Army

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Nepal's military has always played a primary role in dismantling the democratic system and in establishing an authoritarian royal regime in the country. Although the Nepalese military has demonstrated a relatively good performance record in UN peacekeeping missions, it has maintained an exceedingly destructive identity domestically and has maintained its loyalty only to the monarchy and has engaged in actions to suppress the people's aspirations for democracy both with its involvement in the 1960 coup and again in 2005.

During the 30 years of the autocratic *panchayat* regime (1960- 1990), the military was used to carry out repressive measures against democratic forces and was responsible for disappearances and killings of political party activists. After the restoration of democracy in 1990, the military was, in theory, placed under the National Security Council headed by the Prime Minister. In practice, the King, as the supreme commander of the army continues to exercise authority over military deployment and the daily business of the army through the military secretariat located inside the palace. In principle, Nepal's military was not created for encounters within the country or for internal affairs, and in fact was not deployed for the first five years of the insurgency launched by the Communist Party of Nepal (Maoists). The army even often refused to assist in emergency operations to rescue the Nepal Police during the insurgency.

As King Gyanendra took the throne after the mysterious royal massacre in June 2001 (that killed a total of 10 royal family members including the whole family of King Birendra), the military suddenly became enthusiastic to play a proactive role in internal issues, including the custom offices of the Nepal- India borders and ongoing violent conflict. The army has carried out the instructions of the palace and ignored those of the prime minister by refusing to engage during the emergency situation mentioned above, carrying out security operations during the 2001 ceasefire and dialogue period, and refusing to return to their previous non-engagement status after the 2001 “state of emergency” thereby continuing their deployment without legal authority. The military has also acted as the private army of the king when they provided full support of the King's assumption of all executive powers in October 2002. The army also played a provocative and offensive role aimed at disrupting the peace process in 2003. The army, and armed police under the “unified command,” played the lead role in planning and executing the King's February 2005 coup that established an authoritarian and dictatorial regime. The military also carried out numerous brutal operations and indiscriminate killings during the 2005/06 Maoist unilateral ceasefire including the Nagarkot massacre, and the Palpa and Morang killings. Last, but not least, the military was aggressively deployed against the people's nonviolent movement that reached its peak in April 2006, and are responsible for injuring thousands, killing nearly two-dozen peaceful protestors, and for systematically committing some of the most egregious human rights abuses.

During the King's direct rule (February 2005 – April 2006), the military led the unified command (comprised of the armed police and regular police) and carried out numerous brutal acts of suppression of the democratic movement and killed innocent civilians in the name of eliminating the Maoists throughout the country. The military came to the street to suppress peaceful demonstrations in April 2006 and indiscriminately fired on crowds in different parts of the country that killed at least 21 Nepali citizens and injured more than five thousand peaceful agitators, that resulted in hundreds being permanently disabled. Before the nonviolent demonstrations, and even prior to the 2005 coup, the military was responsible for disappearances, extrajudicial killings, and using torture, all on a systematic level.

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The Royal Nepal Army has never demonstrated its commitment toward the people and instead has blindly supported the King's autocratic steps. The institution of the military has neither practiced democratic principles, nor made any attempt to detach itself from the picket of the monarchy. Instead, the military has acted only to please the monarchy and carried out actions as the monarchy's personal army. The structure, system, and methods of the army are in themselves autocratic and feudal. Only royal relatives, or those among the privileged elite may be among the top-ranking officers and advisers to the palace. Therefore, the army, in order to serve a democratic nation and terminate the practices that are illegal (torture, disappearances, etc...) it must face a restructuring and transform from a "Royal Army" to having a loyalty to the people's institutions such as parliament, and to an army who respects and abides by the rule of law. Despite the promises of the new government to put the military under the parliament, whereby respecting the people's aspirations during the movement, the act of doing so has not materialized properly and in a timely manner. Even if the legal changes are made by the new government the genuine conversion of loyalty from the monarchy to the citizens of Nepal will not be achieved, and as long as the army remains under the command of the King, legally or not, democracy and its institutions in Nepal are under threat.

Therefore, some essential steps must be immediately taken to compel the military to be accountable to the people. The following actions are also recommended to complement the new government's attempts to restructure the military and increase international support to achieve this noble mission of the people's government to create an actual Nepali people's army.

1. Call on the international community to continue the suspension of all military aid, whether financial, trainings, or weaponry, until the full transition of the army.
2. Immediately address the atrocities occurred during the peaceful movement and expel those responsible for abuse and acts of excessive force.
3. Conduct an investigation of systematic human rights abuses committed by the military that are outlawed and publicly punishable and include systematic abuses such as rape, torture, disappearances, arbitrary detention in military barracks, and extrajudicial killings.
4. Expel the Chief of Army Staff, as the government suspended a total of nine senior officers of Nepal Police and Armed Police, including three heads of the security forces on the charge of their involvement in suppressing democratic movement.
5. Immediately terminate the military secretariat located inside the palace as part of the process of creating a Nepal Army.
6. Seize the passports of all military commanders throughout the country who prepared strategies and issued orders to field commanders, and field commanders who were deployed to suppress the peaceful movement and carried out atrocities in the name of controlling the insurgency, until they can be fully investigated and charged and tried in order to prevent their efforts to flee prosecution.
7. Terminate all services rendered by the state to former military senior officers, such as private protection and other state privileges.
8. Suspend field commanders who were personally involved in suppressing the peaceful demonstrations either by issuing orders, or being complicit in the actions of his unit (many can be identified according to their deployment in areas where serious incidences occurred), until they can be tried for their actions.
9. Freeze the bank accounts of high-ranking officers of the security forces, while the military has been identified as one of the most corrupt institutions by the Auditor General's office. This will assist in preventing them fleeing prosecution for either human rights abuses, abuse of power, or misuse of funds.
10. Call on the international community to refuse entry into their countries of human rights abusers, including military officers and those being investigated, and to make public the international bank accounts of those perpetrators.

11. Urge the UN Security Council and the Department of Peacekeeping Operations to immediately suspend the Nepali military's participation in peacekeeping operations and establish a pre-condition of resumption only after the complete democratization of the military, including its demonstration of loyalty toward the citizenry.
12. Request the international community to deny all types of short-term or long-term jobs to Nepal's current or former military officers because of their involvement of carrying out atrocities and human rights abuses.
13. Work with the human rights community to determine the strategy for efforts to hold perpetrators to account after the initial judicial commission's report and set up a separate tribunal.
14. Announce incentives programs for the military's pro-democratic officials, who support the investigation process, as well as incentive programs set up by the people's government to assist lower ranking soldiers and gain their loyalty. These incentives can include promotion, education, home loans, technical skills and professional opportunities, etc.
15. Establish a panel of military and government officials, and civil society members to oversee the functions and restructuring process of the military, and appoint the acting Chief of Army Staff (COAS).
16. Invite international retired senior military officers to hold interactive sessions with Nepali military officers about the essence of human rights, democracy and rule of law, as well as explore the importance of political parties and nation's army.

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