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THESIS

THE ROLE OF CIVIL SOCIETY IN SHAPING DEMOCRATIC CIVIL-MILITARY RELATIONS DURING POLITICAL TRANSITION IN NEPAL

by

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This thesis examines the role of civil society in shaping democratic civil-military relations (CMR) through several political transitions in Nepal, with an emphasis on the current period. Since its first experience with democracy in 1950, the king interrupted Nepal's pursuit of consolidation until the political revolution of 2006; afterwards, democratic consolidation at the official level has revolved around seeking consensus among the political leaders. This over-focus has led to incomplete consolidation and weakened the formal democratic institutions of control.

Civil society, on the other hand, has played a variety of roles to greater effect during consolidation, including military affairs and CMR. This thesis analyzes the contributions of three selected civil society groups—the media, Nagarik Samaj, and human rights organizations—to democratic civilian control of the security forces. This thesis finds that despite civil society's focus on political activities, it has significantly influenced and helped in shaping effective democratic CMR during Nepal's transition to democracy. However, civil society's further assistance is required in writing the constitution to drive the country toward the completion of the consolidation, which will ultimately shape strong democratic CMR.

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ABSTRACT

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LIST OF ACRONYMS AND ABBREVIATIONS

APCSS	Asia Pacific Center for Security Studies
APF	Armed Police Force
BBC	British Broadcasting Corporation
CA	Constitutional Assembly
CCMR	Center for Civil-Military Relations
CMPD	Citizens Movement for Peace and Democracy
CMR	Civil-Military Relations
COAS	Chief of the Army Staff
FDRN	Federal Democratic Republic Nepal
FES	Friedrich Ebert Stiftung
ICRC	International Committee of the Red Cross
INGO	International Non-governmental Organization
MOD	Ministry of Defense
NA	Nepal Army
NC	Nepali Congress Party
NDC	National Defense Council
NGO	Non-governmental Organizations
NHRC	National Human Rights Commission
NID	National Investigation Department
NIPS	Nepal institute for Policy Studies
NP	Nepal Police
NPC	National Peace Commission
NSC	National Security Council
OHCHR	Office of the High Commissioner for Human Rights
PM	Prime Minister
SACEPS	South Asia Center for Policy Studies
SWC	Social Welfare Council
UCPM	United Communist Party of Nepal (Maoists)
UNICEF	United Nations International Children's Emergency Fund
UNMIN	United Nations Missions in Nepal

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I.   INTRODUCTION AND LITERATURE REVIEW

Nepal's quest for a consolidated democracy has ebbed and flowed amid political changes and instability for more than six decades. Nepal failed to realize its democratic aspirations in the 1950s, when the king curtailed the experiment with pluralist politics within a decade. Thereafter, Nepal formed a party-less political system (the panchayat), under a monarchy, which lasted for three decades until the People's Movement forced the king to step down. Even then, the restoration of democracy in 1990 also witnessed a string of upheavals, including civil war, until the political revolution of 2006.[1]

These political transitions resulted in new leaders in the government with different political ideologies, and they practiced new mechanisms of control that obstructed the establishment of smooth civil-military relations (CMR). It is perhaps too much to say that the development of Nepal's CMR is at an impasse, but the situation could use direction and guidance from sources outside the echelons of the politicians and the senior military leadership. Civil society, with the essential function of "intermediation between state and citizens"[2] in a democracy, may be the solution.

A.   MAJOR RESEARCH QUESTION

The Nepal Army (NA) has neither attempted a coup nor created problems for any of the new governments established after each political change.[3] However, after the revolutionary movement of 2006, the NA struggled to adjust to the new circumstances because, as Ole R. Holsti argues, it was "greatly challenged to address many conflicting demands from Nepal's political parties and civil society."[4]

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[1] Sebastian von Einsiedel, David M. Malone, and Suman Pradhan, ed, *Nepal in Transition: From People's War to Fragile Peace* (Cambridge: Cambridge University Press, 2012), 1–2.

[2] Christoph Spunk, "Understanding Civil Society," in *Civil Society and Peacebuilding: A Critical Assessment*, ed. Thania Paffenholf (London: Lynne Rienner Publishers, 2010), 21.

[3] Nihar Nayak, "The Nepal Army at the Crossroads," in *India's Neighborhood: The Armies of South Asia*, ed. Vishal Chandra (New Delhi: Pentagon Press, 2012), 97.

[4] "Nepalese Civil Military Issues Politics Essay," UK Essays (November 2013), http://www.ukessays.com/essays/politics/nepalese-civil-military-issues-politics-essay.php .

Often, the interests of newly emerging political leaders contrasted with the military's norms and values. The political decision to integrate former Maoist combatants into the armed forces stirred controversy because the NA was asked to accept the politically motivated cadres whom they had fought as enemies for years. Indeed, initially the United Communist Party of Nepal (Maoists) (UCPM)[5] demanded the integration of all 32,000 of its registered combatants into the national army, but some other political parties disagreed with the proposal. Ultimately, a total of 1,460 combatants joined the NA, among them 71 officers.[6] It was a tall order for the NA; as Nihar Nayak claims, "the NA initially took a rigid position on the integration issue."[7] Moreover, the sudden transformation of the NA's command under civilian authorities from the royal palace also created confusion. As Prakash Nepali and Phanindra Subba claim, because the NA "has never been seriously indoctrinated in the concept of the supremacy of a civilian authority,"[8] this unsettled state was natural, if not exactly comfortable.

Under these circumstances, in addition to the government's effort to establish strong CMR, Nepal needs positive contributions from other democratic institutions, including civil society. As a volunteer service, the NA lacks proportional representation from the population, and some members of society still perceive the military as better serving the upper class rather than the nation as a whole.[9] This viewpoint and the practices that inform it have created a gap between the military and society in Nepal.

Nepali and Subba claim that "all of the army chiefs so far [before the Shah Dynasty was abolished] have come from families with an aristocratic/military family background."[10] In contrast, the top leadership of major parties "consists almost exclusively of hill Brahmins, especially eastern Nepal, whose caste-based occupation, being priests and astrologers, did not … [give them a] dominant role in the original

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[5] Initially this party was known as Communist Party of Nepal (Maoist) (CPN-M).

[6] Prashant Jha, "One Country Two Armies' Situation Ends in Nepal," *Hindu*, October 3, 2012.

[7] Nayak, "Nepal Army at the Crossroads," 97.

[8] Prakash Nepali and Phanindra Subba, "Civil-Military Relations and the Maoist Insurgency in Nepal," *Small Wars & Insurgencies*, 16, no. 1(2005): 88.

[9] Nayak, "Nepal Army at the Crossroads," 110.

[10] Nepali and Subba, "Civil-Military Relations and the Maoist Insurgency in Nepal," 89.

military-class dominant power structure of Nepal."[11] Moreover, Nepali and Subba quote the former prime minister of Nepal B. P. Koirala: "There is a lack of empathy for the military among key segments of the Nepalese political establishment."[12] Thus, Nepal has peculiar political circumstances, in which the groups of people from the particular castes and ethnicities who dominate the current political leadership are under-represented in the military's senior ranks and vice-versa. This ethnic and caste legacy appears to be one of the reasons for the persistent friction in Nepal's CMR.

Furthermore, the power struggle among political parties and the ensuing political instability has stretched out the transitional phase of the democratic consolidation in Nepal. Currently, the Constitutional Assembly (CA) is crafting a new constitution, and each stakeholder is seeking to define its role in the new democratic era. The constitution will determine the security policy and the NA's future role, which has great implications for civilian control. Because the military, as the government's security tool, must rely on its (civilian) political masters' decisions, civil society could effectively serve as a neutral voice among the conflicting ideologies of the various political parties involved in the constitutional process.

Thus, it is essential to analyze the role of civil society in military affairs during the democratic consolidation. Therefore, this thesis focuses on whether and how civil society has helped to shape democratic civilian control during the political transitions in Nepal.

B.   SIGNIFICANCE OF THE RESEARCH QUESTION

The NA remained mainly under the direct control of the king since its inception, which kept the military away from civilian authorities. As a result, CMR in Nepal has remained nascent. The reemergence of democracy in 2006 further complicated this issue.

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[11] Nepali and Subba, "Civil-Military Relations and the Maoist Insurgency in Nepal," 89.

[12] Ibid.

Indeed, the first democratically elected post-war government collapsed[13] over the issue of military control; "since then, political life has been unstable, and policy making has been largely paralyzed."[14]

Meanwhile, civil society in Nepal played a meaningful role in the peaceful conversion of the Maoist conflict to a pluralist democracy. In particular, such civil society groups including *Nagarik Samaj,*[15] human rights organizations, and media actively participated in this process. As Dev Raj Dahal claims, in addition to generating pressure to begin the peace process, Nepal's civil society "also acted as watchdogs and agents of social protection of vulnerable sections of society."[16] Furthermore, as Karan Barbes and Peter Albrecht point out, civil society can participate fruitfully by "defining security policies and overseeing the structures and practices of security sector actors."[17]

Two instances demonstrate significant contributions from Nepal's civil society. First, the representatives of Nagarik Samaj established a communication link between the democratically elected government and the Maoists insurgents, mediated the peace talks, and pressured both groups to negotiate for a political solution.[18] Second, during the political movement against the "king's coup" of 2005, the media was key in limiting

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[13] The prime minister of the Maoist-led government resigned in May 2009 after the president overruled its decision to sack Chief of the Nepal Army. See Muni, S.D, "State, Army, and the Aam Admi," in Soldiers and States: A symposium on civil-military relations in South Asia, Seminar #611, (July 2010), accessed on March 5, 2015, http://www.india-seminar.com/2010/611 htm.

[14] Von Einsiedel, Malone, and Pradhan, *Nepal in Transition*, 2.

[15]"The rise of civil society—a concept usually translated in Nepali as nagarik samaj, or nijamati samaj, as proposed by the late academic Saubhagya Shah—has been a highly significant phenomenon in Nepal over the last two decades. Since 1990, the country has seen an efflorescence of countless movements and organizations associated with social change at local, regional and national levels." Gérard Toffin "Crucible of Civil Society," Ekantipur.com, March 31, 2014. Shaubhagya Shah asserts, "In Nepali language, nagarik samaj has been adopted as the standard equivalent for the English term 'civil society.' Literally, however, nagarik samaj refers to 'citizens' society.' A more accurate translation for civil society in Nepali is nijamati samaj. This usage has not been adopted probably because nijamati (civil) has been reserved for civil service." See Saubhagya Shah, Civil Society in Uncivil Places: Soft State and Regime Change in Nepal (Washington, DC: East-West Center, 2008).

[16] Dev Raj Dahal, *Civil Society Groups in Nepal: Their Roles in Conflict and Peace Building* (Kathmandu: Support for Peace and Development Initiative, UNDP, 2006), 20.

[17] Karan Barbes and Peter Albrecht, "Civil Society Oversight of the Security Sector and Gender." In *Gender and Security Sector Reform Tool Kit,* ed. Megan Bastick and Kristin Valasek. (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008), 2.

[18] Dahal, *Civil Society Groups in Nepal,* 20.

government reprisals against the movement. As Saubhagya Shah claims, "The intense and adverse glare of media on the security forces at the street level appears to have demoralized and incapacitated them."[19] In this event, the security forces had to remain in a defensive position.[20] Finally, civil society—through mediating, monitoring, and pressuring the government and the Maoists—contributed to a peaceful settlement and defused the armed conflict. It also forced the king to step down and hand over executive authority to the democratic government.

Nepal's political transition has gained attention from the international community because it set an example for peaceful transformation of a Maoist conflict. In this connection, Nepal was largely self-liberating, which placed its democratic consolidation on a solid footing. On the other hand, an unsuccessful CMR transformation might undo Nepal's democratic progress and possibly generate a violent conflict. Thus, the importance of this thesis lies in its understanding of the Nepalese politico-social environment. It will also contribute to opening up a broader view of civil society's contributions to strengthening CMR in Nepal.

C.   LITERATURE REVIEW

Available literature on CMR in Nepal mainly focuses on the relationship between the civilian authorities and the military, but it seldom discusses civil society's role. Moreover, most of the literature on civil society in Nepal focuses on the political development of the country, not on military affairs. A few research papers cover CMR in Nepal, which are more focused on identifying the reasons for friction in CMR and problems of civilian control.

Juan J. Linz and Alfred Stepan consider civil society an essential part of democratic consolidation because it "can destroy a non-democratic regime"[21] and assist the democratization process. They consider civil society as one of the most important

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[19] Shah, *Civil Society in Uncivil Places*, 16.

[20] Ibid.

[21] Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996), 8.

arenas of a democracy, and note that "[it] generates ideas and helps monitor the state's apparatus."[22] However, as Dev Raj Dahal comments, "the roles of civil society groups … have not been adequately discussed in both academic writings and policy analysis in Nepal."[23] This thesis will endeavor to fill this gap in the literature by identifying civil society's role of enhancing civilian control in a nascent democratic environment.

1.   Theoretical Aspects of Civil-Military Relations

CMR consists of more than the relationship between the military and the government. As Peter D. Feaver claims, CMR encompasses an "entire range of relationships between the military and civilian society at every level."[24] The fundamental basis of CMR in a democratic system lies in establishing civilian authority over the military. Richard H. Kohn claims that civilian control is established when "all decisions of the government, including national security, are to be made or approved by officials outside the professional armed forces."[25] According to Kohn, the success of a democratic system rests on the establishment of civilian control because "while a country may have civilian control of the military without democracy, it cannot have democracy without civilian control."[26]

As elected representatives, civilians have a responsibility to decide on behalf of the people; the military should obey because, as Peater D. Feaver writes, "civilians have a right to be wrong."[27] Moreover, civilian control should be augmented by a check and balance mechanism to ensure that the military is protecting the society, and the society is also being protected from the military.[28] However, Kohn and Feaver do not consider the

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[22] Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 14.

[23] Dahal, *Civil Society Groups in Nepal*, 3.

[24] Peter D. Feaver, "Civil-Military Relations," *Annual Review of Political Science* 2, no. 1 (1999): 211.

[25] Richard H. Kohn, "How Democracies Control the Military," *Journal of Democracy* 8, no. 4 (1997): 142.

[26] Ibid.

[27] Peter D. Feaver, "The Civil-Military Problematique: Huntingdon, Janowitz, and the Question of Civilian Control." *Armed Forces & Society* 23, no. 2 (Winter 1996): 154.

[28] Ibid, 151–52.

complex circumstances of a country like Nepal, where political leaders are ideologically divided. The presence of parties ranging from democratic to extreme communist in Nepal's CA creates division among political leader's principles. It has also created a situation where political leaders' views on military affairs are often contradictory. Therefore, in Nepal's crucial moment of establishing control through the constitution, civil society can mediate to balance the contradictions by giving independent perspectives and cautioning the leaders from making incorrect decisions.

In addition to constitutional provisions, monitoring mechanisms also enhance civilian control. Feaver argues that such mechanisms bring military activities into the public arena to ensure that the armed forces remain within a given boundary because, "in the face of a global norm supporting democratic traditions, it always costs the military more to disobey in public than to do so in private."[29] On the other hand, Florina Cristiana Matei points out the necessity of oversight of state and government activities because the state could also abuse power. She writes: "Media inform the citizenry and help to shape public opinion,"[30] which, in turn, can generate "fire alarms" that force the executive and legislative bodies to investigate and reform laws and policies.[31]

Similarly, Caparini and Fluri claim the "free press helps to compensate when other formal oversight bodies fail or decline to address abuses and can draw public attention to those abuses."[32] Nepal's interim constitution has provisions for the National Defense Council (NDC) and special parliamentary committee as formal democratic institutions to monitor military affairs.[33] As an informal institution, Nepal's civil society, including the media, has been successful in arousing public opinion on several issues; their effectiveness is questionable though.

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[29] Feaver, "Civil-Military Relations," 229.

[30] Florina Cristiana Matei, "The Media's Role in Intelligence Democratization," *International Journal of Intelligence and Counter Intelligence* 27, no. 1 (2014), 78.

[31] Ibid, 100.

[32] Marina Caparini and Philipp Fluri, "Civil Society Actors in Defence and Security Affairs," in *Civil Society and the Security Sector: Concepts and Practices in New Democracies*, ed. Marina Caparini, Philipp Fluri, and Ferenc Molnar, (Geneva: DCAF, 2006), 6.

[33] Bishnu Pathak, "Civil-Military Relations: Nepalese Context," in *Contemporary Nepal,* ed. B. C. Upreti and Uddhab Pd. Pyakurel (Delhi: Kalinga Publications, 2012), 68.

The creation of strong democratic institutions establishes civilian authority over the military; and the ministry of defense (MOD) and the legislature are the appropriate entities to achieve this goal. Thomas Bruneau and Richard Goetze argue for creating a strong MOD under a civilian minister to function "as [a] buffer between politics and the armed forces."[34] According to them, by channeling all military affairs, the MOD works as a "core element in contemporary democratic civil-military relations"[35] and establishes control by structuring power relationships and defining the responsibilities of the military along with the governing authorities.[36]

On the other hand, Jeanne Kinney Giraldo argues that the legislature's role in the policy-making process balances the military and society because parliament represents all sectors of the population. It establishes effective civilian control by formulating defense policy, controlling budgets, and monitoring their implementation.[37] These methods, as Giraldo notes, "enhance the accountability, quality, transparency, and legitimacy"[38] of all military activities, and establish effective civilian control. However, Matei argues that CMR should not be described in terms of the control of the military only. She presents a three-part concept of CMR: 1) "democratic civilian control of the security forces," 2) "effectiveness of the security forces in fulfilling their assigned roles," and 3) "efficiency, that is, fulfilling the assigned roles and missions at a minimum cost."[39] According to Matei, control is established through democratic institutional mechanisms, oversight, and effectiveness.[40] These concepts, however, do not explain how to deal with friction that may appear between the military and the government—especially in a state like Nepal,

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[34] Thomas C. Bruneau and Richard B. Goetze, Jr, "Ministries of Defense and Democratic Control," in *Who Guards the Guardians: Democratic Civil-Military Relations*, ed. Thomas C. Bruneau and Scott D. Tollefson (Austin, TX: University of Texas Press, 2006), 79.

[35] Ibid, 71.

[36] Ibid, 78–80.

[37] Jeanne Kinney Giraldo, "Legislatures and National Defense: Global Comparisons," in *Who Guards the Guardians: Democratic Civil-Military Relations*, ed.Thomas C. Bruneau and Scott D. Tollefson (Austin, TX: University of Texas Press, 2006), 35.

[38] Ibid.

[39] Florina Cristiana Matei, "A New Conceptualization of Civil-Military Relations," in *The Routledge Handbook of Civil-Military Relations,* ed. Thomas C. Bruneau and Florina Cristiana Matei (London: Routledge, 2013), 26.

[40] Ibid, 30.

with functioning democratic institutions (MOD, parliament) but with a persistent problem of control.

Morris Janowitz argues for making the military a "mirror of the society" and claims that civilian control is best achieved through the "civilianization of the military."[41] He argues for developing the armed forces as a part of the society, incorporating civilian values, and making it more inclusive. Janowitz claims that once the military considers itself as a part of the society, it does not operate against society's interests, and "meaningful integration with civilian values"[42] guarantees civilian control—at least in the mid-20th–century American model on which he bases his argument. However, he does not explain the role of civil society in the process of social integration of the military. Janowitz further advocates the concept of citizen soldiers, which incorporates proper social representation, and fulfills the required number of soldiers through conscription.[43] He also posits this concept as a "formula for civilian political control and political legitimacy of the military."[44]

In contrast to Janowitz, Samuel P. Huntington propagates *objective* and *subjective* civilian control. The concept of objective civilian control serves to maximize military professionalism, because Huntington claims that a professional force obeys civilian leaders as a result of its military character and discipline. This concept argues for providing autonomy to the military organization and keeping it separated from the political activities of the country.[45] On the other hand, Huntington's subjective civilian control prefers "maximizing civilian power … by minimizing the military's power."[46] It establishes control through such mechanisms as government institutions, social class, and

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[41] Morris Janowitz, *The Professional Soldier* (New York: Free Press, 1971), 427.

[42] Ibid, 420.

[43] Morris Janowitz, "The Citizen Soldier and National Service," *Air University Review* (Nov–Dec 1979): 1, 4.

[44] Ibid, 4.

[45] Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Harvard, 1957), 81–83.

[46] Ibid.

constitutional form.[47] However, Huntington's subjective civilian control focuses on military control with no regard to effectiveness.

Huntington and Janowitz's theories have been criticized by many authors. Kohn argues that the mechanism of objective control "decreases civilian control over military affairs"[48] because it complicates the issue of dividing responsibilities between military and civilian authorities. The ever-changing nature of war creates disagreements over "where to divide [a line between] authority and responsibility"[49] of the military. Moreover, Feaver claims that "neither Huntington nor Janowitz adequately explain the problem of civilian control and so both are uncertain guides for future study and policymaking."[50]

Arguably, Nepal is not just beginning to create a control mechanism as assumed by Huntington and Janowitz; rather it needs to establish the civilian authority over the military that remained in isolated under the king's control for many years. It already has a different mechanism in practice that either needs to be modified to meet a changed political scenario or create a new mechanism to strengthen civilian control.

2.   Understanding Civil-Military Relations in Nepal

Although the armed forces of Nepal have never staged a coup, CMR has remained a challenge since the establishment of democracy in Nepal. Ganga Bahadur Thapa and Jan Sharma claim, "There has been an uninterrupted relation of mistrust and suspicion between the political leadership and the military since the very first democratic opening."[51] Similarly, Dhruba Kumar argues that civilian leadership did not realize Nepal's need for the institutionalization of its control mechanisms and oversight agencies to ensure civilian control, making CMR crucial. Kumar quotes Nepal's first-ever democratically elected Prime Minister Bishweshowar P. Koirala: "[The] most ominous

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[47] Huntington, *The Soldier and the State*, 80–81.

[48] Kohn, "How Democracies Control the Military," 143.

[49] Ibid.

[50] Feaver, "Civil-Military Problematic," 150.

[51] Ganga Bahadur Thapa and Jan Sharma, "Democracy Building and Changing Role of the Nepal Military," *Indian Journal of Political Science* 71, no. 3 (July–September, 2010): 969.

blunder committed by us was the neglect of the army…. We never tried to democratize the army."[52] This statement refers to when King Mahendra's abrupt dismissal of Koirala's government in 1960 and imprisonment of the erstwhile prime minister. The NA stood with the king. The incident created a problem between the civilian authorities and the military that continues to overshadow civilian perceptions of the NA.

Institutionalization of democratic mechanisms establishes strong civilian control. David Lutterbeck writes that "'the more institutionalized the security establishment is, the more willing it will be to disengage from power.'"[53] This process did not happen in the case of Nepal. Bishnu Pathak criticizes the post-1990 government for not seeking proper ownership of the national army even after bringing it under the government's control. He argues, "[the government] could not democratize the Nepal Army, but stopped further recruitment and tried to restrict the [NA], encouraging the Nepal Police by allocating more resources to them."[54] In other words, the government did not transform the traditional culture of the NA in accord with democratic norms; rather the new leadership treated the army badly, which further increased the mistrust and miscommunication between the civilian authorities and military leaders.

Rhoderick Chalmer sees this disagreement as both longer standing and deeper running. He analyzes the aspects of ideologies and institutional culture in the military and the civilian authorities of Nepal and posits that the cultural differences between the two institutions are the main cause of conflict.[55] Chalmer claims that the NA considers itself as a "most dedicated and professional servant of the nation. In contrast, it saw the political parties as weak, divided, self-interested, and incapable of defending national interests."[56] Such perceptions also generated a friction in CMR.

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[52] Dhruba Kumar, "Democratic Control of Security Forces," in *Changing Security Dynamics in Nepal*, ed. Rajan Bhattarai and Rosy Cave (London: Safer World, 2009), 135.

[53] Derek Lutterbeck, "Arab Uprisings, Armed Forces, and Civil–Military Relations," *Armed Forces and Society* 39 (January 2013): 31.

[54] Pathak, "Civil-Military Relations: Nepalese Context," 64.

[55] Roderick Chalmers, "State Power and the Security Sector," in *Nepal in Transition: From People's War to Fragile Peace*, ed. Sebastian von Einsiedel, David M. Malone, and Suman Pradhan (Cambridge: Cambridge University Press, 2012), 61.

[56] Ibid.

The NA came under the direct command and control of civilian leadership after the political transition in 2006, but the issue of civilian control remained critical because of conflicting ideologies among the political parties. According to Sudhir Sharma, the issue of military control became more controversial when the president overruled the government's decision to sack the chief of the NA in 2009. There was no king to bargain with; political leaders themselves were divided in two groups, and they made the issue of control of the armed forces into a political agenda item. Sharma claims that the president's actions raised a question: who controls the NA, the executive prime minister or the ceremonial president? According to Sharma, the democratic government failed to exert effective control, though it does not identify just how such control might have been fostered.[57]

The International Crisis Group Asia criticizes the NA for its role in the unstable relations with governing authorities. Specifically, it charges that the NA "has resisted both external control and internal reform,"[58] and it names the NA as the main driver of poor CMR in Nepal. The argument is not fully convincing because the NA has reformed its organizational norms in accordance with political change, including democratization and pluralism. Indeed, Nayak appreciates the NA's acceptance of a new political system, and he emphasizes that "the NA is not known to have tried to take advantage of the fragile political situation in the country."[59] The CMR glass may thus be half empty or half full, depending on which analyst describes it. The outstanding question remains how Nepal should go about strengthening its civil-military relations so that they best serve the nation and its democratic consolidation.

3. Understanding the Role of Civil Society in General

Christoph Spunk highlights the importance of citizens' involvement in the decision-making process, and argues that people's participation in democratic system

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[57] Sudhir Sharma, ed. *Nepali Sena: Nagarik Niyantranka Chaunati* [*Nepalese Army: Challenges on Civilian Control*] (Kathmandu: Martin Chautari, 2010), 2.

[58] International Crisis Group, "Nepal's Future: In Whose Hands?" *Asia Report,* no. 173 (August 13, 2009), 15.

[59] Nayak, "Nepal Army at the Crossroads," 97.

should be more than voting. Spunk presents Merkel and Lauth's functional model, which determines that civil society "must ensure a balance between central authority and social network… in order to control, limit, and influence the activities of the state."[60] However, Spunk does not explain how to achieve the desired goal; the pressure from civil society can compel the state to revert from its unconstitutional actions. Nepal's civil society has acted in a similar way, as Roderick Chalmers claims, "[W]hen political parties struggled to respond to the royal coup of February 2005 … it was civil society pressure that paved the way for talks that hammered out the roadmap for conflict settlement."[61] It transferred the conflict to a negotiated resolution between the king and the political parties.

Marina Caparini and Philipp Fluri argue for civil society's role "in the oversight of government decision-making and behavior in security affairs,"[62] and they consider "civilian expertise" as a vital element in establishing democratic control. Their civilian expertise includes all kinds of groups such as "academic institutes, professional associations, human rights … journalists, and non-governmental organizations."[63] According to Caparini and Fluri, those groups perform their role by evaluating, analyzing, and challenging the government's policy on military affairs, and also articulating public consultation on major issues such as security strategy or policy review.[64] Because Nepal relies on congressional committees rather than civilian expertise for policy formation processes, this concept opens new dynamics for civil society in the Nepalese context.

Ferenc Molnar claims that non-governmental actors and a dynamic civil society have several positive implications: such actors improve civilian control, prevents "further alienation" of the general public from the military, and improve the social integration of

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[60] Spunk, "Understanding Civil Society," 21.

[61] Roderick Chalmers, "Nepal: From Conflict to Consolidating a Fragile Peace," in *Civil Society and Peacebuilding: A Critical Assessment*, ed. Thania Paffenholf (London: Lynne Rienner Publishers, 2010), 260.

[62] Caparini and Fluri, "Civil Society Actors in Defence and Security Affairs," 5.

[63] Ibid.

[64] Ibid, 5–6.

the military.[65] Philippe C. Schmitter concurs that "the presence of a civil society … contributes positively to the consolidation (and, later, to the persistence) of democracy."[66] On the other hand, some scholars have claimed that the role of civil society cannot be generalized, and its implications and effectiveness depend on other relevant factors.

Krishna Hachhethu argues: "The core notion of civil society varies from one world to another."[67] Unlike advanced democracies, as Hachhethu claims, civil society in new democracies cannot maintain an apolitical nature, which might bound its activities in favor of a particular group's interest.[68] In such a case, civil society could not maintain a balance between the state and the society and work independently. Hachhethu presents two facets of Nepal's civil society. On one hand, he questions the independence and autonomy of civil society; on the other hand, he praises civil society's role in resisting the state.[69] Although Hachhethu's arguments are mostly focused on civil society's role in political development, not on the issues of CMR, it raises a question about the capability and effectiveness of Nepal's civil society.

Yanyong Innanchai claims that "the active role of civil society in civil-military relations help to control the military only in certain circumstances, depending on context and the political agendas of participating civil society."[70] In his dissertation on "The Roles of the Legislature and Civil Society in Civil-Military Relations," Innanchai compares five different countries: South Africa, South Korea, Turkey, Venezuela, and Thailand to analyze the role of civil society in strengthening CMR. He highlights the possibility of two different situations eventuating: "Civil society may be able to prevent

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[65] Ferenc Molnar, "Civil Society and Democratic Civil-Military Relations—The Case of Hungary," (master's thesis, Naval Postgraduate School, 2002): xi.

[66] Philippe C. Schmitter, *Some Propositions about Civil Society and the Consolidation of Democracy* (Vienna: Institut für Höhere Studien, 1993), 4.

[67] Krishna Hachhethu, "Civil Society and Political Participation," in *Nepal: Quest for Participatory Democracy,* ed. L. R. Baral (New Delhi: Adroit, 2006), 1.

[68] Ibid, 3.

[69] Ibid, 10.

[70] Yanyong Innanchai, "The Roles of the Legislature and Civil Society in Civil-Military Relations," (PhD diss, Northern Illinois University, 2012), 303.

the military from conducting a coup or act as deterrence … [or] civil society may instead act as catalyst or as a supporter of a military coup in overthrowing elected governments."[71] However, Innanchai asserts civil society's roles in providing oversight of the "conduct of military/defense issues are mostly beneficial."[72] Hence, this thesis will endeavor to explore the contributions and roles of civil society in a Nepalese context.

4.   Understanding Civil Society in Nepal

The concept of civil society in Nepal is a new phenomenon, but it has already proven to be an effective tool to control the governing authority because, as Chandra Dev Bhatta claims, "society rather than the state is the legitimate source of power."[73] Bhatta argues that the involvement of civil society in state affairs contributes to social inclusion and establishes lasting peace.[74] Similarly, Hachhethu asserts that civil society has raised issues of accountability, transparency, and the proper use of power and resources by the government.[75]

Saubhagya Shah appreciates civil society's role during the peaceful transformation of Maoist insurgents as mainstream politicians and citizens. He claims that without civil society's influence, "restoring the political legitimacy and acceptability of the Maoist party" would not have been possible, because the Maoists were denounced "as a terrorist organization by the parliamentary parties and the United States."[76] Civil society's mediating role during the peace talks with Maoist insurgents had generated strong pressure on the political leadership,[77] which successfully ended the civil war. It ameliorated the lingering ideological divisions within the nation and the institutions of

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[71] Innanchai, "The Roles of the Legislature and Civil Society in Civil-Military Relations," 303.

[72] Ibid.

[73] Chandra D. Bhatta, "Civil Society in Nepal: In Search of Reality," *Nepalese Studies* 34, no. 1 (January 2007), 48.

[74] Ibid, 49.

[75] Hachhethu, "Civil Society and Political Participation," 10.

[76] Shah ,*Civil Society in Uncivil Places*, 47.

[77] Chandra D. Bhatta, *Contemporary Civil Society in Nepal* (South-South Collaborative Program Occasional Paper series no.6) (Buenos Aires: CLACSO, 2008), 2. http://bvsde.org.ni/clacso/publicaciones/op06_Bhata.pdf.

state and government, and it rehabilitated Nepal's political process in the eyes of the international community. This role opened the way for regional and international aid and assistance, all further bolstering Nepal's democratic consolidation.

Still, the political inclination of Nepal's civil society and its focus on issues of political movement are the main concerns for many authors. Krishna Hachhethu claims that "in the early period of democracy, Nepali society was highly politicized in party lines."[78] This partisan division carried into civil society in Hachhethu's estimation. Moreover, in her research paper on the "Development of Civil Society in Nepal," Astha Joshi agrees, noting, "Political institutions have tried to co-opt the civil society through mobilization and resistance for their own interests."[79] Similarly, the International Crisis Group Asia describes Nepal's civil society as a "fractured" institution, which "has lost some of its unity and credibility"[80] for its politicization.

Nepal's CMR has revolved around its internal political dynamics and instability, which has generated friction in relations, and requires positive contributions from all related actors. On the other hand, despite being a new phenomenon, Nepal's civil society has demonstrated its capability to work for the betterment of the society. Although civil society's independence and neutrality in terms of political affiliation is questioned, it is also taking shape during democratic consolidation, and the process of strengthening CMR will also strengthen its capability as well. This thesis will endeavor to contribute to the study of civil-military relations during the democratic consolidation of Nepal as a developing country by combining the role of its civil society in strengthening CMR.

D.   POTENTIAL EXPLANATIONS AND HYPOTHESES

Amid its political instability and long transitional period, Nepal lacked effective civilian control. Currently Nepal is being governed by an interim constitution while the present constitutional assembly—the second since 2006—endeavors to draft a new

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[78] Hachhethu, "Civil Society and Political Participation," 3.

[79] Astha Joshi, "Nepal's Civil Society and its Development," (master's thesis, Asian University for Women, Chittagong, Bangladesh, 2009), 2.

[80] International Crisis Group, "Nepal's Future: In Whose Hands?" 37.

constitution. It will also determine the security policy and the new role of the military. In these circumstances, political leaders of different parties are struggling to establish their own agendas. The military, as a security organ, can give suggestions but cannot voice its requirements or concerns to the government in this process. In the process of policy formation, civil society could play a positive role to ensure that the government adopts a proper mechanism of control or that the existing control and oversight mechanisms perform effectively.

Considering the current situations of Nepal, three hypotheses can be formulated:

1.   Civil society has played a positive role in establishing democratic civilian control during each of Nepal's political transitions since 1950, and it could play an effective role to ensure strong civil-military relations during democratic consolidation in Nepal.

2.   Because political influence is deeply rooted, it is difficult to isolate groups within civil society in Nepal from their political affiliations. Thus, civil society's active role in military affairs could be more harmful than beneficial.

3.   Although the majority of civil society in Nepal is politically motivated, substantial numbers of neutral institutions are also present. Hence, a balanced and selective approach while using civil society in establishing democratic civilian control makes a positive impact.

As Yanyong Innanchai asserts, "Many factors contribute to the success and failure of the democratic control of armed forces."[81] Actually, society is closely involved in the control mechanism because it establishes ruling authorities over the military by electing its representatives. Moreover, Linz and Stepan claim that "among several actors, civil society is the one that monitors the government's actions."[82] Thus, Nepal should look for the effective role of civil society even if its civil society's activities mostly focus on political development and are, in turn, politically influenced.

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[81] Innanchai, "The Roles of the Legislature and Civil Society in Civil-Military Relations," 9.

[82] Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 9.

E.   RESEARCH DESIGN

The scope of this study covers two fundamental aspects of Nepal: the state of CMR and the role of civil society. First, this paper analyzes CMR in Nepal, and identifies the reasons behind the unstable relations between civilian authorities and the military. Second, it explores the different phenomena in civil society including its evolution throughout different period of political change, and their role during each movement. While considering civil-society's role, the study focuses on the involvement of civil society in the issues of security and military affairs only. It also analyzes the relations among the government, the military and society or the population in general.

The research will be conducted as a single case study of Nepal and will mainly focus on political upheavals that occurred after the 1950s. The theoretical aspects of CMR and civil society will be analyzed mainly using secondary sources, though primary sources will be used to access the ongoing and developing events. Besides English-language sources, the present research also analyzes the books, journals and articles published in the Nepali-language to incorporate more in-depth material.

This paper will assess the present condition of civilian control in Nepal, explore the reasons behind the problems in CMR, and identify the contributions of civil society to enhance CMR during the democratic consolidation of Nepal.

F.   THESIS OVERVIEW

The thesis will consist of five chapters. Chapter II focuses on the state of CMR during various political transitions that occurred from 1950s to 2006, in Nepal. This chapter analyzes how frequent political change and continual establishment of a new government affected the mechanisms of civilian control. It also attempts to identify the reasons for erupting conflict in CMR, and efforts taken to enhance the civilian control during and after each political transition. This chapter also examines the gaps in CMR to identify the contributions of civil society.

Chapter III focuses on the civil society of Nepal. It attempts to explore the historical overview of Nepal's civil society, its development, and contributions during political transitions. Chapter IV analyzes civil society's role in Nepal's CMR during

political transitions after the restoration of democracy in Nepal in 1990. Although, several civil society groups are present, this research focuses on the media, Nagarik Samaj, and human rights organizations because they are the leading civil society groups in Nepal. Finally, Chapter V summarizes the findings and includes recommendations.

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II.   CIVIL-MILITARY RELATIONS IN THE POLITICAL TRANSITIONS OF NEPAL

Protracted transition and the instability generated from fluid political circumstances have both shaped and complicated civil-military relations in Nepal. As Pramod K. Kantha argues, "Nepal's attempt to craft and secure democracy has been unusually protracted since the country's first experience of democracy in 1950."[83] Frequent changes destroyed the continuity of old institutional mechanisms of civilian control. In this way, unsuccessful attempts at consolidating democracy increased the political instability, which also weakened civilian control. In the past, the king frequently disturbed the democratic government's efforts. When Nepal became a republic, the conflicting political ideologies of the various parties created problems in CMR. After each change, the new government has either reformed or implemented existing mechanisms of control, though civilian control remains weak in Nepal.

To understand the ups and downs in relations between the military and the governing authorities in Nepal, it is essential to explore how power transformation occurred during each political transition. This chapter focuses on identifying how the changing political ideology of the governing authorities affected civilian control and produced friction in CMR. It further analyzes the steps taken by the democratically elected government of Nepal to balance the king's constitutional authority until he became a constitutional monarch. Finally, it also explores the ongoing nature of the problems in CMR.

A.   HISTORY OF NEPAL'S POLITICAL AND MILITARY TRANSITIONS

Political transitions since 1950 have had a significant impact on a Nepal's political history. Within a period of six decades, the country witnessed frequent political transitions, which paved the way for Nepal's transformation from the Royal Kingdom into a republic. During these years, Nepal's democratic consolidation revolved around the

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[83] Pramod K. Kantha, "Nepal's Protracted Democratization in Terms of Modes of Transition," *Himalaya, the Journal of the Association for Nepal and Himalayan Studies* 28, no.1, (2010): 59. http://digitalcommons.macalester.edu/himalaya/vol28/iss1/5.

king and the political leadership. Although they fought together to establish democracy, later they became rivals. In 1950, the king not only supported the people's movement for democracy, but also risked his dynasty[84] in fighting for it. However, after a series of upheavals in the political system, the peoples' movement in 2006 dethroned the king and abolished the 243-year-old Shah Dynasty.

After introducing democracy in 1951, Nepal adopted different types of government: the direct rule of a monarch from 1960 to 1990 and again between 2005 and 2006; a multi-party democratic system with a constitutional monarch between 1990 and 2002, and a multi-party democratic system as a republic after 2008.[85] Such political practices deeply affected Nepal's CMR because the army encountered frequently changing governing authorities practicing different control mechanisms after each succession such as changing laws, forming a parliamentary committee, creating a National Security Council (NSC).

However, the way political transitions occurred and the way governing authorities nurtured the Nepal Army during their rule became problematic for the military because every transition to a different political system also brought changes in military policy. It has been problematic for the NA because the governing authority and political leadership changed such policies in accordance with their political ideologies. Because there was insufficient time to institutionalize existing mechanisms of democratic civilian control, such activities could not enhance CMR.

1.   Political Development After Democratic Restoration in 1950

The political change of 1950 is considered Nepal's rise to democracy because prior to that, Nepal had been ruled by the Rana oligarchy for more than 100 years.[86] The

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[84] In support of democratic movement, King Tribhuwan along with his family took asylum on Indian embassy and later flew to India endangering his throne, which became a turning point in establishing democracy in Nepal. See Leo E. Rose and John T Scholz, *Nepal: Profile of a Himalayan Kingdom* (Boulder, CO: Westview Press, 1980).

[85] The interim constitution of 2006 has suspended the king's power by giving executive authority to prime minister. Later on 2008, the constitutional assembly declared Nepal as a republic state.

[86] Shiva K. Dhungana, "Security Sector Reform and Peacebuilding in Nepal: A Critical Reflection," *Journal of Peacebuilding & Development* 3, no. 2, (2007), 71.

establishment of democracy has had profound effects on CMR because it ended the Rana regime's control over the military, began a new era of democratization, and provided an opportunity to establish the democratic civilian control along with consolidation. Before 1950, as Kumar claims, the NA was "under the thumb of four commanding generals who were directly responsible to the supreme commander—the Rana Prime Minister."[87] However, revolution has changed this equation. With this change, not only the civilian leadership but also the NA got the opportunity to strengthen and institutionalize CMR by reforming the military's organization and adopting democratic mechanisms.

Due to the prevailing political situation, the transformation of military control from the Rana regime to democratic institutions did not occur completely. The political leadership of that period could not consolidate democracy and establish strong institutions to ensure civilian control, which facilitated the king's emergence as an influential authority in the country within a decade. Because of the fragile political situation and lack of effective control from political leadership, the loyalty of the military shifted back to the king. In 1952, King Tribhuwan assumed the title of Supreme Commander-in-Chief.[88] The conflict between major political parties and competition among the leadership increased political instability, which also provided room for the King to play a political game. Instead of focusing on reforming the democratic institutions including the military, Surendra Rawal states, "the political parties competed with one another … and created their own police forces to protect their leaders and to manage political rallies."[89] Rose and Scholz claim that despite substantial control in the political forum, party leaders "were too divisive, disorganized, and unrepresentative of the country as a whole to establish a stable, legitimate regime."[90] The volatile political situation helped the king emerge as the prominent figure for stability.

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[87] Kumar, "Democratic Control of Security Forces," 139.

[88] Ibid, 140.

[89] Surendra Singh Rawal, "United Nations Peacekeeping Participation and Civil-Military Relations in Troop Contributing Countries" (master's thesis, Naval Postgraduate School, 2010): 18.

[90] Rose and Scholz, *Nepal*, 46.

The lack of stability and unhealthy party politics increased difficulties for the democratic government, which also undermined its capabilities. The political situation became more unstable when, according to Rose and Scholz, "one regional party leader's attempted coup … almost succeeded in overthrowing the first Nepali Congress cabinet by using the … police force."[91] This move not only created a problem for the Congress party but also alerted the king to the plot. After being sworn in, King Mahindra took a keen interest in military affairs in 1955 and organized the military in isolation from civilian bureaucracy. By organizing the military under his direct control, Rose and Scholz argue, "[he] kept active military officers strictly out of politics. Thus, the army remained an important but isolated institution … and strongly supportive of the monarchy."[92] Moreover, the king made sure it became a law that the military came under direct control. One provision of the Military Act of 1959 made the Chief of the Army Staff (COAS) more "responsible and accountable to his majesty."[93] Besides assuming military control, the king also sought an active political role, and the behavior and that of political leaders provided him this opportunity.

2.   The King's Seizure of Executive Power in 1960

The king's use of the military in 1960 to overthrow the democratic authority severely affected CMR. After witnessing six different cabinets in his first six years, King Mahindra assumed executive authority and imposed direct rule in 1960, jailing most party activists including the prime minister.[94] The NA supported the king when he assumed executive power, curbed the democratic government, and introduced the party-less Panchayat[95] as a new political system. King Mahendra's step, known as a royal

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[91]Rose and Scholz, *Nepal*, 42.

[92] Ibid, 57.

[93] Pathak, "Civil-Military Relations: Nepalese Context," 63.

[94] Rose and Scholz, *Nepal*, 47.

[95] Panchayat was a party-less political system under an absolute monarchy. It was also known as a guided democracy because people could elect their representatives, but candidates are not associated with any political parties. The elected members form a parliament and members of the parliament will chose prime minister, which is responsible to his majesty the king. See Bhuwan Lal Joshi and Leo E. Rose, Democratic Innovations in *Nepal: A Case Study of Political Acculturation* (Berkeley: University of California Press, 1966).

coup, not only ended the decade-long democratic practice, but also called into question the NA's obedience to democracy. As a consequence, the NA lost the trust of political leadership. Political leaders regarded the NA, as Nihar Nayak claims, "as the king's Army rather than an Army for the protection of the common people."[96] This perception of the political leaders has widened the gap with the military and ultimately weakened CMR.

This incident, followed by the promulgation of a new constitution in 1962 further deepened the problem. The new constitution gave enormous power to the king, making him the head of state and the supreme commander of the military with the powers "to raise and maintain armed forces; to grant commissions in such forces; to appoint Commanders-in-Chief and to determine their powers, duties and remunerations."[97] In addition, the constitution further centralized the military's control, because it made the king's prior approval a mandatory provision to file any bill in House of Parliament related to military affairs.[98] In this way, the military remained under the direct control of the king, and the civilian authority had no role to play in military affairs. Decades of democracy ended with the unsuccessful attempt at democratic consolidation and democratization of the military. It further alienated the military from the civilian leadership. With the end of this attempt at democratic consolidation, the military fell outside civilian control.

3.   Democratic Restoration of 1990

The restoration of a multi-party democratic system in the aftermath of the people's movement in 1990 changed the nexus between the king and the political parties. The king's authority was restricted as a constitutional monarch. The creation of the NSC as a democratic mechanism for military control was a significant achievement for the new government. Although the democratic government implemented mechanisms to establish civilian control, the political leadership could not rule out the influence of the

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[96] Nayak, "Nepal Army at the Crossroads," 98.

[97] Joshi and Rose, *Democratic Innovations in Nepal,* 291.

[98] Ibid.

king in the national political system and made a power deal. Deepak Thapa and Bandita Sijapati claim, "The issue of control over the army was resolved by providing the king with the authority to mobilize … [it], but on the recommendation of a Security Council … which, theoretically gave the civilian government the upper hand."[99] The king also remained the supreme commander of the military.

However, the 1990 constitution did not solve the anticipated problems of CMR; rather, it created confusion over the military's control and oversight. It neither fully established civilian control nor succeeded in separating the military from the palace. The king succeeded in retaining the prerogative of approving the government's recommendation for military mobilization. Professor Dhruba Kumar explains the problem:

> Although Article 118 of the 1990 Constitution asserted civilian supremacy over the armed forces through the organization of a National Defense Council (NDC), it was unclear how this would function since the same Constitution made the King the Supreme Commander-in-Chief of the Royal Nepal Army with the final authority to 'operate and use' the army on the recommendation of the NDC.[100]

This provision established the ambiguous condition of dual authority of the king and the government over the military, which also paved the way for future conflict. Thapa and Sharma claim that the military and the political leadership did not trust each other during political transitions.[101] Constitutional provisions also helped the king remain close to the military and maintain his traditional authority over it. It also kept the military in isolation from civil society. As a result, the NA did not receive an opportunity to enhance relation with civilian authorities; the military remained unknown to the majority of the country's political leadership, which resulted in weak civilian control.

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[99] Deepak Thapa and Bandita Sijapati, *A Kingdom under Siege: Nepal's Maoist Insurgency, 1996 to 2003* (Kathmandu: The Printhouse, 2003), 35.

[100] Kumar, "Democratic Control of Security Forces," 141.

[101] Thapa and Sharma, "Democracy Building and Changing Role of the Nepal Military," 969.

4.   Maoist Insurgency

The beginning of the Maoist insurgency in 1997 and the government's decision to use military means to counter the armed conflict caused an intense political confrontation over civilian control. This proposal to use military means became a controversial issue. Krishna Hachhethu claims that "the question of military mobilization has brought about conflict and contradictions between the elected government on the one hand and the palace and the army on the other."[102] The king had rejected the prime minister's proposal to mobilize the military, but political leaders interpreted this as the NA's denial of democratic order. As most of the mainstream political parties were already suspicious of the NA's loyalty, the king's obstruction of the plan only augmented their belief.

This controversy not only created friction in CMR but also forced the government to use more coercive measures to balance the military. In 1960, the king had dismissed the congress party's government so the Congress party also perceived it as a planned action of the king and the military. The government created a new armed entity, the Armed Police Force (APF), as a countervailing power to balance the military and to fight with the Maoist insurgents.[103] However, the creation of the APF did not improve the government's relations with the military because APF remained under the Home Ministry, which rather increased service rivalry between the military and APF.

The armed Maoist rebellion destabilized internal security, which further weakened civilian control. This was to be expected because, as Desch claims, "a state facing low external and high internal threats should experience the weakest civilian control of the military."[104] At this juncture, Nepal also experienced unstable CMR because the conflict between the king and the government over military's mobilization resulted in the resignation of the prime minister. This incident worsened the state of CMR because, while resigning from the post, then-Prime Minister Girija Prasad Koirala

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[102] Krishna Hachhethu, "The Nepali State and the Maoist Insurgency, 1996–2001," in *Himalayan People's War*, ed. Michael Hutt (Bloomington, IN: Indiana University Press, 2004), 71.

[103] Ibid, 68.

[104] Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore: The Johns Hopkins University Press, 1999), 14.

couched his resignation as a protest of the military's insubordination. He also blamed the NA for not obeying the civilian leadership's orders, which brought the issue of civilian control to the political limelight.[105]

This situation emerged because of differing perceptions of the Maoist problem. The Congress Party's government viewed the Maoist conflict as an insurgency problem and decided to use the armed forces. In contrast, the king had viewed it as a political problem and wanted to solve it by using political means. Because the constitution of 1990 had given him the authority to make final decisions in military affairs, the king denied the government's recommendation.[106] Although, the king had used his constitutional authority to reject the military's mobilization, it proved counterproductive and weakened the control of the democratic institutions over the military. Though the government mobilized the military in the counterinsurgency at a later stage, it already had created a problem. As an outcome, the friction in CMR further increased the gap between the military and the civilian authority, and once again the democratic control of the military became one of the major issues in the political agenda of Nepal. It also favored the military's support to the king in subsequent years, even when he took steps against the democratic system.

5. The King's Takeover in 2005 and the Democratic Transition of 2006

The government's struggle to consolidate democratic institutions and establish effective civilian control continued because once again the king stepped into politics and assumed the state's executive authority. On February 1, 2005, the king dismissed the then-Prime Minister Sher Bahadur Deuba and took personal control of state power.[107]

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[105] Although the unsuccessful attempt to implement the government's decision of mobilizing the military was a main reason for the prime minister's resignation, the NA did not play a role of kingmaker here. Rather, the king denied military mobilization. It is argued that the king wanted to solve the Maoists' problem through the political process and generate the dialogue, but democratic parties were trying to crush the communist extremists through military means. Thus, it was a clash between the king and the prime minister; the military just became an issue.

[106] Article 118 (2) states: "His majesty shall operate and use the Royal Nepal Army on the recommendation of the National Defense Council." See "Constitution of the Kingdom of Nepal 2047 BS (1990)," 57.

[107] "Rights-Nepal: Kings Takeover May Put Monarchy Itself in Danger," Global Information Network, February 2, 2005, http://search.proquest.com/docview/457580198?accountid=12702.

This incident was significant from the CMR perspective because the military remained on the side of the king and obeyed his orders.

The political transition of 2006 had a great impact on Nepal's political system. It brought three major changes: abolishing the Shah Dynasty, peacefully transforming the decade long Maoist insurgency, and restoring the multi-party democracy. The changed political system also had great implications on CMR because the NA had lost its traditional supreme commander who had remained since its formation: the king, replaced by the president. Until then, as Chalmers claims, "as an institution the army had enjoyed a relatively comfortable existence,"[108] but the new democratic government implemented various mechanisms to institutionalize civilian control. According to Kumar, "the Military Act 2007 … endorsed the constitutional mandate of the Government of Nepal to control, use and mobilize the Nepali Army on the recommendation of the National Security Council."[109]

As an immediate step in bringing democratic scrutiny over the military, the interim constitution also modified the provisions and removed the Chief of the Army Staff as a member of the NSC.[110] As Kumar claims, "unlike the 1990 Constitution, with the monarchy abolished and the COAS's membership removed by the Interim Constitution 2007, the NSC is now monopolized by politicians and is the highest security policy-making body."[111] Such provisions created a favorable situation for installing civilian control over the military, but political situations did not allow effective use of these means, and CMR remains problematic.

The emergence of the UCPM as the largest political party in the first Constitution Assembly further worsened the CMR. It was the time to reform the military, but Maoist leaders had a different plan based on their political ideology. Despite heading the coalition government and also holding the Defense portfolio, according to Rawal, "the Maoists talked openly about [the] launching of an October Revolution, establishing a

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[108] Chalmers, "State Power and the Security Sector," 60.

[109] Kumar, "Democratic Control of Security Forces," 147.

[110] Ibid.

[111] Ibid.

Peoples' Republic in Nepal, and integrating all the Maoist Combatants into the NA."[112] The Maoist quest of influencing the military according to its party policy created friction between the government and the military.

The problem turned into a tussle when the Maoist party's General Secretary Ram Bahadur Thapa became the Minister of Defense. He "refused to endorse the routine extension of the tenure of eight Brigadier Generals as recommended by Army Headquarter. Shortly thereafter, the NA's sports team walked out of a national sports event protesting the late entry given to the Maoist … combatants."[113] It increased the tension between the government and the military, and finally the government decided to sack the COAS. The President overruled the decision, but the prime minister resigned. The collapse of the democratically elected government because of the military further weakened civilian control in Nepal.

The major problem in Nepal's CMR under civilian authority lies in the attitudes of civilians who perceive the military as untrustworthy. Thus, the military never became a priority for the new regime, and political leaders neglected the armed forces. After the political system changed from a kingdom to a Federal Democratic Republic Nepal (FDRN) in 2008, political leaders neither began the process of democratization of the military nor replaced traditional Army-Monarch relationship with democratic means. The army was left under MOD without expanding its capability to meet additional challenges in a new political environment. In this way, the prevailing political situation not only derailed the democratic consolidation, but also shaped the unstable CMR with weak civilian control.

B.   NEPAL'S CMR AMID THE TRANSITIONS

In addition to continual political upheaval, the Maoists waged armed conflict that turned into a decade long civil war added immense friction in CMR. Two things contributed to this friction. First, when the violent conflict was in full swing, the king did

[112] Rawal, "United Nations Peacekeeping Participation and Civil-Military Relations," 37.

[113] Nepal Institute for Policy Studies (NIPS), *Discourses of Civil-Military Relations in Nepal, Policy Paper 7*, (February 2012), 13. http://acsc-shivapuri mil.np/pdf/L59__Civil-Military_relations_in_Nepal19_March_2012.pdf.

not approve the government's decisions to mobilize the military against the Maoist insurgency. Second, after the Maoists joined the political mainstream, the government decided to integrate the Maoist combatants into the military. These decisions ultimately weakened the military's relations with civilian authorities. Moreover, ruled by the interim constitution since the last political change in 2006, the government has yet to determine the NA's future role in the new democratic environment. Political leaders believe that in the absence of the king the military is automatically under the civilian control, and they are more focused on a political agenda rather than strengthening civilian control. Political instability has delayed the democratization of the military, which ultimately has weakened CMR.

1.   The Army in Nepal

It is well worth emphasizing here that the NA has neither intervened in governmental affairs nor involved itself in a military coup even amid the fluid political situations and instability; rather the NA has shown remarkable professionalism, and obeyed the governing authorities. In support of this argument Nihar Nayak claims, "The Nepal Army is not known to have tried to take advantage of the fragile political situation in the country for its own aggrandisement, unlike the armies of some other South Asian countries, such as, Pakistan and Bangladesh."[114] The military has accepted every political transition and adopted the new political environment. Kul Chandra Gautam notes:

> It has been a mark of Nepal Army's professionalism and sensitivity to the winds of political change that, although accused of being "royalist," it did not attempt to intervene in Nepal's dramatic political transition in the past 4 years, that led to the abolition of monarchy and coming to power, through elections, of CPN-Maoist against which it had previously fought a bitter war. It is worth noting that in similar circumstances, elsewhere in the world, it is not uncommon to see a restless military staging mutiny, bloodshed and acrimony, if not outright coups d'état.[115]

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[114] Nayak, "Nepal Army at the Crossroads," 97.

[115] Kul Chandra Gautam, "Enhancing Democratic Control of Nepal Army as Part of Nepal's Security Sector Reform," accessed on January 20, 2015, http://www.kulgautam.org/2010/01/enhancing-democratic-control-of-nepal-army-as-part-of-nepals-security-sector-reform/.

In other words, despite receiving blame for taking sides and supporting the king on many occasions, as Gautam appreciates, the obedience of the NA to its civilian masters should enhance its relationship to civilian authorities.

The NA has shown its commitment to the changed democratic scenario of the contemporary age, as well. As Bishnu Raj Upreti and Peter Vanhoutte argue, "contrary to the assumptions of some analysts that the Nepalese Army would openly stand for the king, it instead cooperated with the government, expressed its commitment to peace and started to respond positively to public expectations that the army should fully support the new democratic developments."[116] In addition, the NA also accepted the most controversial political decision of integrating Maoist combatants in the military. As Gautam argues, the NA's "image calls for a genuine effort to transform both the perception and reality of its credentials as a force that is truly under democratic control and honors civilian supremacy."[117]

Integrating Maoist combatants was a major hurdle for the peace process, and by accepting such a decision the military has showed its willingness to work under the democratic leadership.[118] These arguments indicate that the NA played a positive and supportive role on its part and proved its obedience toward the legitimate governing authorities. However, despite the NA's loyalty and obedience, CMR remains unstable and weak. Rather, civilian authorities remained suspicious and blamed the military for taking sides during political movements, which made the CMR more critical in Nepal. Thus, every political change has significant implications for CMR in Nepal.

2.   **Reasons Behind the Problems in CMR**

The lack of effective civilian control hindered democratic consolidation in Nepal. As Richard H. Kohn claims, "A country may have civilian control of the military without

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[116] Bishnu Raj Upreti and Peter Vanhoutte, "Security Sector Reform in Nepal: Challenges and Opportunities," accessed on January 20, 2015, http://eprpinformation.org/files/peaceprocesses/ssr/ssr-in-nepal-challenges-and-opportunities.pdf.

[117] Gautam, "Enhancing Democratic Control of Nepal Army."

[118] Krishna Pokharel, "World News: In Nepal, the Next Step is to Merge Army, Rebels," *Wall Street Journal*, Eastern edition, October 27, 2008, http://search.proquest.com/docview/399094159?accountid=12702.

democracy, [but] it cannot have democracy without civilian control."[119] The continuation of conflicts among the political leadership, frequent interruption by the king, and a decade-long Maoist insurgency increased political instability, and also protracted democratic consolidation in Nepal. An incomplete transition created favorable grounds for another political movement that led to a series of political changes, and frequent changes did not allow sufficient time to strengthen existing democratic institutional mechanisms of control. Such circumstances finally resulted in weak civilian control over security forces and unstable CMR.

a.   *Political Instability*

Political instability was the main factor in creating friction in CMR and weakening civilian control in Nepal. The political system lacked stability because of the inter-party competition and intra-party conflict among different political parties. The "frequent changes in the government posed major challenges to the process of democratic consolidation,"[120] and the government could not establish cooperative relations among the different political parties. Between 1990 and 2006, the government changed 13 times and after 2006 to 2014, eight prime-ministers served in succession.[121] The country is being ruled by an interim constitution, and because of this the government is unable to implement a long-term plan. The outcome of such a condition is friction in CMR and weak civilian control because, as Michel H. Desch claims, "changes in the civilian institutions of government affect civilian control of the military."[122] Therefore, the political instability is one of the major reasons for a weak and unstable CMR in Nepal.

b.   *Weak Institutions*

Weak institutionalization and a lack of the effective scrutiny over the military during consolidation is another reason behind fragile civilian control. It was essential

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[119] Kohn, "How Democracies Control the Military," 141.

[120] Ramjee P. Parajuli, *The Democratic Transition in Nepal* (Lanham, MD: Rowman & Littlefield, 2000), 286.

[121] "BBC timeline," Last modified August 14, 2014, accessed on December 22, 2014, http://www.bbc.com/news/world-south-asia-12499391.

[122] Desch, *Civilian Control of the Military*, 11.

because, as Derek Lutterbek claims, "the more institutionalized the security establishment is, the more willing it will be [to] disengage from the power and allow political reform."[123] However, the newly established government after each successive transition did not consider strengthening democratic institutions capable of ensuring that the NA remains within a given jurisdiction. Abandoning old institutions was common in existing political culture as the country had not institutionalized the democracy, because as Kumar argues, "making new institutional arrangements that would lead to adequate civil-military relations was never a priority."[124] The government neither enhanced the capability of the ministry of defense nor used parliamentary committees or the NSC effectively.

These circumstances resulted in the military's involvement in political activities, which affected CMR. For example, while the interim government was articulating the constitution after the political transition of 1990, a group of the military generals visited the prime minister and a committee and put pressure to continue with the king as the supreme commander of the NA.[125] In another incident when the country was engaged in a Maoist insurgency and the democratic government decided to mobilize the military against the Maoist insurgency, the NA showed reluctance rather, as Prashant Jha claims, "made it clear that a declaration of state of emergency was a precondition to its mobilization."[126] Thus, Nepal's unsuccessful efforts to institutionalize democratic control mechanisms obstructed the establishment of effective civilian control.

Democratic institutions have established civilian authorities over the military to ensure democratic control, but Nepal's parliament and the ministry of defense could not perform their roles effectively. Theoretically, channeling all military affairs, according to Bruneau and Goetze, "a MOD fills as [a] buffer between politics and the armed forces,"[127] and coordinates all military matters with related actors, which did not happen in Nepal. Because Nepal's MOD was not modernized to cope with additional

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[123] Lutterbeck, "Arab Uprising," 31.

[124] Kumar, "Democratic Control of Security Forces," 140.

[125] Pathak, "Civil-Military Relations: Nepalese Context," 64.

[126] Prashant Jha, *Battles of the New Republic: A Contemporary History of Nepal* (New Delhi: Aleph Book Company, 2014), 45.

[127] Bruneau and Goetze, "Ministries of Defense and Democratic Control," 78.

requirements in a changed scenario, it neither functioned as a focal point for military affairs nor prevented a direct approach by the military to the King. Due to such a condition, the military remained close and loyal to the king rather than civilian authorities, which ultimately weakened the civilian control.

Moreover, the government of Nepal has also formed a parliamentary committee and the NSC to strength civilian control. According to Jeanne Kinney Giraldo, the legislature can play an important role "in controlling the military, formulating defense legislation, policy and the budgets; and monitoring their implementations."[128] The system of transparency makes the military leaders more responsible and accountable for their actions because they have to justify the people's representatives: the legislature. Once the military is made accountable for their actions and responsible to democratic institutions, civilian control will be enhanced. In addition to parliament, as Bruneau, Matei and Sakoda claim, NSC "can be a core element for democratic CMR in that it enhances civilian control and effective implementation of roles and missions."[129] They further describe its seven roles:

> a) Inform and advise the chief executive on events and policies in the areas of national security and defense; b) To coordinate among the players, establish consensus and see the policy through to implementation; c) Facilitate communications with the legislative branch on security policies coming from the executive; d) To see that the intelligence product is made available to what are mainly civilian decision-makers within the executive, in a form that is useful to them; e) To develop the documents such as decision memoranda or national security strategy. f) To ensure some level of co-operation and implementation of a policy; g) To handle foreign relations beyond the generally diplomatic and formal level.[130]

These roles specify that the NSC has a great power to maintain balance between the legislative and executive branch. Furthermore, its effective actions facilitate in formulating and implementing appropriate policies, which ultimately establishes

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[128] Giraldo, "Legislatures and National Defense: Global Comparisons," 35.

[129] Thomas C. Bruneau, Cristiana C. Florina Matei, and Sak Sakoda, "National Security Councils: Their Potential Functions in Democratic Civil - Military Relations," *Defense and Security Analysis* 25, no. 3 (September 2009), 255.

[130] Ibid, 257–58.

democratic civilian control by ensuring military performs its duty within given jurisdiction.

However, this transition did not occur in Nepal. The shortcomings of the 1990 constitution restricted the effective role of the parliamentary committee, and the NSC also remained behind the shadow of the government. Kumar claims that the "constitution denied the parliament's role in military affairs and missed the chance to confer power to the people's representatives to control state security agencies. This lapse hindered the evolution of a democratic tradition in the sphere of civil-military relations."[131] Such conditions not only undermined the effectiveness of the parliament, but also hindered the parliament from checking the misuse of authority by the executive. The democratic institutions were supposed to be strong and effective because, as Desch claims, "weak state institutions are less effective tools of civilian control."[132] Thus, partially due to the lack of political leadership's interest, and partially because they lacked consensus about new provisions, Nepal's democratic institutions remained weak and could not strengthen civilian control. The unsuccessful attempt at writing the new constitution since 2006 also illustrates the critical condition of political system in Nepal. Such a condition shaped incomplete consolidation and weak civilian control.

c.   *Incomplete Transition*

An incomplete transformation of power and authority from the king to a democratic government during political transitions provide an opportunity for the king to reemerge on the political scene. Such conditions allowed the king to intervene in the governing system, which also weakened civilian control.

The prerogative of the monarchy has continued since the restoration of a multi-party democracy in 1990. Despite being restricted as a constitutional monarch, the king's legal status has not changed much. Michael Hunt describes the situation: "A compromise was reached on the matter of control of the army. The king is to remain the title of supreme commander- in chief.... and National Security Council headed by PM will take

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[131] Kumar, "Democratic Control of Security Forces," 142.

[132] Desch, *Civilian Control of the Military*, 9.

charge of all military operations."[133] In an ideal situation, the government should have the authority to make independent decisions in the consolidated democratic environment. On the other hand, if reform is not completed, the military might "retain such prerogatives that the democratically elected government is not even de jure sovereign,"[134] and government might have to share power or accept restriction from non-democratic actors. The same thing happened in Nepal. Although the authority was transferred, a constitutional provision allowed the king to retain his position over the military, and the military continued its traditional loyalty.[135]

The circumstances did not improve even after the abolishment of the Shah Dynasty. Although there was no need to share power with the remnants of an autocratic regime in the absence of the king, the power hungry political leaders and contradictory ideologies of different parties resulted in an incomplete transition to democracy. According to Bala Nanda Sharma, after the political system changed from a kingdom to a republic in 2008, "traditional relations of the Army with the monarch have to [be] replace[d] with the new relationship with the elected and legitimate people's representative,"[136] but it did not occur. Ultimately, a lack of consolidation resulted in a lack of effective democratic control mechanisms.

d. Ignoring the Military After Transition

The attitude of most of the political leadership toward military affairs also has created a problem in establishing effective democratic civilian control. By ignoring the democratization of the military, the leaders either tried to interfere in military norms according to their political ideologies or isolated and ignored the military. As discussed in the previous chapter, the former Prime Minister of Nepal Bishweshowar Prasad Koirala, who was sacked and imprisoned by the king in 1960, has admitted that political

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[133] Michael Hunt, "Drafting the 1990 Constitutions" in *Nepal in Nineties: Versions of the Past, Visions of the Future* (Delhi: Oxford University Press, 2001), 46.

[134] Linz and Stepan. *Problems of Democratic Transition and Consolidation*, 4.

[135] Parajuli, *Democratic Transition in Nepal*, 294.

[136] Bala Nanda Sharma, "Civil Military Relation: Strengthening Democracy in Nepal," 6–7, http://www.fesnepal.org/reports/2009/seminar_reports/papers/Article%20of%20Lt.%20Gen%20 Balananda%20Sharma.pdf.

leadership did blunder by not democratizing, but rather ignoring the military. Surendra Rawal also claims, "During the democratic period, 1990–2005, political parties' activities contributed to isolate the national army rather than making it a strong and credible institution of democracy and national security."[137] Ultimately, such behavior of the political leadership weakened civilian control.

Surprisingly, with the absence of the king from the political scenario, relations have not fostered harmony: rather, friction in CMR has increased. The political leaders started considering the military affairs as a political agenda in national level politics. Their effort was to politicize the armed forces to ensure subordination under the regime, which was opposite to Feaver's professionalization of the armed forces. According to Feaver, "maximizing professionalism is best achieved by getting the military out of politics,"[138] but was not applied in Nepal. The leaders tried to control the military by influencing them through political ideology or coercive measures, not by professionalizing them. Rather, as claimed by Pathak, "[the government] could not democratize the Nepal Army, but stopped further recruitment and tried to restrict the RNA, encouraging the Nepal Police by allocating more resources to them."[139] In this way, the democratization of the military did not occur, which ultimately affected CMR.

C.   CONCLUSION

The circumstances of a protracted democratic consolidation and weak civilian control created friction in Nepal's CMR. Nepal's pursuit of democratic consolidation and civilian control moves around the activities of the king and the political leadership. Until the king's existence in power in different forms, he disrupted the process by stepping into a political system and curbing the democratic practice with the military's assistance. In the past, political leaders used to criticize and blame the nexus between the king and the military for creating problems and weakening civilian control. However, even after the king's departure from the political scene, CMR remains unstable and civilian control is

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[137] Rawal, "United Nations Peacekeeping Participation and Civil-Military Relations," 33.

[138] Feaver, "Civil-Military Relations," 228.

[139] Pathak, "Civil-Military Relations: Nepalese Context," 64.

still fragile. The government formed after each successive transition has implemented various mechanisms of democratic control, but problems still exist. The political leaders claim that they have sincerely played their roles, but the conflicting ideologies of each party have increased instability, and obstructed the effective implementation of mechanisms of democratic civilian control.

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III. CIVIL SOCIETY DURING NEPAL'S POLITICAL TRANSITIONS

The development of civil society and political transitions in Nepal has a close relationship; civil society has contributed significantly during political movements to establish democracy in the country. In return, democratic circumstances have created a favorable environment for the development of civil society. Today, Nepal still struggles to consolidate its democracy, which will eventually enhance democratic CMR. Of several actors capable of influencing the states' governing authorities and political parties, civil society could be the most viable option to boost consolidation: it can oversee the government's activities, represent and inform the general public; assist the government and political leadership in this process.

Because Nepal encompasses a wide range of civil society groups, each working in different fields in different capacities, it would be difficult to mention the contributions from all civil society groups. In Nepal, three civil society groups—the media, Nagarik Samaj,[140] and human rights organizations—are considered influential and prominent.[141] Severally and together, these groups within civil society can exercise the most influence on democratic consolidation in Nepal. But have they?

A. HISTORICAL OVERVIEW OF CIVIL SOCIETY IN NEPAL

In ancient times, civil society in Nepal consisted of religious and societal activities. Dev Raj Dahal describes civil society's evolution in Nepal: "Historians trace its genealogy with the birth of civility, public spiritedness, community building and norm-governed associational life which liberated the Nepalese citizens from the state of nature."[142] The adoption of moral values in society and the implementation of rules and

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[140] Nagarik Samaj is the leading civil society group in Nepal. See Chapter I for explanation.

[141] Because the scope of this paper focuses on civil society's role in strengthening CMR, this paper excludes religious organizations and corporate groups because these groups have not played a significant role in strengthening CMR. In addition, trade unions in Nepal function as sister organizations of mainstream political parties and advocate political ideologies of parental organizations, so this paper excludes such organizations from this analysis as well.

[142] Dahal, *Civil Society Groups in Nepal*, 21.

laws of governance were inherited from religious practices. These practices have a close link with Hindu and Buddhist religions that were the main source of two different types of civil society: one to work in politics and another in cultural matters.[143] During ancient times, people created and maintained committees to celebrate festivals and perform social activities. Such requirements facilitated the creation of various types of civil society groups, which Dahal describes: "Civil society in Nepal is so variegated and disparate in terms of size, nature, function, character and identity that it is difficult to develop a precise definition."[144] The increasing democratic movement within the country also facilitated the development of civil society

The political system of Nepal and its continual transition have significantly affected the development of civil society. Astha Joshi claims, "Each regime change had an effect on how civil society developed in Nepal for that particular time period."[145] According to Joshi, the Rana regime tried to suppress the emergence of civil society by restricting educated people from forming groups. Furthermore, during the Panchayat period, "Government tried to control each and every aspect of the political, social, and economic life for stronger social control."[146] Therefore, different political parties created wings to mediate with the population, which also helped to revive civil society in that period.[147]   Thus, during the Panchayat period, as Dahal argues, "Civil society organizations emerged mostly as primordial identities … as an alternative and sometimes in opposition to patrimonial state[s]."[148] In other words, the political affiliation of Nepal's civil society originated in its historical development and continued until the restoration of democracy, which paved the way for its independent development.

The downfall of the Panchayat system and the restoration of democracy in 1990 sped up the development of civil society. The new democratic government reduced the

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[143] Joshi, "Nepal's Civil Society and its Development," 16–17.

[144] Dahal, *Civil Society Groups in Nepal*, 21.

[145] Joshi, "Nepal's Civil Society and its Development," 39.

[146] Ibid.

[147] Ibid.

[148] Dahal, *Civil Society Groups in Nepal*, 33.

control of the activities of civil society groups, which encouraged the establishment, self-organization, development and mobilization of such groups within the country.[149] Chandra D. Bhatta argues that the "modern concept of civil society in Nepal is fairly new despite the age-old existence of civic practices … which is more political than social in content."[150] Gerard Toffin also notes, "Since 1990, the country has seen an efflorescence of countless movements and organizations associated with social change at local, regional and national levels."[151]

The democratic environment favored the development of civil society groups, including the media. For example, except some weekly newspapers, state owned media had a monopoly during the previous political system. However, the establishment of Kantipur publications in 1993 paved the way for the development of private media, which expanded tremendously.[152] The numbers of non-governmental organizations (NGOs) also increased substantially, and by 2011, a total of 34,000 NGOs have been registered with the Social Welfare Council (SWC), and approximately 720 organizations used to apply every month.[153] In this way, with the growth of the democratic movement, different civil society groups increased and spread throughout the country.

B.   CIVIL SOCIETY AND DEMOCRATIC CONSOLIDATION

Civil society encompasses several aspects of society and incorporating an all-inclusive definition is challenging. Cristoph Spurk claims that there is no commonly agreed definition of civil society because this concept is "diverse and can carry many meanings."[154] Furthermore, arguments of scholars vary on which groups should be included within the category of civil society. Spunk claims that civil society "'can be all

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[149] Dahal, *Civil Society Groups in Nepal,* 33.

[150] Bhatta, "Civil Society in Nepal: In Search of Reality," 45.

[151] Toffin, "Crucible of Civil Society."

152 In Nepal, the first private daily newspaper in the Nepali language started in 1993, the first private FM station named Radio Kantipur aired on October 1998, and first private television station was started in 2003.

[153] "50,000 NGOs in Nepal and Growing," Kathmandu Insider, accessed on February 15, 2015. http://ktminsider.com/blog/2011/11/20/50000-ngos-in-nepal-and-growing/.

[154] Cristoph Spunk, "Understanding Civil Society," in *Civil Society and Peacebuilding: A Critical Assessment*, ed. Thania Paffenholz (London: Lynne Rienner Publishers, 2010): 3.

things to the people.'"[155] Larry J Diamond explains it as "an intermediary entity, standing between the private sphere and the state."[156] Hachhethu defines civil society in broader terms as "a secular forum that crosses religious, ethnic and political boundaries and its backbone comprises independent, conscious and educated people."[157] Moreover, Duncan Hiscock includes media in a civil society, which, he notes, "… in most societies plays a key role in sharing information and helping to form public attitudes."[158]

Juan J. Linz and Alfred Stepan, on the other hand, posit civil society as an "arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests."[159] This chapter takes Linz and Stepan's two major criteria, relative autonomy and self-organization as guidelines while focusing study on civil society and its contributions in Nepal.[160]

As an essential part of democratic consolidation, civil society could perform several roles to support the government's efforts of establishing democratic civil-military relations (CMR). However, Philippe C Schimitter claims that, "Civil society contributes to—but does not cause—the consolidation of democracy. It cannot unilaterally bring about democracy, or sustain democratic institutions and practices."[161] Therefore, civil society can assist in the new government's effort to establish democratic civilian control of the armed forces because, according to Matei, "Contributions of external factors such

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[155] Spunk, "Understanding Civil Society," 3.

[156] Larry Jay Diamond, "Towards Democratic Consolidation" *Journal of Democracy* 5, no 3 (July 1994): 5, DOI: 10.1353/jod.1994.0041.

[157] Hachhethu, "Civil Society and Political Participation," 2.

[158] Duncan Hiscock, "The Role of Civil Society in Security Sector Governance in the South Caucasus," in *Security Sector Governance in Southern Caucasus: Challenges and Visions: Regional Stability in Southern Caucasus Security Sector Reform* (Wissenschaftliche Publikationen, 2004): 60.

[159] Linz and Stepan, "Toward Consolidated Democracies," 7.

[160] In addition, Karan Barbes and Peter Albrecht include religious groups and trade unions within the scope of civil society. According to them, "civil society is a domain parallel to, but separate from the state and the market, in which citizens freely group together according to their own interests. It encompasses a self- initiated and voluntary sector of formally associated individuals who pursue non-profit purposes in non-governmental organizations (NGOs), commonly based organizations religious bodies, professional associations, trade unions, student groups, cultural societies, etc." See Barbes and Albrecht, "Civil Society Oversight of the Security Sector and Gender."

[161] Schmitter, *Some Propositions about Civil Society and the Consolidation of Democracy*, 4.

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as media, civil society … may be instrumental in achieving balance between control and effectiveness… [of the armed forces]."[162] Moreover, Ian Leigh argues for eight methods by which civil society can contribute to the legislative process in shaping democratic CMR as follows:

> 1) Carry out fact-finding studies; 2) Petition or brief members of parliament; 3) Organize lobbying campaigns; 4) Give oral or written evidence to parliamentary hearings or to committees; 5) Supply an expert adviser to a parliamentary committee; 6) Draft legislation or legislative amendments for members of parliament; 7) Criticize legislation and legislative amendments; 8) Draft alternative white papers on security policies.[163]

These possible roles propagated by Ian Leigh covers broad areas and illustrates that civil society could contribute in regulating governing authorities. In addition, as Matei claims, because "democratic control implies transparency, openness, and accountability,"[164] involvement of civil society as a watch dog further enhances democratic CMR.

C.   ROLE PLAYED BY CIVIL SOCIETY GROUPS DURING POLITICAL TRANSITIONS

However, to analyze civil society's role in establishing democratic CMR during political transitions in Nepal, this chapter will use the roles of civil society presented in a framework by Matei: "informing the public; liaising government with the citizens; helping boost government legitimacy; exercising informal external oversight of the government; and providing a "learning" environment for elected officials and the public."[165] The roles presented by Matei in the context of "democratic reform of the intelligence" are significant and applicable in a Nepalese context because Nepal is trying to consolidate its democracy and also to reform its military.

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162 Matei, "The Media's Role in Intelligence Democratization," 74.

163 Ian Leigh, "Executive, Legislative and Judicial Oversight and Guidance over the Security Sector," in *Public Oversight of the Security Sector: A Handbook for Civil Society Organization*, eds. Eden Cole, Kerstin Eppert, and Katrin Kinzelbach, UNDP, 2008, 38.

164 Matei, "The Media's Role in Intelligence Democratization," 74.

165 Ibid, 78.

Different civil society groups have played a significant role by supporting democratic movements, enhancing good governance, and in consolidating democracy from different capacities. These contributions will be analyzed by exploring the roles played by three selected groups of Nepal and relating these roles to framework for analysis. The media has emerged as an effective institution capable of scrutinizing and informing the people of the government's activities. Nagarik Samaj has established itself as an influential organization by showing concerns for misconduct of the government authorities or private institutions and raising concern and assisting for good governance. This group also includes a wider range of volunteers from retired intellectuals, bureaucrats and experts of different services capable of influencing a broader population and the government. Similarly, human rights organizations monitor human rights violations and generate pressure at national and international levels.

1.   The Media

By performing the role of watchdog and bringing states affairs under public scrutiny during different phases of political transition the media in Nepal—in addition to informing and educating the population—has also contributed significantly to democratic consolidation. Some of its significant roles are as follows: conducting public debates and talk shows; exercising informal oversight; and softening the issues and creating environment for acceptance of the reformed military.

a.   *Conducting Public Debates and Talk Shows*

By conducting public debates and creating a forum for open discussion on current issues among the ministers, political leadership, expertise and the general population, the media had performed several roles together. It informed and educated the population and decision makers, liaised with the government, helped the government boost its legitimacy, and to some extent, maintained oversight on the government's activities. Talk shows, on the other hand, explored "burning issues and tough questions on current political and social challenges fired at top notch decision makers and their counter."[166]

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[166] "Fireside," Kantipur Television, accessed on February 14, 2015, http://kantipurtv.com/programs/fireside.

All television channels of Nepal conduct more than one talk show every week.[167] Television channels also introduce new programs focusing on relevant issues. For example, the Kantipur Television conducts weekly talk shows named Naya Sambhidhan (or New Constitution) to discuss the development of the writing of the constitution, in which political leaders, the chairman and the members of the CA, and experts present their views.[168] By putting related actors on camera, this program informs the public about progress in creating the constitution, analyzes the problem areas, presents advice to the leaders, and suggests possible outcomes.

One of the most influential and popular weekly debate programs in Nepalese media is "Sajha Sawal" (English meaning: "Common Questions"), launched by the BBC World Service Trust since 2007, which is broadcast simultaneously on one Television show, the BBC Nepali Radio Service, and 55 other FM stations in Nepal.[169] This program has a tremendous impact because it raises the concerns of the population and provides answers from authorities. For example, in the debate program on December 11, 2011, then Prime Minister Baburam Bhattarai discussed his tenure. This opportunity allowed the prime minister to clarify the public's concerns directly, and explained how his four priorities—peace, the constitution, good governance and economic prosperity—are being addressed. During this show, Anchor mentioned criticisms of his government and listed the issues the government has failed to address. In return, the prime minister explained the circumstances, acknowledged weaknesses, and discussed future plans in which some of the audience expressed their dissatisfactions as well.[170] Such interactions let the prime minister know the public's opinion about the government's activities.

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167 There are total ten television channels in Nepal, and each channel conducts different kinds of debate programs and talk shows. See "TV Channels of Nepal," accessed on March 6, 2015, http://www.ranker.com/list/tv-channels-of-nepal/tv-channels.

168 "Naya Sambidhan [New Constitution]," accessed on February 14, 2015, http://kantipurtv.com/programs/naya-sambidhan.

169 UNICEF, "Sajha Sawal (Common Questions)," March 21, 2011, http://www.comminit.com/communicating_children/content/sajha-sawal-common-questions.

170 "Performance of PM Bhatterai's Government in First 100 Days," February 22, 2012, https://www.youtube.com/watch?v=mK--uGpJ7xE.

Moreover, debate programs could also function as oversight mechanisms and assist in enhancing the rule of law. For example, in one episode, a local barber complained to the home minister that the police are not pursuing the recovery of his abducted sons despite knowing the suspects. The minister assured him that necessary action would be taken. Within a week his son was at home, and although police could not catch the suspects, the father of the abducted person visited the newsmaker and thanked him for his assistance.[171]

The debate on the integration of the Maoist combatants in the NA was another example of the media's contribution in bringing the government, opposition leaders, an international agency and the population together to discuss controversial issues. Otherwise, the government and the opposition parties were reluctant to continue dialogues because of their differing views. In the forum of 65 episodes of the Sajha Sawal, senior Maoist leader, the opposition in the CA the Nepali Congress Party (NC), and Ian Martin, chairman of the United Nations Missions in Nepal (UNMIN)[172] were present.

During discussions, the NC and UCPM leaders' opinions were contradictory. The NC leader argued that no clause of the peace agreement mandates integration of the Maoist combatant in the NA. For his part, the UCPM leader stated that there will be no compromise. The participants also expressed their views and raised questions. A local female, Ms. Anjali Jha raised a concern about the consequences of integration and questioned the UCPM leader. She asked the following: what would be the consequences if considering Maoist integration as an example, several other armed groups in the country fighting for their ethnic rights demanded to integrate their fighters in the military

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[171] Narayan Shrestha, "Sajha Sawal: A Story of Success," BBC Media Action (blog), August 24, 2012, http://www.bbc.co.uk/blogs/bbcmediaaction/entries/ae430c67-047b-36e2-9e59-0b612a24f3e1.

172 "The United Nations Mission in Nepal (UNMIN) is a special political mission in support of the peace process in Nepal. It was established in response to the letter to the Secretary-General sent on 9 August 2006, in which the then Seven-Party Alliance Government and the Communist Party of Nepal (Maoist) requested United Nations' assistance in creating a free and fair atmosphere for the election of the Constituent Assembly and the entire peace process." See "About UNMIN," UNMIN- Archive Site, http://www.un.org np/unmin-archive/?d=about&p=mandate.

as a precondition of joining a peaceful negotiation?[173] Her concern was genuine because a Nepalese armed violence survey has indicated that "between 20 and 100 armed groups are believed to be operating in the country."[174] These discussions helped to prepare nationwide interest and political leadership to understand public opinion and each other's perspectives, which facilitate the adoption of appropriate mechanisms to solve the problem.

b. *Exercising External Oversight*

The external oversight of formal democratic institutions increases transparency and makes such institutions more accountable. Formal oversight includes the mechanisms created under the executive, judicial and the legislative branches; on the other hand, the media can exercise oversight as an external independent mechanism.[175] Because such formal oversight organizations established during the transitional period as parliamentary committees, MOD, and NSC were also enhancing their capabilities, the media played an effective oversight role during the course of political change in Nepal.

(1)   During the Maoist Conflict

The media covered the incidents of misconduct by both fighting parties that not only informed the population but also brought a wider range of attention to the issue. Such coverage has also generated pressure on conflicting groups. For example, the media coverage on the incident of extrajudicial killing of 19 Maoists and civilians by the military in the eastern part of Nepal, Doramba brought the issue to nationwide attention. All forms of the media highlighted this incident and broadcast the conflicting claims. The NA stated that the incident occurred during crossfire between the security forces and the Maoist combatants, after Maoists combatants opened fire upon security forces.[176]

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[173] "Sajha Sawal Episode 65: Role of UNMIN in Army Integration," July 27, 2012, https://www.youtube.com/watch?v=LlKAtceQx7I.

[174] "Nepal Armed Violence Assessment," Small Arms Survey, accessed on February 26, 2015, http://www.smallarmssurvey.org/focus-projects/nepal-armed-violence-assessment html.

[175] Matei, "The Media's Role in Intelligence Democratization," 76.

[176] "Bhidanta Ma 17 Maobadi ko Mritu [17 Maoists Died in Crossfire]," Kantipur Dainik [Kantipur Daily], Bhadra 2, 2060 (BS) [August 18, 2003].

However, Maoists claimed that "those killed were allegedly shot dead in the custody of the security forces."[177] Amnesty International reported that "government troops … marched 19 other suspected Maoists away, later standing them in a row and shooting them dead."[178] *The Kathmandu Post* in its editorial notes how the government reached its conclusion of forming a committee:

> The Doramba killings rightly drew public ire last month. Just about everyone was stunned by its timing—that it should happen while the government and Maoist negotiators were holding onto a fragile cease-fire in the peace talks in Hapure. Human rights groups, notably Amnesty International, and civil society leaders quickly demanded a probe into the August 17 incident. But it was only after the public pressures peaked did the National Human Rights Commission dispatch a team to Ramechhap to investigate the allegations that the army personnel had shot at the Maoists while they were holding a secret meeting.[179]

In addition, Damakant Jayshi argues that although the NA conducted a court martial and punished the local commander, "let us not forget how this was made possible in the first place. It was the press which wrote about the deaths, thus enabling the RNA to act."[180] The statement of Damakant Jayshi and the editorial of the Kathmandu post also illustrate that the media brought the incident into the limelight and informed the population about the misconduct of the armed forces. The incident occurred during the cease fire, the military and the Maoists made contradictory claims, and the media coverage increased the concern over the incident and pressured the government to find the truth. Within a month, the government formed a committee to investigate the issue.

Furthermore, the media had continuously shown concern and condemned the atrocities of the Maoists insurgencies in several incidents of kidnapping, looting, vandalizing, and killing of unarmed people. Publicizing the Maoists' violence against

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[177] Jan Sharma, "10 Years Ago: Maoists Call Truce Recess, Govt Ready," *Himalayan Times*, August 27, 2013, News ID=388845.

[178] Liam Cochrane, "Massacre of Maoists Threatens Nepal's Peace Process," *World Politics Review*, March 29, 2007, http://www.worldpoliticsreview.com/articles/667/massacre-of-maoists-threatens-nepals-peace-process.

[179] "Doramba Abuses," *Kathmandu Post*, September 24, 2003, http://www.ekantipur.com/tkp/news/news-detail.php?news_id=321.

[180] Damakant Jayshi, "Under the Sun," *Kathmandu Post*, March 14, 2005, http://www.ekantipur.com/the-kathmandu-post/2005/03/14/related_articles/under-the-sun/34286 html.

civilians, the media succeeded in generating pressure on the Maoist insurgents. For instance, the publication of the picture of a school headmaster named Muktinath Adhikari, who was taken hostage by the Maoist fighters—while he was teaching in a class—tied to a tree and killed,[181] outraged the public. Moreover, on several occasions the exposer of atrocities by the media has led to investigations from human rights organizations as well. In one incident that occurred on 6 June, 2005, the Maoist insurgents ambushed a civilian transport carrying more than 130 passengers in which 38 peoples died and several were injured.[182] BBC also condemned the incident claiming it to be "the single bloodiest incident involving civilians."[183] The media coverage of the incident brought world-wide criticism against the Maoist violence, which also led to investigations from NHRC.

The media also raised the issue of a child soldier among the Maoists. The news stated the following: "of the 91 people known to have joined the Maoists and taken up arms in Lahan VDC in Jajarkot district, 13 were under 15 years old,[184] captured public attention. Moreover, Amnesty International also mentioned the practice of child labor: "An article …on a website sympathetic to the Maoists acknowledged the scale of recruitment of children especially girls. 'A large number of children in the rural areas are now contributing substantially in the guerilla war by way of collection and exchange of information, etc.'"[185] Although this issue was solved after the Maoists joined the peace process and UNMIN verified 2394 Maoists combatants as child soldiers,[186] the media

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[181]Malika Aryal "Open Wounds," Nepali Times Weekly, (05 February – 11 February), http://nepalitimes.com/news.php?id=16781#.VOD5maPTn5o.

[182] National Human Rights Commission, *Preliminary Monitoring/Investigation Report on the Incident of Ambush and Explosion Carried out by CPN (Maoist) in Kalyanpur VDC, Chitwan District*, June 6, 2005, http://www.raonline.ch/pages/pdf/NHRC_chitwan.pdf.

[183]"Dozens die' in Nepal bus blast," BBC News, last updated June, 7, 2005. http://news.bbc.co.uk/2/hi/south_asia/4612633.stm.

[184] Amnesty International, "Nepal A Spiraling Human Rights Crisis," in *Understanding the Maoist Movement of Nepal*, ed. Deepak Thapa (Kathmandu: Martin Chautari, 2003): 296.

[185] Ibid.

[186] "Nepal: UN Hails Release of All Child Soldiers by Maoists," UN News Center, accessed on February 26, 2015, http://www.un.org/apps/news/story.asp?NewsID=33696#.VOEWx6PTn5o.

coverage succeeded in generating pressure against the Maoist insurgents throughout the period of the insurgency.

(2)   During the Peaceful Demonstrations of 2006

The media also effectively supervised and brought the government's activities, particularly use of force against peaceful demonstrations to public and the international media during the people's movements of 2006. Shah complimented the media's critical stance against the autocratic regime: "No other sector perhaps played a greater role from within civil society than the media in putting the government on the defensive.… Most of the major private sector newspapers, radio stations, and television channels … combined effort was able to sway public opinion in favor of regime change."[187] All three forms of media: print, audio and visual, continuously covered the use of force and highlighted the increasing frequency of violence after the King assumed the power.[188]

The Nepalese media's effort not only exposed the government's misconduct but also brought international attention because world-wide media also covered the movements significantly. For example, the British Broadcasting Corporation (BBC) published news claiming, "The U.S. strongly criticized King Gyanendra and called on him to restore democracy."[189] It also quoted the U.S. State Department: "It is time for the king recognizes that this is the best way to deal with the Maoist insurgency and to return peace and prosperity in Nepal,"[190] On the other hand, CNN also described one incident as, "Police fired 70 rounds … A 9-year-old child was also wounded." It also quotes State Department spokesman Sean McCormack: "The United States is also demanding King Gyanendra loosen his grip on power and "begin a dialogue" with the country's political parties."[191] The message received from international communities due to the wider

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[187] Shah, Civil Society in Uncivil Places, viii.

[188] According to INSEC report, "in all 599 were killed after 1 February till 3 May 2005." See "Nepal: One Hundred Days of Royal Takeover and Intensified Human Rights Crisis: 1 February–11 May 2005," INSEC, http://www.nepalisamajuk.com/misc/News/NEPAL100-dayreport/NEPAL100-dayreport htm.

[189] "Dozens Injured in Nepal Clashes," BBC News, April 11, 2006 http://news.bbc.co.uk/2/hi/south_asia/4898402.stm.

[190] Ibid.

[191] Satinder Bindra, "Nepal Defies Shoot-On-Sight Curfew," CNN.com, http://edition.cnn.com/2006/WORLD/asiapcf/04/11/nepal.protests/index.html.

coverage of the media increased pressure on the government and prevented it from using excessive force against unarmed protesters.

c. After the Political Transition of 2006

The media also exposed the hidden interest of the UCPM to join a peace process and capture state power, which brought a nationwide debate on the real objectives of this party. On 4 May 2009, the Image Channel Television released a video in which, the then prime minister and the UCPM chairman Pushpa Kamal Dahal was addressing the Maoist combatant commanders and fighters.[192] By the next day, every television channel repeatedly broadcast it. In a video, Dahal admits that the real strengths of the combatants were not more than 8000, but they succeed in deceiving the UNMIN and other political parties and registered 30,000 combatants. He further admits, despite joining the peace process, the party was planning for an ultimate revolt. He also explains the strategy of the party to control the military and capture the state.

Although, the UCPM arranged the press conference and tried to clarify the issue, it has already created a huge controversy and polarized the political situation of the country. It also generated nationwide debate on the jurisdiction of the executive on military control. Until the video exposed the Maoist plan, people and other political leaders had not analyzed the government's decision of sacking the COAS through this angle: as a plan of the UCPN to control the army. Rather, they had considered this issue as a personality clash between the prime minister and COAS. In the absence of the video, the UCPM could have formed the government again because they were the largest party in the CA and the continuation of the same coalition would have made that possible. However, the media had changed the political situation of the country.

d. Softening the Issues and Creating an Environment for Accepting a Reformed Military

On one hand, broadcast media contributed to moderating the issue of the integration of the Maoist combatants through debates in a different forum. On the other

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[192] "The Real Face of Prachanda," assessed on February 18, 2015, https://www.youtube.com/watch?v=f-neqwS3aws.

hand, print media also endeavoured to soften the integration issue. It had remained one of the most controversial issues after the political transition of 2006 because initially, other political parties and the NA had not accepted the Maoists' demand of integrating all verified combatants. The media played a positive role in creating an acceptable environment. For example, the national daily newspaper, *Kathmandu Post* published news with a headline "PLA integration: [the] Nepal Army gets more flexible," and inside it quotes the senior leader of the combatants saying, "We have noted that the Nepal Army has demonstrated maximum flexibility…. If other parties reciprocate with open hearts to settle the rank issue, we can immediately start the process of integration."[193] Moreover, it also quotes the prime ministers political advisor and senior political leader, Devendra Paudel: "The Army has told the government that it will have no reservations on any political decision taken by the parties to settle the ranks. The proposal is positive and we believe that it will help us take the integration process to a conclusion."[194] A positive remark from the UCPN leaders and combatants about the NA in a national newspaper illustrates the media's encouraging approach. The media's efforts not only brought conflicting views in front of society and the international community, but also created the environment where leaders of different parties could discuss.

By informing the people about military affairs, the media has also tried to create the environment of acceptance of the military in a new political context. The *Kathmandu Post* published the news about the military stating that "Nepal Army recruitment getting more inclusive," and gave two clear messages to the public and political leadership: the military is strictly abiding with political decisions, and it is also welcoming the marginalized people of the society. It also quotes Retired Brig. Gen. Ranadhoj Limbu: "The evolution for inclusiveness in the Nepal Army has just begun…. It should reflect the aspirations of the changed political context."[195] Highlighting the enrollment of the 16

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[193] Phanindra Dahal and Kamal Dev Bhattarai, "PLA Integration: Nepal Army Gets More Flexible," *Kathmandu Post*, February 16, 2012.

[194] Ibid.

[195] "Nepal Army Recruitment Getting More Inclusive," *Kathmandu Post*, September 1, 2010. http://www.ekantipur.com/the-kathmandu-post/2010/09/01/nation/nepal-army-recruitment-getting-more-inclusive/212259/.

among 40 officers from indigenous groups of people, lower castes, and residents of geographically backward regions, the news appreciates the effort of the NA to make it the army of the people.[196] This incident would have gone unnoticed because recruitment in the military is a regular process, but such information helps to change people's perceptions and improve acceptance of the NA in a new environment. Otherwise, despite the abolition of monarchy, the NA is still blamed for being the army of the king, controlled by the elite class.

D.   NAGARIK SAMAJ

During different stages of political movements, Nagarik Samaj has filled the space between the government and citizens by mainly focusing its activities on promoting democracy and supporting good governance. This group of volunteers from wider areas of society act as an informal organization as Nagarik Samaj provides neither membership nor functions as an established formal office. As an editorial of the Nepali newspaper, the *Kantipur Dainik (*or *Daily),* mentions, Nagarik Samaj of Nepal is not a group but a revolution guided by the wisdom of the people.[197] Thus, with a positive spirit of representing society, Nagarik Samaj has contributed significantly during the key political transition of Nepal.

1.   Peaceful Transformation of Maoist Conflict and Establishment of Democracy

Nagarik Samaj's role has two different dimensions during the peaceful transformation of the Maoist conflict and political movement of 2006. Initially, it helped the government to bring the Maoists to the negotiating table by bridging the gap between the government and Maoist leadership. When the King Gyanendra again resumed power in 2005, however, the group's role "shifted from leading [the] peace negotiation between the government and the Maoist to joining in political opposition against the

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[196] Ibid.

[197] "Nagarik Khabardari ko Artha [Meaning of the Warning from the Citizens]," Kantipur Dainik [Kantipur Daily], Kartik 17, 2067 (BS) [November 3, 2010].

government."[198] This swift change was a result of the king's suppression of democracy and his efforts to implement autocracy.

Prime Minister Sher Bahadur Deuba formed a committee, the *Barta Sarokar Samiti* (or committee concerned with the peace talks)[199] in August 2001 under the chairmanship of Nagarik Samaj activist, Sundar Mani Dikshit, and gave him the responsibility to facilitate the negotiation between the government and the Maoists.[200] According to Prashant Jha, Deverandra Raj Pandey, a prominent activist of Nagarik Samaj, met the UCPM chairman Pushpa Kamal Dahal as well.[201]

The government, on the other hand, had also declared a ceasefire to foster the environment. The joint effort brought a positive result and negotiations began. Nagarik Samaj had no role in discussions because it was not the part of a dialogue team, but it swayed the public opinion toward peace. Although, the negotiation failed to reach a positive conclusion, Nagarik Samaj's effort had received a positive response from the political leadership and the population.

Despite the failure of the peace talks, Nagarik Samaj continued its efforts. When the new government formed, it also proposed to create the National Peace Commission (NPC) on a broad front to negotiate with the Maoists, which the government rejected because Nagarik Samaj was seeking an active and influential role in that forum.[202] Although, the government denied its formal involvement, Nagarik Samaj had continued its informal effort to ensure "keeping the democratic conversation going on."[203] According to Bishnu Raj Upreti, as a confidence building measure it "slowly engaged contacting warring parties, creating [a] platform for the debate and discussions, and

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[198] Shah, *Civil Society in Uncivil Places*, 26.

[199] This committee was later renamed as Barta Sarokar Nagarik Samiti (or Civil Society for Peace and Development).

[200] Anjoo Sharan Upadhyaya and Hemraj Subedee, "Nepal: Civil Society a Moral Force in Selflessness and Impartiality," Telegraphnepal.com, March 21, 2013. http://www.telegraphnepal.com/national/2013-03-21/nepal:-civil-society-a-moral-force-in-selflessness-and-impartiality.

[201] Jha, *Battles of the New Republic*, 99.

[202] Dahal, *Civil Society Groups in Nepal*, 5.

[203] Matei, "The Media's Role in Intelligence Democratization," 80.

working as a channel between the warring parties."[204] In 2004, when the UCPM affiliated student union had waged a campaign for the closing of all private boarding schools, and its trade union had called strikes on industrial sectors, Nagarik Samaj contacted the leaders of both unions and successfully negotiated for the opening of schools and industries.[205] These efforts communicated a positive message and helped to maintain links with the UCPM leaders.

2. Liaising with the Maoists and Mainstream Political Parties

Nagarik Samaj successfully contributed in accomplishing two major roles during the political movement of 2006. First, its activists played an effective role in bringing the leaders of the UCPM and the leaders of mainstream political parties together and in creating favorable grounds to formulate an alliance against the king, called the Seven Party Alliance (SPA).[206] On one hand, according to Jeeven Baniaya, several activists of Nagarik Samaj engaged in consultations with all relevant actors:

> Devendra Raj Panday, Krishna Khanal and Shyam Shrestha … met secretly with Maoist leaders Pushpa Kamal Dahal aka Prachanda and Baburam Bhattarai in Haryana India in September 2005 and tried to convince the Maoists to formally join multiparty democracy and peace process…. After the meeting, the Maoists leaders tried to give their assurances that they were ready to join the multiparty democracy if the political parties did decide to support a constituent assembly. In addition, they also discussed the possibilities and need to establish a republican state, secularism and state restructuring. For their part, the…activists assured the Maoists that they would lobby and pressurize the political parties support the republic. Following their return from the meeting, these activists lobbied the agitating party leadership to adopt the agenda of

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[204] Bishnu Raj Upreti, *Political Change and Challenges of Nepal Volume 2: Reflection on Armed Conflict, Peace Process and State Building* (Saarbrucken, Germany: LAP LAMBERT Academic Publishing, 2010), 99.

[205] Upreti, *Political Change and Challenges of Nepal*, 99.

[206] The seven party alliances consist of major political parties of Nepal of that period. It includes Nepali Congress, Nepali Congress (Democratic), Communist Party of Nepal Unified Marxist-Leninist (CPN-UML), Nepal Sadbhavana Party (Anandi Devi), Nepal Peasants and Workers Party , United People's Front, and United Left Front.

constituent assembly and build an alliance with the Maoists to fight against the King.[207]

On the other hand, other activists such as, "Krishna Pahadi, Daman Nath Dhungana, Padma Ratna Tuladar … played a key role pushing the political parties … closer."[208] These efforts kept the political leadership engaged to continue their dialogue. Later SPA signed a written agreement among them. Although activists of Nagarik Samaj were not present while SPA signed an agreement, its continuous efforts facilitated building joint alliances of political leadership including the Maoists against the king. Since the government of Nepal has declared the Maoists to be terrorists, which was supported by several western countries including the United States,[209] the formation of this alliance has marked a watershed in Nepal's political history.

3.   Informing and Arousing the Populations about the Democratic Movement

Nagarik Samaj also formed a group, the Citizens Movement for Peace and Democracy (CMPD) and launched a nationwide campaign to motivate the population to participate in the democratic movement. According to Shah, the formation of CMPD was a "conceptual shift from civil society as a forum for debate and civic pressure to civil society as a political movement against the state."[210] Pandey claims that, the "CMDP was responsible for igniting the movement at a time when the general public was not in a mood to listen to the call of the SPA or participate in their programs. After CMDP had achieved some success in the programs it launched in Kathmandu, "civil societies" cropped up all over the country."[211] Nagarik Samaj also "appealed to both the Maoists and the government to announce a cease-fire…. Indeed the Maoists declared a unilateral

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[207] Jeevan Baniya, "Civil Society, Social Movements and Democratization: A Case Study of Nepal," PhD diss, University of Oslo, 2014, 320.

[208] Jha, *Battles of the New Republic*, 99.

[209] The State Department dropped the UCPN from the U.S. list of terrorist organizations on 2012 only. See "State Department Drops Maoists from Terrorist Watch List," *Washington Times*, September 6, 2012, http://www.washingtontimes.com/news/2012/sep/6/us-removes-nepal-communists-from-terrorist-list/

[210] Shah, *Civil Society in Uncivil Places*, 26.

[211] Pandey, "Social Movement, Civil Society and Regime Change in Nepal," 11.

three-month long cease-fire."[212] Because this announcement demonstrated the Maoists' willingness to change their course, it also enhanced confidence among the SPA.

CMDP awakened the masses including unemployed people and lower level laborers to participate in the movement. It also arranged, according to Rajat KC, "lodging and feeding of the Maoist cadre, who were brought to Kathmandu to take part in the people's movement."[213] The participation of the Maoist cadres in peaceful demonstrations at the capital city would not have been possible without Nagarik Samaj's assistance because the government had not announced a cease fire. In this way, Nagarik Samaj successfully contributed to establishing democracy and peacefully transforming the Maoist insurgents.[214]

4.   Participating in Conferences and Seminars

After the political change of 2006, several conferences and seminars have been conducted with the support of international communities and donor agencies. Although Nagarik Samaj does not have an influential role in these events, it has participated and advised decision makers on policy matters. Different agencies are involved in organizing such programs after the political change of 2006. For example, according to the data of Friedrich Ebert Stiftung (FES) Nepal, this institution and its partner organizations have organized 299 seminars and workshops from 2006 to 2014 (see Table: 1).[215]

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[212] Baniya, "Civil Society, Social Movements and Democratization: A Case Study of Nepal," 319.

[213] Rajat KC, "Civil Society and the Maoist Insurgency in Nepal," Scoop Independent News, September 6, 2006, http://www.scoop.co nz/stories/HL0609/S00066/civil-society-and-the-maoist-insurgency-in-nepal htm.

[214] Bhatta, "Civil Society in Nepal: In Search of Reality," 50.

[215] "Seminar/Workshop Reports," FES-Nepal, assessed on February 14, 2015. http://www.fesnepal.org/reports/seminar_reports.htm.

Table 1.   Number of Seminars/Workshops Conducted by FES and its Partner
Organizations

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014
Numbers	18	37	28	39	38	32	31	37	39

Source: "Seminar/Workshop Reports," FES Nepal[216]

These seminars focused mainly on the subjects related to the consolidation process such as: CMR in Nepal; the role of the media in constitution making; strengthening state capacity for conflict resolutions; building the modern state through the constitutional process etc. The Nepal Institute for Policy Studies (NIPS) is another non-profit organization that conducts seminars on different issues. Nagarik Samaj has been represented in most of these seminars. During the seminar on "Building Modern State through Constitutional Process," the representative of Nagarik Samaj, Ram Narayan claimed that "[a] lack of ideological convergence among the parties on the constitution and a tendency of each party to impose its own ideology created a situation of deadlock in Nepal,"[217] and urged the political leaders to act as national leaders not as party activists.

The U.S. Embassy in Nepal had also organized a workshop on "Democratic Transition and Security Sector Reform on July 20, 2007" at Kathmandu. Along with national participants, experts from the South Asia Center for Policy Studies (SACEPS), the Asia Pacific Center for Security Studies (APCSS), and the Center for Civil-Military Relations (CCMR) were also present at the workshop. The workshop was designed "to build a consensus on Nepal's core values, national interests, and national objectives," and presented its findings and recommendations to the government of Nepal.[218] Organization of such a seminar has significantly supported the democratic consolidation in Nepal.

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[216] This table is created by the author from data on the web page of FES. See "Seminar/Workshop Reports."

[217] "Building Modern State through Constitutional Process," Seminar Report, FES Nepal, http://www.fesnepal.org/reports/2010/seminar_reports/report_fes_gaur-rautahat.htm .

[218] Embassy of the United States, Kathmandu, Nepal. "Democratic Transition and Security Sector Reform," press release, July 20, 2007. http://nepal.usembassy.gov/pr_07-20-20010-.html.

5. Participating in Rallies and Protest

Furthermore, throughout the period since the election of the CA in 2008, Nagarik Samaj has generated pressure upon political leadership by conducting a series of activities such as protests, rallies, public speeches, and press releases. These activities have also made the voice of the general citizens audible to the political leadership at the decision making level. For example, it conducted 48-hour sit-in protests in front of the CA building,[219] organized rallies and conducted public speeches demanding consensus among the political leadership. It urged the CA members to implement the constitution by reaching a consensus among the parties, not through voting by majority members. Nagarik Samaj also "urged the leadership to focus on dialogues and discussion,"[220] and cautioned the political leadership that the dissatisfied masses might not accept the constitution if implemented by approving it through a majority members' vote. Through these activities, Nagarik Samaj has liaised and conveyed the people's opinion and cautioned the leaders against making wrong decisions.

E. HUMAN RIGHTS ORGANIZATIONS

Human rights organizations have monitored the conditions of human rights during different periods of political upheaval, and raised concerns about violations. To accomplish this role, the National Human Rights Commission (NHRC) of Nepal has worked independently and with other national and international organizations. Dahal claims that, "human rights organizations [have] also acted as watchdogs."[221] The mobilization of the military against the Maoist insurgents' had increased vulnerability of the people because incidents of violations of human rights had also increased. In these circumstances, human rights organizations, according to Dahal, have been "involved in fact-finding about disappearance[s] and extrajudicial killing[s] and organizing activities against the wanton violation of human rights by political parties, the state machinery and

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[219] "Civil Society Concludes 48-Hour Sit-In," ekantipur.com, February 27, 2010, http://www.ekantipur.com/2010/02/27/top-story/civil-society-concludes-48-hour-sit-in/309213.html.

[220] "Civil Society Urges Big Three to Extend CA Tenure," eKantipur.com, May 17, 2010, http://www.ekantipur.com/2010/05/17/top-story/civil-society-urges-big-three-to-extend-ca-tenure/314484 html.

[221] Dahal, *Civil Society Groups in Nepal*, 20.

Maoists."[222] By monitoring the condition of human rights, it has performed the duty of watchdog, and by investigating and bringing the culprits into the judicial system, it has helped to enhance the government's legitimacy. Moreover, the published reports have made the general public aware of their rights as well.

In several instances, human rights organizations have conducted detailed investigations on violations by both conflicting parties and helped in implementing the rule of law. For example, a five member committee formed by the NHRC under the chairmanship of Ex- Justice of the Supreme Court Krishna Jung Rayamajhi investigated "the alleged encounter between the security forces and the CPN (Maoist) at Doramba"[223] that took the lives of 19 personnel. Before the investigation, the NA had claimed that they were killed in retaliation when the Maoist combatants had fired on its patrol; the Maoists had claimed that the NA killed them after capturing them. This team visited the spot, and conducted an investigation. It determined that "they had been fired at from a close range, with their hands tied at the back, and they had died due to that very reason,"[224] and demanded further judicial actions. Initially, "Army officials have challenged the NHRC over the findings by its independent experts."[225] However, "After the NHRC made public its findings, the Army promised to re-examine the case,"[226] and conducted a court-martial and punished the local commander for two violations: extra-judicial killing, and misreporting the incident.[227] In another incident, the death of a 15-year-old detainee in a military camp, the Office of the High Commissioner for Human Rights (OHCHR) demanded an independent investigation, involvement of the independent agency and the hand-over of the suspect to the police. Although, the NA did not hand-over the suspect to

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222 Dahal, *Civil Society Groups in Nepal*, 28.

223 Report of the National Human Rights Commission, 2060 BS (2003), http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Reprot_Doramba_R.pdf.

224 Ibid, 12.

225 "NHRC Seeks Justice for Doramba Victims," *Kathmandu Post*, August 17, 2013, http://www.ekantipur.com/the-kathmandu-post/2013/08/17/nation/nhrc-seeks-justice-for-doramba-victims/252507.html.

226 "Unlawful Killings and Summary Executions by Nepali Security Forces," accessed on February 16, 2015, http://www.hrw.org/reports/2004/nepal1004/4.htm.

227Jayshi, "Under the Sun."

the Nepal Police (NP), it conducted a court martial and convicted three men with the charge of "'employing improper interrogation techniques."[228] These examples illustrate human rights organizations effective involvement in exercising informal oversight of the government.

On the other hand, human rights organizations have closely monitored the activities of the Maoist insurgents and reacted appropriately. For example, the NHRC also investigated an incident when the Maoist insurgents ambushed a public transport filled with civilians. Investigation found that some of the military personnel in civil dress with arms were also travelling in that bus. The NHRC team determined that "the use of civilian mode of transportation by the security personnel… in civil dress and with arms" put the lives of civilians in danger and violated the provisions of human rights.[229] It urged the government to ensure that the security personnel "should immediately refrain from endangering the lives of ordinary passengers by traveling on public vehicles with or without uniform with arms."[230] It also demanded that the Maoist leadership "should assist the Commission in its investigation of the incident by providing it with details of the decision makers, planners and those who carried out the attack as per Geneva Conventions which entail individual responsibility."[231] Publication of the report made a positive impact since the government ordered the NA not to use public transport for a military purpose.

In addition to monitoring, with the help of the media and other International Non-Governmental Organizations (INGOs), human rights organizations also succeeded in generating pressure for the release of security personnel by negotiating with their captors.[232] Likewise, on 30 April 2004, after informal negotiations by civil society, the Maoist leadership released "38 members of the Nepal Police and one civil servant

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[228] United Nations Human Rights, Nepal Conflict Report: Executive Summary, 2012 (Geneva: Office of High Commissioner for Human Rights, 2012). http://www.ohchr.org/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Conflict_report2012.pdf.

[229] National Human Rights Commission, Preliminary Monitoring/Investigation Report.

[230] Ibid.

[231] Ibid.

[232] Dahal, *Civil Society Groups in Nepal*, 19, 31.

recently captured … by the Communist Party of Nepal-Maoist (CPN-M) and handed [them] over to the [representatives of] International Committee of the Red Cross (ICRC)."[233]

During the periods of insurgency from February 1996 to 21 November 2006, human rights organizations analyzed "a database of approximately 30,000 documents and cases sourced from the National Human Rights Commission (NHRC), national and international NGOs and from OHCHR."[234] They determined violations of international law in over 2,000 incidents, ill-treatment in over 2,500 cases, and transmitted 672 cases of disappearances to the Government of Nepal for further investigation.[235] During the people's movement in 2006, human rights organizations continuously monitored violations of human rights: "In all 599 were killed after 1 February till 3 May 2005, almost double the daily monthly average before the takeover."[236] In this way, human rights observations have significantly contributed to the political transition through close observations of human rights situations.

F. CONCLUSION

Different civil society groups have played a significant role during Nepal's transition to democracy along with its own development after the restoration of democracy in 1990. Through public debates and talk shows, the media has informed the public and liaised with the government. These programs have also facilitated the policy formulation process because the political leadership learns from experts' ideas, knows public opinion, and identifies solutions to conflicting views through arguments. During the conflict, the media has exercised oversight by bringing fighting parties' misconduct to public notice, which has led to investigations. It also helped to pacify controversial issues such as integrating rebels into the national army, and also circulated a positive message to the public about the military being inclusive. By playing watchdog, the media also

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[233] ICRC Resource Center, "Nepal: 39 Detainees Released," news release, April 30, 2004, https://www.icrc.org/eng/resources/documents/misc/5yjkr5.htm.

[234] United Nations Human Rights, Nepal Conflict Report, 3.

[235] Ibid, 7–9.

[236] "Nepal: One Hundred Days of Royal Takeover."

generated international pressure and prevented the king from using excessive force against peaceful protesters. Moreover, by revealing the UCPM's strategy of capturing states, it prevented the military from being politicized. It also highlighted conditions in which democratically elected executives could misuse or exploit the military to achieve undemocratic goals. Such a possibility also indicated the need for effective control or oversight mechanisms.

The Nagarik Samaj receives significant credit for its contributions to the peaceful transformation of the Maoists from violent conflict to mainstream politics. It succeeded in bringing the Maoist insurgents to the negotiation table when the government was determined to seek a peaceful solution. After the king's takeover, once again it succeeded in aligning the mainstream political parties and the Maoists against the king's autocratic regime. Finally, it also played a significant role in inspiring public participation in democratic movements launched by the SPA. After the transformation of the country to a republic, it is contributing by sharing expertise and pressuring the political leadership through rallies, protests and demonstrations. Thus, from these activities, it has informed people, liaised with the government, and also advised the political leadership on policy issues.

Throughout the political transition, human rights organizations have exercised oversight mechanisms by raising concerns of all kinds of human rights violations. By investigating the misconduct by the government forces and bringing the lawbreakers under judicial procedures, the NHRC has also helped to boost the government's legitimacy. On the other hand, by investigating and reporting the atrocities of the Maoist insurgents, it has also brought wider attention and generated pressure on the Maoist leadership.

The positive contributions of different civil society groups can be observed from the progress achieved during the latest political transition. For example, according to the Freedom House ratings of media and civil society, in 2006 Nepal rated as "not free," its lowest ranking. Its freedom rating was "5.5," its score[237] on political rights was "6" and

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[237] Freedom house ratings are measured with the score ranging from 1 to 7, and 1 is the best, and 7 is the worst.

on civil liberty was "5." By 2014, however, with scores of "4" each on the freedom rating, political rights, and civil liberty, Nepal now ranks as "partially free" in the latest Freedom House rankings. Although the accuracy of the situation in the ground might vary depending on how they collected the data, progress is visible.[238] Generally until 2006, Nepal's struggle in consolidating democracy has been affected by political instability created by the king's meddling in democratic practices, and the decade-long Maoist insurgency. In contrast, after 2006, the conflicting ideologies of different political parties have significantly obstructed the process, because the political leadership did not establish a common ground for consensus. Although the role of decision makers used to be crucial, their efforts seems to be lacking in a Nepalese context; however, efforts of the different civil society groups have significantly helped in the democratic consolidation of Nepal.

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[238] "Freedom House: Nepal," accessed on March 5, 2015, https://freedomhouse.org/report/freedom-world/2014/nepal#.VO0z0aPTk3E.

IV.   ANALYZING CIVIL SOCIETY'S CONTRIBUTION TO DEMOCRATIC CMR DURING POLITICAL TRANSITION

During the protracted transitional period in Nepal, the slow progress in consolidation significantly affected the government's efforts in augmenting the capabilities of its democratic institutions responsible for implementing civilian control. Because efforts in articulating the constitution have stalled amid a lack of consensus among the leaders, other aspects of consolidation such as the democratic reform of security sectors have yet to begin. As such, formal democratic institutions of control such as the Ministry of Defense and the National Security Council remained weak. Moreover, the presence of weak institutions could not exert effective control and oversight of the armed forces, which created unstable democratic CMR in Nepal. Thus, civil society's role is crucial at this moment of stalemate in consolidation because it can influence the formal governmental agencies responsible to ensure control and to enhance democratic civilian control.

In addition, by increasing the accountability and transparency of the executive branch and the military, civil society also exerts pressure on the government to execute its authority on military affairs effectively through formal mechanisms of control. However, in the Nepalese context, civil society's contributions during transitions have been more focused on political than on military affairs—perhaps because the Nepal Army has accepted all forms of political revolution including transformation from the kingdom to the republic. The NA has also chosen to stand for democracy and not with the king's autocratic regime. Therefore, civil society along with the political leadership might not consider the NA an imminent threat to democracy, so they have not considered democratizing it as a first priority. Either way, roles played by civil society during the political transition and democratic consolidation have influenced democratic CMR in Nepal.

To trace this influence and its effects, this chapter will revisit the three civil society groups of Chapter III: the media, Nagarik Samaj, and human rights organizations. It will analyze their contributions by relating these roles to democratic CMR and the

theoretical aspects of control mechanisms. The chapter uses one element, "democratic civilian control of the security forces,"[239] of the trinity framework presented by Bruneau and Matei as guidance.

A. CIVIL SOCIETY GROUPS' INFLUENCE ON CMR DURING POLITICAL TRANSITION

According to Matei, democratic civilian control "is conceptualized in terms of authority over the following: institutional control mechanisms, oversight, and the inculcation of professional norms." Thus, these three requirements of control will be the major basis for analyzing (see Table 2) the levels of influence of the three selected civil society groups in CMR during the political transition in Nepal.

A summary of the findings on Nepal's civil society influence on democratic CMR during political transitions occurred after 1990 is captured in Table 2, introduced below. This conclusion is derived by analyzing the role and contribution of each civil society group during this period in relation to control requirements. Particular groups' contributions are graded in three levels (low, medium, and high) by relating their influence on three control requirements of democratic CMR: institutional control, oversight, and professional norms.

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[239] Other two elements of trinity framework are effectiveness and efficiency. See Matei, "The Media's Role in Intelligence Democratization, '76.

Table 2.   Civil Society's Influence in CMR during Political Transition in
Nepal[240]

Requirement	Control		
	Institutional Control Mechanism	Oversight	Professional Norms
The Media	Relevance Medium Influence	Relevance High Influence	Relevance Medium Influence
Nagarik Samaj	Relevance Medium Influence	Relevance Low Influence	Relevance Low Influence
Human Rights Organizations	Relevance Medium Influence	Relevance High Influence	Relevance Low Influence

Institutional control mechanisms "involve providing direction and guidance for the security forces, exercised through institutions that range from organic laws and other regulations,"[241] and adoption of these provisions establishes civilian authorities over the military. Oversight involves the civilian authorities monitoring the security forces activities "to ensure they are in fact following the direction and guidance they have received from the civilian chain of command."[242] Moreover, "professional norms are institutionalized through legally approved and transparent policies for recruitment, education, training, and promotion."[243] The criterion for analysis is determined by observing whether the selected three civil society groups influenced these elements of democratic civilian control, and if so at what level. Moreover, influence was determined by judging how different roles of civil society groups helped to strengthen and enhance the capabilities of the government's democratic civilian control mechanisms.

B.   THE MEDIA

The media scores high with regard to oversight and medium with regard to control and professional norms for its influence on democratic civilian control. This

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[240] This table from Matei has been revised to reflect three civil society groups in a Nepalese context. See Matei, "The Media's Role in Intelligence Democratization," 75.

[241] Matei, "The Media's Role in Intelligence Democratization," 76.

[242] Ibid.

[243] Ibid.

means that the media's role during the transitional period effectively influenced the oversight aspect and had a significant influence on control and professional norms of democratic CMR in Nepal. Because the media—either directly engaging with political leaders, decision makers, and government authorities or exposing wrongdoing and raising alarms about the lack of reforms—have assisted as well as influenced democratic civilian control. Additionally, these activities of the media have paved the way for the enhancement of the formal control and oversight mechanisms of the states, because they pointed out the gaps in the existing system and indicated the need for reform. However, the media cannot effectively implement oversight as formal institutions do because it is neither a decision making body nor does it have jurisdiction in such matters.

First, with regards to oversight, by exposing the UCPM's strategy of capturing state power through undemocratic means, which the then prime minister and the UCPM chairman Pushpa Kamal Dahal has admitted in a video, the media has effectively influenced civilian control. In this case, the Maoists not only revealed the misconduct of the executive, but also prevented the military from being politicized. Second, with regard to control, the exposer of misconduct also highlighted several gaps in the existing control mechanisms. It indicated that even a democratically elected executive could misuse the military, which generated further debates about the requirement for a check and balance system on the activities of the executive branch. Third, the debate also raised a question about the legitimate authority to control the military: the executive prime minister or the ceremonial president, and identified the problem in existing legal provisions including the interim constitutions.

Moreover, the contradictory interpretations of constitutional provisions and the legal authority of the prime minister and the president helped to determine the lapses in formal control mechanisms of Nepal. The controversy began after the president overruled the government's decision of dismissing COAS of the NA in 2009. One institution

blamed the other. The prime minister[244] claimed that "the move by President Yadav as unconstitutional;"[245] whereas the president's office[246] claimed that the government violated the norms of the interim constitutions. Mandira Sharma argues that "The problem, as usual, is of the studious ambiguity of existing laws. Both the Interim Constitution and the Army Act (passed in 2006) are vague in pinpointing the 'termination process' of an army chief."[247] The opposing arguments from the office of the executive and ceremonial head of the state illustrated that the ambiguity in provisions escalated the political situation and indicated the need for reform.

The unclear provisions also led to contradictory interpretations. For example, although Article 144 (2) of the Interim Constitution of Nepal, 2063 BS (2007) states: "The president shall, on the recommendation of the Council of Ministers 108, appoint the Commander-in-Chief of the Nepal Army;"[248] it does not specify the termination process clearly. Rather, the revised Army Act 2006 outlines the following: "The Chief of Army Staff who is holding office at the time of commencement of this Act shall continue his/her office… subject to the provision pursuant to Sub-section (2)."[249] This Sub Section (2) specifies that "The term of office of the Chief of Army Staff shall be Three Years…"[250] There was a "parallel writ petitions…before the Supreme Court challenging both the prime minister's decision and the president's move on constitutional

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244 "The Maoists, who unilaterally decided to kick out General Katawal, held that the stature of the president as a ceremonial figure does not allow him to intervene on matters decided by the executive." Mandira Sharma, "Prime Minister versus President," Himal South Asian: A Review magazine of Political Culture, June 2009, http://old.himalmag.com/component/content/article/527-prime-minister-versus-president.html.

245 Ibid.

246 "The president's office puts forward the logic that the prime minister had transgressed the spirit of the interim constitution, which explicitly mentions that "the conduct of business of the government of Nepal shall be carried out consistently with the aspirations of the united people's movement, political consensus and culture of mutual cooperation." See Sharma, "Prime Minister versus President."

247 Ibid.

248 "Interim Constitution of Nepal, 2063 (2007)," Nepal Law Commission, 107. http://www.lawcommission.gov.np/index.php?option=com_remository&Itemid=52&func=startdown&id=163&lang=en.

249 "Army Act, 2063 BS (2006)," 9–11, http://nepalconflictreport.ohchr.org/files/docs/2006-09-28_legal_govt-of-nepal_eng.pdf.

250 "Army Act, 2063 BS (2006)," 11.

grounds."[251] However, considering the verdict could create serious implications for the existing political environment, the Supreme Court "quashed a writ against the president's move."[252]

However, before the Supreme Court dismissed the case, the media had already turned the issues into a nationwide debate. In this way, by exposing the misconduct and generating debates, the media helped to identify several gaps in formal institutional mechanisms of control and oversight in Nepal's democratic civilian control. Thus, as Matei asserts, "In new democracies, the media relevantly influence[s] the control dimension of democratic reform."[253] The media in Nepal has created feelings among the decision makers about the requirement for strong institutional control mechanisms of the armed forces, which the decision makers could accommodate in a new constitution and in new security policies.

In addition, by creating a learning environment for political leaders and the decisions makers, and by providing forums for interaction with experts and the general public through debate program and talk shows, the media has also contributed to the augmentation of formal control and oversight mechanisms. It strengthens control mechanisms because recommendations from these interactions could help in policy formulation in security affairs. Furthermore, exposure of misconduct by the military such as incidents of extra-judicial killing and human rights violations also have had positive contributions to increase the professional skills of the armed forces. These incidents demonstrated the need to educate military personnel, which would enhance professional skills. Since incorporating norms of human rights in training enhances the professionalism of the military, the media's role, in a small way though, has also influenced the development of professional norms in the NA.

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251 Sharma, "Prime Minister versus President."

252 "SC Junks Writ on Prez's Katawal Move," *Kathmandu Post*, September 30, 2010. http://www.ekantipur.com/the-kathmandu-post/2010/09/30/top-story/sc-junks-writ-on-prezs-katawal-move/213340/.

253 Matei, "The Media's Role in Intelligence Democratization," 100.

C. NAGARIK SAMAJ

Nagaric Samaj scores medium with regards to control and low with regard to oversight and professional norms for its influence on these three elements of democratic civilian control. During the transition, Nagarik Samaj's roles were mainly focused on political activities so it did not influence and shape professional norms and oversight aspects of democratic civilian control. However, from its contributions to the constitution-drafting process and the capability to influence or pressure the political leadership, it has had a significant influence on control. From its activities, Nagarik Samaj has inspired political leaders to reform or implement appropriate policies and enhance control. However, it cannot drive the country through the transition itself because the decision makers of the country lack consensus.

Until 2006, Nagarik Samaj's contributions were mainly focused on supporting political movements and the restoration of democracy. It contributed to an ideological shift of the UCPM from the armed conflict into a multi-party democratic system and political parties' acceptance of Nepal's shift from a kingdom to a republic. After the political change of 2006, Nagarik Samaj has contributed in consolidation in two ways. First, it shared its expertise and advised the political leaders on policy matters through interactions in debates, seminars, and conferences. Second, it pressured the political leaders by organizing rallies, protests and public speeches. Because Nagarik Samaj is pursuing the early implementation of a constitution, this act will strengthen the institutional capability of democratic control mechanisms through constitutional guidance.

On one hand, Nagarik Samaj has not been involved in military affairs during the political transition, so its influence on elements of democratic civilian control appears low. On the other hand, it has proven its capabilities in shaping public opinion and convincing the leadership during the political movement of 2006. Then, Nagarik Samaj's role was crucial to create an environment in which the UCPM and mainstream political parties shifted their political ideological diversely: the Maoists abandoned their main ideology of capturing state power by military means; other political parties accepted abolishing the monarchy. Moreover, as David S. Pion-Berlin asserts, "civilian control

involves the ability of civilians to define goals."[254] Performances of Nagarik Samaj illustrate that it can influence the policy formulation process, and policy guidance is essential to establish effective control over the military by defining its roles and missions to enhance civilian control. Thus, it could be argued, due to its influence on policy matters, Nagarik Samaj has had a significant influence on democratic civilian control as well.

In addition, the role of Nagarik Samaj with regards to policy formulation is limited to its participation in different forums. On the other hand, the involvement of different kinds of NGOs and donor agencies such as Friedrich Ebert Stiftung (FES), the Nepal Institute for Policy Studies (NIPS) and foreign Embassies in organizing seminars, and conferences in Nepal has significantly assisted in consolidation. These activities are shaping the policy formulation process by providing outcomes of conferences as a guideline to the planners and the decision makers. Thus, Nagarik Samaj should exploit the expertise of its activists and different NGOs and increase its involvement in constitution making by doing research, preparing concept papers on contradictory issues, and shaping public opinion.

D.   HUMAN RIGHTS ORGANIZATIONS

Human rights organizations score medium with regard to all elements of control. In this context, throughout the political transition, human rights organizations closely monitored the activities of different actors on issues of human rights violations. By doing so, they exposed misconduct, investigated issues, cautioned the government and the military about wrong doing, and demanded judicial procedures be followed. By exposing or investigating this misconduct, human rights organizations have contributed to legislation that ultimately strengthens formal democratic control and oversight mechanisms as well. In addition, by pursuing the implementation of the rule of law, they have identified that the government and the military have not complied with the rule of law. This situation further indicated the need for effective oversight mechanisms to

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[254] David S. Pion-Berlin, "Political Management of the Military in Latin America," *Military Review* 85, no. 1 (January-February 2005): 31.

ensure the executive and the military obey the rule of law. Moreover, by exposing the weaknesses in the professional conduct of the military such as violations of human rights, they have influenced professional norms of the military as well. With these activities, human rights organizations have enhanced democratic CMR because due to their efforts, the government has reformed the old or adopted new judicial mechanisms.

Human rights organizations are continuously pursuing cases of human rights violations by the military and the Maoists during conflict periods, and pressuring the government to execute orders or conduct further investigation to bring unsolved cases under legal jurisdiction. For example, the National Human Right Commission (NHCR) urged "the government to promptly investigate the case of Krishna Prasad Adhikari, who was abducted [on June 2004] and killed by the Maoists during the decade-long insurgency,"[255] nine years after the incident. Although the government failed to implement justice through regular judicial procedures, due to the pressure from the UCPM leadership, who demanded the war-time cases be addressed separately, it demonstrated the need for reform in the system.

On the other hand, different human rights organizations are also continuously monitoring the military's conduct on judicial proceedings and bringing it to public notice. For example, on Februry 16, 2011, *The Kathmandu Post* published the news claiming: "Marking the seventh anniversary of the alleged torture and killing of 15-year-old Sunuwar, UN High Commission for Human Rights in Nepal … Amnesty International, the Advocacy Forum Nepal, Human Rights Watch and the International Commission of Jurists urged the government to take immediate steps to ensure that criminal proceedings move ahead."[256] Although the NA has conducted the court martial and punished the officers involved in this incident, these organizations are demanding transparency and independent investigations.

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[255]"NHRC to Govt: Probe Conflict-Era Murder," *Kathmandu Post*, August 07, 2013, http://www.ekantipur.com/the-kathmandu-post/2013/08/07/nation/nhrc-to-govt-probe-conflict-era-murder/252094 html.

[256] "Murder in Detention: Seven yrs on, Justice Eludes Maina Kin," *Kathmandu Post*, February 16, 2011, http://www.ekantipur.com/the-kathmandu-post/2011/02/16/nation/murder-in-detention-seven-yrs-on-justice-eludes-maina-kin/218512 html.

By bringing unsolved cases of human rights violations to the attention of the public and the international community, these organizations have generated pressure on the government to strengthen its judicial mechanisms. The government is also under pressure to investigate, according to the ICRC report 2009, over 1300 personnel disappeared[257] during conflict period. Continued pressure has forced the government to reform and enhance its judicial system. For example, due to the increasing allegations of not taking action to end impunity, the government decided to address the cases of violations during the conflict period through new judicial procedures, and "the three major parties have agreed to bring all war-era cases under the purview of the Truth and Reconciliation Commission (TRC), [and the Commission on Enforced Disappearance (CED)]."[258]

Later on 15 April 2014, the government tabled a bill that would authorize the creation of the TRC and CED."[259] This step is significant one in consolidation because as Kamal Dev Bhattarai claims, "Nepal's success in writing a new constitution will largely depend on how it handles the issue of providing justice for war-era victims through a …0020TRC and a … CED."[260] Thus, it could be determined that efforts of human rights organizations succeeded in enhancing control and oversight aspects of democratic civilian control positively as implementation of the constitution will enhance the functioning of democratic control mechanisms

In addition, the activities of the human rights organizations have also positively influenced the professional skills of the military as the NA has enhanced capabilities of the Judge Advocate General Department and also "established a dedicated Human Rights

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[257] "Families of Missing Persons in Nepal: A study of their needs," ICRC: April 2009, assessed on February 19, 2015, https://www.icrc.org/eng/assets/files/2011/families-of-missing-persons-nepal-report.pdf.

[258] Anil Giri, "Parties agree to bring all war-era cases under TRC," *Kathmandu Post*, April 16, 2004, http://www.ekantipur.com/the-kathmandu-post/2014/04/16/top-story/parties-agree-to-bring-all-war-era-cases-under-trc/261737 html.

[259] Kamal Dev Bhattarai, "Justice for Nepal's War-Era Victims?" *The Diplomats*, April 15,2014, http://thediplomat.com/2014/04/justice-for-nepals-war-era-victims/.

[260] Ibid.

Cell under the Adjutant General branch on 8th July 2002,"[261] The NA has adopted the lessons learned during the insurgency period and the CoAs has "urged his rank and file for the protection and promotion of human rights in any difficult and adverse situation."[262] Moreover, the NA has also "issued and implemented various directives, instructions and policies on International Human Rights Laws and International Humanitarian Laws."[263]

E.   CONCLUSION

During political transitions after the restoration of democracy in 1990, different civil society groups have significantly contributed to enhance democratic CMR in Nepal. The media's effective role on informal oversight successfully pointed out the weaknesses in formal mechanisms of control and oversight. The media's investigations generated debates among the political leaders and the policy makers. The debate further identified the flaws in the legal system and ambiguous provisions of the interim constitution and illustrated the need for reform in democratic mechanisms. Although the activities of Nagarik Samaj were more focused on political aspects than military affairs, this group contributed to the establishment of democracy and made a positive impact on constitution writing and policy formulation. By monitoring and investigating the cases of human rights violations, human rights organizations have indicated weaknesses in the government and the military to implement judicial procedures effectively. It not only identified lapses in the system, but also illustrated for the need for formal control and oversight mechanisms that could ensure the government and the military abide by the rule of law.

After analyzing the contributions of three selected groups through the element of "democratic civilian control of the security forces" from Bruneau and Matei's trinity framework of democratic CMR and the requirements for control mechanisms, it is found

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[261] "Human Rights in NA," Nepalese Army Home Page, accessed on, March 6, 2015, http://www.nepalarmy.mil.np/human_right.php.

[262] "Human Rights in Nepal Army -COAS Call," Security-risks Monitor, December 10, 2014, http://www.security-risks.com/print-article-details.php?article_id=3978.

[263] Ibid.

that these groups significantly influenced the elements of democratic civilian control during the political transition in Nepal. Although, contributions of particular civil society groups vary from high to low (as indicated in Table 1), it could be determined that civil society played an effective role to enhance democratic CMR during political transitions in Nepal. However, political instability and a lack of consensus among the political leadership could not drive the country to complete democratic consolidation. Thus, despite civil society's efforts, incomplete consolidation shaped weak and unstable CMR in Nepal.

V. CONCLUSION

This thesis has studied the CMR in Nepal during political transitions since Nepal's inception of democracy, and examined the role of civil society by selecting three prominent groups in shaping democratic CMR during Nepal's democratic consolidation after the restoration of democracy in 1990. Nepal's struggle in consolidating democracy over six decades since the inception of democracy in 1950 has increased political instability and shaped weak and unstable CMR. Until 2006, the king obstructed the consolidation by stepping into the political sphere and trying to implement an autocratic monarchy. Afterwards, the pursuit of consolidation has been muddled among the contradictory ideologies of political leaders of different parties. In addition, from 1996 to 2006, the Maoist armed conflict also affected the process. Incomplete consolidation created weak democratic institutions, which exerted weak civilian control. On one hand, weak civilian control obstructed the smooth consolidation because the military played an influential role during each political transition, which partially obstructed the government's efforts to strengthen democratic control mechanisms. On the other hand, despite civil society's influential role during the political transition, the lack of consensus among the political leaders failed to consolidate the democracy.

The long transitional period and unstable political environment led to frequent changes in the government, which complicated and formed unstable CMR in Nepal. In the period from 1950 to 2006, the activities of the king kept him at a central point and substantially affected CMR. As a supreme commander of the NA, he remained an influential actor in different forms from executive head to constitutional monarch. While the king remained as an executive head, he maintained the direct control of the military and kept the armed forces isolated from civilian authorities. The military was organized and developed under the king's direct control, and civilian authorities have had no role to play in military affairs. This condition had great significance during the country's transition because when the king curbed democratic practices, the NA remained in his side. Thus, activities of the king played a significant role in shaping weak and unstable CMR in Nepal.

Although executive authority was transferred to the elected body after the restoration of democracy in 1990, the king remained a constitutional monarch and constantly influenced the political system with the help of the military. The military also lobbied for the king to remain as supreme commander, and to give him the authority to approve the military's mobilization. By accepting the military's demand, the government failed to reform the old control mechanism and establish strong democratic institutions, which also allowed the king to maintain his relationship with the military. Because political leadership failed to break the link between the king and the military, this nexus and the king's prerogatives continued to generate friction in CMR. In 1993, the king did not approve the government's decision to mobilize the military against Maoist insurgents, and the military did not respond to the governments' order. Due to the conflict with the king, the prime minister resigned. The problem in CMR further increased when king once again dismissed the democratic government in 2003, and the NA remained on the king's side. Therefore, during subsequent transitions, the continuation of the traditional prerogatives of the king, the military's support of the king's activities, and weak democratic institutions shaped unstable CMR.

When Nepal became a republic after the political transition of 2006, the contradictory ideologies of political parties' impact on control mechanisms created problems in CMR. Mainly, the political polarization between the UCPM—who conducted on armed struggle with the aim of capturing state power, tried to accomplish the same mission while it headed the government—and other parties generated friction in CMR. The UCPM tried to influence the military toward its party's ideology, and the government also sacked the COAS of the NA. Although the president overruled the government's decision, it resulted in the resignation of the prime minister. This was the second incident in the political history of Nepal when the democratic government collapsed over the issue of the military control, so the emergence of friction in CMR was obvious.

On the other hand, civil society played an effective role to increase the accountability and the transparency of the government during political transitions in Nepal; however, the country's struggle to consolidate its democracy still revolves around

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the lack of consensus among the political leaders. Although the roles of three selected civil society groups: the media, Nagarik Samaj, and human rights organizations were mainly focused on the political activities during transitional periods, these roles have had a significant effect in shaping democratic CMR. These groups identified gaps in existing control mechanisms, assisted in constitution making, and facilitated in the protection of human rights and the implementation of the rule of law. These contributions have had a substantial positive effect in establishing democratic civilian control by enhancing formal control mechanisms, oversight mechanisms and increasing the professional skills of the military.

The media exposed the UCPM's quest of capturing state power by controlling the military, which generated debate and brought positive implications for establishing democratic CMR. First, it indicated the need for effective control and oversight mechanisms to check and balance the executive from misusing his authority. Second, the contradiction between the prime minister and the president on existing constitutional provisions indicated requirements for clear legislation. In addition, the media also facilitated in the constitution writing process by conducting debates, and talk shows, and bringing related actors and the public into a common forum. Besides, the media coverage also softened the controversial issues such as integration of the Maoist combatants in the NA.

Nagarik Samaj played two significant roles for the establishment of democracy during political transitions. First, it created a suitable environment for leaders including the UCPM, who were engaged in armed conflict, to form an alliance against the king. The formation of the Seven-Party Alliance was significant because the UCPM joined the same political system against which it was fighting. Second, Nagarik Samaj led a forum to motivate the people to participate in a democratic movement. Both activities acted as a catalyst for the establishment of democracy. After the restoration of democracy, Nagarik Samaj is constantly contributing in the constitution writing process by advising the decision makers and pressuring the government for early implementation of the constitution.

The activities of human rights organizations have been focused on incidents of human rights violations. These organizations exposed the incidents of human rights violations, investigated the cases, and helped bring the lawbreaker into the judicial system. By exposing the misconduct of the military and checking the implementation of judicial procedures, these organizations have also indicated the requirement for an effective control mechanism to ensure the military's obedience. Furthermore, the outcome of the investigations indicated the lapses in the military's professional capabilities, and the NA filled this gap by incorporating aspects of human rights in its educational system, which further enhanced its professional skills as well.

Thus, it could be determined that different civil society groups significantly contributed to enhance democratic CMR during political transitions in Nepal; however, the prevailing political situation due to political instability and a lack of consensus among the political leadership could not drive the country from transition to consolidation. Moreover, incomplete consolidation created weak democratic mechanisms that could not exert effective control, so CMR in Nepal remained weak and unstable. Because civil society is not a deciding body, despite its efforts, incomplete consolidation shaped weak and unstable CMR in Nepal. Thus, civil society should continue its efforts and assist in consolidation, which would ultimately enhance democratic CMR.

Finally, the main problems in Nepal's transition lies in a lack of consensus among the leadership. At this moment, civil society needs to change its course because continuing similar efforts will assist in consolidation but are less likely to drive the country through the current political deadlock. Once again, there is a need to bring a radical ideological shift among the political leaders, as they did in 2006 while forming an alliance against the king. However, it would be difficult to unite the political leaders at the moment, because they do not have a common enemy. Rather, they consider each other enemies. Civil society's role should focus on convincing the political leaders of a shared interest that writing a constitution will mark the first step of consolidation.

Thus, Nagarik Samaj and the media must fulfill two major roles. First, launch a nationwide campaign to shape public opinion for consensus on conflicting arguments, and let the leaders listen to the people's voice and pressure them by organizing a people's

movement. Second, conduct research on those aspects of the constitution in which leaders lack consensus, prepare a concise paper with several alternatives and convince the political leadership. Because the implementation of the constitution will stabilize the political environment, enhance the capabilities of democratic institutions, and exert effective civilian control, civil society should consider the implementation of constitution as a beginning point to drive the country toward consolidation and enhance democratic CMR as well.

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LIST OF REFERENCES

"50,000 NGOs in Nepal and Growing." *Kathmandu Insider.* Accessed on November 20, 2011. http://ktminsider.com/blog/2011/11/20/50000-ngos-in-nepal-and-growing/.

"About UNMIN." UNMIN- Archive Site. Accessed on March 6, 2015. http://www.un.org.np/unmin-archive/?d=about&p=mandate.

Amnesty International. "Nepal: A Spiraling Human Rights Crisis." In *Understanding the Maoist Movement of Nepal*, edited by Deepak Thapa, 261–90. Kathmandu: Martin Chautari, 2003.

"Army Act, 2063 (2006)." http://nepalconflictreport.ohchr.org/files/docs/2006-09-28_legal_govt-of-nepal_eng.pdf.

Aryal, Malika. "Open Wounds." *Nepali Times Weekly*, (05 February – 11 February). http://nepalitimes.com/news.php?id=16781#.VPpU9qPTmDZ.

Baniya, Jeevan, "Civil Society, Social Movements and Democratization: A Case Study of Nepal," PhD diss., University of Oslo, 2014.

Barbes, Karan, and Peter Albrecht. "Civil Society Oversight of the Security Sector and Gender." In *Gender and Security Sector Reform Tool Kit*, edited by Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008.

"BBC timeline." Last modified August 14, 2014, accessed on December 22, 2014. http://www.bbc.com/news/world-south-asia-12499391.

Bhatta, Chandra D. "Civil Society in Nepal: In Search of Reality." *Nepalese Studies* 34, no. 1 (January 2007): 45–57.

———. *Contemporary Civil Society in Nepal* (South-South Collaborative Program Occasional Paper series no.6). Buenos Aires: CLACSO, 2008. http://bvsde.org.ni/clacso/publicaciones/op06_Bhata.pdf.

Bhattarai, Kamal Dev. "Justice for Nepal's War-Era Victims?" *Diplomat*, April 15, 2014. http://thediplomat.com/2014/04/justice-for-nepals-war-era-victims/.

"Bhidanta Ma 17 Maobadi ko Mritu [17 Maoists Died in Crossfire]." *Kantipur Dainik* [*Kantipur Daily*], Bhadra 2, 2060 (BS) [August 18, 2003].

Bindra, Satinder. "Nepal Defies Shoot-on-Sight Curfew." CNN, April 13, 2006. http://edition.cnn.com/2006/WORLD/asiapcf/04/11/nepal.protests/index.html.

Bruneau, Thomas C., and Scott D. Tollefson. *Who Guards the Guardians: Democratic Civil-Military Relations.* Austin, TX: University of Texas Press, 2006.

Bruneau, Thomas C., Florina Cristiana Matei, and Sak Sakoda. "National Security Councils: Their Potential Functions in Democratic Civil-Military Relations," *Defense and Security Analysis* 25, no. 3 (September 2009): 255–69.

Caparini, Marina, and Philipp Fluri. "Civil Society Actors in Defence and Security Affairs." In *Civil Society and the Security Sector: Concepts and Practices in New Democracies,* edited by Marina Caparini, Philipp Fluri, and Ferenc Molnar, 1–17. Geneva: DCAF, 2006.

Chalmers, Roderick. "Nepal: From Conflict to Consolidating a Fragile Peace." In *Civil Society and Peacebuilding: A Critical Assessment,* edited by Thania Paffenholf. London: Lynne Rienner Publishers, 2010.

———. "State Power and the Security Sector: Ideologies and Interest." In *Nepal in Transition: From People's War to Fragile Peace*, edited by Sebastian von Einsiedel, David M. Malone, and Suman Pradhan, 58–80. Cambridge: Cambridge University Press, 2012.

"Civil Society Concludes 48-Hour Sit-In." eKantipur.com, February 27, 2010. http://www.ekantipur.com/2010/02/27/top-story/civil-society-concludes-48-hour-sit-in/309213.html.

"Civil Society Urges Big Three to Extend CA Tenure." eKantipur.com, May 17, 2010. http://www.ekantipur.com/2010/05/17/top-story/civil-society-urges-big-three-to-extend-ca-tenure/314484.html.

Cochrane, Liam. "Massacre of Maoists Threatens Nepal's Peace Process." *World Politics Review,* March 29, 2007. http://www.worldpoliticsreview.com/articles/667/massacre-of-maoists-threatens-nepals-peace-process.

Coronel, Sheila S. *The Role of the Media in Deepening Democracy.* Accessed on February 9, 2015. http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf.

Dahal, Dev. *Civil Society Groups in Nepal: Their Roles in Conflict and Peace Building*. Kathmandu: Support for Peace and Development Initiative, UNDP, 2006: 1–40. http://www.nepaldemocracy.org/conflict_resolution/Peacebuilding.pdf.

Dahal, Phanindra, and Kamal Dev Bhattarai, "PLA Integration: Nepal Army Gets More Flexible." *Kathmandu Post*, February 16, 2012. http://www.ekantipur.com/the-kathmandu-post/2012/02/15/top-story/pla-integration-nepal-army-gets-more-flexible/231597.html.

Desch, Michael C. *Civilian Control of the Military: The Changing Security Environment*. Baltimore: The Johns Hopkins University Press, 1999.

Dhungana, Shiva K. "Security Sector Reform and Peacebuilding in Nepal: A Critical Reflection." *Journal of Peacebuilding & Development* 3, no .2 (2007):70–78.

Diamond, Larry Jay. "Towards Democratic Consolidation." *Journal of Democracy* 5, no. 3 (July 1994): 4–17. DOI: 10.1353/jod.1994.0041.

Dixit, Kanak Mani. "The Himals as Witness." *Nepali Times Weekly*, (January 22, 2011-February 03, 2011). http://nepalitimes.com/news.php?id=17894#.VPlHRo05DIU.

"Doramba Abuses." *Kathmandu Post*, September 24, 2003. http://www.ekantipur.com/tkp/news/news-detail.php?news_id=321\

"Dozens die' in Nepal bus blast," BBC News, last updated June, 7, 2005. http://news.bbc.co.uk/2/hi/south_asia/4612633.stm.

"Dozens injured in Nepal clashes." BBC, April 11, 2006. http://news.bbc.co.uk/2/hi/south_asia/4898402.stm.

Embassy of the United States, Kathmandu, Nepal. "Democratic Transition and Security Sector Reform," press release, July 20, 2007. http://nepal.usembassy.gov/pr_07-20-20010-.html.

Feaver, Peter D. "Civil-Military Relations." *Annual Review of Political Science* 2 (1999): 211–41. DOI:10.1146/annurev.polisci.2.1.211.

————. "The Civil-Military Problematique: Huntingdon, Janowitz, and the Question of Civilian Control." *Armed Forces & Society* 23, no. 2 (Winter 1996): 149–78.

Families of Missing Persons in Nepal: A Study of Their Needs. Geneva: International Committee of the Red Cross. Accessed on February 19, 2015. https://www.icrc.org/eng/assets/files/2011/families-of-missing-persons-nepal-report.pdf.

"Fireside." Kantipur Television. Accessed on February 14, 2015. http://kantipurtv.com/programs/fireside.

"Freedom House: Nepal." Accessed on March 5, 2015. https://freedomhouse.org/report/freedom-world/2014/nepal#.VO0z0aPTk3E.

Gautam, Kul Chandra. "Enhancing Democratic Control of Nepal Army as Part of Nepal's Security Sector Reform." Accessed on January 20, 2015. http://www.kulgautam.org/2010/01/enhancing-democratic-control-of-nepal-army-as-part-of-nepals-security-sector-reform/

Giraldo, Jeanne Kinney. "Legislatures and National Defense: Global Comparisons." In *Who Guards the Guardians: Democratic Civil-Military Relations,* edited by Thomas C. Bruneau and Scott D. Tollefson. Austin, TX: University of Texas Press, 2006.

Giri, Anil. "Parties Agree To Bring All War-Era Cases under TRC." *Kathmandu Post*, April 16, 2004. http://www.ekantipur.com/the-kathmandu-post/2014/04/16/top-story/parties-agree-to-bring-all-war-era-cases-under-trc/261737.html.

Hachhethu, Krishna. "Civil Society and Political Participation." In *Nepal: Quest for Participatory Democracy,* edited by L. R. Baral, 1–15. New Delhi: Adroit, 2006.

———. "The Nepali State and the Maoist Insurgency, 1996–2001." In *Himalayan People's War*, edited by Michael Hutt, 58–72. Bloomington, IN: Indiana University Press, 2004.

Hiscock, Duncan. "The Role of Civil Society in Security Sector Governance in the South Caucasus." In *Security Sector Governance in Southern Caucasus: Challenges and Visions.* 58–83. Bureau for Security Policy at the Austrian Ministry of Defence / DCAF / PfP-Consortium, 2004. http://www.dcaf.ch/Publications/Security-Sector-Governance-in-Southern-Caucasus-Challenges-and-Visions

"Human Rights in NA." Nepalese Army Home Page. Accessed on March 6, 2015. http://www.nepalarmy.mil.np/human_right.php.

"Human Rights in Nepal Army—COAS Call." *Security-risks Monitor*, December 10, 2014. http://www.security-risks.com/print-article-details.php?article_id=3978.

Huntington, Samuel. *The Soldier and the State: The Theory and Politics of Civil-Military Relations*. Cambridge: Belknap Harvard, 1957.

Hunt, Michael. "Drafting the 1990 Constitutions." In *Nepal in Nineties: Versions of the Past, Visions of the Future*. Delhi: Oxford University Press, 2001.

ICRC Resource Center. "Nepal: 39 Detainees Released." News release. April 30, 2004. https://www.icrc.org/eng/resources/documents/misc/5yjkr5.htm .

Innanchai, Yanyong. "The Roles of the Legislature and Civil Society in Civil-Military Relations." PhD diss., Northern Illinois University, 2012.

"Interim Constitution of Nepal, 2063 (2007)," Nepal Law Commission, 107. http://www.lawcommission.gov.np/index.php?option=com_remository&Itemid=52&func=startdown&id=163&lang=en.

International Crisis Group. "Nepal's Future: In Whose Hands?" *Asia Report* no. 173 (August 13, 2009). http://www.crisisgroup.org/en/regions/asia/southasia /nepal/173-nepals-future-in-whose-hands.aspx.

Janowitz, Morris. "The Citizen Soldier and National Service." *Air University Review* (Nov-Dec 1979).

―――――. *The Professional Soldier.* New York: Free Press, 1971.

Jayshi, Damakant. "Under the Sun." *Kathmandu Post*, March 14, 2005. http://www.ekantipur.com/the-kathmandu-post/2005/03/14/related_articles/under-the-sun/34286.html.

Jha, Prashant. *Battles of the New Republic: A Contemporary History of Nepal.* New Delhi: Aleph Book Company, 2014.

―――――. "One Country Two Armies' Situation Ends in Nepal." *Hindu*, October 3, 2012.

Joshi, Astha. "Nepal's Civil Society and its Development." Master's thesis, Asian University for Women, Chittagong, Bangladesh, 2009.

Joshi, Bhuwan Lal, and Leo E. Rose. *Democratic Innovations in Nepal: A Case Study of Political Acculturation*. Berkeley: University of California Press, 1966.

Kantha, Pramod K. "Nepal's Protracted Democratization in Terms of Modes of Transition." *Himalaya, the Journal of the Association for Nepal and Himalayan Studies* 28, no.1, (2010): 59–70. http://digitalcommons.macalester.edu/himalaya/vol28/iss1/5.

KC, Rajat. "Civil Society and the Maoist Insurgency in Nepal." *Scoop Independent News*. September 6, 2006. http://www.scoop.co.nz/stories/HL0609/S00066/civil-society-and-the-maoist-insurgency-in-nepal.htm.

Kohn, Richard H. "How Democracies Control the Military." *Journal of Democracy* 8, no. 4 (1997): 140–53.

Kumar, Dhruba. "Democratic Control of Security Forces." In *Changing Security Dynamics in Nepal, edited by Rajan Bhattarai and Rosy Cave, 135–60. London: Safer World, 2009.*

Leigh, Ian. "Executive, Legislative and Judicial Oversight and Guidance over the Security Sector." In *Public Oversight of the Security Sector: A Handbook for Civil Society Organization*, edited by Eden Cole, Kerstin Eppert, and Katrin Kinzelbach, 31–52. New York: UNDP, 2008.

Linz, Juan, and Alfred Stepan. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe.* Baltimore: The Johns Hopkins University Press, 1996.

————. "Toward Consolidated Democracies." *Journal of Democracy* 7, no.2 (1996): 14–33.

Lutterbeck, Derek. "Arab Uprisings, Armed Forces, and Civil–Military Relations." *Armed Forces & Society* 39 (January 2013): 25–52.

Matei, Florina Cristiana. "A New Conceptualization of Civil-Military Relations." In *The Routledge Handbook of Civil-Military Relations,* edited by Thomas C. Bruneau and Florina Cristiana Matei, 26–38. London: Routledge, 2013.

————. "The Media's Role in Intelligence Democratization." *International Journal of Intelligence and Counter Intelligence* 27, no. 1 (2014): 73–108.

Molnar, Ferenc. "Civil Society and Democratic Civil-Military Relations—The Case of Hungary." Master's thesis, Naval Postgraduate School, 2002.

Muni, S. D. "State, Army, and the Aam Admi." In *Soldiers and States: A symposium on civil-military relations in South Asia.* Seminar #611, July 2010. Accessed on March 5, 2015. http://www.india-seminar.com/2010/611.htm

"Murder in Detention: Seven-yrs on, Justice Eludes Maina Kin." *Kathmandu Post.* February 16, 2011. http://www.ekantipur.com/the-kathmandu-post/2011/02/16/nation/murder-in-detention-seven-yrs-on-justice-eludes-maina-kin/218512.html.

"Nagarik Khabardari ko Artha ["Meaning of the Warning from the Citizens"]." *Kantipur Dainik* [*Kantipur Daily*], Kartik 17, 2067 (BS) [November 3, 2010].

National Human Rights Commission. *Preliminary Monitoring/Investigation Report on the Incident of Ambush and Explosion Carried out by CPN (Maoist) in Kalyanpur VDC, Chitwan District.* June 6, 2005. http://www.raonline.ch/pages/pdf/NHRC_chitwan.pdf.

"Naya Sambidhan" ["New Constitution"]. Kantipur Television Network. Accessed on March 6, 2015. http://kantipurtv.com/programs/naya-sambidhan.

Nayak, Nihar. "The Nepal Army at the Crossroads." In *India's Neighborhood: The Armies of South Asia,* edited by Vishal Chandra, 97–120. New Delhi: Pentagon Press, 2012.

"Nepal Armed Violence Assessment." Small Arms Survey. Accessed on February 26, 2015. http://www.smallarmssurvey.org/focus-projects/nepal-armed-violence-assessment.html.

"Nepal Army Recruitment Getting More Inclusive." *Kathmandu Post*. September 1, 2010. http://www.ekantipur.com/the-kathmandu-post/2010/09/01/nation/nepal-army-recruitment-getting-more-inclusive/212259/.

Nepal Institute for Policy Studies (NIPS). *Discourses of Civil-Military Relations in Nepal*. Policy Paper 7. February 2012. http://acsc-shivapuri.mil.np/pdf/L59__Civil- Military_relations_in_Nepal19_March_2012.pdf.

"Nepal: One Hundred Days of Royal Takeover and Intensified Human Rights Crisis: 1 February–11 May 2005." INSEC. Accessed on March 5, 2015. http://www.nepalisamajuk.com/misc/News/NEPAL100-dayreport/NEPAL100-dayreport.htm.

"Nepal: UN hails release of all child soldiers by Maoists." UN News Center. Accessed on February 26, 2015. http://www.un.org/apps/news/story.asp?NewsID=33696#.VOEWx6PTn5o.

"Nepalese Civil Military Issues Politics Essay." *UK Essays*, November 2013. http://www.ukessays.com/essays/politics/ nepalese-civil-military-issues-politics-essay.php.

Nepali, Prakash, and Phanindra Subba. "Civil-Military Relations and the Maoist Insurgency in Nepal." *Small Wars & Insurgencies* 16, no. 1 (2005): 83–110.

"NHRC Seeks Justice for Doramba Victims." *Kathmandu Post*. August 17, 2013. http://www.ekantipur.com/the-kathmandu-post/2013/08/17/nation/nhrc-seeks-justice-for-doramba-victims/252507.html.

"NHRC to Govt: Probe Conflict-Era Murder." *Kathmandu Post*. August 7, 2013. http://www.ekantipur.com/the-kathmandu-post/2013/08/07/nation/nhrc-to-govt-probe-conflict-era-murder/252094.html.

Parajulee, Ramjee. "An Experiment with a Hybrid Regime in Nepal (1990–2006)." *Journal of Asian and African Studies* 45, no. 1 (2010): 87–112. DOI: 10.1177/0021909610352702.

———. *The Democratic Transition in Nepal*. Lanham, MD: Rowman & Littlefield, 2000.

Pathak, Bishnu. "Civil-Military Relations: Nepalese Context." In *Contemporary Nepal,* edited by B. C. Upreti and Uddhab Pd. Pyakurel, 55–92. Delhi: Kalinga Publications, 2012.

Perer, Karsten, *Civil-Military Relations: The Military and Society*. New York: Garland Publishing, 1998.

"Performance of PM Bhatterai's Government in First 100 Days." February 22, 2012.
https://www.youtube.com/watch?v=mK--uGpJ7xE.

Pion-Berlin, David S. "Political Management of the Military in Latin America." *Military Review* 85, no. 1 (January-February 2005):19–31.

Pokharel, Krishna. "World News: In Nepal, the Next Step is to Merge Army, Rebels." *Wall Street Journal,* Eastern edition. October 27, 2008.
http://search.proquest.com/docview/399094159?accountid=12702.

Rawal, Surendra Singh. "United Nations Peacekeeping Participation and Civil-Military Relations in Troop Contributing Countries." Master's thesis, Naval Postgraduate School, 2010.

"The Real Face of Prachanda." Accessed on February 18, 2015.
https://www.youtube.com/watch?v=f-neqwS3aws.

Report of the National Human Rights Commission. 2060 BS (2003).
http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Reprot_Doramba_R.pdf.

"Rights-Nepal: Kings Takeover May Put Monarchy Itself in Danger." Global Information Network. February 2, 2005.
http://search.proquest.com/docview/457580198?accountid=12702.

Rose, Leo E., and John T Scholz. *Nepal: Profile of a Himalayan Kingdom.* Boulder, CO: Westview Press, 1980.

Ryan, Luisa Caitlin Phillips. "The Role of Local Media in Peacebuilding in Nepal." Master's thesis, University of North Carolina, 2011.

"Sajha Sawal Episode 65: Role of UNMIN in Army Integration." July 27, 2012.
https://www.youtube.com/watch?v=LlKAtceQx7I.

"SC Junks Writ on Prez's Katawal Move." *Kathmandu Post*. September 30, 2010.
http://www.ekantipur.com/the-kathmandu-post/2010/09/30/top-story/sc-junks-writ-on-prezs-katawal-move/213340/.

Schmitter, Philippe C. *Some Propositions about Civil Society and the Consolidation of Democracy*. Vienna: Institut für Höhere Studien, 1993.
http://www.ihs.ac.at/publications/pol/pw_10.pdf.

"Seminar/Workshop Reports." FES Nepal. Accessed on March 5, 2015.
http://www.fesnepal.org/reports/seminar_reports.htm.

Shah, Saubhagya. *Civil Society in Uncivil Places: Soft State and Regime Change in Nepal*. Washington, DC: East-West Center, 2008.

Sharma, Bala Nanda. "Civil Military Relation: Strengthening Democracy in Nepal."
    Accessed on March 6, 2015.
    http://www.fesnepal.org/reports/2009/seminar_reports/papers/Article%20of%20L
    t.%20Gen%20Balananda%20Sharma.pdf.

Sharma, Jan. "10 Years Ago: Maoists Call Truce Recess, Govt Ready." *Himalayan
    Times*. August 27, 2013.
    http://thehimalayantimes.com/rssReference.php?headline=THT%2010%20years
    %20ago:%20Maoists%20call%20truce%20%20recess&sbquo%3B%20govt%20r
    eady&NewsID=388845.

Sharma, Sudhir, ed. *Nepali Sena: Nagarik Niyantranka Chaunati* [*Nepalese Army:
    Challenges on Civilian Control*]. Kathmandu: Martin Chautari, 2010.

Sharma, Mandira. "Prime Minister versus President." *Himal Southasian.* June 2009.
    http://old.himalmag.com/component/content/article/527-prime-minister-versus-
    president.html.

Shneiderman, Sara, and Mark Twin. "The Path to Jana Sarkar in Dolakha District." In
    Himalayan People's War: Nepal's Maoist Rebellion, edited by Michael Hutt, 79–
    111. Bloomington, IN: Indiana University Press, 2004.

Shrestha, Narayan. "Sajha Sawal: A Story of Success." BBC Media Action (blog).
    August 24, 2012. http://www.bbc.co.uk/blogs/bbcmediaaction/entries/ae430c67-
    047b-36e2-9e59-0b612a24f3e1.

Spunk, Christoph. "Understanding Civil Society." In *Civil Society and Peacebuilding: A
    Critical Assessment*, edited by Thania Paffenholf, 3–27. London: Lynne Rienner
    Publishers, 2010.

"State Department Drops Maoists from Terrorist Watch List." Washington Times.
    September 6, 2012. http://www.washingtontimes.com/news/2012/sep/6/us-
    removes-nepal-communists-from-terrorist-list/.

Thapa, Deepak, and Bandita Sijapati. *A Kingdom under Siege: Nepal's Maoist
    Insurgency, 1996 to 2003*. Kathmandu: The Print house, 2003.

Thapa, Ganga Bahadur, and Jan Sharma. "Democracy Building and Changing Role of the
    Nepal Military." *Indian Journal of Political Science* 71, no. 3 (July-September,
    2010): 969–94.

Toffin, Gerard. "Crucible of Civil Society." eKantipur.com. March 31, 2014.
    http://www.ekantipur.com/2014/03/31/oped/crucible-of-civil-
    society/387523.html.

"TV Channels of Nepal." Accessed on March 6, 2015. http://www.ranker.com/list/tv-
    channels-of-nepal/tv-channels

UNICEF. "Sajha Sawal (Common Questions)." March 21, 2011.
http://www.comminit.com/communicating_children/content/sajha-sawal-
common-questions.

United Nations Human Rights. *Nepal Conflict Report: Executive Summary, 2012*.
Geneva: Office of High Commissioner for Human Rights, 2012.
http://www.ohchr.org/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Co
nflict_report2012.pdf.

"Unlawful Killings and Summary Executions by Nepali Security Forces." Human Rights
Watch. Accessed on February 16, 2015.
http://www.hrw.org/reports/2004/nepal1004/4.htm.

Upadhyaya, Anjoo Sharan, and Hemraj Subedee. "Nepal: Civil Society A Moral Force In
Selflessness and Impartiality," Telegraphnepal.com. March 21, 2013.
http://www.telegraphnepal.com/national/2013-03-21/nepal:-civil-society-a-moral-
force-in-selflessness-and-impartiality.

Upreti, Bishnu Raj. *Political Change and Challenges of Nepal Volume 2: Reflection on
Armed Conflict, Peace Process and State Building*. Saarbrucken, Germany: LAP
LAMBERT Academic Publishing, 2010.

Upreti, Bishnu Raj, and Peter Vanhoutte. "Security Sector Reform in Nepal: Challenges
and Opportunities." Accessed on January 20, 2015.
http://eprpinformation.org/files/peaceprocesses/ssr/ssr-in-nepal-challenges-and-
opportunities.pdf.

Von Einsiedel, Sebastian, David M. Malone, and Suman Pradhan, eds. *Nepal in
Transition: From People's War to Fragile Peace.* Cambridge: Cambridge
University Press, 2012.

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