

Internal Security of Nepal: Challenges and Solutions



Nepal Institute for Policy Studies (NIPS)

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1. Definition of Security

Security is an underdeveloped and contested concept and it does not have a universally accepted definition.¹ Hence, the meaning of the word ‘Security’ is complex and abstract. A noted security expert, Barry Buzan states that security is a complicated and multidimensional subject and thus, the nature of security defies pursuit of agreed definitions. Therefore, it is a developing and contested concept.² Despite the fact that it is a contested concept, it is nevertheless a very important and sensitive issue for a country and its citizens as it is directly related to people’s security and national sovereignty.

The concept of security was state centric in the past. So, interpretation was that as long as the state is secure, within the state everyone is secure. However, fundamental changes can be observed in security policies, concepts and practices particularly after the end of the Cold War. Now its definition has become wider and comprises national unity and territorial integrity in addition to people’s security and economic development. In fact, security refers to two fundamental concepts: protection of national integrity and sovereignty from external threats and assurance of security to the citizens based on comprehensive concept of human rights. Security is the right to live without torture, violence, poverty, disease and fear.³

Primary duty of any state is to ensure security to its citizens and defend its territorial integrity and sovereignty as security is linked to its existence. There are not only external but also internal challenges to national security. So, the status of security of a country is determined not only by external but its internal aspects as well. Therefore, it is difficult to distinguish the external and internal security challenges as the need of security, challenges and sensitivity of a country depend upon the economic, social, geographic, religious, political, foreign and other aspects.

The United Nations (UN) has given utmost importance to human security by prioritizing the rights to life and security. According to the concept, the role of the state is not only confined to protection of territorial integrity of the state but it also comprises the assurance of people’s freedom, human rights, peace and security and recognition of culture. As per the concept, security challenges are not only related to external invasion, they are also created on account of factors related to internal political and social aspects, economic insecurity, cultural challenge, poverty, migration and environmental degradation.⁴ Therefore, the assurance of various aspects of security like freedom, peace and security, socio-economic prosperity and human rights must be established permanently along with the internal security management.

1 Galle, W.B., 'Essentially Contested Concept', edited by M Black, in *The Importance of Language*, Princeton Hall, Eaglewood Cliffs, 1962
 2 Buzan, B., *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, 2nd edn, Harvester Wheatsheaf, 1991
 3 Hamson, Phem Osshler, *Security, Poverty Alleviation and Sustainable Development: Changes for New Millennium in Madness in the Multitude: Human Security and World Disorders*, Ottawa, Oxford University Press, 2000
 4 Human Development Report, United Nations Development Program, New York, Oxford University Printing Press, 1994



2. Objectives of the internal security

The objectives of security of any country are directly concerned with the national and people’s security. Primary objectives of the internal security are to ensure national unity, territorial integrity, protection of national independence and sovereignty, respect of human rights, protection of democratic norms and values, sustainable development, the rule of law and protection of people from internal conflict.

- **Protect national sovereignty and territorial integrity**
- **Ensure security to people by controlling crimes**
- **Maintain the rule of law**
- **Protect, promote and respect individual freedom, fundamental rights and human rights**
- **Provide justice to people by controlling corruption and maintaining good governance**

3. Legal and organizational management of internal security

3.1. Ministry of Home Affairs

The Ministry of Home Affairs (MoHA) is the main government agency responsible for internal security. It maintains law and order in the country and also works on disaster management. The MoHA was incepted in 1951 with a purpose of protecting people’s freedom by maintaining peace and security in the country. Its primary duty is to provide peace and

security by mobilizing home administration as per the demand and basic needs of people.⁵ The Government of Nepal, Regulation for Work Division 2013 has the provision of following responsibilities for the MoHA:⁶

- **Observe, implement and make policy, plan and program for internal security**
- **Maintain peace and good governance**
- **Nepal Police**
- **Armed Police Force**
- **Prison management**
- **National Investigation Department**
- **Permission and control of arms and ammunition**
- **Control of explosive materials**
- **Regulation and control of foreign citizens**
- **Migration and immigration**
- **Administration and control of narcotic drugs**
- **International border, safeguard pillars erected at the border and border administration**
- **Control organized crimes**

3.2. The Central Security Committee

Article 7 of the Armed Police Force Act 2001 has made provision for the formation of the Central Security Committee under the Chairmanship of minister or state minister of the MoHA. The members of the committee are Secretary of the MoHA, Secretary of the Ministry of Defense (MoD), Chief of the Army Staff (CoAS) of the Nepal Army (NA), Inspector General of the Nepal Police, Inspector General of the Armed Police Force, and Chief of the National Investigation Department (NID). This committee makes suggestion to the Government of Nepal on following issues:

5 The Government of Nepal, Ministry of Home Affairs: www.moha.gov.np
 6 The Government of Nepal (Work Division) regulation, 2007, www.moha.gov.np



- Control armed conflict or any separatist activities that have taken or may take place anywhere in Nepal
- Control armed conflicts that have taken or may take place in Nepal
- Control terrorist activities that have or may take place in Nepal
- Control riots that have taken or may take place in Nepal
- Rescue the victims and survivors of natural calamities and epidemics that have taken or may take place
- Rescue the kidnapped ones and control if any incidents of serious nature take place or violate existing peace or the suspicious activities take place
- Border security
- Work under the Nepal Army in conditions of any external attack or probable external attacks
- Safeguard buildings, infrastructures and other vital installments as per the priority given by the Government of Nepal

3.3. The Regional Security Committee

As per Article 4 'C' of the Local Administration Act 1971, there is a provision of a Regional Security Committee chaired by Regional Administrators who are in charge of maintaining peace and security in five development regions. The members of the committee are from the NA, the NP, the APF and the NID of the respective regions. The Regional Police Office should work under the Regional Administrator to maintain peace and security in the respective

regions. A Regional Administrator is to perform following duties:

- Maintain peace and security within the region
- Inform the government about the peace and security on regular basis
- Rescue the victims of disaster and maintain peace and security during disaster, natural calamities and epidemics
- Connect development to security by monitoring developmental works in the given regions

3.4. The District Security Committee

Under Article 7 of the Local Administration Act 1971, the District Security Committee is established in all districts of Nepal. The members of the committee are the chiefs of the NA, the NP, the APF and the NID of the respective districts. The committee is chaired by the Chief District Officer (CDO). The committee also takes decision in case any violent activities takes place or need arises to impose curfew in the district. Similarly, in case of demonstration, use of arms by a mob or organized groups and vandalism of public property, the committee can announce the respective area as a riot zone and can take decision on security sensitive situations as per the policy and legal provision.

4. Role of Security Agencies

There are several challenges affecting the internal security. The NA, the NP, the APF and the NID are the key security agencies that maintain internal security. However, they are not that effective in fulfilling their duties.



4.1. The Nepal Army

The NA is a principle security agency that protects independence of the country, national unity, people's sovereignty and territorial integrity by upholding democratic principles, values and structure as per the concept of the rule of law.⁷

Following the historic People's Movement 2006 and the subsequent political change, the Nepali people have become sovereign. Accordingly, some amendments were made in the Army Act in 2006 to make the NA accountable to the Nepali people. This Act established the NA 'to protect and defend national unity, territorial integrity, sovereignty and independence of Nepal.'⁸ The NA has following roles to play against internal and external security challenges:

- Protect independence and sovereignty of the country
- Protect the country from external attack
- Protect territorial integrity and ensure border security
- Disaster management and rescue
- Contribute to the world peace
- Protection of human right and citizen's security
- Assist the NP to maintain internal security in case the situation falls out of control of the NP. Pacify internal conflict and separatist activities and prohibit any terrorist and violent activities as well as other activities which are against national interest

4.2. The Nepal Police

The NP was incepted with a view of establishing the rule of law by controlling crimes.⁹ As it has its primary duty of maintaining social harmony and peace, crime control, respect to human rights and the rule of law, the NP plays a key role in assuring peace and security by creating fearless environment in the society. The Government of Nepal has defined the role of the NP as follows:

- Maintain peace and security in the society
- Preserve and protect human rights
- Control organized crimes
- Control and prevent terrorist activities, extremist movements and armed activities
- Monitor and implement law, peace and security
- Investigate and control crimes
- Provide security and relief during natural calamities and disasters
- Implement, monitor, control and manage traffic rules for the betterment of public security¹⁰

4.3. The Armed Police Force

The APF is one of the important agencies that has a crucial role in maintaining peace and fearless environment in the country. It was incepted in 2001 with a purpose of controlling increasing internal armed conflicts and

7 Rai, Indarjit, 'Role and Inter-relationship among security agencies in Federal state', in Emerging Security Challenges of Nepal, edited by Rajan Bhattarai and Geja Sharma Wagle, Nepal Institute for Policy Studies, 2010

8 The Army Act 2006

9 Emerging problems of public security and its solutions, Nepal Institute for Policy Studies, August 2011

10 Website of the Nepal Police: www.nepalpolice.gov.np



protecting the state and its citizens from violent activities and maintaining peace and security.¹¹ It assists the NP in maintaining internal security and implementation of law. It has been assigned following duties: border security, violence and crime control and internal conflict. The Armed Police Force Act includes following duties:

- Control terrorist activities that take place within the country
- Control violent, armed conflict and separatist activities
- Control violence and conflict arising from ethnic or religious extremism
- Control any activities that pose threat to the peace and security within the country
- Guard the country's borders and control illegal border activities
- Work under the NA to protect the sovereignty of the country during external attack
- Protect vital installations , prison, industrial areas and other important places
- Play a key role during natural calamities, epidemic and disaster management and assist the victims to receive relief
- Protect human rights and give security to public¹²

4.4. The National Investigation Department

The NID is considered the backbone of the

state since it provides information by analyzing issues that concern the security of the nation and protection of national interests. The primary objective is to collect information about activities which are against national interest, national security and laws. It provides appropriate information to address internal security challenges that are accounted to the activities like illegal migration, organized crimes, drugs abuse and its illegal import and export, and terrorism which affect internal security of the state. It was established as Central Intelligence Bureau (CIB) in 1951 and later named as National Investigation Department in 1991. The NID plays following roles in terms of internal security:

- Collect timely information about individuals or groups who perform illegal activities and different challenges which affect internal and external security of the state and report about them to the government
- Collect, process and classify the obtained information and provide accurate information to the government
- Inform the government about the impact of organized crimes and terrorism on security management
- Make internal and external strategy of security work plan and inform the government by collecting information about illegal political, economic, social, religious and communal activities to maintain peace and harmony within the nation

11 The Armed Police Force Act, 2001

12 Ibid



5. Challenges of internal security

There is no specific form or aspect of security; however, the challenges to the security can be foreseen. The challenges which are paramount now may not be so in the future and the challenges that are unseen now may require great attention in the future. Security challenges are hence relative and determined by the political, economic, social and security context. Therefore, the government agencies and stakeholders should seriously consider their policy, system, organization and management and need to prepare an appropriate plan to cope with those internal security challenges accordingly. Conclusively, being able to keep public away from any kind of terror and scarcity is in a true sense, the management of the internal security.

Internal and external factors like criminal and armed activities, terrorism, ethnic, religious and communal conflict, migration, immigration, poverty, famine, natural calamities, manmade disasters, etc create challenges to internal security of the nation. Socio-economic factors like rapid urbanizations, easy access to technology, inflation, etc. also have direct or indirect impact on the internal security. Internal security challenges of Nepal are identified as follows:

5.1. Human behavior related challenge

Citizens of every county want to be secured. However, due to narrow mindset and anti-national behavioral activities of some people, internal security is being compromised which are identified as follows:

- Violate the rule of law, taking law into one's own hand, ignorance to the rule of law
- Culture of impunity

- Nexus for corruption, misappropriation of economy and revenue leakage
- Communal thought and behavior that might affect social harmony
- Violent armed activities, extremist mentality and behavior
- Feeling of insecurity created due to international terrorism in the society
- International terrorism and its effect on individuals provision of work against Intelligence Act: According to *Intelligence Act 1961*- 'A person within or outside the country is considered guilty of intelligence crime if he gets or does not get tempted by other countries to benefit them or performs some activities that go against national interests and security by providing information about military and strategic situation and internal security management or intends to give information about them or collects information with an objective to provide information or works on making collection of those information easier.'

In the same Act there is a clear provision that a person is considered to be spying if he, within or outside of the country, gives information about diplomatic write-up which is confidential or any other confidential documents of the Government of Nepal being or without being tempted with a motive of going



against national interest or in favor of foreign interest. Hence the act of going against Intelligence Act weakens internal security. However, it is very difficult to gather information about such activities.

The security information is affected if people bearing diplomatic positions express their personal views on the decisions made by the government without understanding their sensitivity, and security agencies and their capacity without keeping diplomatic protocol when they meet representatives of international communities. It is imperative to have a serious concern

of concerned agencies, individuals, political parties, civil society and other stake holders.

5.2. Weak economic condition

Economic condition is a second factor that has negative impact on the security of Nepal. Nepali citizen who are aware about the fast development around the globe expect their stake in income, education, health as well as policies and assurances of internal security of their country. But the government even after the end of insurgency is still focused only on establishment of peace and promulgation of constitution and is yet to work on strengthening the economy of the country. The table below provides a glance about the economic state of the country in the past five years-

Table -1 Economic status of Nepal

| S.N. | Particulars | 2009/10 | 2010/11 | 2011/12 | 2012/13 |
|------|--------------------------------|---------|---------|---------|---------|
| 1 | Economic growth rate | 4.3 | 3.9 | 4.5 | 3.6 |
| 2 | Growth rate of agriculture | 2.0 | 4.5 | 5.0 | 1.3 |
| 3 | Growth rate of non agriculture | 5.4 | 3.6 | 4.2 | 5.0 |
| 4 | Population under poverty line | 25.4 | 25.2 | 24.4 | 23.8 |
| 5 | Growth rate of employment | 3 | 2.9 | 2.9 | 2.9 |
| 6 | Per capita income (US \$) | - | - | - | 721 |

Source: Draft paper (2013/14-2014/15) of 13th Plan

5.2.1 Poverty

People are compelled to involve in criminal activities due to poverty which leads to violence and conflict. Economic condition of Nepal and the people in the country is degrading day by day. In the last four years, the economic growth rate in Nepal has not increased more than 4 percent. Agriculture is a key source of economy for Nepal with a large number of people depending on it, however, the average

rate of the growth of this area has not exceeded more than 3.2 percent. Although the percentage of people under poverty line has dropped to 23.8 percent, there is no significant change in the number of people who can manage hand to mouth twice a day throughout the year. Therefore, many people are on the verge of poverty and even crisis of small magnitude can deteriorate their livelihood. This further adds challenges to internal security.



5.2.2 Unemployment

Around 4, 00,000 Nepali people enter labor market annually. But the available opportunity is one third of the number.¹³ Growth rate of employment is nearly 2.9 though 30 percent of the total population is jobless or part time workers. 1,500 people leave the country everyday for employment on account of lack of job opportunities.¹⁴ There is unequal distribution of the facilities provided even by the government and equal opportunities are not given in the field of employment. There is a serious impact on internal security when people get unemployed and become involved in the activities like economic crimes, theft, kidnapping, sexual crimes, drugs abuse and black marketing.

5.3 Political situation

5.3.1 Political instability

Political instability is also one of the key factors of existing problems. Internal security is interlinked with political and social change of the country. Political upheavals, degrading situation of good governance and extension of transitional period has further created void in assuring people's basic security.

The past governments failed to provide security to the public, establish the rule of law, maintain peace and create opportunities for development which has further weakened the security situation. And this has further imparted opportunities to the extremists to increase activities for attainment of their major objectives. Political instability is a primary cause of proving platform for existing social,

economic, political, religious, and communal tension which has abetted for the increase in the internal security challenges.

5.3.2 Fragile governance system

The gap between the government and the people has widened because of the fragile governance system. The trust of the public towards the government is declining and politicians are criticized. Establishing peace and security in the society is an arduous job in this critical situation.

5.3.3 Violation of law in the name of fundamental rights

It is challenging to maintain peace and security when there is culture of violating the rule of law in the name of fundamental rights. Illegal strike of the trade unions in factories and industries, padlock in universities, practices of imposing pressure by closing academic institutions, transportation blockade and disorganized demonstration on the streets affect internal security environment. Though it is quite usual to impose pressure for one's rights, but illegal activities related to imposing pressure can lead to violence and break down of the rule of law.

5.3.4 Activities of political parties

Some of the activities of some political parties are challenging in terms of maintaining internal security. Activities like closure, strike, disobedience of law and political protection of criminals further create obstacle to internal security. Nexus between a few political parties or leaders and criminal and armed groups has also created difficulty in managing peace and

13 Khatiwada, Yubaraj, 'Poverty: Challenge to Human Security', edited by Uprety, BR, Bhattarai, R, Wagle GS , in Human Security in Nepal: Concepts, Debate and Challenges, Nepal Institute for Policy Studies and UNCCR North-South, South Asia Coordination Centre, 2012.

14 Ibid



security. For instance, the Communist Party of Nepal-Maoist (CPN-M) decided to boycott the second Constituent Assembly (CA) elections. In the name of boycotting the election, the CPN-M indulged in a number of violent activities where two people were killed and many others were injured in the petrol bomb explosions.

5.3.5 Armed groups

Criminal and illegal activities of armed groups are another major challenge to security. Especially in the border areas, the criminals commit crimes in one side of the border and take shelter in the other side. Due to this, investigating them becomes difficult. Violent activities are on the rise due to increase in social, economic, political, religious, community and cultural problems in the recent years. In addition, involvement of armed groups in the criminal activities like intimidation, extortion, kidnapping, murder, violation of human rights has added to the challenges in internal security. These kinds of criminal and illegal activities of armed groups encourage violence and terror. Feeling of insecurity exists in people especially in the Tarai region where the armed groups have been most active. Due to the increase in number of the ethnicity based groups and communities, there is a high probability of violence caused by these groups and communities.

5.3.6 Cross-border crime

Open border is one of the main factors that affect internal security. The socio-economic relation and interdependency of people living at the Nepal-India border areas has strengthened bilateral relation. However, from security point of view, criminal activities are increasing

because of the open border policy and business of illegal arms has also encouraged cross border crimes. Taking advantage of open border, armed groups are infiltrated into Nepal and even criminals can move across the border without any difficulty. Though there is a provision of keeping record of the people crossing the border and checking their identity cards at the check post installed at the border, it still lacks effective implementation. There are following kinds of cross border crimes in Nepal:

- Professional murder
- Drug trafficking
- Human trafficking
- Explosion
- Prostitution
- Kidnapping
- Extortion
- Smuggling of arms
- Smuggling of fake currency
- Car-jacking
- Money laundering
- Illegal migration
- Smuggling of goods, natural resources and minerals
- Smuggling of agro-products

Use of science and technology in crime is increasing. People who extort, threaten, those who are involved in violent activities, commit criminal activities, lootings, hooliganism, and are involved in business of arms and explosive materials by misusing technology and social media are also threats to internal security.



Table-2 Conditions of crimes in the districts linked with open border (2010/11 to 2012/13)

| S.N | Districts | Arms | Kidnapping | Narcotic Drugs | Murder | Total |
|-----|--------------|------------|------------|----------------|-------------|-------------|
| 1 | Morang | 63 | 16 | 279 | 301 | 659 |
| 2 | Sunsari | 44 | 13 | 263 | 404 | 697 |
| 3 | Saptari | 29 | 25 | 43 | 225 | 322 |
| 4 | Siraha | 48 | 15 | 55 | 194 | 312 |
| 5 | Dhanusha | 50 | 11 | 156 | 296 | 513 |
| 6 | Mahottari | 31 | 17 | 51 | 190 | 289 |
| 7 | Sarlahi | 50 | 5 | 71 | 200 | 326 |
| 8 | Rautahat | 37 | 15 | 45 | 123 | 220 |
| 9 | Bara | 25 | 9 | 96 | 168 | 298 |
| 10 | Parsa | 34 | 4 | 734 | 126 | 898 |
| 11 | Nawalparasi | 14 | 3 | 54 | 326 | 397 |
| 12 | Rupandehi | 21 | 7 | 590 | 403 | 1021 |
| 13 | Kapilvastu | 24 | 2 | 86 | 128 | 240 |
| | Total | 470 | 142 | 2496 | 3084 | 6192 |

Source: Himal, 8th September 2013, (Primary source the Nepal Police)

The record shows a total of 6,192 incidents related to crimes in the last three years in 13 different districts in the Tarai. Cases related to murder and activities related to narcotic drugs have highest incidents. The open border has made the transportation of small arms and movement of criminals easier. According to the record of the MoHA, 429 in 2010, 415 in 2011 and 275 in 2012 cases were arms related in total of 1,119 cases. The data of 13 districts shows that the ratio of arms related cases were 36.15% per district while rest of the 62 districts had a total of 649 cases of the same nature which points to an average of 10.46% in each district. Like Nepal-India border, Nepal-China border is also becoming a common target to cross border crime. Although Nepal and China have very good relations, but the influx of Tibetan refugees from Tibet to Nepal may deteriorate the existing intimate and cordial relations. Those Tibetans who come via border look for

asylum in Nepal and they are, indirectly, helped by some international organizations. Unwanted activities like human trafficking, goods, corruption, smuggling of natural resources and smuggling of gold are also becoming common at the northern border of Nepal.

5.3.7 Underground and armed groups

Many underground groups have been emerged after 2006. According to the report of the MoHA 2009/10, there were 108 active underground and armed groups involved in activities such as import and export of arms and explosive materials, theft, fight, kidnapping, extortion, ransom and murder misusing open border and taking advantage of the political transition. The government introduced 'Special Security Plan 2010' for effectiveness of peace and security, end of impunity and protection of human rights to ensure peace and security to the people.



The Plan was to a greater extent, successful in attaining its objectives. Though the efforts made to bring underground groups into political mainstream by organizing dialogue with them have reduced the number of organized crimes, but the government has not been able to bring them under full control and hence, their activities are challenging from security point of view. Similarly, many underground groups are still involved in criminal activities.

5.3.8 Weapons used during the insurgency

During ten years of insurgency, guns, pistols, land mines, pressure cooker bomb and other small arms were used at local levels.¹⁵ The UN declared Nepal a land mine free country on July 13, 2011. People in the past have used arms for the security of individuals and community. Considering the seriousness of the issue, the government recently made an appeal with the public to hand over the illegally kept weapons on February 28, 2013¹⁶ following which there was a collection of 5,498 weapons from different parts of the nation.¹⁷ There was a suspicion that the Communist Party of Nepal (Maoist) which announced not to participate in the second CA election could use the weapons that the party possessed.¹⁸ The suspicion further got justified as seventy Three Nut Three rifles and one mortar were found near the head quarter of Jajarkot district on September 15, 2013. However, the weapons were not found to be used during the election. Nevertheless, there is still a point of doubt that the weapons used in

insurgency could be used in the future.

5.3.9 Dissatisfaction about the end of peace process

In accordance with the Comprehensive Peace Accord (CPA) between the Government Nepal and the CPN (Maoist) on 21 November 2006, there was an agreement to complete the peace process within six months of the CA election and promulgate a new constitution within two years. Unfortunately, it took seven years to conclude the peace process. The process was partially settled but other important aspects of the peace process were not addressed which resulted in dissatisfaction regarding the conclusion of the peace process. The Commission for Forced Disappeared Persons and the Truth and Reconciliation Commission could not be formed. Moreover, thousands of conflict victims, martyrs and their families have been denied justice. The lack of justice to the victims is the main reason for the rampant dissatisfaction that has aroused anger and sowed the seed of hopelessness among people. The culture of impunity and politicization of the crimes committed during the insurgency in addition to the failure of the stakeholders to adequately rehabilitate the ex-combatants led to only partial conclusion of the peace process. The UCPN (Maoist) wanted to integrate its 19,602 former combatants into the NA but only 1,422 were integrated and rest 15,624 went for voluntary retirement. Only 6 of them chose rehabilitation package.¹⁹



In total 4,008 were considered to be disqualified which included minors (born after May 25, 1988) and late recruits (who joined after the ceasefire agreement of May 25, 2006) during verification. The level of dissatisfaction is much higher among the ones who were declared disqualified and the ones who opted for voluntary retirement. They are also unhappy with the monetary package offered to them. News regarding the involvement of disqualified combatants in criminal activities has been reported in different media.²⁰ The Kathmandu Metropolitan Police has apprehended 6 former combatants with weapons on the charge of theft since April.²¹ Similarly, along with other five persons, personal secretary of former CA member Chandra Bahadur Thapa, Yam Bahadur Thapa were also apprehended with sophisticated rifles and pistols from Kathmandu valley.²² Those who were disqualified and those who were not integrated into the NA and those who opted voluntary retirement are found to be more dissatisfied.

5.3.10 Security challenges in the post second CA election context

Because of the dispute among main political parties on sharing of state powers and modality of federalism, constitution could not be promulgated. Completion of the second CA election has not only resolved the political and constitutional crisis after the dissolution of the first CA but it has also received a new mandate of people to work on contended issues. However, in this changed context there is a hope of improvement in internal security with political stability but challenges still persist.

- **System of governance, division of natural resources, financial powers and revenue and distribution of state powers were highly contested issues during the first CA. Issue of identity based federal model became a matter of hot cake for four years in the first CA. However, consensus could not be reached. Eventually, it led to the dissolution of the CA on May 27, 2012. In the changed political context, some of the challenges have emerged: restructuring of the state, right to self determination and demands for autonomy of the state, armed groups, anti-state elements and culture of increasing crimes.²³ The reports submitted by the Thematic Committees of the first CA: Committee on Fundamental Rights and Directive Principles, Committee for Protection of Fundamental Rights of Minority and Marginalized Communities, Committee for Restructuring of the State and Distribution of State Powers, Committee on Determination of the Form of the Legislative Organs, Committee on Determination of Form of Governance of the State, Committee on Judicial System, Committee on Determination of Structure of**

15 'Armed Conflict in Terai', Interdisciplinary Analysts, Nepal Madhesh Foundation, Small Arms Survey and Safer World, 2012.

16 Ibid

17 'Collection of 5498 Arms by the Government', Nagarik, May 13, 2013

18 Nepal, Janak and Singh, Bhim Bahadur, 'A Large No of Arms Found', Kantipur, September 16, 2013

19 Bohara, Rameshwor, 'Good Result', Himal, September 08, 2013

20 'Nepal's Peace Process: A Brief Overview', Nepal Institute for Policy Studies, 2013

21 Jha, Nabin, 'Criminal Use of Hand Cuffs', Himal, September 15, 2013

22 Ibid



Constitutional Bodies, Committee on Division of Natural Resources, Financial Power and Revenue, Committee on Determination of Bases for Culture and Social Solidarity and Committee for Protection of National Interest became cause for disagreement among the political parties. The Committee for Restructuring of the State and Distribution of Powers had to make recommendations on structure of federal republic state, theories and criteria that determine federal units, determination of every federal unit and give them their names, legislative of federal units, division of executive and judicial rights. The committee in its recommendation had proposed 14 autonomous states. The report proposed the number of state based primarily on identity and secondarily on ability. The report proposed right to self-decision to the *Adiwasi-Janajati* and *Madhesi* people on politics, culture, religion, language, and education.²⁴ The second CA has no alternative but to further organize a comprehensive discussion on these issues and take decision. Their decision will have an impact on the peace and security of the country in the coming days.

- Some of the political parties that boycotted the election and its result

have released statements that they will organize street demonstrations and city centric protests which are likely to have negative impact on peace and security of the country.

- Families of those who lost their lives, were injured and were left handicapped due to violent activities of the parties that boycotted the CA election are yet to get justice. Mohammad Alam, Rakesh Yadav and Raj Kumar Deuja Kshetry lost their lives during the election owing to these violent activities. These incidents have encouraged violence and impunity in the community and will add more challenges to security if the victims do not get justice and criminals get freedom.
- Polarization between ethnicity and regionalism was observed during the election. There is a risk of emergence of social conflict that may weaken mutual harmony and cooperation due to the factor.

5.3.11 Issues of nationality and national interest

The debate on nationality and national interest is ongoing. Since the political parties have divergent opinion on nationality and nationalism, it is affecting internal security environment. Political parties try to attain their interest by defining national issues in terms of their benefits. This sort of attitude supports the rise in internal conflict.

23 Wagle, Geja S, 'New Challenges of National Security in the Changed Context', edited by Bhattarai, R and Wagle, Geja, S in Emerging Security Challenges in Nepal, Nepal Institute for Policy Studies, 2010



5.3.12 Relation with neighboring countries

The issues of counterfeit currency, criminals taking shelter in Nepal after committing crimes in India and vice versa, and many other activities have further created severe challenge to security. Following the hijacking of the Indian Airlines' flight in 1999, India has been demanding to have a facility to allow sky marshals on Indian planes flying from and to India and Kathmandu.²⁵ Due to the hijacking of Indian Airlines, Indian intelligence agency concluded Nepal's sky as insecure. The intelligence agency has further suggested that National Security Guard that specializes on training for air security special commando to be added to the sky marshal.²⁶ It is very sensitive issue from the point of view of national security of Nepal. Therefore, the Indian and Nepal governments should take immediate measures to strengthen the security system in both the countries.

5.3.13 Weak state

Concerns and activities of international agencies are on the rise as Nepal as a state is getting weaker. Even some of the International

Non-Governmental Organizations (INGOs) have known to perform their activities in an unusual manner. Some of the international donor agencies and countries are being accused of advocating ethnic conflict. A report prepared by the Carter Center states that activities of many of the aborigine and ethnic organizations have decreased in recent times. However, as the fundamental constitutional demands of these groups are yet to be addressed, the possibility of an increment in their activities is higher.²⁷

5.4 Disparity in social condition

5.4.1. Pervasiveness of illiteracy and poverty has further added challenges to security. Lack of education widens the gap between the government and the people and further decreases the public trust towards the government. Being caught in the whirlpool of illiteracy and poverty, people get involved in criminal activities to fulfill their basic needs which escalate criminal activities in the society. Population growth rate in Nepal is 1.35 while inflation has reached to 9.1%. Child and maternal mortality rate is still high. The given social index helps to understand the condition of the country:

Table-3: Social Status

| S.N | Index | Year (AD) | Existing Scenario |
|-----|---|-----------|-------------------|
| 1 | Average Population Growth Rate | 2011 | 1.35% |
| 2 | Life Expectancy (year) | 2012/13 | 69.1 |
| 3 | Literacy (5 yrs. and above) | 2011 | 80% |
| 4 | Child Mortality Rate Under 5 Years (Per hundred thousand live birth) | 2011 | 5,400 |
| 5 | Maternal Mortality Rate (Per hundred thousand who were alive while delivering a baby) | 2011 | 229 |

Source: National Population and Housing Census 2011 (NationalReport) Central Bureau of Statistics, 2012

24 'Mirror of Constituent Assembly', 2008-2012, The Secretariat of the Legislative-Parliament, Kathmandu, 2013

25 Issues Raised in the Meeting of Secretaries of Ministry of Home Affairs of Nepal and India (Nov 1, 2008 and Nov 7, 2009)

26 Bhattarai, Devendra, 'Nepalese Sky Insecure: Sky Marshal to be Added', Kantipur, September 6, 2013



5.4. Domestic violence is another factor that affects internal security. The women activists opine that women are victimized as the state treats females through a patriarchal vision when it comes to the issue of security. In this context Michael Sheehan says: ‘The concept of international security in terms of gender on various aspects of gender relations has been completely biased’.²⁸ Thus, it has become difficult to the women activist to intervene the

patriarchal society. The voices raised by women are not being taken seriously.²⁹ Domestic violence is yet to be controlled as the perception made towards female is still guided by patriarchal mindset not only in Nepal but also in other countries. Not only domestic violence but also gender violence is on the surge day by day. Along with female, children are also doomed to be victimized. The given table shows violence against women and children in last ten years:

Table-4: Incidents related to violence

| SN | Fiscal Year | Rape | Attempts to rape | Human trafficking | Force abortion | Child marriage | Polygamy | Domestic violence |
|----|-------------|------|------------------|-------------------|----------------|----------------|----------|-------------------|
| 1 | 2003/04 | 154 | 19 | 56 | 8 | 3 | 44 | 922 |
| 2 | 2004/05 | 188 | 25 | 72 | 11 | 1 | 66 | 730 |
| 3 | 2005/06 | 195 | 38 | 97 | 14 | 1 | 65 | 939 |
| 4 | 2006/07 | 317 | 70 | 112 | 3 | 7 | 94 | 1,100 |
| 5 | 2007/08 | 309 | 73 | 123 | 13 | 4 | 122 | 881 |
| 6 | 2008/09 | 391 | 75 | 139 | 12 | 2 | 170 | 968 |
| 7 | 2009/10 | 376 | 101 | 161 | 8 | 7 | 146 | 983 |
| 8 | 2010/11 | 481 | 151 | 183 | 12 | 3 | 197 | 1,355 |
| 9 | 2011/12 | 555 | 156 | 118 | 13 | 12 | 249 | 2,250 |
| 10 | 2012/13 | 677 | 245 | 144 | 28 | 19 | 350 | 1,800 |

Source: The Nepal Police

According to table given above rape cases quadrupled and attempts to rape has increased 13 times from 2003/04-2012/13. The cases of human trafficking had continuously increased till 2010 followed by a gradual fall in the following year. The number of cases of forced abortion was variable during the period of 10 years. The cases of child marriage and polygamy saw an increment of 6 and 8 times respectively. And the cases of domestic violence reached up

to 2,250 till 2011/12 after which it experienced a minimal decline in the following year. Gender violence here comprises rape, attempts to rape, human trafficking, polygamy, child marriage, forced abortion, etc.³⁰

5.4.3. There will be a negative impact on national security if different ethnic groups, religion, languages are not given appropriate place and regard. It can further weaken national

27 The Carter Center, November 23, 2010

28 Sheehan, Michael, International Security: An Analytical Survey' New Delhi, Viva Books Pvt. Ltd. 2009

29 Tikner, JN, 'Theories of Hens Margenthen on Political Realities: Feminist Rethinking', Rebecca Grant and Kathleen Newland (ed), in Gender and International Relation, Buckingham, Open University Press, 1991



integrity. Communal activities are increasing in trend and if such activities keep on rising, there will be severe impact on social harmony. It will leave short term as well as long term negative effect on national integrity and security of people.

5.5 Security Challenges

5.5.1 Impunity and lack of transitional justice A decade long armed conflict came to an end after the signing of the CPA. But impunity still prevails and there is a lack of justice mechanism for the transitional period. Criminalization of politics and politicization of crimes have helped to increase culture of impunity. Impunity is prevalent everywhere in the society as well as country's politics. None of the former governments put an honest effort in forming the Commission for Forced Disappearance People and the Truth and Reconciliation Commission which is one of the main aspect of the peace process and the Interim constitution, 2007. Instead, many cases related to grave criminal crimes and violation of human rights filed against the cadres of political parties were withdrawn from cabinet meeting which has further nurtured the culture of impunity, insecurity and lawlessness. Even all of the then governments turned their deaf ear in implementing the suggestions recommended by the Nepal Human Rights Commission.³¹

5.5.2. The use of technology in crimes is increasing. Internet and telecommunication services are used as major weapon in crime. Use of science and technology in the activities like

kidnapping, murder, smuggling and tax evasion has also added challenges to internal security.

Illegal use of Voice over Internet Protocol (VOIP) by the perpetrators involved in organized crimes has further created challenges to police. There is escalation in revenue fraud as infrastructure of telecom is being constructed by bypassing Gateway of registered Telecom provider. After 2010 the CIB of the NP has been entrusted³² with the monitoring of such illegal activities. The CIB however, has not been able to achieve much in this end. The bureau has nonetheless, arrested some guilty people and has filed cases against them. According to information received from the NP, 86 Nepali and 22 foreign citizens are apprehended and forwarded for further legal actions.³³

5.5.3. The possibility of misuse of television and internet is quite high. Around 50 service providers of this kind are out of the government's control.

5.5.4. Lack of the appropriate management of natural and manmade disasters and effective plans has resulted discontentment among the victims which eventually affects the internal security. Fifteen thousand people lost their homes and are still living a pathetic life due to the collapse of Koshi embankment caused by inundation in June 2008. The victims are disappointed because of insufficient compensation and lack of appropriate settlement. Similar complaints have been made by the victims of Mahakali flood in 2013 in Darchula district. It creates

30 National Work Plan Against Gender Violence, Monitoring Report of Implementation of 2010, Office of Prime Minister and Cabinet, August 2012

31 National Human Rights Commission: <http://www.nhrnepal.org/reports.php>

32 Information provided by the MoHA in the meeting of Public Audit Committee, January 6, 2011

33 Information Received from the Nepal Police



risk for internal security management if the dissatisfactions of the victims of the disasters are not addressed timely.

5.5.5 The possibility of the use of security literatures and their easy availability in the market by criminal groups is high. Only the security agencies have the authority to make use of public intelligence equipments. Other security sensitive organizations or groups need to take permission from security bodies in advance if they need those equipments. However, security dresses, hand cuffs, security screening machines, CCTV, Video, body scanner, home security equipments, Voiccetel Wireless and security bullet proof jackets are easily available in the market. People who are clad in security dresses carrying hand cuffs claiming to be policemen and engaging in illegal activities are on the rise. It has added other complications on internal security linked with security sensitivity.

5.5.6 There is a problem of receiving information about any incident due to the lack of proper information system that leads to possible accidents.

5.5.7 Internal security challenges further increase due to the lack of effective implementation of scientific system which regulates private security guards of private sectors and their supply. Unwanted incidents occur due to the lack of appropriate trainings and knowledge as well as information about those recruited ones.

5.5.8 Unmanaged urbanization and unplanned settlements has also posed major problems to internal security. Internal migration has been

city centric and criminal activities are on the rise.

5.6 Human security and traditional security threats

Concept of security has shifted from state centric to human centric in recent times. Social, food, health, environment, community, individual and political factors are primary elements of internal security. According to the Central Bureau of Statistics, 23.8% of the total population is under the poverty line and it shows that citizens of Nepal are insecure in the context of human security in their daily life. So, human security has stood as a new and non-traditional security challenge.

Recommendations

To ensure peace and security in the society by meeting those serious threats, the Government of Nepal should take some policy level, institutional and organizational steps at the earliest possible. The following suggestions are imperative to assure internal security by the government and security agencies:

- 1. Internal and external security threats are arduous and multidimensional. Therefore the government should draft national security policy to face internal and external security threats by having serious consultations with different political parties and other stakeholders, taking into consideration the changed political context.**



- 2. National security policy of Nepal should be drafted in line with the broader concept of human security.**
- 3. The security agencies of Nepal (the Nepal Army, the Nepal Police, the Armed Police Force, and the National Investigation Department) need to be mobilized for the effective maintenance of the rule of law.**
- 4. Capability and professionalism of the security agencies of Nepal should be enhanced to face complicated internal and external security threats.**
- 5. The security agencies should be completely apolitical, professional, inclusive and accountable to people and the prevalent practices of political interference should be discouraged.**
- 6. Difficulties and hurdles are seen in work accomplishment due to overlapping of role amongst the of security agencies. The government must stipulate clear mandates to all the security agencies to avoid duplication and overlapping in works.**
- 7. The Government of Nepal should enhance the capacity of security agencies to boost their professionalism, ability and performance by providing advanced trainings, technology and instruments.**
- 8. The Government of Nepal and its security agencies should fully comply with fundamental principles of human rights, international human rights laws, international treaties, and conventions.**
- 9. The Government of Nepal and the government of India should effectively control cross border crimes and illegal activities and regulate the border scientifically as many challenges of security have emerged due to the misuse of Nepal-India open border.**
- 10. Nepal has been declared as the Federal Democratic Republic. Therefore, the role and structure of the security agencies should be restructured in line with the Federal Democratic Republic. The security challenges of federal system are much complicated and multidimensional. Therefore, while restructuring of the security agencies, due consideration should be given in this aspect as well.**
- 11. Nepal is at high risk of disaster caused by natural calamities, climate change, destruction of forest and environment, unplanned urbanization, manmade physical structures, etc. Hence, with the view of providing assistance and relief to the victims as well as reducing and managing such incidents, the security agencies should be developed as competent agencies in dealing those challenges.**



12. **Make appropriate law to control kidnapping, human trafficking, terrorist activities, business of narcotic drugs, etc which leave serious impact on peace and security and create an environment of insecurity and implement those laws effectively.**
13. **Ensure transitional justice to the people by establishing the Commission for Forced Disappeared Persons and the Truth and Reconciliation Commission to punish the perpetrators and give justice to the victims by eliminating impunity.**
14. **Armed and criminal groups that are active in the country should be identified and disarmed. Their political demands should be addressed through dialogues processes. Criminal, illegal and armed groups should be brought under control of the government as per the law.**
15. **There should be good relation between public and security agencies. The security policy to be enforced by the Government of Nepal should not only assure rights and security of all citizens but also be people friendly, community friendly, gender friendly, human rights friendly and disabled friendly.**

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