

# **Rehabilitation and Integration of Maoist Combatants as Part of Nepal’s Security Sector Reform**

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The highly sensitive issue of “monitoring, integration and rehabilitation” of the Maoist combatants as called for in the Comprehensive Peace Agreement (CPA) and the Interim Constitution of Nepal, has now become central to concluding the peace process and finalizing the new constitution of Nepal.

The CPA also speaks of the “democratization” of the Nepal Army and “determination of the right number of the Nepali Army”, generally understood to mean the need to down-size or right-size Nepal’s security apparatus.

A related issue is to make Nepal’s security forces more inclusive and representative of the diverse mosaic of Nepal’s population by ensuring better representation of women, Madheshis, Dalits and other under-represented groups.

Ideally, all of this needs to be done as part of a broader security sector reform (SSR), keeping in mind Nepal’s legitimate security interests, but avoiding unnecessary and unaffordable militarization of the Nepalese society. An equally important objective is to ensure genuine civilian supremacy by avoiding politicization and factionalization of Nepal’s security forces.

An early resolution of these complex issues is vital for bringing to closure Nepal’s peace process, and for lasting peace and tranquility in the country. While some of these complex issues can only be tackled over a number of years, a phased process of reform must begin right away with the management, rehabilitation and integration of the Maoist combatants as the most urgent priority.

This article proposes some specific immediate actions on the issue of rehabilitation as well as selective “professionalization and integration” of the Maoist combatants as part of a broader, longer-term and comprehensive security sector reform to make Nepal’s security forces more inclusive and democratic.

The author of the present article is not an expert on the subject of security sector reforms, and the proposals contained in the article are just an outline for further discussion and elaboration by concerned parties and experts.

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It has now been almost 3 years since the signing of the Comprehensive Peace Agreement (CPA) and the Agreement on Monitoring of the Management of Arms and Armies (AMMAA) in 2006.

During this period, there have been some major achievements in Nepal – holding of the CA election, declaration of a republic, writing of the interim constitution, formation of 3 different governments. But on the critical question of integration and rehabilitation of the Maoist combatants there has been no progress at all.

Even on the seemingly simple issue of release and rehabilitation of the *disqualified* combatants, we have not made any progress.

During the decade of conflict, the size of the Nepal Army grew from 46,000 to 96,000. And Nepal's defense budget increased from less than NRs. 2 billion to NRs. 15 billion this year. Today, during peace time, most political parties, including the UCPN-Maoist, agree that there is a need to reduce rather than increase the overall size of the Nepal Army. We would also like to see some of this huge military security budget reallocated to human security priorities of our people.

In that context, it seems logical that priority should be given to “rehabilitation and management” of the Maoist combatants rather than to their large-scale “integration” which will further inflate the size of the Nepal Army.

On the other hand, given our commitment as part of the peace process, creative ways must be found for some degree of “integration” of the combatants in Nepali's security forces, including the Nepal Army.

Thus we are faced with two seemingly contradictory requirements – from the point of view of Nepal's genuine security needs, we probably need to reduce the size of our security forces, especially the Nepal Army. But from the point of view of the peace process, we need to “integrate” some Maoist combatants thereby increasing the size of our security forces.

So a question arises, can we find a win-win formula whereby we can integrate some Maoist combatants in a manner that would actually help strengthen the Nepal Army and other security forces, *qualitatively*, because we do not need to strengthen them quantitatively.

My answer is yes, we can and should undertake a limited degree of integration in a manner that would actually enhance the inclusiveness, democratization, professionalization and modernization of our security forces, which would be in Nepal's national interest.

In identifying that win-win formula, we must first develop a national consensus on what should be the major role and mission of the Nepal Army.

## **Redefining Major Tasks of Nepal Army**

In the new peaceful Nepal, it would be desirable to restructure the Nepal Army to undertake 4 major tasks:

- 1) the traditional military functions of defending and safeguarding the nation's sovereignty and integrity, and maintaining peace and security,
- 2) serving in international peace-keeping and peace-building operations,
- 3) supporting disaster relief and rehabilitation, and undertaking some short-term post-emergency reconstruction and development activities,
- 4) Providing certain specialized security services, e.g. VIP security, protection of vital installations, etc.

The Nepal Army is already involved in such activities to some extent. What is being proposed here is to make this more formal and systematic, including reallocation of the defense budget to reflect these priorities.

While building specialized competencies in each of the 4 key tasks of the Nepal Army as outlined above, to ensure a sense of equity, common experience and shared pride, in the course of their career all Nepali soldiers and officers should have an opportunity, and indeed obligation, to rotate and serve in all the 4 key functions, including in peace-keeping operations, which are among the most valued assignments.

The soon to be reactivated high level Special Committee and its Technical Committee should be empowered to come up with a set of pragmatic proposals for the integration and rehabilitation of Maoist combatants that would reinforce our genuine need for a numerically slightly smaller, but qualitatively and professionally much stronger security apparatus that is more inclusive of women, Madheshis, Dalits, and other under-represented groups.

Here are some key proposed actions in this perspective:

### **1. For immediate action:**

#### **Discharge of “Disqualified” Combatants**

Immediately discharge all combatants “disqualified” by UNMIN from all cantonments to temporary holding centres far away from existing cantonments where they will receive some counseling and vocational training before they return to their communities. Such holding centres should be managed by non-political civilian administrators assisted by UNICEF and other recognized national and international organizations without any further involvement of the Maoist Party or of Maoist commanders or the Nepal Army.

Release and rehabilitation of the “disqualified” combatants should not be conditional on any further political negotiations. It should be part of Nepal’s repeated commitment to the United Nations to comply with UN Security Council resolutions, without any further ifs and buts.

Funding for this component is already largely available from donors through relevant UN agencies.

## **2. “Integration” of ex-Combatants:**

The Interim Constitution of Nepal provides for “*verified* Maoist combatants who *choose* integration to be deemed eligible for *possible* integration with the *security bodies*, after fulfilling the standard requirements”.

It is important to note the careful wording: the integration option is not for all combatants but only for the *verified* ones; and only for those who *choose* integration. Combatants do not have a right or entitlement to be integrated, but only to be considered for *possible* integration; and integration is not necessarily with the Nepal Army but with any or all security bodies including the NA; and those wishing integration must meet the *standard norms* of the various security forces.

The CPA provides for a Special Committee that is to carry out “monitoring, integration and rehabilitation”. Here again, it is important to note that integration is only one component, rehabilitation, management and monitoring are other key concepts.

To implement the “integration” component with these caveats in mind, the following sequence of action is suggested:

First, in order not to create undue expectation that large numbers of combatants are going to be integrated into the NA, there is a need to explain to the combatants that the actual number of combatants who are likely to be integrated will be rather small.

Second, explain to the ex-combatants that in the process of integration, some groups that have been historically marginalized and under-represented in the NA are likely to be given preference over others, in the larger national interest of Nepal.

Third, explain to the ex-Combatants, what other options are available under the rehabilitation component – from jobs as teachers, health workers, pre-school monitors, foresters, to various vocational training for self-employment and foreign employment.

Then only proceed with the vetting process for the integration component, so the expectations are manageable.

- a) To determine eligibility for possible integration, assign the Technical Committee, or possibly a sub-committee, to undertake this task. Let them first determine who might

- be eligible for possible integration, who meet the required standard norms for recruitment into the various branches of Nepal's security services.
- b) Second, ascertain from among them who would choose to join which security service, if given a choice. This must be an independent individual choice, not a choice made for the combatants by their commanders or some party officials.
  - c) Third, in determining eligibility, care should be taken to exclude Maoist combatants and officers known to have committed serious human rights violations. (The same human rights standards should apply, of course, to Nepal Army soldiers and officers, when it comes to their recruitment, promotion, and deputation on special assignments).
  - d) Through political negotiations among the parties, agree on some priority groups for integration into Nepal's security services on the basis of the need to make Nepal's security services more inclusive of the diversity of Nepal's population. Women, Dalits, Madheshis and other groups historically under-represented in Nepal's security would fall in this priority group. As part of affirmative action, special arrangements could be made to provide a "bridging training" for combatants from such background who meet certain minimum standards, but not quite the normal standard norms of various security services.
  - e) Among the Maoist combatants who are eligible and opt for recruitment into the Nepal Army or Police or Armed Police Force, provide special opportunity for integration for up to 2000 women combatants. According to UN Security Council resolution 1325, the UN is actively encouraging the deployment of more women officers in its peace-keeping missions. Nepal could make a very valuable and mutually beneficial contribution to world peace by having a dedicated contingent of women soldiers or police officers. This would simultaneously help make Nepal's security services more inclusive, gender-balanced and gender-sensitive institutions. It would be in Nepal's larger national interest, and in keeping with Nepal's new egalitarian, democratic dispensation.
  - f) For the remaining women Maoist combatants, organize special training as community health workers, pre-school monitors, primary school teachers, or women development officers – with guaranteed employment – based on their qualifications and interest.
  - g) Among the remaining male Maoist combatants who meet the minimum required qualifications, arrange for the recruitment and professional training, of up to 2000 ex-combatants primarily from among communities that are currently under-represented in the Nepal Army, APF or police force (e.g. Madheshis, Dalits, etc.).
  - h) For a small number of Maoist officers, who have not joined the political process or taken up other civilian jobs, and who have basic officer-level qualifications, arrange for a specialized officers' training partly in Nepal and partly at well recognized institutions abroad. Part of this training should be joint with other NA or police

officers to ensure a sense of camaraderie and bonding as officers of a non-political professional security force.

### **3. The “Rehabilitation” Component**

Develop a detailed rehabilitation package for discharged Maoist combatants that include the following:

- A lump-sum allowance of NRs. 1 lakh for each of the 15,000 or so discharged ex-combatant who have not been integrated into the security forces.
- For all ex-combatants who so wish, offer special scholarships to pursue vocational/professional training in areas of national development priorities where there are good prospects for employment – e.g. training as primary school teachers, pre-school monitors, ANM and AHW, etc.
- Additionally, offer support for special technical/vocational training and apprenticeship programmes involving different skill with the help of existing technical/vocational training institutes.
- For the above purpose, convene a consortium of existing technical/vocational schools, from both the private and public sectors and provide them financial and other incentives to expand their training capacity, initially to provide special training to ex-Maoist combatants; later to Nepal Army soldiers who might take voluntary early retirements, and eventually to expand Nepal’s technical, vocational, professional training capacity for the general public.
- For all ex-combatants who have received training but no guaranteed employment offer a lump-sum amount of up to NRs. 2 lakhs partly in cash and partly in job-related commodities, tools, raw materials, etc. for self-employment.

#### **Securing International Support for Rehabilitation and Integration**

Negotiate with friendly countries and donor institutions to provide financial, technical and training support for the above programme. I estimate the total cost of the rehabilitation component to be approximately NRs. 3 billion or US\$42 million (see Annex).

A word of caution is warranted here. International donors are not likely to be keen to provide large amounts of cash grants to ex-combatants as proposed above if it appears that the UCPN-Maoist will seek to extract or extort much of such cash for their party coffers. There may be a need to commoditize the cash grants to avoid such extortion, unless the Maoists make a credible commitment that is convincing to other parties and to the donors.

#### **4. Longer-term action plan:**

Establish and activate a high level National Security Council that enjoys the respect and trust of all Nepalis to develop long-term national security policy, to provide guidance for security sector reform and to oversee other critical short-term transitional arrangements.

To ensure proper civilian oversight over the Nepal Army, urgently begin the process of transforming and upgrading a proper Ministry of Defense staffed with competent, non-controversial senior officials, with some knowledge and expertise of military and strategic affairs.

Modern Nepal never had a functioning Ministry of Defense. Many knowledgeable analysts have dubbed Nepal's Defense Ministry simply as a powerless post-box for the army, with real powers and responsibilities of the ministry vested in and exercised by the Principal Military Secretariat at the Royal Palace until mid-2006 and by the Army Headquarters, headed by the Chief of Army Staff in recent years. This must be changed in keeping with best practices in modern democratic states.

Both long-term security sector reform and the short-term task of rehabilitation and judicious integration of Maoist combatants in Nepal's security services or other alternative occupations are highly sensitive issues requiring very skillful handling by competent and credible professionals.

Fortunately, Nepal has a pool of highly regarded retired Nepali army and police officers who have had relevant experience in UN Peace-keeping missions around the world, as well as access to well-trained and skilled retired Gurkha officers, who could be very helpful. Serious consideration should be given to enlisting the support of such professionals in these sensitive but essential tasks.

#### **“Right-sizing” Nepal Army**

There is a need for a serious review of the right size of Nepal's security services in the light of our evolving security challenges. Currently the Nepal Army alone has some 96,000 personnel. With the APF and Police Force, Nepal's total security personnel far exceeds 150,000+. This number is higher than all of Nepal's civil servants combined, excluding school teachers.

For a peace-loving democratic nation situated between the world's two most populous and powerful countries, Nepal's main defense against any possible external aggression can only be skillful diplomacy. Given this reality, it seems excessive and imbalanced for a poor country like Nepal to have a 100,000+ army costing nearly \$200 million (NRs. 15 billion) annually.

In light of the need to gradually right-size the Nepal security services, particularly the Nepal Army, a policy decision should be taken not to automatically fill posts, including at the senior officer levels, which become vacant through normal attrition, retirement or voluntary early retirement.

Instead, for the next 3 to 5 years, a special policy should be adopted to fill only up to 25 percent of such “vacant” posts in the Nepal Army, and that too through an affirmative action plan of special recruitment that specifically seeks out and nurtures qualified recruits from among historically under-represented segments of Nepal’s population, including women, Madheshis and Dalits.

In addition, over the coming decade, we should develop a programme of voluntary early retirement from the Nepal army, and offer the retirees a generous severance package of financial incentives for 5000 to 10,000 soldiers and combatants every year for the next 5 to 10 years.

The voluntary early retirement package of financial incentive for NA personnel could be between NRs. 2 to 4 lakhs per retiree, depending on his or her length of service. With an average cost of NRs. 3 lakh per retiree, the total cost of this package for some 50,000 retirees would be approximately NRs.1.5 billion or some US\$20 million per year for up to 10 years.

It ought to be possible to fund this amount entirely out of Nepal’s defense budget, though some international support might be needed and solicited especially in the early years of the programme. The Army Welfare Fund might also be tapped for some support in this respect.

Recognizing that military service, both in Nepal and in the Gurkha troops abroad, is an important source of employment and income for many impoverished families in Nepal, great care should be taken to ensure that alternative jobs are created, skill training is provided, arrangements are made for loans and financing for starting small enterprises and businesses by former soldiers, including ex-Maoist combatants, as part of long term down-sizing of the Nepal Army and demilitarization of Nepali society.

Such employment creation programmes for ex-soldiers and combatants might include micro-credit and micro-finance schemes to start small enterprises, businesses and cooperatives. One could even envisage a special scheme for foreign employment for demobilized soldiers and ex-combatants, as several countries are known to be very receptive to employing retired security personnel with good professional training, skills and military discipline in certain occupations.

As Nepal is going to need some 100,000 additional primary school teachers, pre-school monitors and health workers in the coming years, demobilized soldiers and ex-combatants, should be given preferential training and placement opportunities in such civilian occupations.

Even the private sector should be approached to help underwrite some of this retooling and to offer job opportunities for qualified demobilized soldiers and ex-combatants.

## **“Democratization” of Nepali Army**

The Comprehensive Peace Agreement calls for “democratization” of the Nepal Army. This should include at least the following 3 components:

- 1) Gradually change the composition of the Nepal Army, including at the senior officer level, to make it more inclusive of the diversity of Nepal's population. This should be done in a proactive manner but without compromising on required professional qualifications and competence.
- 2) Provide intensive training for all levels of the Nepali Army, including at the officer level, on respect for human rights, humanitarian laws, gender and cultural sensitivity, and zero tolerance of impunity, and
- 3) Ensure a strong culture of compliance with these democratic norms, not only in theory but in practice, through a rigorous system of internal monitoring and external parliamentary civilian oversight. A more competent and adequately resourced Ministry of Defense is vital for this.

### **DDR vs. SSR**

In discussing the issue of “rehabilitation and integration” of Maoist combatants in the context of broader security sector reform, two issues are often raised with much anxiety and concern:

- 1) The risks of integrating an ideologically indoctrinated armed group loyal to one political party in a national professional army, and
- 2) The relative merits of the Disarmament, Demobilization and Reintegration (DDR) versus the Security Sector Reform (SSR) approaches.

These are both legitimate concerns, but are also quite manageable if we are guided by a genuine commitment to the larger national interest.

As far as the risk of politicization of the national army is concerned, this must be factored in the manner in which integration is handled and the type of professional training that is provided. The Maoist combatants who join the national army should do so as individual Nepali citizens. The UCPN-Maoist, as a political party should not retain any special links with these new recruits.

While individual soldiers and officers can enjoy their political freedom and civil rights as all citizens of Nepal, there should not be any political party affiliated units within Nepal's security forces.

While it is true that the Maoist combatants are ideologically indoctrinated, and politically partisan, most of them joined the Maoist armed groups not out of ideological conviction but out of economic necessity or to escape social discrimination and exploitation. Besides the ideological baggage they might have acquired, they are also likely to have some positive attributes such as holding generally progressive views with regard to many issues concerning social justice and equality in Nepal.

After a period of professional training, having steady employment and income, working in the structured and disciplined environment of a national army, it can be expected that their ideological fervor will rub off and that they will become responsible professional soldiers. Nothing is guaranteed, of course, but this is a calculated risk worth taking for the sake of national reconciliation and lasting peace.

On the issue of DDR versus SSR, for understandable reasons, the Maoists do not like DDR and the Nepal Army does not like SSR. The Maoists suspect that the DDR approach would lead to neutralizing and dismantling their army, as if it were a defeated force. The Nepal Army fears that SSR is a ruse to weaken a professional army, and possibly allowing partisan political interference in its work and organization in the name of reform.

All these concerns are justified to some extent, but they are also exaggerated. Objectively speaking, we need elements of both DDR and SSR – and the two are not mutually exclusive.

Indeed, this proposal makes a judicious case which combines elements of both DDR and SSR.

## **Way Forward**

As we embark on building a New Nepal, the UCPN-Maoist must explicitly renounce violence as a method of political change, and Nepali society as a whole must embrace a culture of peace and non-violence, and instill this ethos in the children and youth of Nepal.

To protect children and civilian population, as well as to prevent Nepal from further descending into lawlessness and criminality, as has happened in many post-conflict situations, de-mining, mine awareness education and a vigorous programme to stop the proliferation of small arms and light weapons must be made an important part of security sector reform and the “arms management” programme.

The recent emergence of many armed groups in the Terai, and continuing resort to threat of arms, intimidation and violence by para-military groups and militia, and youth organizations aligned with various political parties and ethnic groups in different parts of Nepal, point to the urgent need for a tighter control of small arms and light weapons, and a more sensitive, inclusive and professional law and order mechanism.

Without such measures, the future of democracy itself will be in peril, as democracy cannot thrive in an atmosphere of insecurity and impunity.

As Nepal moves towards a peaceful future, with a reformed and right-sized army, resources freed up from military expenses should be reallocated for poverty alleviation and human development, thus offering a genuine “peace dividend” for the people of Nepal, and making human security the true measure of our national security in the 21<sup>st</sup> century.

### **Annex: Estimated Cost of Rehabilitation and Integration Programme**

Not counting those combatants who were “disqualified” by UNMIN, there are approximately 19,000 Maoist combatants in the cantonments. The following could be a possible scenario for their “rehabilitation and integration”:

- 3000 ex-combatants to join the Nepal Army (primarily women and some heretofore under-represented communities in the NA)
- 1000 ex-combatants to join other security services
- 15,000 ex-combatants to be discharged to pursue other vocations, including:
  - o 5,000 likely to opt for immediate self-employment
  - o 10,000 likely to opt for vocational/professional training, and that following such training:
    - 5000 would find employment in the public sector
    - 5000 would opt to seek private sector/self-employment

The estimated cost of “rehabilitation and integration” of the above could be as follows:

- Cost of training and integration of the 4000 combatants to join various security forces to be absorbed by the respective security forces as part of their filling regular vacancies from their allocated national budget
- 15,000 ex-combatants to be given lump-sum discharge payment @ NRs. 1 lakh each x 15000 = NRs. 1,500,000,000 or US\$20,000,000
- 5000 ex-combatants to be given lump-sum self-employment grant @ NRs. 2 lakh each x 5000 = NRs. 1,000,000,000 or US\$13,000,000
- 10,000 ex-combatants to be given scholarships for vocational training for approximately 6 months @ NRs. 2000 per month = NRs. 120,000,000 or US\$1,600,000
- 5000 ex-combatants to be given lump-sum self employment grant @NRs. 1 lakh = NRs 500,000,000 or US\$7,000,000
- A grant of NRs.10 lakh to be given each to 10 institutions providing special training to ex-combatants to improve their capacity = NRs. 100,000,000 or US\$134,000.
- Total cost = NRs. 3,130,000,000 or US\$42 million