

## NEPAL'S NATIONAL INTERESTS PROJECT – Part IV

### "Maintaining Internal Security and Nepal's National Interests"



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As part four of the Nepal's National Interests project, the Centre for South Asian Studies (CSAS) in cooperation with the Konrad Adenauer Stiftung (KAS) organized a conference on 'Maintaining Internal Security and Nepal's National Interests' on Jan. 21, 2011 in Kathmandu. At the beginning of the program, Director of CSAS **Nishchal N. Pandey** said that although Nepal was known as a tranquil country, a Zone of Peace and a peaceful Shangri-la till recently, the ten years of conflict, one full year of ferocious terai agitation, gruesome mass murders in Lahan, Dang and Kapilvastu in 2007 and constant violent incidents around the country has defamed the country's image in the

international media. He outlined four critical points i.e. lack of credible, properly analyzed information on criminal gangs and groups and their activities, criminalization of our politics and politicization of crime, frequent and erratic transfers of law enforcement officials leading to low morale in the security forces and a vacuum of not having a full-fledged constitution providing incentive to criminals of all variety.

**Mr. Tomislav Delinic**, Director Regional Program SAARC of the KAS said that the issue of internal security is a crucial question concerning stability.



Without stability there is no development and without development there is no welfare. Mr. Delinic pointed out that with discussions on the various aspects of internal security issues facing Nepal it also closes the circle of the four conferences undertaken on the Nepal's National Interests project. "For the KAS we would want practical results to pick the points that we discuss today for the follow-up projects", he added and expressed pleasure to see many experts in the field speaking during the conference, some of whom were personally known to him. Delinic said that he would like to include the young generation and was happy to see younger faces at the event. "Although there are some problems going on", Mr. Delinic said that he always "feels happy



and comfortable to come to Nepal."

Delivering his keynote address on the occasion, **Mr. Henning Hansen**, Deputy Head of Mission of the German Embassy in Kathmandu said that emerging from a decade of violent internal conflict and under pressure to meet people's aspirations through a new democratic and inclusive constitution, history now brings before Nepal an opportunity to reflect on its past internal security arrangements and chart out a course for the future. "Protecting its people is one of the first and foremost duties of all governments in the world. Protection from violence, be it criminal or terrorist, is a prerequisite for individuals to achieve their full potential. The state's claim to exclusive right to use force is based precisely on the fact that citizens may rely on the states to



guarantee and protect them against threats," Mr. Hansen said and added that "if one was to ask the public in Germany what they think is the most important task of the state, they will almost always mention fighting crime and nowadays also extremism." Mr. Hansen made special mention of the "Peace and Development Strategy" unveiled by Nepal- donor community a week before. "The Peace and Development Strategy recognizes the

- f. Creation of professional police unit to combat against high profile kidnapping cases as well as cyber crime, hijacking, etc.

The final paper on 'Internal Security Problems: A Journalistic Perspective' by **Dr. Jan Sharma**, a well known journalist and Fellow at the Sangam Institute said that the problems in the internal security of the country is not only due to weak and ineffective security and law enforcement agencies but also due to a lack of the culture of strategic thinking in planning and implementing a comprehensive national security strategy to ensure personal safety and security of the Nepalese as well as safeguarding and defending national sovereignty and independence.

Dr. Sharma informed the audience that a survey in 2008 found that the number of people who thought the country was "heading in the right direction" dropped by 20 percent from 2007. Most people see security as comprising "freedom from want" and "freedom from fear" yet crime and social unrest are felt to be hindering economic development. People are increasingly prepared to go to the Police and feel security services are making efforts to improve the situation but people are also becoming impatient and are keen to see tangible improvements in their security.

Criminal groups in the Tarai are thriving mainly because of their nexus with local government officials and mobile police personnel deployed in the Terai, and these

activities have serious implications on national security and sovereign independence, said Dr. Sharma. Distressed by what he termed as a "rapid process of deforestation both in the community-managed and government forests" in several districts, Dr. Sharma disclosed that almost 150,000 hectares could have been lost between July 2009 and July 2010. This poses a serious threat to the security of the environment and can be blamed on a weak and corrupt administrative leadership as police officials, community forestry members,



district forest officials have joined hands with timber contractors to cut down trees in order to make quick money and profits at the larger interests of the community.

He said that all the arms of national security – Defense Ministry, Nepal Army, Home Ministry, Nepal Police, Armed Police Force, National Investigation Department and other arms – must be restructured and reoriented to discharge their clearly defined duties under the new thinking on security in a professional manner without political interference.



- d. Maintenance of internal peace, security and preservation of vital interests of the country
- e. Maintain rule of law to ensure peace and security; protect people's lives and property in home and abroad;
- f. Maintenance of inclusive democracy and public security in line of the people's expectation.



- g. Contribute to international peace and security.
- h. Provide effective and efficient essential service deliveries etc.

Dr. Shrestha said that even after the resolution of the decade long Maoist insurgency, Nepal has been witnessing numerous politically motivated modern and transnational organized crimes in addition to petty, traditional offences. This has seen an increasing trend. After the political change of 2006, several illegal criminal armed groups came into existence. These in turn started committing heinous types of organized crime such as kidnapping, extorting, killing,

looting, and financial robberies, etc. Rampant availability of manufactured home made guns and small arms especially in the Terai and Kathmandu Valley has made the situation more complex.

He recommended a number of measures that could be employed in order to strengthen the police force and prevent crime in the country:-

- a. Government should ensure political, neutral and professional police with high morale. Police laws and regulations need to be amended.
- b. Public Service Commission should intervene to ensure impartial recruitment and promotion system like in other SAARC countries.
- c. Independent Inspectorate System should be made mandatory for the performance audit of the police organization in relation to crime prevention and safety of the people.
- d. Public awareness program has to be launched to motivate victims for reporting crime in police posts.
- e. Collaborative effort has to be pursued to control sources of crime such as manufacturing and circulation of illegal arms.



need of development for lasting peace and puts particular stress on the environment of peace to achieve rapid development and growth. Germany has supported Nepal's development aspirations for many decades with technical expertise and financial cooperation. We and our donor community friends have realized that our development dream must keep at the core the value for peace. It is a collective strategy that explains how rule of law, provisions of the Comprehensive Peace Accord, social inclusion and development can be achieved", he stressed.

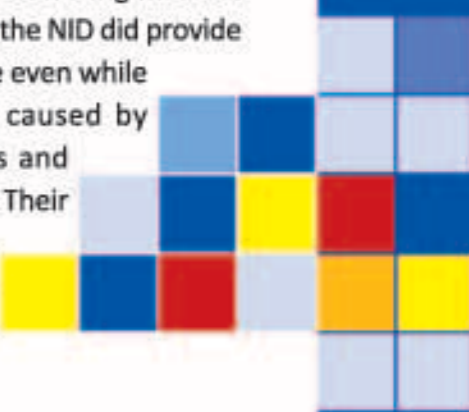
Reiterating something that his Ambassador has said on many occasions, Mr. Henning Hansen expected a "firm commitment to the peace process from all political parties. We, the foreign friends of Nepal, are there to support the efforts but it has to be a home-grown process and the local political leaders have to take charge. And as part of the firm commitment bold steps are required from the different sides, bolder than what we have seen in the past".

The first paper on "Role of Intelligence: Crucial to Maintaining Security" by Lt. Gen. (retd.) **Sadip Bahadur Shah** of the Nepal Army summarized intelligence as the most important national instrument of power, whose ultimate purpose was to enable national policy decisions at all levels to be optimized. It also involves decisions about risk versus gain, the adjustment of means to end, implanting innovation with possible tradecraft, application of technology, and questions of public tolerance.



A nation no matter how invincible cannot remain invulnerable. The world's most sophisticated intelligence system could neither warn nor prohibit the Sep 11 attack, Shah stressed but updated the audience that "information is available from many sources – intelligence services, the military, diplomats, government agencies, international bodies, NGOs, commercial institutions, IT and the media. [But] the source of the information collected should always be verified."

Lt. Gen. (retd.) Shah said that in the post 1990-period, the National Investigation Department (NID) was targeted and neutralized by the successive political leaderships without recognizing its impact and relevance for good governance. Gradually, the unaddressed grievances that plagued the nation were highly sensitized and exploited by the Maoists to gain support of the suffering masses. During the insurgency, the NID did provide substantial intelligence even while facing the adversity caused by inadequate resources and lack of self-protection. Their analysis of the situation, though very accurate did not



receive due attention because the incumbent leaderships failed to comprehend the difference between information and intelligence. Till today, those deprived people remain exposed to more grievous maladies while succeeding governments have remained oblivious of the exigent need to resuscitate the NID.

Shah outlined that at present, NID is still responsible for all aspects concerned with national security affairs; the Directorate of Military Intelligence is assigned to facilitate military operations; the Criminal Investigation Department together with the recently formed Central Bureau of Investigation of Nepal Police provide law and order and crime-related intelligence; and the Armed Police Force Intelligence Department supply intelligence inputs to fulfill their allocated roles. The intelligence inputs are supposed to be further collated and analyzed by the National Security Council and reported regularly to the head of the government for due decisions. Unfortunately, the present deplorable state of security distinctly signifies that the importance of intelligence has been totally discarded by the political leadership. He also suggested a few measures that could be implemented in order to strengthen the intelligence apparatus of the state and thereby ensure security to the people:-

- a. Intelligence Services' success must be gauged by its timeliness, efficiency and accuracy with which it supports national security

decision making-not by the number of secrets it collects or the truth of the analysis it generates.

- b. Decision makers must support clandestine collection as a national prerequisite for aggressive acquisition of information, and not shy away from it.
- c. Streamline the chain of command permitting risk management at low levels of command and encouraging partnership among civilian agencies.
- d. Enhance the interagency teamwork domestically and abroad.
- e. Use the national leadership to coordinate the budget, program and open source agencies.
- f. Judicial control must be relaxed over the National Intelligence Agency for maintaining surveillance over internal security matters.
- g. Address counterintelligence challenges by developing greater capacity to take offensive measures.
- h. The career of an intelligence operative is very risky and often thankless. Therefore a lot of incentive and guarantees are vital to attract able manpower.

Second paper on "Law Enforcement in Post-Federal Nepal" by AIG (retd.) Rabi Raj Thapa of the Armed Police Force said that the success or failure of the Federal Nepal will depend on three major factors; i.e. (1) comprehensive peace agreement between the government and local ethnic and political stakeholders (2) Constitution building, and (3) Maintenance of law and

order by state security agencies like Nepal Police, Armed police Force and National Investigation Department. After the first people's movement of 1990, Nepal Police was enlarged from around 25 thousand to a strength of 46 thousand however the objectives, structure, operational procedures and style of functioning of the police remained the same. Security Sector Reform and strengthening of the law enforcement agencies has never been taken seriously by any of the governments since 1990. "As a result", Mr. Thapa said with angst, "the problem of law and order situation is a grim testimony of the failure to address post conflict security challenges." He further stressed that the country is in a dire need of a comprehensive national security policy with effective legislation and equally effective law enforcement agencies to actualize the dream of a successful Federal Democratic Nepal with a solid law and order environment.

Mentioning how party cadres have managed to impair law enforcement organizations, Thapa discussed the turf war between various trade and student unions affiliated to one or the other political party that do not hesitate to manipulate and challenge the law enforcement mandate and violate the law of the land. The former AIG added that there is political pressure to disintegrate the Nepal Police on ethnic and regional basis so that it can serve political parties locally and regionally. In reality, Nepal Police needs to decentralize and compartmentalize professionally under specialized professional units and departments. Disintegrating police



organization on the basis of regional, ethnic ground can be risky hence working on the federalization of law enforcement agency before developing a workable federal constitutional framework in the country will be like placing the cart before the horse, he lamented. During discussions, participants raised a host of questions related to the efficiency and training standards of both the Nepal Army and the APF. The third paper on 'Crime Prevention, Pursuing Public Safety and Nepal Police' by SSP (retd.) Dr. Chuda Bahadur Shrestha outlined Nepal's national/public security interests under various sub-themes :-

- a. Preservation of independent sovereign, unified and territorially secure democratic Nepal
- b. Preservation of sovereign rights of the people, democratic system, human rights, equality, and freedom;
- c. Preservation, development and realization of economic potential (natural and human) for the well being and prosperity of the people;