

## The Missing Middle

### Examining the Armed Group Phenomenon in Nepal

#### Introduction

On 21 November 2006, the Communist Party of Nepal–Maoist (CPN-M), and the Seven Party Alliance (SPA),<sup>1</sup> signed the Comprehensive Peace Accord (CPA), officially ending an armed conflict that had lasted ten years.<sup>2</sup> After nearly two decades of social and political instability,<sup>3</sup> the CPA inspired hope that a ‘New Nepal’ might bring political stability and socio-economic development. Six years on, that optimism has diminished, as it has been realized that Nepal’s problems before and during the conflict have not disappeared.<sup>4</sup>

Moreover, armed activity continued in the years immediately after the CPA and levels of violence in the country increased. Much of the blame for this continued unrest has been attributed to so-called ‘armed groups’ that proliferated primarily in the Terai (lowland) region but were also present in other parts of Nepal (IDA et al., 2011). Often decried as exponents of South Asia’s shadowy underworld and beholden to Nepal’s political elite, armed groups have been blamed for many of Nepal’s current troubles. Though rumours abound about their influence and intentions, however, comparatively little systematic information is available about their origins, geographic concentration, and motivation.

In the past few years the Government of Nepal has openly recognized the threat that armed groups represent and has combined heavy-handed policing and softer conflict mediation techniques to deal with them (Advocacy Forum, 2010, pp. 11–21; *OneIndia*, 2009). The reason behind this two-pronged strategy can be understood only if it is recognized that since the signing of

the CPA the Government has been wrestling with a conceptual challenge in its efforts to distinguish so-called ‘political’ actors from those that have a more ‘criminal’ orientation. It is this categorization that has primarily informed the Government’s disposition towards particular groups, ensuring that those armed actors characterized as ‘political groups’ are more likely to be engaged with through dialogue while ‘criminal groups’ are dealt with through heavy-handed police tactics.

Despite the problematic nature of the categories and the state responses they have generated, the official stance is that armed group activity has decreased. Compared to 2009, when the Ministry of Home Affairs claimed that more than one hundred armed groups were operating throughout Nepal

(Advocacy Forum, 2010, p. 13; *Nepal-News*, 2009; *OneIndia*, 2009), recent official estimates indicate that only about a dozen groups are still active, while about twenty have given up the armed struggle and are negotiating with the government (Giri, 2012).<sup>5</sup> While government officials and the media are quick to point to the decline of armed groups, they rarely explain what changes have caused it. Nor do they tend to analyse the characteristics, organization, and conduct of contemporary armed groups, or the recent increase of other forms of armed violence and criminality in both rural and urban areas.<sup>6</sup>

This *Issue Brief* analyses the phenomenon of armed groups in Nepal. It examines their history, their initial proliferation following the signing of the



A masked devotee holds a toy gun as he takes part in a parade during a religious festival, indicating the salience of armed groups in Nepali society, in Lalitpur, August 2012. © Navesh Chitrakar/Reuters

CPA, their development and overlap with other societal groups, the reasons behind their recent decline, and their relationship to the state. It finds that:

- The overall number of armed groups in Nepal has decreased in the past few years despite continuing political instability in the country. They have declined even more since the implementation of the Special Security Plan (SSP) in 2009 and the corresponding enhancement and increased presence of state authority in rural areas.
- Nepal is still home to a wide array of armed groups, which range from local strongmen (leaders who rule by threat or violence, also referred to as *dons* or *goondas*) to social or ethnic movements, small criminal groups and politically affiliated youth wings.
- Rather than being a direct threat to the state, armed groups in Nepal occupy a *middle ground*, neither overtly for nor against the government. Instead, they operate either in association with some political leaders and security personnel or under the radar of law enforcement.
- The highest concentration of armed group activity is in the Terai; the Eastern Hills; and Kathmandu Valley, which consists primarily of Kathmandu, Lalitpur, and Bhaktapur.
- Policies to address the problem of armed groups should move away from the 'political versus criminal' distinction. They should focus instead on the structural characteristics of specific groups, including their emergence and history, their relations with the state and the community, their involvement in the legal economy, their use of violence, and group extensiveness.

## Problems of conceptualizing armed groups

In Nepal, as elsewhere, it is exceedingly difficult to comprehensively document and categorize the country's various armed groups. A principal reason for this is the paucity of in-depth research. The information that is available comes primarily from official and media sources and a few scholarly

and policy-oriented works that address the issue indirectly. The lack of information is not surprising, given the political sensitivity surrounding the issue of armed groups—and the fact that most groups seem to have clandestine links with some local political parties and law enforcement agencies.<sup>7</sup>

In addition, armed groups in Nepal tend to be transient, splinter frequently, and have a fluid membership base. Even the better organized and more established groups seem to reinvent themselves continuously. To illustrate, several groups active in the Terai region emerged from the Maoist insurgency. Taking issue with the slow pace of change regarding the recognition of minority rights in the country, these groups were initially perceived to have a coherent political ideology. Since 2007, however, they have largely splintered into smaller criminal syndicates. Similarly, in the early 1990s, groups in the Eastern Hills of Nepal demanded the recognition of indigenous rights and territorial integrity. Feeling excluded during the second period of parliamentary democracy,<sup>8</sup> in the late 1990s some groups turned to the Maoists for help (Lawoti, 2012, pp. 135–137). After the CPA, however, a number of groups have repositioned themselves as political outfits (and have even joined forces with local political parties pushing for indigenous rights), while others have continued their 'underground' armed operations.<sup>9</sup>

A tendency to focus on the motivations and activity of armed groups is a third reason why it has been difficult to categorize them. When talking about armed groups in Nepal, the 'greed versus grievance' debate seems to dominate the discussion as groups are readily divided into two distinct types: those that are perceived to be economically motivated and others that are perceived to be more politically oriented (Sharma, 2010, p. 245). It appears that only those groups perceived to have a clear political agenda (which in the case of Nepal usually implies an ethnic/regional one) and direct their activities against the politics of the state (more recently this revolves around the question of federalism) are treated as armed groups. The threat that 'political' groups pose to the state

is often dealt with by 'mainstreaming' them, which implies negotiating with the government and disarming. Groups perceived to be motivated by economic gain, in contrast, are judged to be a law and order problem and are treated accordingly (Advocacy Forum, 2010, p. 14). These groups often engage in activities such as kidnapping or extortion, and may use or threaten to use improvised explosive devices or IEDs. If such groups subsequently articulate political goals, officials tend to assume they do so to conceal their economic motives.<sup>10</sup>

A simple binary distinction between political and economic armed groups quickly collapses under closer scrutiny. Recent changes in global political and economic relations have played a significant role in this regard. In the absence of external or domestic patrons, for example, most armed groups in Nepal and elsewhere must draw on a wide array of revenue streams and illicit networks if they are to remain solvent. Groups often adopt opportunistic strategies to survive, expanding and contracting according to the environment. In these terms, many 'political' armed groups are also 'economic' or 'criminal', and vice versa. Their dynamic evolution defies hard-and-fast categorization.

This does not mean that such categorization is unhelpful or should not be attempted. It does imply, however, that any such analysis must proceed with caution and be attentive to the blurry lines and underlying interests shaping labels. Moreover, it must also be aware of the political implications of ascribing the 'political' or 'economic' or 'criminal' label to a group, which can serve to either legitimize or marginalize the group and its leader. In order to address these shortcomings the authors undertook four phases of fieldwork which involved key informant interviews and site visits undertaken in Nepal (see Box 1).

## History of armed opposition

Armed opposition to the state can be traced back to at least the middle of the eighteenth century, a period when the Nepali state was undergoing territorial and political consolidation.<sup>11</sup> Since then, armed group activity in

## Box 1 Methods and key informant interviews

Fieldwork was conducted in 2011 and 2012 in Kathmandu as well as the districts of Banke, Bardia, Dhanusa, Mahottari, and Siraha in Terai.<sup>12</sup> The fieldwork was designed to establish how different stakeholders (international organizations, local civil society, political elites, local government officials, and formal security personnel) perceive the problem of armed groups in Nepal, and how individuals from different regions, ethnicities, and occupations explain their emergence and continued activity.

### Interviews and informal discussions

- 18.09.2012 An international human rights representative working in Nepal.
- 18.09.2012 Two security sector advisors (one international and one local).
- 19.09.2012 A local political and security consultant.
- 19.09.2012 A local security analyst (former army officer).
- 19.09.2012 A political and security consultant based in Kathmandu.
- 20.09.2012 A local security expert from the Terai.
- 24.09.2012 An international civil society leader and political analyst for South East Asia, based in Kathmandu.
- 25.09.2012 A leader of a local civil society organization representing indigenous groups, Limbuwan.
- 26.09.2012 A former Minister engaged in negotiations with armed groups.
- 26.09.2012 A journalist covering armed group issues in the Terai.
- 27.09.2012 A university lecturer, working on conflict and development, including armed groups in the Eastern Hills.
- 27.09.2012 A staff member of an international civil society organization working on issues of human rights, conflict resolution, violence and development.
- 28.09.2012 A freelance political analyst, former member of the UCPN-M Central Committee.
- 30.09.2012 A high-ranking female member of the CPN-M.
- 01.10.2012 A civil society leader on youth issues, who is also a teacher and a businessman, and comes from the Terai.
- 02.10.2012 Three journalists, based in Kathmandu and working on private sector issues.
- 02.10.2012 A local academic from Terai working on Maoist and security issues in Nepal.
- 03.10.2012 A Madhesi civil society leader.
- 03.10.2012 A senior leader in CPN-M, dealing with youth issues.
- 04.10.2012 A senior commander of the People's Liberation Army (PLA).
- 04.10.2012 Informal meeting with two high-ranking officers in Nepal Police.
- 04.10.2012 A Maoist analyst, also works as a journalist.
- 05.10.2012 Informal meeting with high-ranking APF officer.
- 05.10.2012 Informal meeting with APF officer.
- 05.10.2012 A local civil society leader, who is also a security and peace process analyst.
- 07.10.2012 A former general working on integration of the PLA.
- 08.10.2012 A local journalist and political analyst who works in Kathmandu.
- 08.10.2012 A female former Maoist commander, a member of CPN-M Central Committee.
- 10.10.2012 A staff member of an international civil society organisation working on security issues in Nepal.
- 10.10.2012 A local civil society leader monitoring human rights abuses and security issues.

the country has ebbed and flowed in response to political conflicts within and across Nepal's borders. In the Eastern Hills, episodes of armed group activity occurred in the late eighteenth and early nineteenth century, when Limbuwan groups rebelled against the Gorkha state in response to its attempt to erode local autonomy (ICG, 2011, pp. 3–4). During the Sino–Nepalese War (1788–1793), some members of the indigenous Limbu and Bhote groups even assisted China in its fight against the Nepali state (Lawoti, 2007, pp. 31–34). In the early twentieth century,

a number of upheavals took place in response to the state's repressive policies and discrimination against indigenous populations. Indeed, between 1900 and 1950 at least six rebellions occurred in Nepal, most of which had an ethnic or religious character. The majority were swiftly suppressed by the 'Rana Oligarchy' (1846–1950), which executed, expelled, or imprisoned dissidents and rebels (Lawoti, 2007, p. 33).

The departure of Britain from India in the late 1940s<sup>13</sup> paved the way for a new political awakening in Nepal.

Under the leadership of the Nepali Congress, opposition to Rana rule emerged and sought to establish a multi-party democracy and constitutional monarchy. Though it called for a peaceful transition, the party secretly recruited an armed force named the *JanaMukti Sena* (the People's Liberation Army), which was expected to help overthrow the regime. The *JanaMukti Sena* was mobilized on the Nepal–India border, from where it went on to capture several cities in the eastern and mid-western regions of the country (Basnett, 2009, p. 16; Phatak and Uprety, 2011, p. 25). The anti-Rana movement is often dismissed because it did not succeed in completely transferring state power to the political party (Whelpton, 1997, p. 45), and because the period of democracy that followed lasted less than a decade.<sup>14</sup> Nevertheless, the *JanaMukti Sena* was the first armed force that opposed the state in which people from all backgrounds participated—including women, indigenous groups, and members of lower castes. It can thus be seen as a precursor to the Maoist conflict of the late 1990s and its armed wing, the People's Liberation Army (PLA) (Basnett, 2009, p. 16).<sup>15</sup>

The next significant phase of armed rebellion was led by a communist movement, which drew its inspiration from political and social changes taking place in India (Bowans, 2003). With active assistance from Indian communists, the Communist Party of Nepal (CPN) was established in 1946 in Calcutta. It spread during the first phase of Nepal's democratic experiment (1950–1960) and even competed in the 1959 election. During the partyless Panchayat system (1960–1990), the party continued to operate clandestinely despite the fact that many of its cadres were jailed or imprisoned. The prosecution of cadres and suspension of democratic politics led to the first communist uprising in 1971. Influenced by the Naxalite movement in West Bengal, a group of communist cadres attacked and killed several individuals perceived to be 'class enemies' in Jhapa district (Lawoti, 2010, p. 5; Karki and Seddon, 2003b, p. 10). The movement became famous as the *Jhapa uprising*, and was the first attempt by Nepal's nascent Communist movement





to pursue a revolutionary armed struggle. The campaign, however, was brutally suppressed by the state.

Nepal's most famous armed opposition to the state emerged after parliamentary democracy was re-established in 1990. As in many other parts of the world, democracy in Nepal was not able to address all of the shortcomings of the preceding (Panchayat) regime (Sharma, 2006, pp. 1244–45). A lack of social and economic change in the countryside, coupled with constant political infighting and splintering at national level, created conditions that were conducive to a popular revolt. It is against this backdrop that the Communist Party of Nepal–Maoist (CPN-M) emerged and initiated the People's War (*jana yuddha*).<sup>16</sup> The goal of the Maoist conflict, which began on 13 February 1996 when the CPN-M attacked two police posts in the mid-western districts and one in the central region, was to wage a protracted war that would encircle the cities from the countryside and finally establish a People's Government (*jana sarkar*) (Hutt, 2004b, pp. 5–6).<sup>17</sup>

Maoist strongholds were concentrated initially in its 'base regions' in the mid-western districts, and only spread later to the Terai and the East-

ern Hills regions. Indeed, during the first three years of the insurgency, the Maoists concentrated on consolidating their support base, recruiting combatants (known as full-timers) and local supporters (part-timers) from socio-culturally excluded groups (rural peasants, women, lower castes, and indigenous communities) in many parts of the country but especially from the Rolpa, Rukum, Sindhuli, and Gorkha districts (Sharma, 2004, pp. 43–44). The Maoist insurgency was largely ignored by the Government at this point and was treated primarily as a law and order problem rather than a serious threat to the state. The Government relied on the ill-equipped and under-trained Nepal Police to subdue it, and did not deploy the Royal Nepal Army (RNA) (Hutt, 2004b, p. 6).

By 1999, the military and organizational capacity of the Maoists rivalled or exceeded that of the Nepal Police. Still reluctant to deploy the army, in 2001 the Government of Nepal established the Armed Police Force (APF). In November of the same year, however, as the security situation deteriorated further, the King declared a state of emergency (Hutt, 2004b, pp. 11–17) and ordered the Nepali armed forces to crush the rebellion. This decision

led to a dramatic increase in the level of violence and further rapid deterioration of the security situation (Human Rights Watch, 2005). The Maoists responded by forming the People's Liberation Army (PLA), setting the stage for the final phase of the conflict, which ultimately resulted in a political victory for the Maoists, despite a military stalemate between the warring parties (see Box 2).

## Characteristics of Nepal's armed groups

Nepal is home to a wide array of groups. They include local strongmen, social or ethnic movements, small criminal groups, state-sponsored vigilante groups,<sup>18</sup> and politically affiliated youth wings (see Table 1). The contemporary preoccupation with armed groups in Nepal is largely due to the persistence of real and perceived insecurity since the country's civil war in 2006. Specifically, national and district authorities have been alert to the threat they pose since the so-called *Madhes* movement paralyzed the country for three weeks between January and February 2007. This protest revealed the tensions between the capital and

## Box 2 Nepal's Maoists: armed actor no more?

The Unified Communist Party of Nepal-Maoist (UCPN-M)<sup>19</sup> and its military wing, the People's Liberation Army (PLA),<sup>20</sup> waged an armed conflict from 1996 to 2006, the goal of which was to overthrow the monarchy and establish a people's republic. During the conflict, the party claimed large swathes of territory, especially outside Kathmandu. It has been estimated that some 13,000 people were killed during the conflict, and about 1,300 went missing (OHCHR, 2012, p. 14). Following the largely peaceful Jana Andolan II (People's Movement II) in April 2006,<sup>21</sup> the UCPN-M entered negotiations with the Seven Party Alliance (SPA) and ultimately signed the Comprehensive Peace Accord (CPA) on 21 November 2006. The CPA brought the Maoists back into mainstream politics, paving the way for their success in the first post-war elections, held in 2008.<sup>22</sup>

It is important to stress that, although it negotiated and agreed a peace settlement, the UCPN-M never formally renounced the use of violence to achieve its ends. Its leaders frequently spoke of using revolts, even as they led a coalition government. Some argue that their stance will evolve as the party changes from a military force into a political party. The UCPN-M experienced strong internal disagreements and much infighting before and after the peace settlement, including with its partners in trade unions, the Young Communist League and former combatants. The scission in 2004 of the Janatantrik Terai Mukti Morcha (JTMM) is one example. The party splintered again in June 2012, when a more hardline faction led by Chairman Mohan Vaidya (commonly known as Kiran) separated from the faction led by Pushpa Kamal Dahal (Prachanda) and Baburam Bhattarai (the Prime Minister), respectively the Chairman and Vice-Chairman of the UCPN-M.

After the 2006 peace agreement, the Maoist People's Liberation Army cadres were stationed in seven 'major' and twenty-one minor cantonment sites scattered across the country. In 2007, the United Nations Mission in Nepal (UNMIN) screened and verified roughly 19,600 combatants; another 4,000 minors and late recruits were judged after screening to be ineligible for the disarmament, demobilization and reintegration programme. Some 3,000 weapons were collected and stored in cantonment sites. Roughly 7,000 former combatants have been provided with cash settlements. Though the country's political parties had agreed to integrate 6,500 former combatants in the Nepali armed forces, just 1,388 former combatants were selected for non-officer positions in the Nepal Army; 71 Maoist commanders became officers.<sup>23</sup>

The UCPN-M had a youth wing, the Young Communist League (YCL). In the run-up to the 2008 Constituent Assembly elections, the YCL was implicated in numerous criminal activities, including extortion, intimidation, and harassment (Carter Center, 2011). The YCL also mobilized supporters for key strikes and protests when needed. Indeed, it was a driving force behind the mobilization of some 200,000 Nepalis for a week-long strike in May 2010 (Carter Center, 2011, p. 20). Ostensibly for 'economic' reasons that reflected the party's ideology, the YCL provided communal living arrangements for its members. After it was dismantled in 2010, however, the UCPN-M acknowledged that the YCL operated paramilitary structures.

of the formal security forces (Small Arms Survey, 2010, p. 257). The fieldwork done for this study suggests that the armed groups active in post-conflict Nepal occupy this 'middle ground'. Through the juxtaposition of their political and economic activities, such groups both undermine law and order in the country and, through their covert associations with local political leaders, influence the state's responses and policies towards armed group activity.

Moving away from a simple political-economic distinction and acknowledging the heterogeneity of armed groups in Nepal is an important first step towards dealing with the problem in a more effective manner. The fieldwork for this report suggests that the following characteristics are relevant to understanding the nature of the problem.

### Group emergence

The groups that have mushroomed since the CPA have not emerged suddenly; their origins lie in the cultural endowments and recent historical experiences of Nepali society. While cultural differences in Nepal are highly contentious, interlocutors consistently highlighted regional differences in population dynamics. The ease with which armed groups cross the Nepal-India border, for example, has been attributed to the fact that the populations living on either side are culturally and linguistically similar—to the extent that villages and even single houses straddle the frontier. This is a favourable environment for the emergence and proliferation of armed groups (especially those of a more criminal orientation), since groups can retreat across the border when they need to escape the police. Historical experiences also seem to play a role. For example, the genesis of most groups in the Eastern Hills can be traced back to the re-establishment of democracy and ethnic awakening in the early 1990s.<sup>24</sup> For groups in the Terai, in contrast, the Maoist insurgency, the state's counter-insurgency measures, and the appearance of a political vacuum after the CPA, appear to be more relevant.

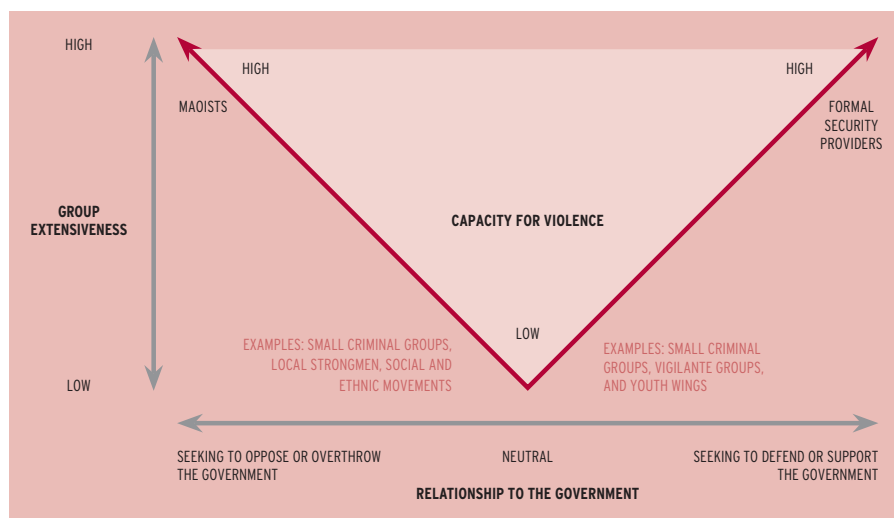
peripheral areas of the Terai and the potentially destabilizing effects of direct citizen action, as well as those of groups such as the *Janatantrik Terai Mukti Morcha* (JTMM). Since then, national and regional authorities have perceived armed groups to be one of the principal threats to governance and development. It was alleged, for example, that armed groups planned to disrupt the Constituent Assembly elections of April 2008, though this proved not to be the case. Fuelled by breathless media reporting, concern about armed groups has continued to grow.

The government's description of the threat and its emphasis on groups in the Terai do little to clarify the differences between armed groups in Nepal. Rather than rely on rigid categories, it might be better to conceptualize the phenomenon of Nepal's armed groups in terms of their relationship

to the state, and place them along a spectrum of pro- and anti-government groups. Such a spectrum would distinguish, at one end, armed groups and actors that are directly opposed to the government and seek to overthrow it (such as the Maoist insurgency) and, at the other, groups that explicitly support and defend the state (such as the army and the police forces) (Small Arms Survey, 2010, p. 257). Between these two poles is a 'middle ground', often missing from analysis, which is occupied by armed groups that can be characterized as neutral or ambivalent towards the government.

Groups active in this 'middle ground' do not necessarily seek to challenge the state, and do not overtly support it (see Figure 1). They pursue their own goals, operating within the state's confines and under the radar

Figure 1 **Armed groups spectrum**



Source: Small Arms Survey (2010, p. 258)

## State-group relations

None of the contemporary groups in Nepal directly threaten the state's survival. While some groups have launched attacks against government officials, or police posts and personnel, most either operate in association with specific political leaders or try to avoid contact with security officials in order to pursue their illegal activities. Despite efforts to suggest that some of the groups in the Terai region threaten the Nepali state, as the Maoist insurgency did, most of the groups operating there have not reached the level of organization and threat that this implies.<sup>25</sup> Moreover, toppling the state does not seem to be among their objectives. According to interlocutors and interviews conducted in the region, armed groups are more interested in working within the state's confines to achieve their goals (only one of which is to make a profit) and they are willing to negotiate with the state when they wish to enter mainstream society or politics.

Nor do armed groups in other regions seem to pose a greater threat. The continued Maoist presence (and local support for it) in the mid-western and western regions, for instance, is said to explain the low (or non-existent) level of armed group activity in the area. It is presumed that no space exists for new groups to emerge. The rise in crime and prevalence of *goondas* (local don; thug) in Kathmandu and other urban centres has been attributed to the close relationship between some of these actors and certain

political leaders.<sup>26</sup> Finally, groups in the Eastern Hill region claim to be more interested in obtaining local autonomy and ethnic or indigenous recognition than waging armed rebellion, although they have made clear that, if state processes for achieving these goals fail, 'peaceful armed rebellion' against the Government is an option.<sup>27</sup>

## Community-group relations

Whereas the Maoists tried to 'win the hearts and minds' of the Nepali population (especially in the first years of the conflict), contemporary groups operating in Nepal seem to have little or no support among the local population. One exception: in 2007, when the Madhesi Movement was in full swing, certain groups in the Terai did receive popular support because they were seen to defend the interests of the local Madhesi population against the encroachment of the Hill peoples. Once the Hill peoples were displaced, however, these groups turned their attention to and predatory behaviour on the local Madhesi population.

In the Eastern Hills, on the other hand, it has been argued that local people support politically oriented groups rather than those that aim to achieve their goals through violence.

The decline in armed group activity in this region has thus been attributed not only to the effectiveness of police operations, but to the willingness of local people to collaborate with law enforcement.

In the Kathmandu Valley, the public seems to have even more precarious relations with the various *goondas*, who operate protection rackets in many of the commercial and tourist areas.

## Groups and the legal economy

Armed groups that are currently active in Nepal tend to be engaged in legal and illegal activities. Almost all groups seem to engage in the collection of 'voluntary donations'. This form of financial extraction can be traced back to the Maoist insurgency. Individuals (usually prosperous) are telephoned and asked to make a donation to the group or its associated political wing.

This act is not in itself illegal, but becomes so when individuals cannot refuse. Nevertheless, interviews with local business owners suggest that the success and incidence of this form of fundraising have decreased in recent years. Interlocutors frequently underlined that most of the groups in the Terai are driven primarily by economic motives, and use tactics such as extortion and kidnapping to make a profit. Like *goondas* in urban centres, they seem to engage in other forms of illicit activity, such as trafficking in drugs and people and smuggling weapons and natural resources. Some are aligned with political leaders and help to finance their political activities and ensure voter compliance. These services seem to be provided in exchange for political protection, specifically from law enforcement. In the Kathmandu Valley, local dons own 'luxury' industries, including bars, restaurants, hotels, and casinos.

## Use of violence

Armed groups in Nepal rarely attack each other; most violence is directed at the local population. This was most evident in the Terai region after the CPA, when various armed groups targeted individuals of Hill origin with support from elements of the local population.<sup>28</sup> Owing to the activities of some armed groups and the general sense of insecurity, thousands of individuals left or were forcefully displaced from the region. Since then, the attention of armed groups has shifted back to the local population. Though levels of homicide in the Terai region remain



low, groups use other forms of intimidation to control the population and extort resources, including kidnapping and IEDs. Armed groups do not have sophisticated weapons at their disposal. This is clear from the types of weapon surrendered to the government. In the Terai, the weapon of choice is the IED, which are often detonated in public areas to create fear and insecurity. Similar tactics are used by groups in other parts of the country, such as the Eastern Hills, but to a much lesser extent. Since the conflict ended in 2006, the police have strengthened their presence and armed groups all over Nepal appear to have responded by preferring psychological forms of pressure over physical violence.<sup>29</sup> The emergence of 'vigilante groups' in the period leading up to the CPA was an exception to this trend. These groups were apparently fostered by local security forces (and allegedly even by Indian intelligence services) to counter the Maoist threat in the Terai; but they have become much less evident in recent years.

### Group extensiveness

Armed groups in Nepal exhibit different degrees of territorial control and reach. Those in the Eastern Hills appear to act locally, while those in the Terai operate on both sides of the border with India (where allegedly their leaders also reside). The reach of Terai groups seems to have changed after a crackdown on criminal activity in the Indian state of Bihar, which caused a number of actors to move permanently to the Terai, other Indian cities, or even the Kathmandu Valley. The *goondas* who operate in the capital also seem to be territorially concentrated, though this does not necessarily imply control over territory.

In interviews, police officers emphasized that (unlike their peers in some other parts of the world) the police can enter any neighbourhood in Kathmandu and other main cities.

Though inter-group conflicts and competition have occurred in the past, groups appear to be specializing; some focus on human trafficking, others on arms or drugs. Some groups seem to have established networks in other urban centres in Nepal and abroad, but their range and sophistication remain unclear.

## Disaggregating Nepal's armed groups

The 'middle ground' in which the various groups in Nepal operate is best conceptualized by disaggregating armed group activity by region. Areas of Kathmandu and the Terai and Eastern Hills regions are regularly singled out as hotbeds of organized violence and vice. There are obvious reasons for this: both Kathmandu and the Terai have high levels of economic activity; parts of the Terai and Eastern Hills suffer from social and economic exclusion; and both are also peripheral and under-governed areas of the country. Interviewees routinely described the Terai, and a few areas in the Eastern Hills hilly areas, as rife with arms trafficking, trade in illicit commodities, and predatory criminal activity.<sup>30</sup> The Nepal police are aware that a lively industry and trade in craft or home-made weapons exists across the border in India, and have seized single-shot firearms in growing numbers (Adhikari, 2011; Kharel, 2011).

Many analysts in Nepal and abroad also agree that the unpredictable political climate in the country also promotes the formation of armed groups. The Government's inability to promulgate a new constitution (as recently as May 2012) and continuing inter-party disagreements create an environment of impunity, while a deteriorating economy and chronic lack of employment make it easy for organised criminal groups to recruit new members. Power struggles between political elites in the capital and in specific districts are also alleged to have driven up membership, albeit temporarily (Jha, 2008, pp. 3–4). Many of those who join such groups believe they are fighting for goals such as better political representation, removal of language barriers, and access to services, but they are nevertheless put to use for a wide variety of ends (Pathak and Uprety, 2009).

### Kathmandu Valley

Being the political and economic centre of the country, the Kathmandu Valley has long been affected by violence and armed group activity. Local *goondas*, with relatively stable organizational structures and access to weap-

ons, have run criminal activities in the capital since at least the 1990s. They have extended their links to other urban centres across the country, where they pursue similar activities, including extortion and smuggling (of people, narcotics, and natural resources such as sandalwood).

At the same time, because they are also routinely involved in 'legitimate' forms of business (such as restaurants, bars, and construction companies), their classification is tricky not just intellectually but in terms of libel. Such groups are often for hire, and are willing to sell their services to settle family and commercial disputes (Sangraula, 2010). In some cases, they have been involved in contract killings; or extorting resources from business leaders, real estate magnates, and major educational facilities.<sup>31</sup> Police officers contend that many groups are protected by politicians, and the police themselves are often criticised for having underworld connections (Saferworld, 2012, p. 8). Some of the police officers interviewed confided that 400–500 criminals on Nepal's 'most wanted' list were to be arrested, but did not indicate when or where this might occur; they also admitted that such an operation would be opposed by certain political leaders.<sup>32</sup>

Links between armed groups and politicians in Kathmandu are widely decried. Some claim that a feudal relationship between the two sets of actors reaches back to the Panchayat system and has been further woven into Nepal's social fabric since the introduction of parliamentary democracy in 1990 and 2006.<sup>33</sup> At various times, all political parties have been shown to have connections with controversial individuals and businessmen. However, the situation is apparently worsening. In 2011, the then Home Minister declared to the Parliament's State Affairs Committee that the nexus between politicians and criminals is a threat to law and order (*Kathmandu Post*, 2011). Indeed, the proximity of certain governmental ministers to local dons is often cited as evidence of the close relationships between crime and politics in Nepal's cities. *Goondas* and their members finance certain politicians and parties, help to 'get out

Table 1 **Types of group active in Nepal**

Type of group and examples	Geographic concentration	Date of origin	Composition and other features	Political allegiances and activities
<p><b>Clandestine groups</b></p> <p><i>Kaji Sherpa, Ramesh Bahun, Raju Gorkhali, Milan sexy.</i><sup>34</sup></p>	Most are active in Kathmandu and other urban centres.	Became more prominent after 2006, but some emerged as early as 1990 (if not before). <sup>35</sup>	Most of these groups are loosely organized around a leader, often referred to as a 'don' or 'goonda'. They range in size: from bigger groups with hundreds of members to small criminal gangs with just a few.	<p>While not directly active in politics, the leaders often have clandestine links with politicians and security personnel. The groups are sometimes used as private security providers and are relied on during election periods.</p> <p>These groups often engage in illegal activities, such as smuggling small arms, trafficking drugs and persons, extortion, and kidnapping.</p>
<p><b>Politically affiliated groups</b></p> <p><i>Ganesh Lama, Deepak Manange, Dinesh Adhikari 'Chari', Kumar Ghaiite, Parshuram Basnet.</i></p>	Most are based in Kathmandu and Terai.	Emerged under the Panchayat system, but became more prominent during the 1990s and after 2006.	These groups are of similar composition to the clandestine groups mentioned above. Their leaders are considered to be local strongmen and the size of the group varies from a few dozen to a few hundred.	<p>These groups emerged during the Panchayat years, when they were used by the state to counter democratic activities. Since the re-establishment of democracy in 1990, the leaders of these groups have become increasingly affiliated with political parties, and at times have held political positions. These groups have been known to help gather votes, provide protection, coerce opponents, and provide financial support for local (and at times national) political parties to which they are affiliated.</p> <p>These groups are engaged in illicit activities such as extortion and racketeering. They are also involved in the legal economy (and own restaurants, hotels, casinos, construction companies, etc.).</p>
<p><b>Political outfits</b><sup>36</sup></p> <p>Various groups operating in the Terai<sup>37</sup> and the Eastern Hills,<sup>38</sup> as well as Hindu Fundamentalist groups.<sup>39</sup></p>	Regional presence.	Emerged after 1990, though some existed before. These groups became especially visible after 2006.	After the CPA, these groups were relatively large, with a membership base of a few hundred. More recent estimates suggest that most now have no more than 50 followers. They attempt to imitate the organization and structure of the Maoists, as well as their tactics, and are often organized around a single leader referred to as the commander.	<p>All these groups proclaim a political agenda that often focuses on ethnic recognition and territorial autonomy. While some groups operate 'above-ground' (in the sense that they have held peace talks with the government), others continue to operate 'underground' and engage in violent activities (such as extortion, kidnapping, and attacks on government and law enforcement officials).</p> <p>Since the CPA, 'above-ground' groups have largely claimed to be legitimate political outfits and some have even joined local political parties. These groups have actively engaged in national and local discussions of ethnic and indigenous issues, have distanced themselves from 'underground' factions and condemned their activities. At the same time, some have said that, should the political process fail to achieve their goals, 'armed rebellion' would be an option.</p>
<p><b>Youth organizations</b></p> <p><i>Young Communist League (YCL), Youth Association Nepal (YAN), Tarun Dal.</i></p>	All regions, but most prominent in urban areas, especially Kathmandu.	After 2006, though some can be traced back to the 1990s and even the 1950s.	Membership of these groups is in the thousands. Many members are young males, though female membership is also significant.	<p>All political parties have associated youth wings. Their primary function is to support the political parties, especially in urban areas (though they are active in all parts of Nepal). They are often mobilized for political demonstrations, strikes (<i>banda</i>), and other cultural and political activities.</p> <p>Youth organizations have also been used as a more coercive force. They have been known to turn on each other or supporters of other political parties, and have been involved on occasion in extortion and 'donation' collection. Some groups have fulfilled security functions and acted as paramilitaries.</p>



the vote', and may even determine the outcome of elections.<sup>40</sup> In exchange they receive political protection and are able to continue their illegal activities unharassed by local law enforcement agencies.

The number of groups active in Kathmandu oscillates in response to external pressure and local political and economic conditions. Applying the categories in Table 1, consultations with the Nepal Police, the Armed Police Force, and various journalists and local security analysts suggest that as many as 20 *goondas* operate in Kathmandu. More than half (13 or so) are relatively large, having a membership of about 300 individuals. While the *goondas* themselves are often well off, due to their links with political and economic elites, members tend to be young men from marginalized and socially excluded communities and districts (Saferworld, 2012, p. 7).

## Terai

The Terai region is Nepal's most heavily populated area, accounting for 20 of the country's 75 districts but close to half of Nepal's almost 30 million citizens (Government of Nepal, 2011). The region is also the agricultural and industrial heartland of the country and sits along an open border with India. In contrast to the crime groups of Kathmandu, the Terai features remnant insurgent factions, groups that are politically oriented, and smaller clusters of smugglers and petty criminals. The *Madhesi Rastriya Mukti Morcha* (MRMM) and its break-away groups are widely considered to have been the driving force behind the growth of armed group activity in the region (Jha, 2008, p. 3). The MRMM was a Maoist faction that operated out of the Terai. In 2004 the Maoist leadership replaced the head of the MRMM, Jaya Krishna Goit, with a new leader. Goit subsequently created his own group, the Janatantrik Terai Mukti Morcha (JTMM). Unhappy with JTMM's leadership, a group of disgruntled members led by Nagendra Kumar Paswan ('Jwala Singh') then formed a new faction under the name JTMM-Jwala.<sup>41</sup>

This splintering is characteristic. In the past decade, armed groups have

repeatedly factionalized and reformed, often adopting the name of their leader or area of operation (Manandhar, 2009).<sup>42</sup> Despite reported attempts to unify (*Telegraph Nepal*, 2011),<sup>43</sup> many armed groups appear to be highly personalized, using their 'brands' to extract rents from people, narcotics, arms, or natural resources. As noted, their growth and activity is facilitated by the open border with India, ineffective and under-resourced law enforcement (including the close relationship between crime and policing), and simmering public hostility to the government in Kathmandu, which is perceived to be both remote and negligent by large numbers of Terai residents—especially young adults (International Alert, 2008).

Groups in the Terai appear to have comparatively fixed territorial areas of operation. Activities are focused in eight districts of central and eastern Terai (Parsa, Bara, Rautahat, Sarlahi, Mahottari, Dhanusa, Siraha, and Saptari) and two districts in the western Terai (Banke and Bardiya).<sup>44</sup> In virtually all cases, a group's relative influence in a particular district or division is contingent on the origins of its leaders, even if the latter reside elsewhere. Moreover, most of the cadres of armed groups in the Terai appear to have similar demographic profiles. Members tend to be aged between 15 and 30 and come from lower castes and poorer socio-economic strata.<sup>45</sup> Many said that they joined groups to acquire status and money, while professing dissatisfaction with the national political status quo (International Alert, 2008, p. 11).

Research indicates that the average Terai-based armed group is comparatively modest in size, having between 5 and 20 members.<sup>46</sup> Despite the fact that these groups have increasingly engaged in negotiations with the Nepali Government, the majority are perceived to be motivated by monetary gain. Interviews suggest that officials, national and district-level police, and local security analysts commonly believe that the ideological or political motives these groups profess are simply a cover for their illegal and money-making activities. They also believe that media and activist reports on the Terai are biased in favour of armed

groups, on the grounds that such reporting helps groups to mobilize support and *de facto* legitimizes them.<sup>47</sup> Some interviewees even hinted that entering negotiations with government gives groups immunity for a period, allowing them to organize and expand their activities without obstruction by the police.<sup>48</sup> This controversial claim warrants further exploration.

## Eastern Hills

Compared to groups in the Kathmandu Valley and the Terai, groups in the Eastern Hill region are perceived to have a more political orientation. Many advocate recognition of local indigenous groups and their inclusion in state institutions. While the struggle for local recognition and autonomy in the Eastern Hills has a long history, it became more visible after the democratic transition of 1990 and the CPA. During the conflict, however, local grievances and groups were drawn into the Maoist movement.<sup>49</sup> Allegedly to cement their influence in the Eastern Hills, the UCPN-M offered local leaders high-ranking positions within the party in exchange for their support.<sup>50</sup>

In the post CPA environment groups resurfaced in the Eastern Hills. They can be divided into two broad social or ethnic movements, both of which demand recognition of and territorial autonomy for the local indigenous populations, the Limbuwan and the Rai. Three factions of the Federal Limbuwan State Council (FLSC)<sup>51</sup> have been the most active Limbuwan groups in the districts of Dhankuta, Tehrathum, Sankhuwasabha, Sunsari, Panchthar, and Taplejung. These groups call for an autonomous Limbuwan state and recognition by the Nepali state of indigenous culture, language, and religion.<sup>52</sup> While the FLSC advances this political agenda, its associated youth wings (referred to as the Limbuwan Volunteers) provide security for political leaders and would form the backbone for the security structure of a Limbuwan state, were it established (ICG, 2011, p. 14).

Other important groups are the Khambuwan Rashtriya Morcha (KRM) and the Kirat Janabadi Workers Party (KJWP), both of which operate in the Khambuwan area of the Eastern Hills. The KRM was founded in 1992

by Gopal Khambu with the aim of forming an autonomous Khambuwan state. Throughout the 1990s, the KRM engaged in violent activities that were primarily directed at symbols of 'foreign occupation' and 'suppression' of the Rai peoples (such as schools and police posts) (ICG, 2011, p. 15). As the Maoist movement extended into the Eastern Hills, the KRM, and Gopal Khambu in particular, played a critical role in spreading its ideology and mobilizing local people in support of the People's War. Indeed, it was only after he was promised a high position in the Party that Gopal Khambu (and a faction of the KRM referred to as the Kirat Workers Party) eventually affiliated with the Maoists.<sup>53</sup> Following the CPA, this group of combatants broke away from the Maoists and formed the Kirat Janabadi Workers Party (KJWP).

Since its formation, the group has experienced a number of splits. Some leaders joined mainstream political parties, while others continued to work underground (ICG, 2010, p. 15; ICG, 2011, p. 15).<sup>54</sup> Despite their commitment to indigenous rights and identity, and declaring that they are legitimate political organizations, some factions of the KJWP have been involved in attacks on police posts, kidnapping, extortion and property seizure. The group and its various factions seem to have been considerably weakened in 2010, when some of its members were arrested following KJWP attacks on government officials and police personnel. Since the KJWP's membership is drawn primarily from a close-knit group, most of whom are from a specific area in the Eastern Hills and share blood ties, the arrests had a strong impact on the cohesion and membership of the group. Of the original leadership, only Binod Rai and his sister, Mina Rai, remain; all the others have either been arrested or have 'mainstreamed', by joining local political parties.<sup>55</sup>

One KRM faction did not affiliate itself with the Maoists during the conflict and continued to operate independently. Since the CPA, this group has claimed to have ceased all armed activity and is pushing for the creation of a Khambuwan state within a federal Nepal and inclusion in state institutions. The KRM has also distanced itself from the armed activities of other

groups operating in the Eastern Hills. To take this step, the KRM has reportedly transformed some of its armed units into political teams, who engage in outreach rather than intimidation (ICG, 2011, p. 16).<sup>56</sup>

The notion of distancing from the activities of the underground groups was emphasised by all the interlocutors from the Eastern Hills. They argued that underground activity and political violence discredit the legitimate demands of indigenous groups and their political parties for territorial autonomy and cultural and ethnic recognition. After the deadline for creating a new constitution passed in May 2012, local parties and groups in the Eastern Hills seem to have focused their attention on the elections to a new Constituent Assembly in 2012. Interviewees from the Eastern Hills said that the elections offered an opportunity to achieve their goals through peaceful means but they also noted that recourse to 'armed rebellion' remains an option if the electoral route fails.<sup>57</sup>

Notwithstanding this threat, research suggests that, in line with the national trend, armed group activity has declined in the Eastern Hills. Interlocutors attributed this primarily to the effectiveness of the Special Security Plan (SSP, introduced in 2010).<sup>58</sup> Faced by an increased police presence, some armed groups appear to have been forced to come together,<sup>59</sup> while others gave up the armed struggle and merged with local political parties<sup>60</sup> or ceased activity altogether.<sup>61</sup> The only active groups at this time are the Limbuwan State Force and a small faction of the KJWP. Both seem to be engaged primarily in low-level extortion and other criminal activities.<sup>62</sup>

## Western Districts

During the conflict, the UCPN-M was most deeply entrenched in the districts of Rolpa, Rukum, Sindhuli, and Gorkha (Tiwari, 2001). Their influence continues to be strong in these areas, preventing the emergence of forms of armed group activity that are present in other parts of the country. Because local communities (the poor, Dalits, and other excluded ethnic groups) have been incorporated into local state structures, there is local support

for the UCPN-M. Since the party has become the largest in the Constituent Assembly and has been in and out of government since 2008, local leaders have been able to influence national policies as well. Because of inclusion, local people have not had reason to organize or revolt.<sup>63</sup>

There is nevertheless concern that a recent split in the UCPN-M might lead to unrest in the Western Districts.<sup>64</sup> The ideologically more 'radical' faction of the Maoists, led by Mohan Vaidya ('Kiran'), has accused the UCPN-M of ideological compromise and failure to promote the goals of the insurgency. A new party, the Communist Party of Nepal-Maoists (CPN-M),<sup>65</sup> has actively voiced its dissatisfaction with the government, led by the UCPN-M, and recently announced steps to remedy the situation. Interestingly, these parallel the tactics adopted by the Maoists in the months leading up to the declaration of the People's War in 1996.<sup>66</sup> They include breaking away from the bigger communist party, emphasising Nepali nationalism, taking a sharper position with respect to India (by banning Indian movies and vehicles in Nepal), and mobilizing and training party cadres (by reorganizing former YCL and PLA members within the National Youth Volunteers Bureau) (Dahal, 2012). While it is unlikely that the CPN-M will be able to mobilize a fighting force capable of threatening the Nepali state,<sup>67</sup> rumours of a renewed insurgency affect the already volatile political and security situation in the country.

## Responding to armed groups

The Government of Nepal has adopted a mixture of hard and soft tactics to defeat armed groups. Predictably, in confronting a poorly known or defined enemy, this approach has achieved mixed results. Though it has varied its tactics in specific ways, between the Kathmandu Valley and the Terai, for example, certain shared features can be identified. It is common, for example, to organize sweeps which concentrate a heavy police presence at key locations, arrest and imprison suspects, and confiscate weapons and ammunition. Security sweeps often

focus on young itinerant males, at the risk of stereotyping (and alienating) Nepal's unemployed youth. Many of the Government's interventions mirror strategies adopted by other governments, from Latin America to South Asia.<sup>68</sup>

In a bid to combat the threat that armed groups represent, in 2009 the Ministry of Home Affairs announced a far-reaching NR 3.8 billion Special Security Plan (SSP). Ostensibly, the Plan was introduced to improve law and order across the country by considerably expanding the local presence of the Armed Police Force (APF) (Chapagain and Gautam, 2009). It was designed to combat organized crime, eradicate highway blockades, address impunity, ensure public service delivery, restrict forced closures of public and educational offices, and increase the participation of civilians in their own security (Chapagain and Gautam, 2009). The SSP also helped raise the quality of coordination at sub-national level, under the authority of Chief District Officers (CDOs). According to key informants in the Kathmandu Valley and selected districts of the Terai, a more visible police presence, improved coordination between security entities, and cross-border coordination with Indian counterparts sharply reduced the activities of armed groups (also see Small Arms Survey, 2011; Jha, 2008).

Despite the SSP's apparent success, the Government's heavy-handed approach has been widely criticized. CDOs, for instance, were granted quasi-judicial powers to detain, for up to three months without charge, individuals who infringed the Small Arms Act. Moreover, CDOs were not obliged to file criminal charges or start an investigation until the three-month deadline approached. Owing to the state of the local judiciary, investigations may take up to two years to complete, and during this time individuals were likely to remain in custody (Advocacy Forum, 2011).<sup>69</sup> As mentioned above, police agents are reported to have promoted 'vigilante groups', with the aim of fuelling dissent between armed groups to weaken their ties and effectiveness.<sup>70</sup> However, the biggest concern with regard to the SSP is that, since its introduction, extra-judicial killings of alleged members of armed

groups have risen. In 2010, the Office of the UN High Commissioner for Human Rights reported an 'alarmingly high number of reported deaths in custody or deaths of individuals during "encounters"' (OHCHR 2010, p. 4).<sup>71</sup> According to the Democratic Freedom and Human Rights Institute (DFHRI), between early 2008 and mid-2011 132 individuals were killed by security forces and 149 by so-called armed groups in 20 of Terai's districts (Jha and Aryal, 2011, pp. 6, 23).<sup>72</sup>

Despite frequent changes in government coalitions and ministerial representation, the Government of Nepal has pursued peace talks with at least 18 armed groups over the past five years (see Table 2). Several rounds of negotiations were undertaken with (non-Maoist) armed groups as early as 2008 during a period of instability outside of Kathmandu (ICG, 2008a, p. 7). These talks stumbled amid confusion over whether or not the groups constituted formal entities. The Ministry of Home Affairs claimed to be 'studying' the question in 2009 to determine whether the groups with whom the government claimed to be negotiating were political or criminal in nature. According to interviews with a former Government Minister involved in negotiations with armed groups, talks are held only with armed outfits that have a political character, not with groups involved in criminal activities.<sup>74</sup> As already discussed, the mixed identity of many armed groups and their involvement over time in both political and criminal activities has made this position difficult to sustain.

Nevertheless, peace talks are credited with having improved the security situation in some areas of the Terai. Typically, the Government delegation, led by the Minister of Peace and Reconstruction, meets the leadership of the armed group in question. A preliminary phase of meetings tends to focus on the surrender or 'handover' of weapons and an agreement by leaders of the armed group to discontinue violent activities. In return, the government grants an amnesty and initiates the release of key leaders and cadres, permanently withdrawing legal cases against them. Subsequently, both parties focus on resolving more systemic issues that fuel the armed group's

grievances. Although local activists remain deeply sceptical of the process and fear retribution by the Nepal Police, and group members have continued to be stigmatized in some cases,<sup>75</sup> they feel that the security dividends of peace talks nevertheless outweigh their costs.

Alongside these government-led initiatives are numerous government and non-governmental activities designed to promote peace and reconciliation in areas affected by armed groups. It is expected that the incentive to resort to armed force will diminish if underlying grievances and structural causes of insecurity are addressed. At the forefront of these efforts is the Ministry of Peace and Reconstruction, which has supported the establishment of so-called Local Peace Committees (LPCs). Composed of prominent community representatives, including political parties, the LPCs are expected

**Table 2 Armed groups engaged in peace talks with the Government of Nepal<sup>73</sup>**

1	Akhil Terai Mukti Morcha (Establishment group)
2	Akhil Terai Mukti Morcha (Goit)
3	Janatantrik Terai Mukti Morcha (Rajan)
4	Kirat Janabadi Workers Party
5	Liberation Tigers of Terai Ealum
6	Madhes Mukti Tigers
7	Madhesi Virus Killers
8	Nepal Defence Army
9	Sanghiya Limbuwan Rajya Parisad
10	Sanyukta Janatantrik Terai Mukti Morcha
11	Sanyukra Janatantrik Terai Mukti Morcha (Aajad)
12	Sanyukta Janatantrik Terai Mukti Morcha (Pawan)
13	Terai Sanyukta Janatantrik Party (TSJP)
14	Sanyukta Jatiya Mukti Morcha (SJMM)
15	Terai Janatantrik Mukti Morcha (Kautilya)
16	Janatantrik Madhes Terai Mukti Morcha (Pratap)
17	Khambuwan Mukti Morcha (Sanyukta)
18	Janatantrik Terai Mukti Morcha (Bhagat Singh)



to defuse crises before they lead to violence (Odendaal and Olivier, 2008, p. 4; Ministry of Peace and Reconstruction, 2009); but, precisely because of their composition, they are seen to be politicized and likely to induce conflict in certain circumstances. Their real and relative effectiveness has not yet been studied.

International and national organizations have also stepped up their engagement. For example, the Asia Foundation has launched a number of community mediation projects in selected districts to defuse conflicts and mobilize and empower peace enablers.<sup>76</sup> Organizations such as International Alert and UNICEF have also worked directly with affected populations, including children, to promote protection and enhance 'community security' (International Alert, 2007, 2008).<sup>77</sup>

The Small Arms Survey recently conducted a survey-based assessment, in association with Inter-Disciplinary Analysts (IDA), to assess the impacts of such activities on real and perceived insecurity, and detected some positive dividends, though they were short-lived and some initiatives did not target armed groups specifically (Muggah, 2012).

The extent to which such activities reduce the formation and activity of armed groups remains largely untested. Though most recent estimates by the Ministry of Home Affairs suggest that the number of active armed groups in the country has decreased from more than one hundred to about a dozen, and this decline has been largely attributed to the mixture of approaches adopted by the Government and associated agencies, it is unclear whether this trend will necessarily continue.<sup>78</sup> The current political situation, and arguments around the new constitution and the federal character of Nepal's political system, will certainly influence their evolution and behaviour.

## Conclusions

Motivated by the initial mushrooming of armed actors in Nepal after the Comprehensive Peace Accord (CPA) was signed in 2006, the Nepali Government, police forces, and journalists have grappled with the phenomenon

of armed groups in the country. While much effort has been put into locating 'hot-spots' of armed group activity (such as the Terai and Eastern Hills) and tackling threats (through security strategies or negotiation), little attention has been given to understanding the phenomenon. The purpose of this *Issue Brief*, therefore, was to inject some clarity into the issue of armed groups in Nepal.

Reflecting studies of armed groups in other parts of the world, the *Issue Brief* finds that it is not a straightforward matter to characterize the nature of Nepal's contemporary armed actors. First, unlike previous generations of rebels, more recent manifestations of armed groups tend to lack a clear structure and are prone to splintering. Second, they are not a direct threat to the state but are content to work within its confines; sometimes they are even co-opted by it. Third, their character and activities are not fixed but changeable; and they tend to overlap with civilian and political organizations. The *Issue Brief* finds that it is helpful to analyse Nepal's armed groups in terms of a 'middle ground', because most of them attempt to fly under the radar of law enforcement and keep the state out of their affairs, and survive by adopting a mix of political and economic activities. The *Issue Brief* has illustrated this middle ground by analysing armed group activity by region and sketching the relationships that they have with the institutions of state.

The *Issue Brief* also outlined the character of armed groups in Nepal. Starting with the notion that most of the country's armed groups are not a direct threat to the state, it went on to outline a number of characteristic relevant to understanding them—focusing on their emergence, relations with the community, links to the legal economy, the use of violence, and the area of operation. Apart from generating more detailed insights about the nature and threat of armed groups in Nepal, such criteria can help policy makers and practitioners to identify key interlocutors, organize their responses, and measure their effectiveness in containing and eventually reducing the presence and impact of armed groups in the country.

The last point is especially relevant, because the underlying reasons why armed groups have emerged in Nepal have not been dealt with. Political uncertainty (particularly on the question of federalism) generates chronic instability and this, combined with the continued grievances of certain ethnic or indigenous groups and Nepal's erratic and fragile economic outlook, creates fertile conditions for armed groups to re-emerge and flourish. The state's continued inability or unwillingness to establish law and order and the persistence of youth unemployment suggest that the threats that armed groups pose are not likely to go away. As a result, and despite the recent fall in their number, the issue should not be marginalized. It is a problem that needs to be tackled, by strategies based on an informed and realistic appraisal. ■

## Notes

- 1 The Seven Party Alliance includes the Nepali Congress (NC); Communist Party of Nepal (Unified Marxist-Leninist, UML); Nepal Sadbhavana Party (Anandidevi, NSP (A)); Nepali Congress (Democratic, NC(D)); Janamorcha Nepal; Nepal Workers and Peasants Party (NWPP); and United Left Front (ULF).
- 2 The conflict that took place in Nepal from 1996 to 2006 is referred to as a 'civil war' or an 'insurgency'. Since both terms are normatively loaded in the Nepali context, this *Issue Brief* will use the more neutral term 'armed conflict' throughout.
- 3 The insecurity was fostered by competition and conflict between political parties, the increasing salience of class differences and ethnic/caste identities, the ever-present (and subsequently real) threat of suspension of democracy and the return of the Monarchy, and a Maoist insurgency (Karki and Seddon, 2003a; Hutt, 2004a; von Einsiedel, Malone, and Pradhan, 2012; ICG, 2012a, 2012b).
- 4 Problems include, but are not limited to: increasing poverty; unequal development between rural and urban areas; the continued salience of the caste system; and ethno-regional identities. These problems have been reflected in public debates about the adoption of a new constitution and the merits of a federal model for Nepal. These debates have polarized politics and led to the dissolution of parliament in May 2012. New elections were called, initially for November 2012. They have been postponed to 2013.
- 5 Officials interviewed for this *Issue Brief* considered that between ten and two dozen armed groups had been recognized by the government. Author inter-

- views conducted with local and international security advisors, high-ranking members of Nepal Police, as well as Armed Police Force (APF), Kathmandu, 18 September, 4 October, and 5 October 2012, respectively.
- 6 For a good overview of armed group activity in the Terai, see the Advocacy Forum report on torture and extrajudicial executions (2010, pp. 23–40).
  - 7 Author interviews with local police and political party leaders, Terai, April 2012. The links between criminals and the police have been acknowledged by officers of the Nepal Police and the Armed Police Force in Kathmandu. Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 5 October 2012.
  - 8 The first wave of parliamentary democracy in Nepal followed the anti-Rana movement and lasted from 1950 to 1960. From 1960 to 1990 the Panchayat system dominated Nepali politics. The 1990 *Jana Andolan* (People's Movement) ushered in a second phase of democracy, which lasted until the proclamation of a state of emergency and restoration of absolute monarchy in 2004. A third period of parliamentary democracy began when the CPA was signed in 2006.
  - 9 Certain groups appear to have given up the armed struggle and handed their weapons to the government in exchange for central committee positions in some local political parties. Author interview with leaders of civil society organizations representing indigenous groups from the Eastern Hills and Terai, in Kathmandu, on 25 September 2012 and 3 October 2012, respectively.
  - 10 This theme ran through all the interviews conducted in Kathmandu during September and October 2012 (see Box 1).
  - 11 Nepal was unified in 1743 by Prithvi Narayan Shah, a descendant of Dravya Shah (1559–1570), from the 'House of Gorkha'.
  - 12 Note that field research for this *Issue Brief* was not undertaken in the Eastern Hills. Interviews were nevertheless held with indigenous and ethnic political leaders from the Eastern Hills, as well as several local and international security experts who work in the region. These interviews took place in Kathmandu.
  - 13 India gained independence from British rule on 15 August 1947.
  - 14 This first democratic period lasted until 1960, when King Mahendra led a royal *coup* that restored the monarchy's executive authority and established the Panchayat system.
  - 15 This uprising was not the only precursor of the Maoist movement. In the district of Rolpa (a Maoist base area) at least three armed rebellions against local land-owning and business elites occurred between 1950 and 1990. It has been argued that these rebellions raised political awareness in the area, which led the community to be sympathetic to the Maoist cause (Gidwani and Paudel, 2011; also see Shneiderman, 2003).
  - 16 In the 1994 mid-term elections, the United People's Front Nepal (UPFN), a break-away communist faction led by Baburam Bhattarai, was not recognized by the Election Commission. The UPFN was the political front organization of the CPN-Unity Centre led by Puspa Kamal Dahal (also known as Prachanda). In 1994 Prachanda's CPN-Unity Centre was renamed the CPN-Maoist (Lawoti, 2010, p. 6).
  - 17 The Maoists announced the People's War with the slogan: 'Let us march ahead on the path of struggle towards establishing the people's rule by wrecking the reactionary ruling system of state' (Sharma, 2004, p. 51).
  - 18 Vigilante groups were most active during later stages of the conflict, when civilians at village level retaliated against the Maoists (Amnesty International, 2005, pp. 3–7; ICG, 2004; OHCHR, 2012, p. 94). In interviews, both civilian and security personnel frequently reported that state security forces were behind the formation of these groups. They have been excluded from Table 1 because it is widely assumed that vigilante groups are no longer active in Nepal. Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012.
  - 19 From 1995 to December 2008, the party was known as CPN-M. In January 2009, it merged with the Communist Party of Nepal (Masal) and became the Unified Communist Party of Nepal-Maoist (UCPN-M). In June 2012, a hardline faction broke away from the UCPN-M, and adopted the original name of the Maoists. It has since been referred to as the CPN-M. To prevent confusion, the rest of this *Issue Brief* will use the acronym 'UCPN-M' to refer to the Maoist party in general (and not to the most recent splinter group).
  - 20 The PLA existed throughout the conflict, but was officially established only in September 2001.
  - 21 The *Jana Andolan I* (People's Movement I) was a popular uprising that brought into being the second phase of democracy in 1990.
  - 22 The UCPN-M became the largest party, winning 220 out of 575 elected seats.
  - 23 The Nepal Army was previously known as the Royal Nepal Army. The name was changed after the CPA, in 2006.
  - 24 Author interview with local security and political analyst, Kathmandu, 19 September 2012.
  - 25 Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012.
  - 26 Author interviews (see Box 1). Almost every person interviewed referred to these relationships.
  - 27 Author interviews with a civil society leader representing indigenous groups, Kathmandu, 25 September 2012.
  - 28 Interviews clearly revealed that, though local people do not overtly support the actions of armed groups, they are sympathetic to them and their attempts to rid the Terai of 'Kathmandu colonialism' and the dominance of the Hill peoples. Author interviews in the Terai in April 2012, and with a civil society leader representing indigenous and Madhesi groups on 25 September and 3 October 2012.
  - 29 Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012.
  - 30 Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012.
  - 31 Author interviews with senior Nepal Police officers, Kathmandu, 4 October 2012.
  - 32 Author interviews with senior Nepal Police officers, Kathmandu, 4 October 2012.
  - 33 Author interview with a journalist and political analyst working in Kathmandu, 8 October 2012.
  - 34 Groups often lack a specific name and are usually referred to by the name of the leader, reflecting the leaders' central role in the formation, lifespan, and identity of many groups.
  - 35 According to one interlocutor, some groups emerged as early as the 1960s, when increased numbers of Western tourists fostered the spread of 'hippy culture' in Nepal. This brought with it a demand for illegal goods, especially narcotics. The trend continued after Nepal opened up politically in the early 1990s, and again after the CPA. Author interview with a journalist working in Kathmandu, 8 October 2012.
  - 36 Ideally, armed groups would be separated into those that are 'above ground' and 'underground'. They have not been disaggregated in this way because the information available is insufficiently precise, and because groups often switch their behaviour, moving from one status to the other.
  - 37 Janatantrik Terai Mukti Morcha-Goit (JTMM-Goit); Janatantrik Terai Mukti Morcha-Jwala (JTMM-Jwala); Janatantrik Terai Madhes Mukti Party-Bhagat Singh (JTMM-Bhagat Singh); Sanyukta Janatantrik Mukti Morcha-Pawan (SJMM-Pawan); The Madhesi Tigers; Chure Bhawar Ekta Samaj.
  - 38 Kirat Janabadi Workers Party-Nabin Kirati (KJWP-Nabin Kirati), Kirat Janabadi Workers Party-Yalamber Kirat (KJWP-Yalamber Kirat), Federal Limbuwan State Council-Kumar Lingden (FLSC-Kumar Lingden).
  - 39 Such as the Nepal Defence Army.
  - 40 Author interviews with political consultants in Kathmandu (19 September 2012), a former Minister (26 September 2012), and senior Nepal Police and Armed Police Force officers (4 and 5 October 2012).
  - 41 The JTMM continued to splinter and, despite claiming to represent the rights of the Madhesi peoples in the Terai, is now believed to be motivated largely by economic interests rather than political objectives.
  - 42 Of the 109 armed groups identified by the Government, 38 appear to have 'Terai' and another 15 'Madhes(i)' in their name, suggesting a high degree of geographical concentration.
  - 43 According to some reports, certain armed group leaders met in Bihar (India) to plan unification and joint activities (Sarkar, 2008).

- 44 Author interviews in Kathmandu with a local security expert from Terai (20 September 2012), a former Minister (26 September 2012), a high-ranking female member of the UCPN-M and a senior UCPN-M leader (30 September 2012), and senior Nepal Police and Armed Police Force officers (4 and 5 October 2012).
- 45 Author interviews with former members of armed groups in Terai jails, March 2012.
- 46 Many rank-and-file members are from the margins of society, including un- and under-employed males, petty criminals, and drug traders. Interviews with a Terai civil society representative, Nepal Police officers, and Armed Police Force officers, Kathmandu, 3–5 October 2012.
- 47 A senior CPN-UML leader has claimed that the media convert criminals into heroes (*Nagariknews*, 2012).
- 48 Author interview with a local civil society leader working on human rights and security issues, Kathmandu, 10 October 2012.
- 49 This does not mean that support for the Maoists was unanimous. There were pockets of local resistance to Maoist rule (Shah, 2008).
- 50 Author interview with a local academic working on groups in the Eastern Hills, 27 September 2012.
- 51 The three FLSC factions differ in the individuals that head them, not in their political agenda or tactics. The three main leaders are Kumar Lingden, Sanjuhang Palungwa, and Misekhang Thamsuhang. The three groups are therefore named FLSC-Lingden, FLSC-Palungwa, and FLSC-Thamsuhang.
- 52 Author interview with an indigenous representative, Kathmandu, 25 September 2012.
- 53 According to interviews in September and October 2012 with indigenous and ethnic representatives from the Eastern Hills, Gopal Khambu and the Maoist leadership held three rounds of negotiations before he was given a high-ranking position within the party in exchange for his support of the movement.
- 54 The KJWP experienced two major splits. The first took place in 2009 and divided the group in half, when one faction aligned itself with Rabin Kirati and another with Binod Rai (also known as Biswas Bidrohi). The second seems to have taken place in 2012, when Ananta Kranti, brother of Binod Rai, broke away and set up the *Samyukta Jatiya Mukti Morcha*.
- 55 Author interview with an academic studying armed groups in the Eastern Hills, 27 September 2012.
- 56 Author interview with an indigenous representative, Kathmandu, 25 September 2012.
- 57 Author interview with an indigenous representative, Kathmandu, 25 September 2012.
- 58 Author interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012.
- 59 The Limbuwan Front and the Khumbuwan Front have allegedly merged.
- 60 For example, Hangsa Kirati, a former member of the KJWP, joined the Federal Democratic National Party (FDNP), a local party that advocates indigenous rights.
- 61 The Limbuwan National Liberation Forum and Upper Kirat and Limbuwan Liberation Army, for instance, have both disappeared since the SSP was introduced.
- 62 Author interview with an indigenous representative, Kathmandu, 25 September 2012.
- 63 Author interviews with former CPN members, Kathmandu, 28 and 30 September 2012.
- 64 Author interview with senior leaders of the CPN-M, Kathmandu, 3 and 8 October 2012.
- 65 The CPN-M adopted the name used by the party during the insurgency, a significant choice because it indicates that members of the splinter group believe they are the true Maoists, and that the UCPN-M faction has been compromised. Author interviews with CPN-M leadership, Kathmandu, September and October 2012.
- 66 Author interviews with a local journalist (also working as a political analyst) and a former member of the CPN, Kathmandu, 8 October, 2012.
- 67 In interviews, members of the UCPN-M, of other political parties, and police officers argued that the CPN-M lacks the capacity and justification to declare an armed rebellion. In terms of capacity, it is perceived to lack finance, weapons, and cadres. In terms of justification, a rebellion would lack a clear purpose. During the Maoist insurgency, the monarchy was seen to be an obstacle to Nepal's social and economic development, but currently the CPN-M can blame no single enemy. A revolt would be seen as an attack against parliamentary democracy and would make a subsequent return to mainstream politics extremely difficult.
- 68 See Small Arms Survey (2010) for a review of global efforts to address organized gangs. For examples from Latin America and the Caribbean, see also Jütersonke, Muggah and Rodgers (2009) and Seelke (2010).
- 69 It is argued that cases are not heard in regular courts, may infringe fair trial principles, and are judged by a quasi-judicial authority who may not be trained to impart justice. On 22 September 2011, the Supreme Court instructed the Government to review the quasi-judicial powers granted to CDOs.
- 70 Author interviews with police officers in Dhanusa, Siraha, and Kathmandu between March and November 2011.
- 71 OHCHR documented 57 cases of death as a result of the unlawful use of lethal force by security forces between January 2008 and June 2010 (OHCHR, 2010, p. 4).
- 72 The Informal Sector Service Centre (INSEC), the Democratic Freedom and Human Rights Institute, and the Terai Human Rights Defenders' Group initiated a surveillance programme to monitor the incidence and distribution of killings associated with public security actors as well as armed groups.
- 73 Media sources have been used to compile the list, which has been verified in interviews with senior Nepal Police and Armed Police Force officers, Kathmandu, 4 and 5 October 2012. More recently, the prospect of a new round of elections in Nepal has prompted various mainstream political parties, in an attempt to increase their support base and influence, to reach out to armed groups. For instance, on 1 February 2013, *Samyukta Janatantrik Terai Mukti Morcha (Pawan)* formally merged with the UCPN-M.
- 74 Author interview with former Minister, Kathmandu, 26 September 2012.
- 75 Some groups were subsequently accused of being cowards, informants, and traitors. Author interviews with armed group members in the districts of Siraha and Dhanusa, November 2011.
- 76 By using basic peacebuilding concepts and methods, community mediators are trained to respond to local conflicts and address their underlying causes (Lederach and Thapa, 2010).
- 77 International Alert has worked with youths and other groups in different districts of Nepal to ensure access to justice and security. See International Alert reports (2007, 2008). Similarly, UNICEF works in many districts of Nepal to support children affected by armed conflict (UNICEF, 2009).
- 78 Author interviews with political elites (Kathmandu, 30 September and 4 October, 2012) and with senior Nepal Police and Armed Police Force officers (Kathmandu, 4 and 5 October, 2012).

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## About the Nepal Armed Violence Assessment

The Nepal Armed Violence Assessment (NAVA) is a project of the Small Arms Survey. It serves as an independent research resource for Nepalese officials, civil society groups, and international partners. The NAVA combines primary and secondary data sources, but focuses on generating original data and analysis through field research. Methods include in-depth interviews with key informants, archival media research, focus groups, and population-based surveys.

The NAVA explores the following key themes:

- Small arms transfers, trafficking, availability, and control;
- The types and characteristics of armed actors;
- The distribution and scale of armed violence and victimization;
- Perceptions of armed violence and their economic impacts;
- Media depictions; and representations of armed violence.

NAVA publications, which include Working Papers and Issue Briefs, summarize research findings and insight into issues related to violence, its impact, perpetrators and victims, and strategies for prevention and reduction.

NAVA publications are available in English and Nepali.

They can be downloaded at <http://www.nepal-ava.org/>.

Printed copies are available from the Small Arms Survey.

## Credits

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