

Compulsory Military Training

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Of the eleven CA thematic committees, the National Interest Preservation Committee was the first to prepare its report on May 22, 2009. This Committee also set an example by preparing a report that garnered consensus from its members. There are altogether 43 members in this Committee. Its objectives are to identify national interests such as national sovereignty and integrity, international borders and relationship, and national defence. Though political parties differ on their views on great many national issues, the report submitted by the Committee was passed without any notes of dissent.

Recommendations of the Committee

The Committee has proposed that “national interest” should be included as a separate clause in the new constitution. It further states that the fundamentals of national interests should mean “sovereignty and national integrity, independence, national unity, social and cultural solidarity, multiparty democratic republic polity, economic prosperity, harmony among various castes, class and group and a discrimination-free society”, and any move that is detrimental to the national interest, that disturbs harmony among various castes and class, national integrity and sovereignty, and leaks national secrets to unauthorised individuals and organisations are against “national interest” are subject to be punished. This must be the law of this country. And, it is a matter of duty for every citizen living in this country to uphold and preserve Nepal’s sovereignty, national integrity, and national unity. Therefore, there should be a provision for compulsory military training for citizens above the age of 18 so that they can defend their nation if needed.

The Committee proposes that the new constitution must “preserve Nepal’s sovereignty and geographical integrity, peace and rule of law, democracy and republicanism and guarantee basic needs such as food, shelter and clothes, education and health for people. It should provide opportunities for the people to generate income, to enhance personality development. It should also guarantee rights to accumulate properties and live a comfortable life. It should also create conducive environment for every Nepali to carve out his or her prestige in international arena”.

Moreover, the Committee’s proposal states that no treaty and agreement that is detrimental to Nepal’s sovereignty, regional integrity, and national interests shall be approved. Any issue of national importance should be decided through a referendum if two-third majority from the members in the legislature-parliament propose so. Similarly, the central government must bear responsibilities of protecting and managing international borders of the nation. The two-third majority of the legislature-parliament can approve or disapprove any treaties and agreements related with border issues.

The central government has the right to sign international treaties and agreements, but it must consult the provincial governments while settling boarder issues. The Committee in its report further states that the central government must not sign any treaties that are detrimental to national borders, regional integrity, national sovereignty and integrity. It must never sign any treaties which do not go along with the constitution and do not favour the nation in terms of using and sharing natural resources.

Treaties that have direct impact on peace and friendship, defence, border, and natural resources of this country have to be passed by a two-third majority both in the Lower and the Upper Houses of the central legislature. However, treaties that do not make any adverse affects and do not create any serious repercussion can be passed by a simple majority, the Committee states in its report.

The Committee has proposed to form a “National Defence Council” under the control of the central government. The ministers mainly the Defence, Home, Foreign, Finance and two more nominated by the cabinet should be the member of the “National Defence Council”. And the Council must be responsible for promulgating policies and strategies for overall national defence and counter-defences. It can recommend the president to mobilise and manage Nepal Army.

The Committee has proposed some special conditions for the Nepal Army (NA) to operate structurally. It states that the NA should function as an organised body and should be responsible for maintaining national sovereignty, integrity, and independence, and should also manage developmental works as well. The head of the state should be the supreme chief of the army. He or she can appoint the chief of the army (COA) on the recommendation from the cabinet of ministers. However, the “National Defence Council” can dismiss the COA.

The Committee further states that the organisational form of the NA must remain inclusive and democratic in its structures and practices. And the council of ministers must abide by the law of the land while controlling, mobilising and managing the NA.

The central government should be responsible for maintaining foreign relations. While doing so, it must “uphold nation’s sovereignty, integrity, independence and keep international image and work to preserve national interest”. The Committee in its report further states that no political party should make moves that are detrimental to sovereignty, integrity and unity of the country. It must be taken for guaranteed that the sovereignty of the country lie with the people. Therefore, it is only legislative bodies, formed out of people’s votes, which should hold executive rights to decide on national interests. And the legislative body should remain powerful in a manner similar to the way judicial bodies exercise their judicial power.

Disputes/Controversies Revived

During the discussion sessions on the report submitted by the Committee, the UCPN (M) CA members held their opinion that every youth above 18 years should be recruited into the NA. But the NC, UML and other parties opposed it. They argued that such policies will militarise the country. The UCPN (M), however, argued that such policy will be a key to preserve national interest, especially at a time of external intervention.

Moreover, the parties had huge differences over whether to call the Maoist combatants as “People’s Liberation Army (PLA)”. The NC, UML and other parties refused to call the combatants “PLA”. They opted for the term “Maoist Combatants” while the UCPN (M) remained adamant on the phrase “PLA”. However, the Committee in its report calls it the “Maoists Army”.

The Committee in its report states that youths above 18 years should join the national army as a matter of compulsory service so that everyone can serve the nation in need. Though parties differed on this too, there was no protest on the day when the Committee approved it in its draft. But after the Committee submitted its report to the Assembly Chair Subash Nemwang, the CA members

belonging to NC expressed their discontents over the provision of providing military training for citizens above 18 years, and the term “People’s Liberation Army”. In the discussions held in the Assembly over these issues, the NC and UML CA members demanded that such provision should be excised outright. On the contrary, the UCPN (M) CA members stuck to their earlier stand.

Recommendations to Committee

The UCPN (M) CA members argued that the new constitution should define sovereignty of the country as a thing that rests in the people, the citizens of the country. They held the opinion that in order to maintain independence with sovereignty, secular, inclusive and fully democratic polity, Nepal must adopt independent foreign policy to preserve national interest on the basis of the UN charter, nonalignment policies, *panchasil* principles, international law, and values of world peace.

The UCPN (M) CA members put their views that “there should be a single national army in Nepal. This single army formed out of the PLA and the NA should remain inclusive, proportional, and must reflect the national character”. They opined that “all healthy citizens of 18 years or above should be given military education and training with the purpose of preserving national interest and welfare. Similarly, individual federal state should have the rights to form their own paramilitary force or people’s militia”.

The NC CA members expressed their views that the sovereignty of the nation must lie with the people. Therefore, the new constitution must work to enhance unity and integrity among people belonging to diverse castes, languages, classes, sexes, cultures and geography. And the constitution must hold supremacy so that sovereignty of nation remains in order.

The NC CA members put their views that the “National Defence Council” should be responsible for defending internal security provisions of the country. And, the new constitution must formulate a larger and stronger national security policy to address security, economic crisis, natural calamity, foods and energy crisis that the nation is likely to face.

The Madhesi Janadhikar Forum (MJF) CA members proposed that there should be proportional participation of the Madhesis in the Army, and in other security forces. To meet this goal, the new constitution must include special provision that allows a mass recruitment of the Madhesi youth in the Nepal Army and other security forces and services. The MJF CA members also held their opinions that the new constitution must define sovereignty and government as terms solely dependent on people.

The Committee held meetings 98 times and spent 337 hours on discussing the issues given above.

Conclusion

The National Interest Preservation Committee provided a forum for the CA members to discuss on several important issues. It strongly pointed out a genuine need of democratising, mobilising and making the Nepal Army competent. The Committee reached the conclusion that the NA must go through the process of democratisation to address the spirit of the 1990 and the 2006 People’s Movement.

The Committee also brought issues such as national border, review of the past treaties and agreements with neighbouring countries into free and rigorous discussions. As a result, several parties urged the country to re-evaluate and redefine the treaties and agreements made in the past to address the aspiration of people and nation of the present times.

The Committee in its report states that international treaties should not take effect until they get approved by a two-third majority in both the Lower and the Upper Houses of the federal central parliament. Moreover, the central government should consult the federal provinces before it sets to sign or review any international treaties, especially those related to border issues with neighbouring countries.

This Committee has proposed an ambitious national security policy. According to its security policy, the state must provide every youth above or in 18 year some basic military trainings and education so that he or she can serve the nation if needed. This can be taken as one of the most important security issues discussed so far by the representatives of the people openly in the history of this nation.