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Higher Defense Organization in Nepal

*Suresh Sharma**

Corresponding Author: **Suresh Sharma**, Email: suresh132469@gmail.com

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* Brig Gen (Retd) Suresh Sharma writes on strategic issues after having spent more than 32 years of active military service at national and international level. He is an alumnus of DKI APCSS and NESA (USA), George C. Marshal European Center for Security Studies (Germany), and has fellowship of National Defense University (China). Email: suresh132469@gmail.com

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Suresh Sharma

Abstract

An efficient Higher Defense Organization (HDO) is mandatory for any nation to match their national security objectives based on their geostrategic environment, challenges, and historical experiences. The components of HDO need efficiency, synergy, and decision-making ability to complement national interests. Nepal is experiencing diverse national security challenges of the millennia. In Nepal's context, there is a requirement to revisit higher defense management components and enhance their capability so we guarantee their high-quality interface with elements of national power to effectively secure national interest. In the article, the HDO will be studied to identify our weaknesses to draw a framework of understanding.

Key Words: HDO, National Security, National Security Council, National Interest.

Introduction

In a changing security environment, the security of individual countries is bound to have multiple challenges. To address these challenges Higher Defense Organizations (HDO) are made capable to delve into both traditional and non-traditional security issues and thereby, assist the political decision-makers to adopt a strategy for greater 'national interest'. The term HDO involves statutory higher security organizations of a nation that deal with strategic affairs. With the advancement of a modern political system, many countries have a separate higher defense organ, normally catered for the management of their defense/security matters because defense management is a factor in good governance. The functions and management of HDO are interlinked to their external and internal security dynamics and its composition should be compliant to their national security architecture.

Nepal is not a "young" nation, its history confirms its existence in 600 BC¹, and must have experienced diverse national security issues since its being. In modern Nepal, its defense management is considered to have been existed within an unforeseen threat from the potential adversaries which has been highlighted in King Prithvi Narayan Shah's *Dibya Upadesh* that underscores many national security policy guidelines. Our neighbor, India has retained the HDO structure shortly after its independence², whereas in China, it was visible after 1949, where the People's Liberation Army is found to have blended with the Central Military Commission of the Communist Party of China.

¹ Baburam Acharya, Nepal Tibet and China, Shree Krishna Acharya(ed.), *China Study Centre*, 2018, p 1. The first proven reference of the word "Nepal", was found in the archaeological engravings of Nepalese King Amshuverma (607 CE).

² Patrick Bratton, 'India's Joint Doctrine: Hopeless Module or The Start of The Strategic Articulation?', 6 June 2017, available at <https://warroom.armywarcollege.edu>.

Irrespective of any nation's size and capability, the functional structure of HDO is similar, with all, some, or at least with a few of the essential components. The variables of size, population, political system, and economy of different nations stand with a homogeneous principle that is 'national unity and independence, territorial integrity, people's sovereignty, and national security.'

HDO of Nepal is an important case study for evaluating its assertive consultative role in the decision-making process on strategic issues. This discourse will remain sketchy if we conclude without comparing others with ours. The subsequent sections of the paper will briefly delve into these matters. Our framework of higher defense mechanisms in the spirit of national security perspective still seems to be limited. This article highlights the underlying issues of Nepal's HDO, advocates for the rationale of strengthening it to make it capable of addressing national security issues.

The paper mainly has focused on these research questions: What kind of HDO can be envisioned? And how will it affect achieving our national security objectives? The objective of the paper is to briefly evaluate the variations of the HDO structure, discuss our weaknesses, and bring out an idea of a new structure.

The research is based on secondary sources of literature with qualitative methods depending on descriptive and critical analysis.

The thought of HDO had evolved in my mind more enthusiastically at the time when I was invited to deliver a lecture on this title to the group of students in Nepal Army Command and Staff College. The term was simple, unique but required a deeper understanding. Its structure would need thorough understanding to keep pace with the dynamics and fluidity of national security challenges.³

Indian strategic thinker Kautilya⁴, in his treatise *Arthashastra*, is found to have dealt with several defense concepts and strategies. It lays out a discussion of war and diplomacy, which is the primary function of HDO. In his *Arthashastra* he highlights defense concepts are to build the power of the state with the sovereignty of the state and this concept is taken by many military strategists across the world. Similarly, in the *Arthashastra* treatise, Kautilya sees all forms of state defense are mending to the welfare of the people as the highest goal. He also opined that prosperity was essential to national security because poor countries can not have the resources to maintain their security. In this manner, an interdependent linkage between national prosperity and security was established.⁵

In the late 17th century, the emerging military powers like Britain, France, and Portugal sailed across the sea for expanding their empires. Due to this, many clashes resulted

³ Khalid Iqbal, 'Revisiting Higher Defense Organization', *Defence Journal*, Karachi Volume 15:3, October 2011, pp 76-77, available at <https://www.proquest.com/docview/912678948>.

⁴ BS Varma, '*Strategic perspectives higher defence organisation*', available at <https://usiofindia.org/publication/cs3>, September 2013.

⁵ Malay Mishra, 'Kautilya's Arthashastra: Restoring its Rightful Place in the Field of International Relations', *Journal of Defense Studies*, volume 10:2, April-June 2016.

in wars in different countries and principalities. We witnessed the British and French ambitions in South and Southeast Asia were added with their military muscles. The British East India Company was becoming stronger in South Asia. The ambition of the British East India Company to expand northwards to the Himalayas was checked by Nepali rulers in the early eighteenth century. Nepal's defense management experienced the eminent foreseen threat of that time which has been highlighted in King Prithvi Narayan Shah's *Dibya Upadesh (Royal Teaching)*.⁶

HDO of Different Countries

In this section, a brief account of HDOs of some countries will be dealt with so that we can draw some inferences. In 2016, India formed taskforce to review India's Higher Defense Control Organization (HDCO)⁷. The taskforce had recommended the creation of three integrated theatre commands and an apex body to control all service commands.⁸ Chief of Integrated Defense Staff to the Chiefs of Staff Committee was created to run the IDS. India has moved further in strengthening its HDO with the integration of the three-service headquarters with the MOD and the creation of a Chief of the Defense Staff (CDS). The linkage of these two with NSC has strengthened their HDO.

The NSC in India is an executive apex body of the three-tiered structure of national security tasked with advising the Prime Minister on matters of national security and strategic interest. The three tiers are the Strategic Policy Group, the National Security Advisory Board, and a Secretariat from the Joint Intelligence Committee.⁹ All these three components have full-fledged manpower to meticulously scrutinize national security issues.

In the year 2019, a separate Department of Military Affairs, with the CDS as its head, was created within the Indian MOD. Indian military thinkers have hoped this fulfills a longstanding demand of the military.¹⁰ NSA who is the chairman of the Defense Planning Committee undertakes the responsibility of crafting national security strategy.

In China, the Central Military Commission is the national defense organization of the Chinese Communist Party. The Central National Security Commission is akin to NSC. It has a Chairman (President), Vice Chairman (Premier of State Council), Chairman of National People's Congress, and members.

⁶ Some term it as Divine Counsel.

⁷ R V Phadke, 'India's Higher Defense Control Organization', *Strategic Journal*, volume XXIV: 5, August 2000, p. 853.

⁸ Patrick Bratton, 'India's Joint Doctrine: Hopeless Module, or The Start of The Strategic Articulation?', 6 June 2017.

⁹ Ibid.

¹⁰ The Hindu, 'Gen Rawat demits office as army chief, the government notifies the department of military affairs', *Newstral*, available at <https://newstral.com/en/article/en/1142757045/gen-rawat-demits-office-as-army-chief-govt-notifies-department-of-military-affairs>, 31 December 2019.

In China, the National People's Congress is the highest organ of state power. The Standing Committee of the NPC is the NPC's permanent body that decides on the proclamation of a state of war, decides on general or partial mobilization, and exercises other defense-related functions and powers. The State Council directs and administrates national defense work, and the CMC directs and assumes unified command of the nation's armed forces. It displays a wholesome HDO.

Pakistan introduced the Joint Staff Headquarters and the appointment of the Chairman Joint Chiefs of Staff Committee as a unifying command structure of the three services¹¹ whereas, in Bangladesh, the Armed Forces Division is the principal national command authority for national defense.

NSC is the principal forum for security in the US which has several committees and a large number of statutory members within it. The President, through the Secretary of Defense, commands his authority to the combatant commanders who subsequently command all military forces within various areas of responsibility across the world. The US Department of Defense, through its military strength, is claimed to pose a solid foundation for its national policy.¹² NSA plays a vital role in exerting national security issues.

HDO in Nepal

The evolution of the defense administration of modern Nepal can be traced back to the unification of Nepal in 1770¹³ while our foreign engagements were more focused on strengthening Nepal's security in a malign security environment. During King Prithvi Narayan Shah's unification campaign, the Royal Assembly, although no such term as HDO was spelled at that time, had stood in principle as HDO, especially with the appointments of Kajis (King's confidants) or *Mukhtiyar*. Bhimsen Thapa was the first person to use Commander-in-Chief as the title of Army Chief.¹⁴ Nepal raised its stature due to its prominent defense organization in that unique security milieu, through several military engagements (with British, French, and even with Chinese), and remarkably displayed its efficacy in several battles, most notably with Anglo and Sino fronts. The rulers like the Kings, Rana Prime ministers, and the C-in-Cs acted as HDO to give policy guidelines that had maintained a dignified martial legacy of the nation.

In 1950 the Ministry of Defense was established that functioned as HDO in Nepal, basically to protect and defend the nation and the people. All security matters of the Ministry of Defense was under the direct control of the palace. With the change

¹¹ Smruti S. Pattanaik, 'Civil-Military Coordination and Defence Decision-Making in Pakistan', Strategic Analysis: IDSA, August 2000, volume XXIV no. 5, available at https://ciaotest.cc.columbia.edu/olj/sa/sa_aug00pas01.html.

¹² Accessed from <https://www.britannica.com/topic/>, US Department of Defense, and <https://www.defense.gov>.

¹³ Ministry of Defence, available at <https://www.mod.gov.np>.

¹⁴ Indra Adhikari, '*Military and Democracy in Nepal*', Routledge, 2015, pp. 154-155.

through the peoples' popular movement of 1990, when the constitution was amended with Constitutional Monarchy and provision of multi-party democracy, a separate HDO structure, the National Security Council was established, still, the defense administration was directly overseen by the King who was the supreme commander of Nepali Army.

Nepal did not have NSC before 1990. There was a *Rashtriya Suraksha Samiti (National Security Committee)* at that time to deal with defense and security. After the restoration of democracy in 1990, with the provision of NSC, the concept of HDO was just envisioned. The new constitution of that time was not able to spell out HDO's function adequately. It would rather accord a limited role as - NSC was established to make a recommendation of the council of ministers on mobilization, operation, and use of the Nepali Army.

Its composition was also sketchy as follows:-

Chairman: The Prime Minister

Members: Minister for Defense and Chief of the Army Staff

Its role was rather limited that mentioned 'His Majesty (the King) will operate and use the RNA (*Royal Nepali Army*) on the recommendation of NSC'.

After a few years, in the year 2007, Interim Constitution was promulgated. It provisioned Prime minister as Chairman and Defense and Home minister as the members of NSC. The other three ministers were designated by the PM in the council of ministers¹⁵. The constitution had excluded the Army Chief from the NSC. It just said the constitution 'granted for setting up the NSC for giving suggestions to the government regarding mobilization and control of the army', thereby again limiting its purpose.

Now, Article 266 of the new constitution (2015) seems to be with more clarity. It states as -

There shall be a National Security Council for making a recommendation to the Government of Nepal, Council of Ministers for the formulation of a policy on overall national interest, security, and defense of Nepal, and the mobilization and control of the Nepali Army. Its composition is as follows: -

Chairperson: The Prime Minister

Member: Minister for Defense

Member: Minister for Home

Member: Minister for Foreign Affairs

Member: Minister for Finance

Member: Chief Secretary

Member: Chief of the Army Staff

The new constitution says - the mobilization of Nepali Army shall be declared by the

¹⁵ *Nepal ko Antarim Sambidhan, 2063*(Interim constitution of Nepal, 2007), art 145.

President according to the decision by Council of Ministers on the recommendation of NSC during wars on the security of any parts, territorial integrity or sovereignty of Nepal, external attacks, armed insurgency or serious crisis has arisen due to extreme economic breakdown. The decision of mobilization of the Nepali Army shall have to be approved by the House of Representatives within a month of the declaration.¹⁶

HDO and National Security

It is hard to find a universally accepted single definition of national security. Over the past three centuries, the definitions of national security have changed and many interpretations have been offered by various scholars. Some scholars view national security as the ability of a nation to protect its internal values from external threats or aggression. The term ability of a country encompasses every dimension of national security i.e. socio-cultural, economic, political and military, etc. Anton Grizold has a similar view on it. He says the sovereignty, and the type of sovereignty assume almost complete control of the nation-state over its territory, people, and natural resources.¹⁷ Arnold Wolfers mentions the military ability to deter external threats to a nation's territory (and previously acquired values) as the essence of security.¹⁸

Many interpreters were inclined towards viewing national security from a platform of external threats. They were thinking more of military capability. Today the concept has changed. The new list includes military security, informational security, human security, and food and health security, border security, including the security to the constitution which is intertwined and inextricably linked to each other. These interests cannot be pursued in isolation. Bishnu Raj Upreti views the basic components of state security more broadly. He points out diverse phenomena of security. These include the protection of strategically important areas, and structures; assurance of national sovereignty and territorial integrity; protection of important dignitaries of the state; protection and control of border areas, securing of state and people from external invasion; and protection of people from natural calamities and man made disaster.¹⁹

Harold Brown, an American nuclear physicist who served as United States Secretary of Defense from 1977 to 1981, under President Jimmy Carter, makes further clear on national security. In his words, the ability to preserve the nation's physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to preserve its nature, institution, human resources, and governance from

¹⁶ 'Nepal ko Sambidhan, 2072' (Constitution of Nepal, 2015), art. 267 (6).

¹⁷ Anton Grizold, 'The Concept of National Security in the Contemporary World', *International Journal on World Peace*, volume 11:3, September 1994, pp. 37-53, available at URL: <http://www.jstor.org/stable/20751984>.

¹⁸ Arnold Wolfers, 'Discord and Collaboration: Essays on International Politics', Baltimore, *The Johns Hopkins University Press*, 1962, p. 150.

¹⁹ Bishnu Raj Upreti, 'Security for peace and stability by 2030', in Bishnu Raj Upreti, SR Sharma & K. N. Pyakuryal (ed.), *Nepal 2030: A Vision for Peaceful and Prosperous Nation*, Kathmandu University and NCCR, 2012.

disruption from outside or inside; and to control its borders is the key to national security.²⁰

For Caroline Thomas and Jessica Mathews, for example, security is not only related to the military external nexus but also concerns several other dimensions.²¹

National security is interpreted as a basic need to protect and safeguard the national interests of a nation by using political, military, and economic strength to deal with threats both from within and outside the country.

In other words, national security is the requirement to maintain the survival of the state through the use of various dimensions of national power. Importantly, most vital part of national security is the ability to deter foreign dictation.

Walter Lippmann, a security expert views more candidly. He says a nation has security when it does not have to sacrifice its legitimate interests to avoid war, but at the same time argues that whether challenged, even would be prepared for war.²² This view may not apply to weak countries. For instance, Nepal cannot think of military options, but as Lippmann advises one could be prepared for even war to safeguard the legitimate national security interest.

We admit Nepal is not free from numerous security threats.²³ Strategy and defense planning committees under well-structured HDO envision broader national security. In complex political issues, the parties are found to have divided into their vested interests, and more often than not, may mistakenly adopt the wrong course or choose options detrimental to the national interests. In such a scenario, the role of HDO becomes vital, where both bureaucratic and constitutional bodies in their inherent structure think prudently.

Analysis

The basic components of national security are state security, human security, and societal security. Security concerns are not limited to military and state security forces. Hence, it has to integrate economic, foreign, development policies into national security policies.²⁴

We have seen many countries have their HDOs such as NSC, Ministry of Defense, Department of Defense (DoD), Office of the Secretary of Defense, the Joint Chiefs of Staff (JCS), Military Departments (Army, Navy, Air Force), the Defense Agencies,

²⁰ Harold Brown, 'Thinking about national security: Defense and foreign policy in a dangerous world', as quoted in Watson Cynthia Ann, *U.S. national security: a reference handbook*, Contemporary world issues 2, 2008, p. 281.

²¹ Harjono Pamungkas Putro, 'Make a Prosperous State Through National Security', *Advances in Economics, Business and Management Research*, volume 140, Atlantis Press, 2020, p. 333.

²² Walter Lippmann, *US Foreign Policy: Shield of Republic*, Boston, Little Brown, 1943, p. 49.

²³ 'Security challenges in Nepal', accessed from <http://nepalsecgov.org/>, 2021.

²⁴ Ibid.

Defense Committees all having centrality and efficacy in framing national interests and strategy. HDO can intervene to provide strategic guidelines to the decision-makers and planners.

Ironically, our constitution had conceptualized the NSC but had given quite a limited role. Article 51 of the Constitution of Nepal allows us to develop a National Security Policy.²⁵ Security is most commonly understood as avoiding threats to our cherished values. These threats, if left unchecked, would threaten us with many in the future.²⁶ So we need to establish a dynamic balance with non-military objectives using the military instrument in coordination with other instruments of national power.²⁷

We find NSC of the US quite contented. 'Nepal existed before the US in the world'.²⁸ 'In China, we find their HDO quite streamlined and robust.'²⁹ In India the NSA plays important roles in the decision-making process; both as the President's adviser on national security matters and as the senior government official responsible for national security issues. NSA is supported by adequate personnel. With all these provisions they are successful to guarantee a close linkage of elements of national power with national security architects. Pakistan and Bangladesh also have established higher mechanisms to oversight national security. The above examples provide us with our ground picture. The heuristic scrutiny of the functioning of HDO in the aforementioned countries confirms they stand adamant in addressing key national issues whereas our position is quite weak and flexible.

Nepal's geo-strategic location demands security sensitivity. Our treaties and agreements with neighbors are always scrutinized as far as national security is concerned³⁰. In current times, several emerging issues cannot be left unattended by HDO from a national security perspective. Our HDO is found to fail in scrutinizing national security and national interest linkages. The executive and legislative body of the nation should consider HDO's consultations and perception.

For instance, the incomplete task of withdrawing Indian border posts from our northern border in the seventies has resulted in a persistent occupation of Indian forces in the Kalapani area. We agree with General Sam Cowan who said that too much silence from our rulers on the issue was regrettable.³¹ The past agreements

²⁵ It was first unveiled on 4 Chaitra 2075, 8 March 2019.

²⁶ Paul D Williams (ed), *Security Studies: An Introduction*, Routledge 2008, p. 5.

²⁷ António Oliveira, 'Use of Military Force in Management and Conflict Resolution', *e-journal of International Relations*, volume 7:1, May-October 2016, pp. 33-54.

²⁸ Ramesh Nath Pandey, *Kutniti ra Rajniti (Diplomacy and Politics)*, Shangrila Books, Kathmandu, 2015, p. 644.

²⁹ 'China's National Defense in the New Era', The State Council Information Office of the People's Republic of China, July 2019, Accessed from <http://www.china.un.ch>.

³⁰ Sugauli Treaty (1860), Treaty of Peace and Friendship with India (1950), Treaty with British East India Company (1923), Betrawati Treaty (1792); among others, and agreements with India for sharing of waters.

³¹ Sam Cowan, 'The Gorkha war and its aftermath: A comprehensive analysis of the Kalapani issue', 14 November 2020, accessed at <https://www.recordnepal.com>, on 20 November 2021.

between Nepal and India in sharing of main rivers remain debated. The citizenship act and many more issues including the Indian vested interests may have many negative impacts.³² The views expressed by some segment of the population against the new constitution and state restructuring is apprehensive. We witnessed a lapse in the 'whole of the government approach' while dealing with the Maoist insurgency (2000-2006). No one would disagree that firstly, Nepal's HDO (that included erstwhile King, who was Supreme Commander in Chief) could not take heed of the intelligence and about the possible fallouts which India, the US, and China had hinted, especially not taking democratic political parties on board while maneuvering against the Maoists' designs of state capture.³³ Secondly, even though Nepal had conceptualized the NSC after 1990 its roles, responsibility and accountability were kept limited for not realizing the holistic approach of national security.³⁴

As the region enters into a new security paradigm of competition our HDO must develop abreast to anticipate impacts and streamline our strategic approach to constitute short, medium, and long-term interests. The result of the disarray in our strategic decision could be due to the infirmity of our HDO for various reasons.

Our NSC is not free from challenges to chalk out a strategy through research works for traditional or non-traditional security issues. A thought can be given for the creation and authorization of a new position of NSA to reinforce HDO. Its recommendations to the government on strategic issues are vital. MOD should be able to undertake broader responsibility of national security³⁵ and be an effective coordinating body between the Cabinet (Council of Ministers) and NSC.³⁶ Similarly, capacity building and accountability of security forces (Nepali Army, Nepal Police, and Armed Police Force, Nepal and National Investigation Department) are essential³⁷ for building a robust national security framework. Besides, there is a need for dedicated professional staffs in each organization with their proven competencies.³⁸ In a futuristic perspective plan, if given a situation that demands an integrated approach, a senior-most apex body of all security agencies, such as Unified Command may also be conceived. All these attributes of HDO will be instrumental in creating a wholesome stress-free security environment. Our lawmakers, bureaucratic planners, including the security professionals, and even civil society should ascend high to inspect deep-seated structural gaps in our HDO system and evolve new thoughts.

³² Ramesh Nath Pandey, *Katniti ra Rajniti*, Shangrila Books, Kathmandu, 2015. p. 383 & pp. 545-605.

³³ Ibid. pp. 412-413, 645-652.

³⁴ *Nepal ko Antarim Sambidhan, 2063* (Interim Constitution of Nepal, 2007), art 144.

³⁵ *Nepal ko Sambidhan 2072*, (Constitution of Nepal, 2015), art 3.3.1 states the responsibility of the Nepal Army.

³⁶ Devendra Sitaula, 'MOD: Feeling and Experience', *Journal of Security Affairs*, volume 1:1, <https://www.mod.gov.np/publications/books-view/7>, accessed on 18 March 2021.

³⁷ Bishnu Raj Upreti, 'Security for peace and stability by 2030', in Bishnu Raj Upreti, SR Sharma & K. N. Pyakuryal (eds), *Nepal 2030: A Vision for Peaceful and Prosperous Nation*, Kathmandu University and NCCR, 2012.

³⁸ Ibid.

Our HDO should actively engage, first to identify threats and, secondly, advise political leaders to mitigate those through tactful non-military options. We must evaluate the conditions where the management of defense lies between defense policy formulation and actual command and control of the military forces.³⁹

Discussion and Conclusion

This paper has examined the basic arguments for efficacious HDO by comparing ours with the neighbors and world powers to draw some relevant conclusions. It has addressed the main research question of the study that provides us an account of measures to upgrade our existing structure. Nepal has recently conceptualized a security policy⁴⁰ but has not yet been finalized. There are several areas of improvement in our HDO and its integration.⁴¹

To conclude, firstly, the HDO structure of Nepal and its functioning must be critically analyzed for its advancement, secondly, its role must be maximized in addressing threats to national interests realistically, and thirdly; it needs to maintain its robust character.

³⁹ Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.), *Defence Management: An Introduction, Security and Defence Management Series No1*, DCAF, 2009, p. 5.

⁴⁰ Available at <https://risingnepaldaily.com/interview/national-security-policy-updated-as-per-political-context>

⁴¹ Devendra Sitaula, 'MOD: Feeling and Experience', *Journal of Security affairs*, Year 1: No 1, Ministry of Defense, 2020, p. 72.