

# **Strategic Priorities and Local Conflicts: U.S. Counterterrorism Policy and Its Influence on Nepal's Civil War**

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## **Strategic Priorities and Local Conflicts: U.S. Counterterrorism Policy and Its Influence on Nepal's Civil War**

### **Introduction:**

In the aftermath of 9/11, U.S. foreign policy increasingly prioritized counterterrorism, especially in the Middle East. However, the implications of this shift were felt far beyond the region: this article will examine the impact of the shift in Nepal, which was mired in a civil war between Maoist insurgents and the government from 1996 to 2006. The article will examine whether U.S. aid for Nepal in the latter half of the insurgency ultimately benefited or undermined democracy, and the broader tensions between democratic commitments and security in U.S. foreign policy post 9/11. It will dive into how U.S. military assistance to Nepal during the height of the civil war helped influence the trajectory of Nepal's fragile democracy, along with the peace process that ultimately ended the conflict in 2006. Overall, this study seeks to add to the evolving dialogue on the long-term impacts of U.S. foreign policy in the decades after 9/11, particularly for fledgling or otherwise flimsy democracies.

### **Background and Historical Context:**

On the 13th of February, 1996, the Communist Party of Nepal (Maoists) launched a 'People's War,' aimed at abolishing the constitutional monarchy and replacing parliamentary democracy with a communist republic. Their primary aims were to do away with a political system they claimed propped up the archaic monarchy and political party elites. The insurgency began with attacks on police posts in six districts across Nepal. However, until late 2001, the Royal Nepalese Army (RNA) was not directly involved in the conflict, as it was seen as a matter for police to handle. The Nepalese King, Birendra - who led the military - was unwilling to involve his army in the conflict, even amidst numerous requests by the government for him to do so. On June 1, 2001, Birendra and eight other members of the royal family were murdered by Crown Prince Dipendra due to a disagreement over his choice of bride. Following this massacre, the Maoists sensed an opportunity to step up their attacks against security forces, surmising that the legitimacy of the institution they were attempting to depose had cracked significantly enough that a republic was now within reach. When Birendra's brother, Gyanendra, ascended to the throne following the massacre, he proved more willing to authorize direct military force against the Maoists, and to undermine the political parties in a pursuit to bring the civil war to an end. In November

2001, following a series of Maoist attacks on army posts across the country, a fragile four month ceasefire collapsed. The newly throned king declared a state of emergency, suspending most civil liberties and instructing the RNA to join the battle against the Maoists (Mage, 2007).

Around the same time, the foreign policy of the United States was undergoing rapid changes following 9/11. President George W. Bush's administration had begun embarking on a 'War on Terror,' and had devised a list of foreign actors it sought to defeat or subdue (Record, 2003). This created ripe conditions for the U.S. to catch sight of insurgencies around the globe. Accordingly, this period marked the entrance of the U.S. as an important player in Nepal's Civil War. The U.S. designated the Maoists in Nepal as terrorists (Mage, 2007). In doing so, it effectively placed them outside the frame of international law relating to armed conflict. In the following years, the U.S. provided Nepal with a significant amount of military assistance as the insurgency continued to spread across the country. As the following sections will examine, this aid continued largely unhindered even as human rights violations abounded and democracy began to be sidelined by the king and the army.

Following the shepherding of aid for Nepal into the broader umbrella of the War on Terror policy, the Nepalese government expressed a keen interest in deepening strategic ties with the U.S., emblematic in how it offered Nepalese airspace to U.S. planes during the NATO invasion of Afghanistan in the autumn of 2001. In February of 2002, U.S. Secretary of State Colin Powell, flanked by senior U.S. officials, visited Nepal, with Powell publicly stating that the purpose of the visit was to show support for a democracy that was under attack by the Maoists. Furthermore, programmes that had already enabled RNA officers to train at military academies in the U.S. were expanded, and a U.S.-aided expansion in the size of the RNA ensued: initially comprising about 35,000 soldiers, it increased to a size of more than 100,000 by 2005.

In August 2003, as a truce between the Maoists and the government was being negotiated, U.S. deputy Secretary of State Richard Armitage announced that the Maoists posed significant security threats to the U.S., and that they were being placed on the highest category of the terrorist list. These actions served to further alienate the Maoists from the international community and strip them of any legitimacy at a time when the Nepalese government sought to bring them to the negotiating table. At the same time, an RNA unit killed 18 unarmed Maoists (Mage, 2007). This action effectively killed off any chance at a negotiated settlement to the war, as it called into question whether the government truly desired a settlement. This came even as the RNA possessed inadequate means to effectively defeat the Maoists in Nepal's hilly terrain, regardless of the help it was receiving from countries such as the U.S. (Hutt, 2005).

This meant that even as the RNA demonstrably could not win outright, the actions of the military and of Nepal's backers, which served to undermine negotiations, made it seem as though it could.

During this time, human rights abuses from both parties of the conflict abounded. State security forces cracked down on anyone suspected of being a Maoist through the use of arbitrary arrests, extrajudicial executions, torture, and sexual violence. The Maoists, too, resorted to similar means to bring about vigilante style justice against those accused of sympathizing with the government. In 2003 and 2004, Nepal witnessed the highest number of disappearances of any country in the world (Dahal and Mills, 2005). The U.S.' designation of the Maoists as terrorists resulted in an environment in which the Nepalese security forces increasingly acted with impunity towards insurgents. Infact, John Mage argues that U.S. advisers enabled a policy of mass disappearances, torture, and extra-judicial killings to be initiated by the RNA (Mage, 2007). Even as reports were being submitted to the U.N. Special Rapporteur on Torture at the end of 2002, and the E.U. and U.N. were criticizing state security forces for abuses, the U.S. continued heralding in military advisers to Kathmandu, providing weapons to the RNA, and conducting joint exercises (Amnesty International, 2002). This undermined the U.S.' stance that it was providing assistance to the RNA in order to bolster democracy in Nepal, and conveyed an impression that the U.S. would continue to support Nepal's government in an unconditional manner regardless of the human rights situation on the ground, allowing the RNA to continue its tactics without changing course.

### **Political Instability:**

Furthermore, Nepal witnessed chronic political instability in the time period immediately preceding the insurgency, as well as within the time period of the conflict, which may have further hindered the ability of the RNA to win, and may have contributed to the erosion of democracy even as the U.S. claimed to be aiding a democratic country. After transitioning from an absolute monarchy to a constitutional monarchy and parliamentary democracy in 1990, Nepal witnessed frequent changes in government, and high levels of misgovernance. Nabiha Gul writes that growing discontent with the political class amongst many Nepalis, especially those within marginalized groups, created ripe conditions for the Maoists' insurgency to gain rural support (Gul, 2002). The political instability and corruption exhibited by the political parties only accelerated once the war began, fuelling the Maoists' agenda (Hutt, 2005). Galvanizing further disillusionment in democracy was the fact that Nepal had witnessed ten different Prime Ministers between 1990 and 2000: by the turn of the millennium, the country seemed to be in a state of constant paralysis. (Nepali Times, 2000). Amidst this uncertain political landscape, perhaps U.S. aid focused on improving governance and fostering greater trust between

politicians and the people would have provided benefits that were otherwise not realized, given just how much U.S. assistance was solely for the purpose of strengthening the RNA.

In the Spring of 2002, when it was clear that a majority of MPs in Parliament wished to end the state of emergency that had been imposed in November 2001 (and thus reauthorize civil liberties), King Gyanendra dismissed parliament entirely and appointed a new government of his own liking, seemingly buoyed by the substantial support the RNA had been receiving from the U.S. in the months prior. In February 2005, the king was further emboldened to effectively return Nepal to absolute monarchy under the premise of bringing about a swift end to the insurgency, which the politicians had failed to suppress. He suspended all remaining civil liberties, and the leaders of major political parties were jailed. Mage writes that a decisive factor in the king's decision to assume total control was CIA intelligence that pointed to a split within the Maoists. The king assumed that he could exploit this split to gain an upper hand in negotiations. Instead, the Maoists rallied to unite against the king, and the insurgency spread to districts that had previously been unaffected. Following this complete rollback of democracy, the U.S. found itself at odds with the European Union and India on whether to continue support for the newly autocratic royal regime and the RNA. Although the U.S. did pause direct shipments of arms to Nepal, Mage reports that in August of 2005, a huge stack of bullets and M-16 rifles was shipped to Nepal from Israel, revealing that the U.S. effectively began using other countries as surrogates to indirectly transfer arms to the RNA, even during a period of absolute monarchy (Mage, 2007). During this period, urban areas that were still under the control of the government witnessed large street demonstrations conducted by students and political parties calling for the restoration of democracy. RNA soldiers were thus deployed onto the streets of urban areas to maintain order and quell demonstrations, and units that would otherwise have engaged with Maoists in the countryside were put to work suppressing journalists, lawyers, and student activists (Hutt, 2005). This further eroded the ability of the RNA to win against the Maoists, and effectively enabled the Maoists' primary demand of a republic to gain widespread support amongst the urban intellectual class. This underlines how the king's moves to consolidate power and a lack of true repercussions from the U.S. for the rollback of democracy only served to fuel discontent against the government and the monarchy.

In the Spring of 2006, street protests led by political parties forced the king to restore democracy and allow parliament to reconvene. By this time, public opinion had moved away from the monarchy. Moreover, the Maoists had watered down their demands, and instead of a communist republic, they now wanted a constituent assembly to draft a new constitution that would declare Nepal a democratic republic. This meant that the Maoists and the political parties were now largely united in their demands, and in

November of 2006, the conflict came to a permanent end through the Comprehensive Peace Agreement (CPA) signed between the Maoists and the government (Jeffery 2016). Elections for a constituent assembly were held on April 10, 2008, and on May 28 of 2008 the assembly voted overwhelmingly to abolish the monarchy.

### **Implications for Nepal Today:**

In Nepal's current political landscape, there is a lingering distrust of foreign actors amongst a wide subset of the population. This is best characterized by concerns over a grant of \$500 million provided to Nepal by the Millennium Challenge Corporation (MCC), an American aid agency established in 2004. Although the U.S. clarified that the aid grant, which Nepal eventually passed in 2022, would come with no military strings attached, in the lead-up to the grant's ratification, there were widespread debates in Nepal about whether signing onto the grant would drag Nepal into the U.S.' Indo Pacific Strategy to counter China (Roka 2022). Thus, Nepal witnessed intense political debates over the grant during the consultation period. (The Kathmandu Post, 2022). The wrangling over the MCC grant and the government's initial reluctance to pass it highlights a sense of unease within Nepali society when it comes to U.S. involvement, and is further explained by the fact that the Maoists - with their lingering weariness at the U.S. - were part of the government during this time.

### **Policy recommendations:**

Going forward, U.S. military aid to any party in internal conflicts should be strictly conditioned on transparent human rights benchmarks. Suspension of lethal aid should be automatic when widespread abuses are documented. U.S. military advisers should, in addition to training on the conduct of war, provide adequate teaching to partner soldiers on international humanitarian law and human rights obligations. Secondly, priority should be given to building a robust civil society and in strengthening democratic foundations, so that democracy can remain a priority. If the U.S. had placed greater importance on civilian governance in Nepal, the political parties could have been better equipped to deal with the crisis without relying as much on the RNA or the king. Moreover, aid packages should be aimed at improving structural problems such as corruption and misgovernance before security assistance is expanded. The U.S. should recognize when a conflict cannot end through military means, and should focus on bringing about a resolution through discussions. In Nepal, full U.S. backing of peace talks may have led to an early end to the conflict. The U.S. should seek to act as a mediator between conflicting

sides, instead of pushing for hardline military tactics that may serve to prolong fighting without any foreseeable end.

**Conclusion:**

Once the U.S. began providing security assistance to Nepal, the aid continued largely unhindered even as human rights abuses multiplied. Although the U.S. claimed to be supporting Nepal in the name of democracy, the backing that both the RNA and the monarchy received from the U.S. enabled a steady rollback of civil liberties, and further fueled the Maoists' cause. Furthermore, political instability and the inability of the RNA to win the conflict outright meant that a settled deal would have been the best way to end the conflict. Thus, in pushing to defeat the Maoists, both the RNA and U.S. advisers contributed to the prolonging of the insurgency. U.S. assistance to nations dealing with conflicts in the future should thus be conditioned on human rights benchmarks, and should prioritize civilian governance and political stability rather than military solutions that end up protracting conflicts.

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