

## Small Arms Influx and its Implication in Kathmandu

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### **Abstract**

*This paper examines the status of proliferation of small arms in Nepal and its influx in Kathmandu before insurgency, during insurgency and post-conflict scenario. Exploring the existing law on small arms proliferation and how is it coping with this matter? This study discusses the major crimes that occurred by using small arms in Kathmandu. Methodologically, secondary source of data is used from previous relevant research studies on small arms and light weapons in Nepal during insurgency and post-conflict period. Kathmandu valley and taken as the focus of study because of two reasons: firstly, to map the numerous urban security threats that occurred in Kathmandu emanating from the influx of small arms and secondly, because of the availability of data. Numerous reports published on small arms proliferation, news reports, media analysis, books and articles have been reviewed and examined to underline how the use of small arms was massive used during the time in insurgency and even in the transitional period. This paper contends that despite*

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*the end of the transitional period and the promulgation of the new constitution, instances of crimes attributable to small arms proliferation have not decreased. It underscores the inadequacy of the existing legislation regarding small arms in addressing contemporary challenges, emphasizing the imperative need for the enactment of comprehensive laws and the implementation of robust measures concerning small arms.*

## **Introduction**

The proliferation of small arms presents significant challenges. In the current global landscape, crime rates are on the rise through various means and methods, with the utilization of small arms emerging as an especially effective and accessible method (Rapoport, et al., 2019). Nepal is not immune to this phenomenon. Frequent occurrences of daily incidents, attributed to the ready availability of small arms, during and after the insurgency have exposed vulnerabilities in security within the Kathmandu Valley. Consequently, there is a pressing demand for a collaborative security mechanism to address these pressing issues. However, before going into specific cases and their analyses, it is important to discuss the concepts and approaches pertinent to small arms proliferation. Nepal's Arms and Ammunition Act-1962 defines "Arms" as the rifle gun, pistol, revolver, mining, and grenade, their parts, and the machinery that manufactures such arms. "Machine Gun" includes Bringing, Luis gun, station machine carbine, Tomson machine carbine, and the automatic weapons of similar categories and their parts, the vehicles to be used for transporting and mounting such machine guns, and the machinery that manufactures such machine guns. "Ammunition" is identified as fug signal fuse (Dhumika Sanket), gunpowder, cap, the ball of a gun, shells, detonator, cartus, similar types of explosives and other ammunition. Be it self-loading pistols, rifles, sub-machine guns or light machine guns, small arms are generally understood as weapons used for individual purpose. They can be easily carried and can be hidden if required.

In the same context, Garcia considers the spread and use of small arms as perennial problem. Further he argues that small arms and light weapons - the assault rifles, machine guns, hand grenades, rockets and other weapons are generally considered as the "instrument of death" in the wars of the contemporary world. Whenever the

conflict between the countries increases, the influx of small arms becomes a perennial problem. Their easy availability in an international environment has spawned the extent of human suffering and death. About 15 million innocent civilians have lost their lives in the intrastate mayhem of the world since 1991. Millions have been maimed, about 12 million have lost their homes and become refugee or internally displaced persons (Garcia, 2006).

*Small and light weapons (SALWs) constitute a form of trade that originates and proliferates during periods of crisis, offering opportunities and prosperity to individuals seeking to instigate disorder. The global landscape has shifted from traditional symmetric confrontations that span centuries to asymmetric warfare, wherein SALWs have proven instrumental in causing devastation to both lives and assets (Awaru et al., 2022).*

According to Bogati (2019) globally, 300,000 to half a million people are killed by small arms each year, which means every single minute, someone is killed by a gun. Further, he explains that the growing availability of small arms has been deemed as a key obstruction to human security and human development. Hence, illicit small arms not only fuel insecurity but also undermine peace initiatives and hamper development activities. Proliferation of small arms is also a significant factor in fostering a culture of violence.

Gul (2010) argued that the common use, accessibility and unprecedented proliferation of small arms endanger the security of states, where the primary risk factor emanates from the possession and use of small arms by non-state actors. South Asia stands out as a region characterized by a propensity for conflict, wherein the proliferation of small arms presents a formidable challenge to security dynamics. Coupled with political and socio-economic instability across the region, the small arms proliferation indeed is endangering the security of the region. Upreti (2009) argued that the proliferation of small arms increased after the start of the armed conflict in Nepal. He further believed that the widespread use of Small Arms Light Weapons (SALW) by warring parties and distribution of arms to civilian militias and Village Defense Committees (VDC) by security forces in Nepal during the time of the armed conflict had encouraged arms traders and smugglers.

According to the Nepal Police records in the years from 2018-2019 and 2020-2021, 326 people, including 32 foreigners, were arrested for firearm possession. The number of arrests rose to 361 in the following fiscal year. In the fiscal year 2020-21, police arrested 373 people with illegal firearms. The Nepal Police also confiscated 944 firearms from various parts of the country in the last three fiscal years (Dhungana, 2021).

With a cognizance of this reality, this study seeks to conduct an analysis of the proliferation of small arms and its implications in Kathmandu across three distinct phases: pre-insurgency (before 1996), during the insurgency (1996-2006), and in the post-conflict period (2006-2014). Concurrently, it aims to critically assess the impact of Nepalese government laws and policies on the proliferation of small arms and light weapons.

This study uses secondary source of data from previous relevant research on of Small Arms and Light Weapons (SALW) in Nepal, before insurgency, during insurgency and post conflict period. Report of Telegraph Nepal (2011), sates that several reports on the confiscated small arms from Armed Police Force (APF) Nepal, and Nepal Police are examined. Although the study has used the old data, the lack of surveys in the contemporary times should also be understood. Hence, this study doesn't generalize the old data. Instead, only classify them, categorize them and analyze them. Also, it is understandable that the absence of conflict and dearth of studies in small arms has already lessened the availability of data. In the same context, this paper reviews the documents on small arms and light weapons from the above stated reports as well as article published in daily national newspapers .

### **Small Arms Proliferations: Causes and Concerns**

Gorea (2006) revealed that the proliferation of SALW is a global concern. In the global context, small arms are widely used in the Middle East (Arab uprising), African countries, East Asian countries, and even in the country like the United States of America. Thus, the arms-related violence has surged up. In the regional context of South Asia, there are conflicts in almost all countries. Political violence pervades the South Asian region, spanning across countries such as Afghanistan, Pakistan, India, Nepal, Bhutan, Maldives, Sri Lanka, and Bangladesh (Gerharz &

Pfaff-Czarnecka, 2017). This phenomenon encompasses a spectrum of conflicts, ranging from interstate war and sectarian strife to guerrilla warfare and organized criminal activities. Kanwal and Chansoria (2010) stated the Indian subcontinent's susceptibility to small arms proliferation can be attributed to the fact that these are the most readily available weapons for non-state actors engaged in intra-state conflicts and state-sponsored proxy wars. They also stated that Nepal, which was a conduit for small arms proliferation in South Asia, has now become an end-user itself, as the Maoists' People's Liberation Army (PLA) was a big buyer of SALW.

A research report of Hazen (2011) states that Since 2007, the Terai region of Nepal has witnessed a notable increase in violent activities and the rise of armed factions subsequent to the conclusion of the civil conflict. This timeframe has been characterized by a diverse range of occurrences such as explosions, gunfire, kidnappings, financial extortions, armed transgressions, and even incidents of domestic abuse. This pattern of disquietude has firmly established the Terai as the focal point of turmoil and uncertainty within Nepal, presenting substantial obstacles to the promotion of peace and stability in the area.

Highlighting about porous border Forbes interprets the border with India has both positive and negative consequences for the inhabitants of the Terai. On the one hand, the ease with which the border can be crossed enhances trade and access to goods, improves work opportunities, and allows people to visit relatives. On the other hand, the porous border is widely believed to have aggravated the security challenges by enabling the illegal flow of firearms into Nepal, providing a haven for criminals from either side and providing criminal opportunities for armed groups, notably through goods trafficking, cross-border crime, and smuggling false currency into India (Forbes et al. 2011).

Nepal's strong laws and regulations are against the purchase and ownership of small arms and strict procedures for licensing and renewal. Nepal is still facing difficulties in mitigating the illicit trafficking of small firearms as a result of its porous frontiers with India and the geographically arduous yet logistically viable northern boundary with China (Shrestha, 2023). However, the main question is how to prevent the illegal trade of small arms through the long open border with India in the east, west and south, and the possibility of such trade from the geographically

difficult but technically feasible northern border with China. Even before of the Maoist insurgency, the use of illegal small arms in the Nepal-India border had been common, particularly for ordinary crimes.

Caldwell and Williams Jr (2016) highlighted recent security agenda includes the first and second generation of human rights, global warming, and oil shortages; transnational organized criminal groups, SALW proliferation, and global networks of terrorists (p. 248). Karp (2013) reported that in 2013, the Small Arms Survey estimated that there are around 440,000 civilian firearms in circulation in Nepal, only 55,000 of which are legally registered (p. 1). Although this study hasn't deal with the contemporary data, the case of gun license of Durga Prasain is interesting to mention here as it raised numerous debates in Kathmandu, be it in press or politics or parliament.

The availability of firearms in the country is moderate by international standards, but the concentration of small arms in the hands of criminal groups poses a threat to law and order that has yet to be fully assessed and addressed. Srikanth (2014) conceptualized SALW not as a traditional threat but as a nontraditional security threat in the 21<sup>st</sup> caused by terrorism, poverty, money laundering, and the effects of unequal distribution of resources. The increasing circulation of small arms in Nepal is worrying. As per the study conducted on armed terror in mid-Madhesh by the Democratic Freedom and Human Rights Institute and Terai Human Rights Defenders Alliance, the rate for a *Katuwa*—a local pistol—was Rs 2000, while a Sixer cost Rs 5000, and about 90 percent of those involved in the small arms business belonged to the age group of 15-35 years (Rauniyar, 2011).

The Himalayan Times (2016) in its article "Small arms posing a grave threat to security" mentions the illicit proliferation and misuse of small arms and light weapons as the grave threats to the environment of security in the Kathmandu Valley. Kamwesiga (2016) stated that there is debate among scholars about the relationship between SALW and insecurity; some writers argue that SALW directly leads to insecurity, while others consider SALW as mere triggers or catalyzing factors (p. 4).

Proliferations of small arms, criminalization of politics, politicization of crimes,

militarization of youths and emergence of armed groups and criminal gangs are positively correlated. Arm-based abduction is the major problem in Kathmandu. On 5<sup>th</sup> June 2009, Mahesh Sarada was kidnapped from his house. Anti-kidnapping Cell of Crime Investigation Department of Metropolitan Police searched but failed to find him. Later, on 14<sup>th</sup> June, he returned home by paying 1.4 million. There are numbers of such kidnapping cases widely reported in Nepalese media and all of the accused criminal gangs are using illegal small arms (Upreti et al., 2010).

### **Small Arms Influx: From Politics to Terror**

Shrestha (2006) argued that small arms and light weapons are found to have been used for political cause, be it by Prachanda Gorkha or any other political parties during the anti-Rana revolution; in the ‘hit and run’ armed campaign conducted by the Nepali Congress after the Royal takeover in 1960; in the armed struggle that started in Jhapa district by the then CPN-Coordination Committee in the 1970s, and in the bomb attacks organized by the Janabadi Morcha (Peoples’ Front) in Katmandu Valley in 1985 (p. 55-100). But the monopoly of the privileged individuals and groups having access to private weapons and firearms ended since the CPN-M started armed insurgency since 1996 (Paudel, 2014). The royal palace massacre of 2001 has been also interpreted as the climax and unanticipated implications of the misuse of small arms and light weapons in Nepal.

Kraemer (2001) stated that the Mukti Sena, the liberation army of the Nepali Congress, attacked from nine points, but it was defeated near Amlekhganj and Biratnagar. Another armed group belonging to the Nepali Congress was unsuccessful, which captured Birganj. Nepali folks in the city areas were politically informed and socialized by dropping leaflets out of a plane over the Kathmandu Valley – an action that was only possible with Indian help. The fight of the Mukti Sena lasted for about two months.

Levi (1956) stated that during the revolt by the Nepali Congress, arms and ammunitions fell into the hands of non-state elements, which misused the small arms for outright criminals’ purposes, although political agendas occasionally got infused with the banditry and racial, communal or sectional rivalries which eventually added fuel to the flames (pp.39-46).



According to the report of United States Agency for International Development (2001), in 1971, a section of the Nepal Communist Party began a series of assassinations of "class enemies", in the southeast of the country, which coincided with political assassinations across the border in India, carried out by radical Indian communists, known as Naxalites. The assassinations in Nepal resulted in arrests and extra-judicial killings of party activists by government security forces.

### **Upsurge of Small Arms During Maoist Insurgency**

During the Maoist insurgency in Nepal (1996-2006), numerous incidences of violence, killing, intimidation, kidnapping, extortion occurred, resulting in casualties and significant political uncertainty and unrest. The insurgency was led by the Communist Party of Nepal (Maoist), also known as the Maoists, who sought to overthrow the monarchy and establish a communist state.

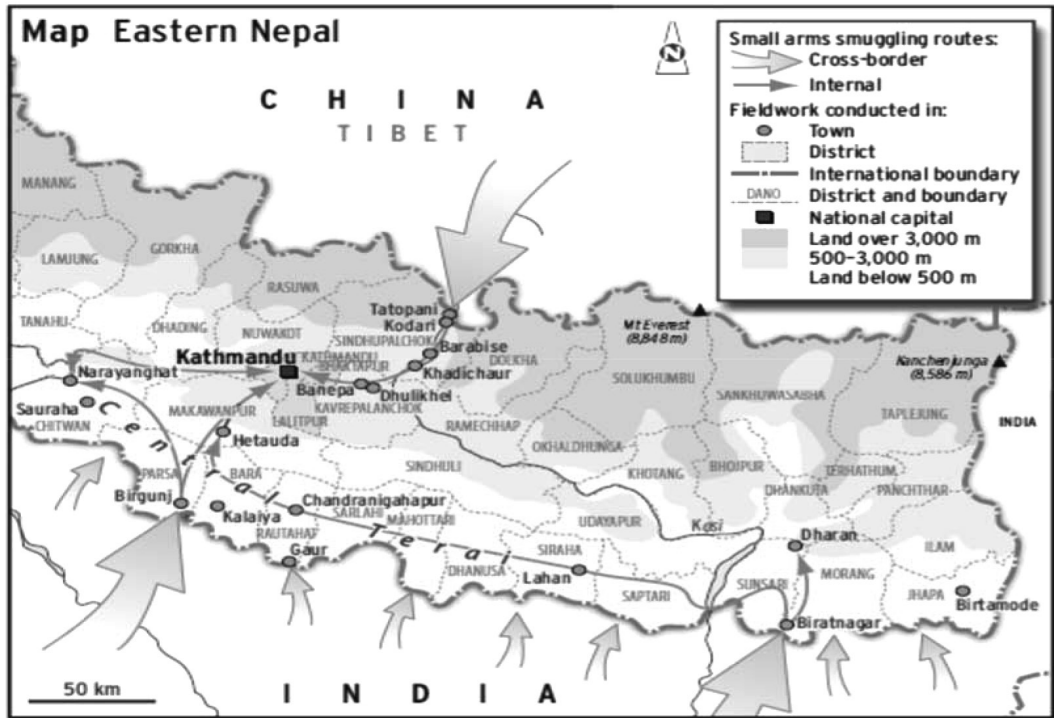
The Communist Party of Nepal (Maoist) employed small arms such as rifles, pistols, and homemade explosives extensively throughout the insurgency. These weapons were used for ambushes, attacks on security forces, intimidation of civilians, and establishing control over territory. Maoist fighters often relied on guerrilla tactics, moving swiftly and striking at government forces before retreating to the rugged terrain. While Maoists were spreading terror and violence in rural Nepal, the country also witnessed the Royal Massacre in 2001, the year when the Crown Prince reportedly shot dead 13 members of the royal family, before committing suicide. This particular tragedy is often described as a culmination of the 'misuse of small arms and light weapons in Nepal (Shrestha, 2006, p. 60).

Paudel (2014) contended that, in the midst of the insurgency, the Maoists engaged in the illicit transportation of arms and ammunition through trucks camouflaged with hay, alongside the utilization of bribes to expedite their movement. The exploit of security vulnerabilities was equally exploited by the smugglers. Notably, law enforcement authorities rarely conducted inspections on vehicles displaying flags and banners related to political gatherings. This loophole was perceived as a means by individuals associated with the youth factions of political organizations to ferry illegal firearms from Biratnagar to Kathmandu (p. 3).



**Figure 1**

*Map of the Major Routes of Illegal Firearms into Nepal*



*Source:* Nepal Armed Violence Assessment, 2013

Adhikari (2023) reported that the IC-814 hijacking raised numerous questions concerning the vulnerability to Nepal's national security caused by the influx of small arms. Some questions are still unanswered. Queries persisted regarding the source of weapons smuggled aboard the aircraft, the existence of pre-information within Indian intelligence, and the lapses in Nepal's airport security that allowed lethal weapons to go unchecked (Paudel, 2014).

### **Status of Small Arms in Post-insurgency Period**

Firstly, Nepal has a history of a decade-long Maoist conflict. Secondly, the Royal Massacre of 2001 left many questions related with the entry and influx of small arms unanswered. Thirdly, Terai region witnessed numerous episodes of violence and conflict after 2008. Fourthly, Tikapur incident of 2015 divulged the brutality and

tragedy imposed by the use of small arms. Above all, Nepal has seen rapid political changes that have caused to severe challenges, contradictions and conflict at the socio-cultural and political fronts. The transformation of erstwhile Hindu monarchy into a secular county or the shift from a unitary country into a federal set up has multiplied challenges at the social and political fronts. Besides, ethnic diversity, the gap between the hill community and the Terai community, and the people's big hopes and aspirations in the post-conflict Nepal has fueled new emerging threats in new Nepal. If it is attempted to analyze the new emerging threats in Nepal, incidents associated with the use of the small arms can may tell us more.

The Himalayan Times (2015) reported that the smuggling and illegal trade of small arms continues unabated in the Kathmandu Valley despite the law enforcement agency's efforts to curb crimes. The rise in the smuggling of small arms into the valley has resulted in a surge of crimes like murder, extortion, death threats, abduction and robbery. In 2015, a team from the APF arrested three suspects, including two women, with a USA-made automatic pistol, nine bullets, and two magazines from Boudhha. Security agencies have had already confronted the threats triggered by the small arms in the Terai region during the elections.

Bogati (2019) informed that the conflict concluded with a disarmament and reintegration program for Maoist combatants where total of 1,462 combatants were selected for integration into the Nepal Army and surrendered 3,475 weapons to the United Nations in 2007.

Fujikura (2023) stated that during a Tharuhat/ Tharuwan demonstration on August 24, 2015, eight police officers were killed including an infant son of a police officer. The Nepali army was mobilized after the in position of curfew. Nevertheless, despite the curfew, many Tharu houses were attacked by mobs, looted, and burned (pp. 172-221).

Global Initiatives Against Transnational Organized Crime (2023) states that arms trafficking and illegal firearm possession are notable issues in Nepal. The illegal firearms used in Nepal are usually cheaper improvised firearms, and there has been an increase in the use of these weapons in violent crimes such as murder, robbery, and extortion. Criminals and political groups are proliferating and reportedly offer

protection to each other.

In 2024, delegations from over 25 countries in Asia-Pacific countries gathered in Kathmandu to collectively tackle the spectra of illicit arms' trade. The three-day regional preparatory meeting for the fourth review conference of the United Nations Program for Action (UN PoA) to prevent, combat and eradicate the illicit trade in SALW in all its aspects and international tracing instrument (Silwal, 2024). Amidst a multitude of global crises and escalating of armed conflicts SALW remain a silent killer, having claimed over 260,000 lives during 2021, amounting to 45 per cent of all violent deaths (Diemar, 2023).

In 2022, a garment businessman Mohammad Darji, 55, also known as Lal Mahommad, was shot dead afternoon at Gothatar, in Kageshwori Municipality of Kathmandu. Darji, a permanent resident of Ward 8 of Godaita Municipality, Sarlahi, was shot outside his factory-cum-house as soon as he got out of his private car (*My Republica*, 2022). In 2023, Nepal Police had to fire shots to take an alleged drug dealer Abinash Rai (45) under control in Jhamsikhel of Lalitpur (*My Republica*, 2023). He was shot in the right leg. Two bullets along with a gun were recovered from the alleged drug dealer. In 2023, Rupesh Sharaf, a 38-year-old resident of ward 6 of Kalaiya Sub-metropolitan City and principal of Kalaiya-based Bal Ekata Boarding School, was shot dead by an unknown group of people at Kalaiya-Bariyarpur Road near the main market of the city (Sah, 2023).

The security agency arrested 351 persons with 267 firearms in 2018-19 and 309 persons with 238 weapons in 2017-18. As many as 637 rounds of live bullets were confiscated in 2018-19 against 356 in 2017-18. The data with Nepal Police hint at growing gun culture in the country (*The Himalayan Times*, 2019)

During the first six months of 2022/23, 134 (130 man and 4 woman) people were arrested with illegal weapons from different places across the country. 6 of them were foreign nationals. During that period, 17 people were arrested from Kathmandu valley, 18 people from Koshi province, 25 people from Madhes province, 13 people from Bagmati province, 14 people from Gandaki province, 21 people from Lumbini province, 12 people from Karnali province and 14 people from Sudurpaschim province. Also, a total of 94 cases have been registered under illegal weapons

(Nepal Live, 2024). In 2023, Nepal Police apprehended two individuals accused of fatally shooting a youth in the course of a robbery from Dharan Sub-Metropolitan City of Sunsari. Police also managed to seize an illegal firearm and bullets among others from the possession of the suspects (The Himalayan Times, 2023).

### **Legal Provisions of Small Arms in Nepal**

The small arms were reportedly introduced in Nepal in the 17th century, although the first modern arms and ammunition factory was established only during the later years of Rana rule. But, before the start of the Maoist insurgency in 1996, only local political and economic elites, security forces, and retired British and Indian Army personnel possessed firearms. Criminal elements, largely based in the Terai region, owned a very limited number of firearms. Civilians for the purposes of self-protection, have also got access to the firearms.

Obtaining a gun license is not easy in Nepal, and measures 'introduced since democratization in 1990 have made it difficult. Under the Arms and Ammunition Act of 1963, applications must be approved by respective Chief District Officer (CDO). No handgun licenses are reported to have been issued since 1990 and the basic license fee was increased in 2010 to NPR 10,000 (USD 140) further restricting legal ownership. The cost and complexity of the licensing system make it difficult, if not impossible, to legally possess craft (country-made) firearms, thought to be the most numerous.

The Government of Nepal has regulated the acquisition, possession, and use of firearms and ammunition since 1962 by enacting the Fire Arms and Ammunition Act, 1962 and its Regulation, 1971. These legislations have regulated but not totally restricted the possession of firearms and ammunition by the civilians. The legislations prohibit the production of cannons, machine guns, and arms and ammunition, keeping arms in one's possession or putting or making arrangements to put such arms and ammunition in other places, converting from one shape to another, and selling without a license. Similarly, the legislations prohibit carrying arms without a license. An individual who is discovered to be in violation of this regulation may be subject to a penalty of a maximum of seven years' imprisonment in addition to a substantial fine as determined by the relevant Chief District Officer

(Law Commission Nepal, 2019).

The Act empowers the concerned official to arrest any person who has arms and ammunition, with or without a license, to commit any illegal act. Under the Act, any person who intends to obtain a license to possess arms must apply in the prescribed format and pay the prescribed fee to the CDO. After the submission of the application, if the CDO finds justifiable reasons to issue the license with the conditions as written in the application, may issue a license in the prescribed format to the applicant with the prescribed terms and conditions. The Act provides for the provision on the suspension or cancellation of the license for the sake of public order, peace, and security.

Similarly, Government of Nepal, Ministry of Home Affairs (MoHA) announces the notice during election conduction time, considering the small arms threats and possible misuse of licensed weapon. According to the ministry, the district offices publish the notice to collect the small arms and light weapons in the whole duration of election. Likewise, the MoHA publishes the notice to collect the unauthorized, unexpired, and after death of authorized owner in nearby Police office, offices of Nepal Army and Chief District Office (CDO), time to time. If somebody keep the unauthorized weapon and keep without permission they are punished as per the law (MoHA, 2019).

Private security companies do not possess legal authority to acquire, possess, or use firearms under the prevailing Act and Regulation. However, the Act and Regulation do not restrict any person who has lawfully possessed the arms or ammunition for private use from selling them to any other eligible person who is not prohibited by the existing law to possess such arms or ammunition.

**Table 1***Number of Registered Arms and Weapons in Nepal*

S. No.	Types of arms	Number of arms
1.	Pistol	312
2.	Revolver	117
3.	12 bore guns	13892
4.	22 bore guns	4661
5.	Bharuwa banduk	1
6.	2 Nale banduk	12091
7.	Hawadari banduk	1010
8.	Others	2231
Total		34315

*Source:* Khoj Khabar Program, Sagarmatha Television, 22 July 2012

Table 1 reflects the total number of private weapons and types of weapons registered in Nepal. The table presented that 34314 small arms were granted licenses in Nepal before 1990. Likewise, this number was remaining same until 2015 as Basnet (2019) study shows that even until 2015, total 34 thousand 314 arms and weapons including pistol, revolver, improvised or home-made, and other guns have been registered.

Moreover, during a telephonic conversation held on May 6, 2024, a section official from the MoHA. of the Government of Nepal revealed that the compiling of comprehensive report on the creating the precise count of registered small arms and weapons is ongoing in Nepal. As per the information the current estimation stands at 33,373 that shows that the registration of small arms and weapons has been declined in the number in comparison to the data of 2012. It highlights, on the one hand, the government's dedication to upholding transparency and answerability, in

another hand, the management of firearms, which is essential for the protection of public welfare and national and the responsibility of government as well.

These small arms contribute a range of security issues, including armed violence, terrorism, organized crime, human rights abuses, and the displacement of population. Moreover, presence of those arms can undermine effort to establish peace and security in long-term. Moreover, it is seen that the cases of police officers involved in various crimes have been reported and key informants referred to plainclothes police having been involved in various forms of extortion and selling or carrying arms for criminal gangs (Racovita et al., 2013). Existing firearms law and their punishment system are not enough to cope with the present situation of crimes.

During interviews conducted with individuals convicted in cases involving the possession and trafficking of arms and ammunition, a recurrent theme emerged regarding the perceived lack of consistency in the application of legal measures for similar offenses. Specifically, incarcerated individuals contended that individuals with political influence often receive preferential treatment in terms of both sentencing leniency and access to facilities within correctional systems. This observation underscores a critical need for legislative reforms aimed at addressing disparities in the punishment of individuals involved in the possession and illegal trade of small arms. Consequently, it is imperative for governments to enact comprehensive legal frameworks and regulations designed to uniformly penalize perpetrators engaged in the unlawful possession and trafficking of firearms and related materials.

### **Security Implications of Small Arms**

The presence of small arms within Kathmandu Valley poses a significant threat to security. Security stands as a paramount concern across all human societies, acting as a foundational element for societal progress. The proliferation of small arms undermines this security fabric, engendering an environment rife with threats and illegal activities. The empirical evidence presented underscores the severity of the issue, highlighting the unsustainable conditions and pervasive threats faced by the general populace within urban areas. Notably, criminal syndicates and gang elements have established a foothold within the Kathmandu Valley, utilizing small



arms to orchestrate illicit activities and perpetuate an underground trade network within city confines. Moreover, this phenomenon has disproportionately affected and ensnared a considerable portion of the youth population, exacerbating the societal repercussions of these illegal acts.

The security agencies of Nepal lack in adequate equipment and technologies. They perform their duty on very limited modern equipment and resources. With the limited resources and budgets, they are facing hard times to establish good law and order in society. On the other hand, criminals apply modern techniques with technology and use small arms by learning about the various criminal groups through the internet, videos, and documentaries. They are learning new techniques and technology day by day and at the same time, the security forces are just entering into society with same of equipment and resources. This needs to develop modern technology in the security agencies which makes them perform better work to cope with the small arms and its proliferation.

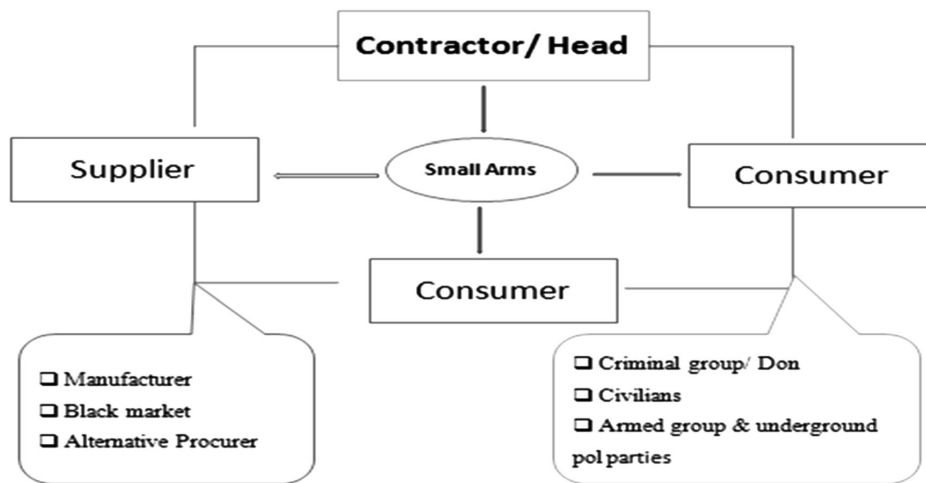
Nepalese people are seriously affected from insecurity and violence. Phenomena of criminality led insecurity, such as kidnapping of children, murder and attempted murder, robbery, illegal trafficking of arms and ammunitions, human trafficking, drugs abuses and trafficking, atrocities, murders, killings, massacres, forced displacement became serious (Upreti & Nepali 2006). Due to the lack of technology and trained technical manpower, vehicle x-ray machines, it becomes difficult to track such hiding weapons inside the vehicle. So, the technology and sniffing dogs should be deployed in those Nakas (entry point) to curb small arms and other illegal activities.

The manufacture and supply of new weapons both inside and outside the continent, to the remnants of weapons shipped into Africa in the 1970s and 1980s by the former Soviet Union, the United States and their allies to facilitate different inter-state and intra-state proxy wars also played a role in the use and proliferation of small arms (Edeko,2011). Further Clarke (2020) explained that in order to understand how SALW served as a source of terrorist financing, not only in terms of trafficking but also with respect to armed robberies, extortion, and other revenue-generating activities, it is critical to comprehensively examine not only terrorist and insurgent groups themselves, but also their operating environments.

Although there is no unanimous understanding among the researchers and scholars about the number of deaths caused by small arms in Nepal during the decade-long conflict, Bogati (2012) revealed that according to United Nations High Commission for Human Rights (2012) the decade-long insurgency between the Government of Nepal and the Communist Party of Nepal (Maoist) resulted in 13,000 deaths mainly due to the use of small arms. Many were victimized, abducted, displaced, or threatened by the use of small arms. With the emergence of armed groups in the Terai and Eastern Hills – made up of local criminals, unemployed youth, and former Maoist combatants – after the Comprehensive Peace Agreement (CPA), the use of small arms for criminal activities skyrocketed.

## Figure 2

*Network of Illegal Small Arms, How the Criminal Group Access the Small Arms from the Manufacturer and Black Market.*



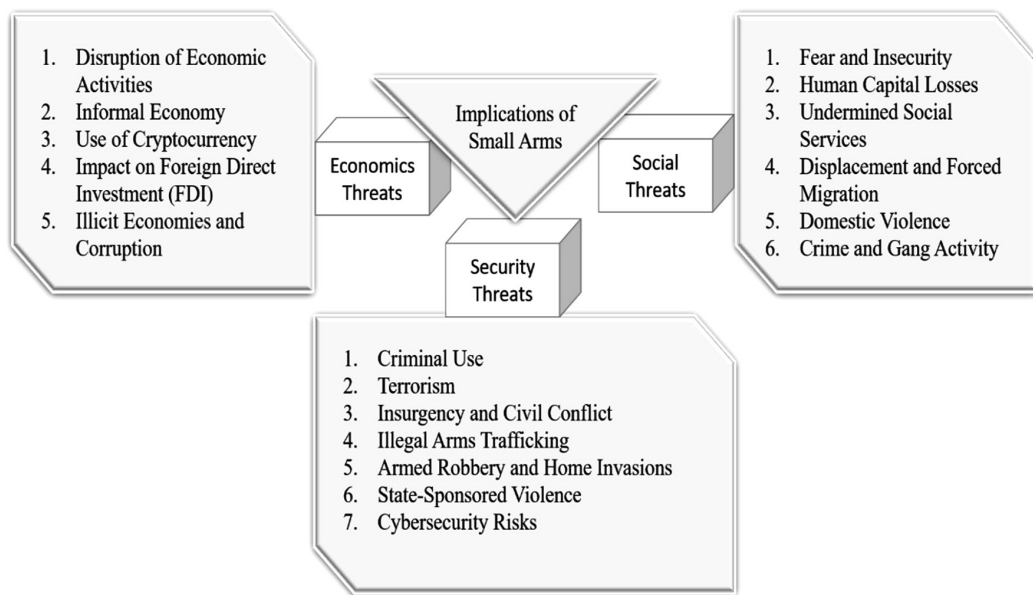
Source: Field survey, 2024

Figure 2 shows the mobility of the small arms from the manufacturer to consumer. In the entire process, black marketing of the small arms is exploited by the numerous criminal groups, armed groups and civilians. Apprehending the same, it can be realized how the security threats from small arms are numerous and diverse. Nepal has seen many political changes during short period. Following the abolition of monarchy and establishment of Republican system, the safety and security always remain in

mist. The security implication from small arms can be visualized from following figure:

**Figure 3**

*Security Threats from Small Arms*



*Source:* Field survey, 2024

The Figure 3 illustrates the social threats, economic threats and security threats emanating from the influx of the small arms. As such, the implications of the small arms are noticeable in economic activities, informal economy, illicit economies and corruption. At the social domain, the impacts are felt through domestic violence, crime, migration, displacement and several social insecurities. In the realm of security, the implications of small arms influx are more severe, manifested in their criminal use, terrorism, insurgency, illegal arms trafficking and state-sponsored violence.

This study has discovered that there are various challenges to fight the proliferation of SALW in Kathmandu, particularly after the country turned into republic from monarchical system of governance. Jekada (2005) believes that, border is the focal point for the proliferation, accumulation and as such, easy availability of weapons

should be viewed as a sufficient factor in triggering violent behaviors and conflict-bound situations. The idea of the availability of small arms and light weapons is as result of various porous borders, whose systematic management and regulation have faced numerous traditional and non-traditional security challenges.

One of the efforts to preserve international peace and security in 21<sup>st</sup> century has been the issue to control or limit the number of small arms and light weapons in circulation, and the way in which weapons can be used through illegal possession of arms for criminal purposes by individuals or groups in the society (Ubale, 2018).

From the above discussions, the key findings of this research paper can be summarized as follows:

- i. Despite the conclusion of the post-conflict period and the transition to a stable government, there persists a notable escalation in the proliferation of small arms.
- ii. A concurrent rise in criminal activities facilitated by the use of small arms is evident, indicating a concerning trend in the region.
- iii. The vulnerability of the security environment within Nepal is exacerbated by a confluence of factors, including political instability, inadequacies in security infrastructure, deficient border surveillance equipment, economic downturns, and a culture of political impunity.
- iv. Existing legal frameworks lack sufficient penalty provisions to effectively deter and punish offenders involved in the unlawful possession and use of small arms.
- v. The absence of a robust regulatory body for overseeing licensed firearms exacerbates the shortcomings in law enforcement mechanisms, potentially allowing for the exploitation of legal and policy loopholes.

## **Conclusion**

Against the same backdrop, this study has realised that SALW persist as easily accessible tools facilitating armed conflict, terrorism, and criminal activities. The recognition of SALW proliferation as a menace to peace, security, development,

and human rights underscores the urgency for concerted action. The proliferation of small arms has emerged as a prominent factor contributing to sustained regional instability across various regions of Nepal in recent years. This proliferation precipitates a myriad of adverse consequences, including exacerbating human suffering, fuelling criminal activities, jeopardizing individual and societal security, impeding efforts toward reconciliation and peace-building, and hampering economic and social development initiatives. Moreover, the persistent circulation of small arms following the cessation of conflicts presents a persistent threat, as these weapons can readily reignite violence or incite new conflicts at any given moment.

The inadequately managed border security arrangements between Nepal and India have facilitated the sanctuary and operational freedom of numerous insurgents and criminal elements within Nepalese territory. Exploiting this porous border, these actors utilize Nepal as a haven for concealing their activities and perpetrating cross-border criminal endeavours. Furthermore, Nepal's geographical position as a transit point serves as a conduit for the clandestine transportation of weapons, enabling these groups to procure arms with relative impunity.

Reducing the degree and the level of misuse of small arms and light weapons in Nepal, from the hands of combatants, criminals and terrorist, there is an urgent need for a new dimension of approach that calls for a serious engagement with all stakeholders to developed an inclusive security package that suits Nepal's peculiarities and vulnerabilities for regulation of SALW in Nepal and effectively implement action program and the evaluation instrument mechanism to ensure that small arms and light weapons are not in the hands of criminals or terrorists. Most importantly, the attempts and efforts towards fighting the proliferation of small arms and light weapons must engage civil society groups and other community structure competent enough to ensue peaceful and secured society.

The proliferation of small arms within Nepal has emerged as a critical factor, posing significant challenges to peace, security, and socio-economic development. As a result, there is chance of being threat of theft, robbery, assault, and murder buy use of such type of small arms in Kathmandu. Which pose the direct threat to social life, social peace and harmony, and the economic activities as a whole. Moreover,

the presence of small arms creates an atmosphere of insecurity and fear among civilians, affecting daily lives, mobility and mental well-being as well.

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