

Civil Society and Political Participation

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Do we have civil societies in Nepal? If yes, in which form they exist? How are they different from other associations of citizens, i.e. non-governmental organizations (NGOs) and community based organizations (CBOs). To what extent Nepali civil societies are independent from the state and foreign donors? How are they contributing to promote people's participation in governance? This paper attempts to address these questions in theoretical and contextual perspectives.

Concept

The first question about the existence of civil society in Nepal demands an understanding of its concept in both theoretical framework and discourse in the country. Civil society is a public space between state and citizens. Does it mean all types of intermediary institutions between state and citizens are civil societies? The pioneer writings on the origin and evolution of civil society in the West, i.e. John Locke's 'civil state', Hegel's 'ethical life' and De Tocqueville's 'associational life' loosely incorporated all types of citizens' groups in the basket of civil society. Theorists of social capital, i.e. James Coleman and Robert Putnam broadened the boundary of civil society. Its meaning gets complicated since it is a new phenomenon to rename as civil society to those associations which were conceptually dealt with distinct meaning as interest groups, pressure groups, professional/occupational groups, ethnic groups etc. in the text of political theory of the 1960s and 1970s. The core notion of civil society varies from one world to another. In the West, civil society is a means of rejuvenating public life; in the East, it means – besides political and civil liberties – private property rights and markets; and in the South, it refers to those forces and agents which oppose the state and its efforts at regulation (Khilnani 2002). Putting such varieties into one basket, it obviously enlarges the concept and scope of civil society. For an elastic definition of this concept, two statements are cited below.

The elements of civil society range from groups based on religion and ethnicity to more fluid voluntary associations organized around ideology, professionalism, social activities or the pursuit of money, status, interest, or power. They range from circles of friends ... to single purpose political advocacy groups. Civil society also includes communities, like formally organized religious settlements, with their implication of primary socialization, strong attachment, and common history and expectations (Post and Rosenblum 2002: 3).

Nor is there any disagreement about including in civil society the great variety of social movements, village and neighbourhood associations, women's groups, religious groupings, intellectuals, and where they are reasonably free, the press and other media, civic organizations, associations of professionals, entrepreneurs, and employees, whose purposes and direction are not controlled by the institutions of state (Hawthorn 2002: 276).

Definitional problem is somehow sorted out in two ways, listing organizations that are not civil society and qualifying virtues of civil society. Those excluded from civil society are: organizations form within state structure and market (Young, 1999) and primordial kinship groups or institutions (Mouzelis, 1996: 52). Civil association is not enterprise association (Oakeshott, 2000:139). Civil society is not the sum total of the NGO community (James, 1995: 69). A strong civil society entails a) the existence of rule of law conditions that effectively protect citizens from state arbitrariness, b) the existence of strongly organized non-state groups, capable of checking eventual abuse of power by those who control the means of administration and coercion, and c) the existence of balanced pluralism among civil society interests so that none can establish absolute dominance (Mouzelis, 1996, p.52). Phillippe C. Schmitter viewed that to be qualified an intermediary organization as a civil society requires four characteristics: its dual autonomy from both the state and primary social units of production and reproduction; its capacity for collective action in defense of the interests and passions of its members; its self-limitation with regard to governing the polity as a whole; and its willingness to act in a civil fashion (1995, p.59). Distinction of a civil society from other intermediary organizations, i.e. interest groups, pressure groups, NGOs, CBOs, religious organizations, ethnic organizations, professional associations etc. calls a tight definition. Civil society is a secular forum that crosses religious, ethnic and political boundaries, and its backbone comprises independent, conscious and educated people.

Relation between civil society and state is conceptually contested. Marxism and Liberalism stand on two opposite poles. For Marxists, civil society is an outcome of transformation of state and society from feudal to capitalist world. Civil society did not exist in feudalism as economy, state and politics all fused. This argument is close to liberal interpretation, for instance Hegel stated, “the creation of civil society is the achievement of the modern world” (quoted in Post and Rostenblum, 2002: 10). Marxists and Liberals clash in views of civil society’s relations with state. For Marxist, civil society is a bourgeoisie space and anti-proletarian articulation. In the context of communist upsurge in Central Europe in the post-First World War period, Gramsci, a communist intellectual, concluded, “the revolutionary wave was defeated by a combination of bourgeois state and bourgeois civil society” (quoted in Gibbon, 1996: 28). The communists, therefore, believe that civil societies play an organically conservative role by serving as a barrier protecting the state from spontaneous popular impulses. In liberal philosophy, civil society is primarily seen as a guard of citizens’ rights and interests against state as the idea of civil society was “developed along the tradition of European anti-absolutist thinking” (Chatterjee 2002: 171). In the context of transforming the West into modern world and in consideration of Western political system as the most advanced democracy, has civil society retained anti-state posture as it was at the time of its birth? The reality lays on what some said in suggestive form, “civil society must not develop simply in antagonism to the state; some elements of positive engagement with the state is essential. “Society against the state” should be matched by “society for the state” (INPR 1995: 6; Young 1999:161; Post and Rostenblum 2002, p.23). Civil society-state relations are mixture of both conflict and cooperation.

In the new discourse of civil society, anti-state authority approach is more pronounced. In fact, rediscovery of civil society is associated with the ‘third wave’ of democracy in Asia, Africa and Latin America, particularly the resistance movements of the ordinary citizens in voluntary associations against communist regime in East European countries. “The return of civil society to political vocabularies has in part been the result of neo-liberal projects such as privatization, de-nationalization, deregulation and de-stabilization which seek to roll back the state” (Chandhoke 1995: 10). Much weight is given to civil societies of newly established democratic countries as an important instrument for the consolidation of democracy, linking them with global project of good governance and democratization.

After the collapse of different forms of dictatorship, logically civil societies of the respective countries should go back or move forward in different direction semblance to Western world. But it does not happen mainly because of the threat of reversal to democracy and baggage of authoritarian legacy carried out by new rulers under democratic tag. In many third wave democracies, it is generally observed, civil society organizations have had difficulty in overcoming the old uncivil structures and habits of the past, and in moving beyond simple opposition politics (INPR, 1995: 6). Civil societies of new democracies are functioning mainly as opposition to the state authority rather than developing themselves as apolitical organizations. For several reasons, it is unlikely that civil societies of new democracies will develop in the western model. Civil societies in the West are largely apolitical but those in new democracies are highly influenced by uneven political developments in their respective countries. High voting turn out in Third World countries is an indication about the location of civil societies in new democracies different from the Western world. Decline of volunteerism and increasing dependency on foreign donors also make differences between civil society of new democracies and established democracies. Civil society in new democracies is broadening its scope to arrest new social movements against injustice and for promotion of particular interest of a group bound together by common history, culture and language.

Nepali Discourse

The concept of civil society in Nepali discourse is contested and to some extent self contradictory and confusing. Part of reasons is a phenomenon that civil society is legally and analytically equated with NGO which is a ‘de facto definitional amendment’ of civil society, but also manifestation of ‘inability of academics and analysts’ to differentiate between these two terms (Tamang 2003: 15-17). An edited book – *NGO, Civil society and Government in Nepal* – of 15 titles (articles, comments and lectures) entertains the term of civil society only in its jacket not in text (2001), suggesting how civil society is blended with NGOs. Those who loosely undertake civil society slotted other types of social groups, i.e. traditional community organizations like guthi bihar, dhikur, parma (Dahal 2001, Bhattachan 2001, Chand 2001, Pokhrel 1996), and modern CBOs such as User Group, Mother Group, Self-help Group, Small farmer Cooperative Limited and Saving and Credit Organizations (Shrestha 2001) under its purview. A book entitled of *The role of Civil Society and Democratization in Nepal* inserts trade union, gender, NGO, media, human rights, and ethnicity as core constituents of civil society (1998). Some

depicted minorities' initiatives, i.e. women, dalit, ethnic, and religious groups etc., to promote their respective particular interest are part of civil society movements (Gurung 1998; Bhattachan 2003). The impact of Tocqueville's 'associational life' in understanding of civil society in Nepal in larger canvas is well reflected in following statement:

Since 1990, the civil society is beginning to emerge into the mainstream of national activities. The growth of civic associations and NGOs during this period has been phenomenal. Occupational and professional associations have sprung up as never before. Trade unions have grown in size and diversity. Human rights groups taking special interest in the rights of women, children, the disabled and consumers have grown. Corruption, though growing rampantly, is being challenged. The interest of environment conservation is being expressed similarly – as in the case of Arun III project, Bagmati pollution, Godavari marbles and Bara forests. Individual citizens are inducing 'judicial activism' by increasingly filing petitions at the Supreme Court (NSAC 1998: 139).

Maximalists, in defense of their argument of broader civil society boundary including those of traditional community association, asserted that tradition of civility is not an alien concept in Nepal (Dahal 2001); and the history of indigenous volunteer organizations predates induced NGOs (Bhattachan 2001). In contrast, some tried to measure civil society of Nepal from the window of Western concept and made skeptic conclusions such as "absence of civil society" in Nepal (Shrestha 1998); and "genuine civil society is yet to evolve in Nepal" (Dahal 2001: 42). Minimalists viewed that traditional community associations are different from what we understand civil society and NGOs today (Gyawali 2001, Shah 2002). NGOs are new innovation and outcome of the expansion of the global multilateral assistance programme and the expansion of the Northern INGOs into the South (Mishra 2001, Dilli Ram Dahal 2001). Following the restoration of democracy in 1990, NGOs booming in Nepal is witnessed by a record of registration of 15, 520 NGOs in the Social Welfare Council till November 2003 (*Rajdhani Daily* 14 November 2003), in addition to 20, 000 NGOs registered in Chief District Offices in 75 districts till 1999 (Mathema 2001: 174).

Two contrast opinions are found in assessment of Nepali NGOs and civil societies. For appreciators, the impacts of NGOs and civil societies are visible: increasing awareness of masses and empowerment of marginalized groups (Chhetri 2001: 37), people's mobilization for local development (Shrestha 2001), people's participation in governance (Pokhrel 2001), employment of educated youth (Shah 2002), and in preventing from the Maoist insurgency (Chand 2001). Ramesh Parajuli had a long list of NGOs and civil societies' successful interventions against Arun III project, Anti Terrorist Act of 1997, parliamentarians' privilege of duty free import of vehicle, and in favour of women's inherent property right, empowerment of dalit and marginalized groups, minority rights, abolition of bonded labour system etc. (2003). These achievements are, however, of secondary importance for critics of NGOs and civil society. Most NGOs and civil societies platforms are run by the same privileged caste and groups who have long dominated political and administrative spheres of the country. Lack of internal democracy, transparency and accountability are common to most NGOs of Nepal. Most of them are attached to private rather than public interest. As they are highly dependent

on foreign donors only a few English speaking elites are benefited by NGOs business (Tamang 2003; Bhattachan 2003; Kumar 1999; Mishra 2001). Dilli Ram Dahal stated, “Almost all NGOs in Nepal survive on donor funding. Once the donors withhold the money for some reason, most of those NGOs will collapse immediately (2001:113).

Since public debate on social space is over-dominated by NGOs issues, relations between state and civil society of Nepal is less talked. Obviously the legal and plan documents acknowledge all non-state organizations i.e., civil society, NGOs and CBOs as partners of national development. Functionally and psychologically, relations between state and NGOs are uneasy, contentious and rivalry (Shah 2002, Dilli Ram Dahal 2001). A study found that civil society’ relations with the state is both conflictual and cooperative: cooperation by opposition parties in parliament and conflict with the government (Parajuli 2003).

This paper now concentrates on Nepali civil society and its functions of popular mobilization and participation. I am not going to copy the Western notion of virtues of civil society, i.e. autonomy, independent, self determination, intervention in public spheres etc. while contextualizing the meaning of civil society in Nepali milieu. It is obviously because Nepali civic organizations possess some or parts of all characteristics of the Western civil society. For instance, a number of civil society organizations of Nepal, like most NGOs, are financially dependent upon foreign donors. Dependency of individual members of civil society upon state authority and partisan and inclination of non-state organizations with political parties are other factors limiting Nepali civil society so far independence and autonomy are concerned.

This paper excludes NGOs since NGOs are primarily an agent of development though some of them occasionally undertake civil society’s role particularly in awareness and advocacy campaigns. Distinction between civil society and NGOs is made by some previous studies. One stated, “...unlike NGOs and INGOs whose *de facto* and *de jure* operation in Nepal requires their registration with Social Welfare Council, civil societies operate under a diffused mandate and many of them work as informal organizations without any need for registration at all” (Dahal 2001: 33). In respect of turning SAP/Nepal from an INGOs to an NGO to a debate forum most recently, its Executive Director Rohit Kumar Nepali requested to designate his organization as a civil society than an NGO. Similarly Gopal Sivakoti Chintan, founder of Rashtriya Sarokar Samaj – an organization involving in advocacy and people’s right – requested for not consideration of this organization as NGOs (Sivakoti Chintan 2001). The plea of Nepali and Chintan give a sense that civil society, unlike NGOs, refers more to public debate, interest articulation, lobby, advocacy, people’s rights and civil campaigns. Human rights organizations and Transparency International/Nepal have greater virtues of civil society. However, other organizations – irrespective of their own good reputation and credibility and irrespective of occasionally involving in advocacy and campaigning activities – working for the promotion of particular interest of a group (i.e. Women Pressure Group and other women organizations for gender empowerment, Maiti Nepal and similar organizations against girl trafficking, Federation of Nepali Nationalities and indigenous janajati organizations for inclusion, Federation of Dalit NGOs and Dalit organizations

against untouchability and social injustice etc.) are beyond the scope of this paper. This paper also excludes both traditional and modern CBOs nevertheless the former type of CBOs are apolitical and some modern CBOs i.e. Mother Groups have a successful story of greater people mobilization against anti-alcohol and anti-gambling campaigns. Several scattered micro civil associations functioning at local level, such as BASE, are also left out by this paper.

This paper narrows down civil society at macro level in its scope. The limitation of boundary calls further specification about definition of civil society in Nepali context. In Nepal, civil society exists as a forum, both formal and informal, of enlightened people with different tags: academics, lawyers, professionals, journalists, human right activists, NGO holders, ethnic activists, women activists, dalit activists, and to some extent retired bureaucrats and politicians holding double constituencies, politics and civic organizations. The Professional Solidarity Group, formed on the eve of the 1990 mass movement, is the immediate predecessor of the present civil society of Nepal. Since it is a conglomeration of people involving in different fields, Nepali civil society generally shows its concern to broader issues, i.e. human rights, governance, democracy, peace and conflict resolution. It sometimes picks up and involves in promoting particular interest of different groups, i.e. women empowerment, dalit upliftment, minority rights etc. It has been largely appearing in public debate (meeting, seminar, workshop and conference); reacting against state policies and decisions; producing ideas and knowledge; and occasionally taking streets for public campaigns.

The strength and limitation of Nepali civil society for people's mobilization and participation is dealt with three propositions. One, origin and evolution of civil society are closely tightened with struggles for democracy in Nepal. Two, Nepali civil society, though it is non-state organizations, is not apolitical. Three, its main agendas and concerns have changed constantly in responding to changed political context.

Origin, Revival and Reconstruction

The genesis of modern civil society in Nepal goes back to the pre-1950 period and associated with a struggle against the century long Rana oligarchy (1846-1951). Literateurs are pioneers in creating civil society in the form of idea than organization who used non-political spaces in producing new ideas of social reformation and political change. As one historian observed, "Many writers in the Rana period emerged out of their traditional role of composing prose and poetry just for the sake of aesthetics. They rather wrote for the need for reforms in the society; but in a very subtle way. As emerging communicators, they began to disseminate a new vision of reality and awareness of potentialities of politics. They distinctly occupied the vanguard role in urging their fellow countrymen to widen their narrow horizon and absorb the spirit of modern world. Their slow, yet, a gradual diffusion of new ideas and the stir of new emotions and feeling all had the ultimate consequences for politics" (Uprety 1992: 19). Some other prominent figures that made organized efforts from social spaces for the same causes were Madhav Raj Joshi (Arya Samaj), Tulsi Mehar (Charkha), Shukra Raj Shastri (Nepal Nagarik Adhikar Samiti) and Daya Bir Singh Kansakar (Paropakar Santsthan).

The advent of democracy, following the fall of the Rana regime in February 1951, opened up new spaces and opportunities for expansion of civil societies. Some organizations championing particular interest of their respective groups related to women, dalit and ethnic groups appeared, but they were not active and effective as it should be under democratic disposition. The absence of a broader civil society working for general interest of the masses across the social segments also indicated something lacking and inadequacy. Perhaps Marxist philosophy can explain better the question why political openness and fundamental rights, including freedom of association, are not sufficient for the emergence of a vibrant civil society. Despite democracy in the 1950s, Nepali society at large was feudal and in feudal set up economy, state and politics all fused. To see the problem from theoretical frame of liberalism, the nonexistence of strong civil society in the 1950s was not amazing since the country was just steeped in towards modernization. The limited numbers of educated Nepalis, backbone of civil society, were absorbed into state apparatus and party structures. The break of democratic exercises by a royal coup in December 1960 and revival of royal absolutism in the name of partyless panchayat system ended the possibility of gradual evolution of civil society in Nepal.

As of its nature, the authoritarian panchayat system provided only limited fundamental rights. Freedom of association against the state authority was not granted at all. Civil society cannot exist without liberal democracy, except for the case of East Asia (quoted in Khilani 2002: 25). The monopoly of state in social spheres was reflected by the Panchayat's conscious and deliberate formation of six class/occupation organizations, like youth, women, peasant, ex-army etc. as core partners of partyless regime. To coup up global wave of NGOs, Social Service National Coordinate Council was set up with the then Queen as the Chairperson. The Council did not only register NGOs it also controlled them. The state's hegemony over society is also reflected in words of the legal provision. According to Society Registration Act 1977, the chief district officer (CDO) would register, guide, direct, control and supervise social organizations, i.e. clubs, public libraries, literary societies, self-help groups, NGOs and cultural groups. However in the 1980s, in the pretext of political relaxation in the post-1980 referendum time, a new form of civil societies appeared, different from those constituted during the Rana period on character if not in goal.

Revival of civil society in Nepal in the 1980s was synchronized with the emergence of new trends in national and international politics. Two most remarkable developments, within the country and world politics, are: entry of Nepali communist parties in broader democratic movements through forming and activating front/occupational organizations; and resurgence of civil societies' resistance movement against authoritarian regime at the global level, known as third wave of democracy. Formation of five open forums – Democratic National Unity Forum, National People's Forum, Civic Rights Forum, People's Right Protection Forum, and Human Rights Protection Forum – in 1985 by the Communist Party of Nepal (ML, later renamed as UML) was an example of overlapping between civil society and political society. Besides, each occupational and professional group, i.e. students, teachers, professors, lawyers, doctors, engineers, journalists etc. had their own separate organizations with ideological/party brand: democrat/Nepali Congress

party (NC) and progressive/communist parties. This makes a distinct of the civil societies of the 1980s from those formed purely in social space in the 1930s-1940s, nevertheless both originated and activated for change of the then non-democratic regime.

The forums and professional organizations of the 1980s were civil in name but political in objective. So distinction between banned political party and civil society was thin as both were outside the state structure and had a common goal. The civil society in the 1980s meant a joint front or forum where professional/occupation groups belonging to democrat and progressive camps work together for a common goal. The ideological profile of all 89 founder members of Nepal Human Right Organizations, founded in December 1988, clearly revealed that it was/is a forum of critical mass belonging to different ideological camps. The formation of the Professional Solidarity Group on the eve of the 1990 mass movement against three decade long partyless panchayat system epitomized the basic nature of revived civil society. The way civil society constituted in the 1980s has greater impact in the reconstruction of civil society in the changed context after the restoration of democracy in Nepal.

Restoration of democracy in 1990 has brought a paradoxical situation, broadening the space of civil societies at the one hand and declining the spirit of civil-ness on the other. Deviation of civil society in the post-dictatorial time is a common phenomenon of new democracies. In the context of the East Europe where civil societies stood on frontline during movements against communist regime, Aleksander Smolar observed, “The myth of civil society – united, anti-political, supporting the programme of radical reforms – was quickly undermined, discredited and forgotten” (1995: 62). About African case, it is stated, “the unity of civil society appears to last only enough to initiate the movement from authoritarian to democratic rule. In one African country to another, the movement for democracy has been fractured along ethno-regional and sectarian lines either in the course of the transition to democracy or immediately thereafter” (Gyimah-Boadi 1995: 64). Fragmentation of civil society in Nepal has undertaken in political party line. In the early period of democracy, it was almost difficult to find civil society even in the form of its existence in the 1980s, a joint forum of enlightened people with different ideologies.

In the early period of democracy, Nepali society was highly politicized in party line and many persons who claimed themselves as civil society members did not hesitate to carry out party flag of their inclination. Domination of politics over society happened due to parties’ excessive encroachment to social spheres. Taking advantage of excessive politicization of social groups in the early phase of democracy, political parties set a trend of ‘partyness’ creating several ancillary and affiliated organizations from caste, community, class, occupation and professional groups to satisfy their quest for new avenues and platforms (Hachhethu 2002). This led to the mushroom growth of party-inclined formal groups at all segments of society, even among civil servants, human rights activists and ethnic activists. Almost all parties have their own separate platform for ethnic groups and dalit community. Aside from constituting affiliated organizations in several numbers, the NC has, at present, 8 ancillary organizations. The number of such organizations in the Communist Party of Nepal (UML), Rashtriya Prajtantra Party, Nepal Sadbhawana Party, Jan Morcha and Nepal Workers and Peasants Party is: 11, 8, 6, 6 and

8 respectively. Parties' deliberate attempts of creating partyness society were facilitated by civil society members. Following the restoration of democracy in 1990, there is a wave of forming organizations that are civil in name but political in purpose. Among more than a dozen human right specific organizations formed in the post-1990 period all, except three, are inclined to the communist parties. The nature of party politics till the first half of 1990s – dominated by stiff conflicts and confrontations between the NC and communist parties – highly impacted for fragmentation of civil societies. For instance, those political scientists who don't have democratic identity in conventional sense separated themselves from the original Political Science Association of Nepal (POLSAN) and formed a separate forum of the same name.

A new pattern of party politics has emerged since the mid-1990s and in the changed political context Nepali civil society has been reconstructed largely in the format of the 1980s but with new contents and wider space. At the outset, the UML's ideological modification in line with liberal democracy in the name of *bahudaliya janabad* (people's multiparty democracy) contributed to reducing ideological gap among ideology-oriented civil activists, intellectuals and professionals. Inter-party relations have changed from that of stiff conflicts in the first tenure of parliament (1991-1994) to coalition building in second parliament (1994-1999) to consensus building in the third parliament (1999-2002) and thereafter. This has spilled over effect in bringing a favourable environment for cohesive actions among fragmented civil society organizations and members. The degeneration of Nepali politics – marked by power centric party politics, abuse of state resources, corruption, mis-governance, political instability and crisis, violence and armed conflict, regression – has widened the space of civil society in both aspects, increase the number of civil society members and enlarge the contents for activism. Increasing apathy to politics and disillusion with parties and their leaders provide a hope of reconstruction of Nepali civil society in a way that it will keep itself in certain distance, if not break completely, from party politics. Civil society's current stands taking against the king (for his actions of taking back executive power since October 2002) and against the Maoists (for continuation of armed insurgency) seem relatively free from the parties' position vis-à-vis monarchy and the Maoists.

Motivation, Mobilization and Participation

It is generally considered that civil society promotes democracy and its resistances against the state help in making political society accountable to citizens and societies. How does it contribute for the consolidation of democracy? Schmitter listed: it stabilizes expectations within social groups; inculcates conceptions of interest and norms of behaviour that are civic; it provides channels for self-expression; serves to govern the behaviour of its members with regard to collective commitments; and provides important reservoirs of resistance to arbitrary action by rulers (1995: 60). Whether civil societies of newly established democracies are functioning in conformity to such checklists is questionable. But the way it revived in the East and the Third World as resistance movements against authoritarian regimes undoubtedly suggests that civil society is an ally of democracy. Nepali civil society, unlike its counterparts of the Eastern Europe, is not

the foremost instrument of bringing democracy back, but its origin and revival is closely tied with struggles for democracy.

Recall the 1990 mass movement, that was called jointly by the NC and United Left Front of seven splinter communist parties, reveals the contribution of Nepali civil society. A study found that “after the first week of the movement, actors other than the political activists became the most visible and mobilized” (Sharma 2001). Another study highlighted the participation of civil society members in the 1990 people’s uprising, “it was perhaps the first movement in Nepal in which different professionals i.e. students, lawyers, doctors, nurses, para-medicals, lectures, teachers, corporation staffs and civil servants became openly involved. These middle class people played a prominent role in the movement making three principal contributions: giving continuity to the movement, paralyzing the machinery of the regime and motivating the rest of the population” (Hachhethu 1990: 190). Though it was parties led movement with specific limited demands – freedom of party and interim government – civil society’s pressures forced the leaders to upgrade achievements. During April 8, 1990 (release of ban on party) to November 9, 1990 (promulgation of new constitution) four successive upward revisions were made on the goal of the movement. First, legalization of political parties, second, abolition of all Panchayat institutions, third, formation of a constitution drafting committee on the recommendation of prime minister against the traditional prerogative of the King, and last constitutional monarchy (Hachhethu 1994: 91). It became possible because, what Ganesh Man Singh (commander of the 1990 movement) said, “people moved ahead faster” than leaders and parties. This is a clear acknowledgment of civil society’s role in advancing and upgrading the achievement of the mass movement. Civil society appears most advanced than political parties in setting agendas of state restructuring, a dominant issue of current discourse. This part will deal with after reviewing briefly how civil society functions after the restoration of democracy in 1990.

Though biased and fragmented, Nepali civil societies have kept themselves active resisting against the state on a number of issues and problems. The dominant issues in the early phase of democracy, what civil societies showed their concern, are: government’s repressive measures against communists’ state protests, transparency of Tanakpur treaty with India, and grievances of groups i.e. civil servants, landless people etc. Over the time, focus of civil societies shifted to the emerging questions: abuse of power and resources i.e. corruption, instability, mis-governance, erosion of democratic norms and values, accountability and transparency, internal democracy in parties. Withdrawal of members of parliament (MP)’s privilege of duty free import of vehicle, disqualification for candidacy in the 1999 general election by political parties to those involved in scandal of abuse of red (diplomatic) passport, making of party regulation act, and abolition of bonded labour system are few to mention as outcome of civil society’s successful assertions for the betterment of society. Nepali civil society has gradually widened its spaces picking up outstanding social problems and involving in social movements against exclusion and injustice, i.e. dalit campaigns against untouchability and ethnic movements for inclusion.

Currently civil society is engaging on the most ambitious state restructuring project addressing several complicated and interrelated issues, i.e. human rights, peace and conflict resolution (directed against the continuation of the Maoist violent insurgency and militarization by state); and constitution amendment or framing of a new constitution through election of constituent assembly (targeted against the political regression under the leadership of the present King, Gyanendra). Civil society's agenda of state restructuring is progressive and radical than parties' demand for revival of political and constitutional course through constituting of all-party interim government and reinstating of the dissolved House of Representatives. It seems that civil society at present is standing against all forces – monarchy, Maoist and parliamentary parties – representing political society in different capacities. In given context, is it possible that civil society mobilizes masses for its radical agendas?

The ways it originated, revived and reconstructed in different time frames suggest that Nepali civil society, unlike its counterpart of the Eastern Europe, has rarely opted for the mass mobilization. Its capacity and potentiality of mass mobilization is constrained and limited by several factors i.e. financial dependency on foreign donors, dependence of civil society members upon political leaders for their own personal ambition, absence of non-state institutions to support civic activities, and the financial cost of constant involvement and participation. Its strength is to motivate and mobilize gradually the critical section of society than general mass. For instance, till the end of 1990s and the beginning of the 2000s, there are only few intellectuals who suggested for constitution assembly to resolve the Maoist problems, but now this approach has been bought by several hundreds enlightened people. Even several contents of the 18-point forward-looking agenda of the five parliamentary parties are first brought out into public debate by civil society members. So the greatest achievement that Nepali civil society has gained throughout its history is to leading the country in terms of idea and thought. So civil society as idea/thought giver rather than organization for mass mobilization has been very much alive and active in Nepal.

Conclusion

Nepali civil society originated and revived as a part of democratic movements. And it has been engaging mainly on high political issues even after the dawn of multiparty system in 1990. The simple answer to a big question- why politics has remained the main concern of civil society?, is that the project of democracy in Nepal has not yet been completed. In a situation of a prolonged political crisis that aggravated one after another around the events – escalation of the eight years long Maoists armed insurgency, absence of any elected bodies both at local and central levels since the last one and half years, and assertion of power by the most ambitious King Gyanendra since October 2002 – it is quite natural that the question of settlement of political problem overrides other issues of social and economic developments. It, however, does not mean that civil society keeps its eye closed to emerging social movements. Participation of civil society members in personal capacity or representing organization they belonged to in dalits' campaign against untouchability, janjatis' movement against exclusion, and other activities related to empowerment of women and marginalized groups is quite visible. Again, politics

remains the key issue in public debate and discourse. Part of reason behind over politicization of Nepali civil societies is their inclination with different political parties. The strict definition of the difference between civil society and political society does not work very well in Nepal. It is, however, a thing to be celebrated that a distance is widening between civil society and parties. A trend of de-politicization and de-partysation of civil society has gradually been emerging since the last half of the 1990s. Reconstruction of civil society against partisan line is an outcome of the people's apathy, dismay and disillusionment with politics, party and leaders. In the future, one can hope that such a reconstructed civil society of Nepal will intervene on wider issues of public concern with its greater strength of autonomy and independence.

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Comments by David Gellner

I have gone quickly through your paper. The English needs some work. In particular, in standard English 'civil society' cannot be used in the plural. You might make a point about this. If people in Nepal today use the term 'civil societies' in the plural, the term has been fully nativized, just like 'staffs' (in standard English you cannot say 'staffs', only 'staff').

For 'Definitional problem is somehow sorted out...' you should say 'The definitional problem has been approached...'

'For Marxists, civil society is a bourgeois space...' Is this necessarily so? Aren't leftist organizations also a part of civil society?

On p. 4 where you say '... in addition to 20,000 NGOs registered in Chief District Offices in 75 districts...' Do you mean that these 20,000 are different from the 15,520 registered with the Social Welfare Council? In fact is there not a considerable even massive overlap between these two groups?

p. 7: What does it mean to say that "Civil society cannot exist without liberal democracy, except for the case of East Asia" -- you need to explain this.

First line on the top of p. 9 is not clear.

p. 9: 'For instance, those political scientists who don't have democratic identity...' (should be 'a democratic identity') -- what does this mean? Does it mean 'leftist political scientists'?

'Schmitter listed' should be 'Schmitter answered this question with the following points'

p. 11: for 'enlightened people' you should write 'intellectuals' or 'non-aligned intellectuals'.

Conclusion:

The over-politicization of civil society in the 1990s was a natural consequence of the collapse of the Panchayat regime and its banning of parties, and its replacement with a winner-takes-all system. But resistance to this over-politicization goes back a long way, right to the beginning of the 1990s, when ethnic organizations had to cope with it, and introduced rules, such as, that active members of parties could join their organizations, but not hold office within them, etc.

On the conceptual issue: what is civil society, it is not enough just to deconstruct like Seira Tamang, to pour scorn on other Nepalis, and imply that they don't understand what they are talking about. If you are going to say that it is wrong to equate 'civil society' with the NGO sphere, and wrong to equate it also with traditional indigenous organizations, then you have to some alternative, clear definition to put in its place. As far as I know, Seira Tamang does not have any constructive alternative to offer.

As far as I understand it any organization that is not part of the state, which is organized from below, which is larger than the household and is not based purely on kinship, may be considered to be a part of 'civil society'. Whether the strength of civil society has political consequences for liberalism, how one should measure such strength, etc., are separate issues. Thus I don't see anything wrong with considering 'guthis' and other traditional organizations as part of civil society. Nor is there anything wrong in identifying CBOs and NGOs as also constituting civil society either. But clearly, in the modern situation, modern types of civil society organization are going to make up the majority of what one is considering -- but even then, some of these, such as caste organizations, will be based in pre-modern units of social organization. So much on your paper.