

Is Civil Society a Balancer of Public Power in Nepal?

Dev Raj Dahal

Introduction

Democratic governance is a legitimizing ethic of modern rule. It is entrusted with the tasks of defining the standard of modern norms and mobilizing and allocating society's resources to meet citizens' rational interests, such as freedom, security, identity and essential needs. Besieged by multi-polar conflicts, the Nepalese leadership is struggling to fulfill these interests and execute the mandate of April 2006 mass movement—democracy based on popular sovereignty, durable peace, an inclusive state and progressive reforms—through a new constitution drafted by Constituent Assembly (CA). The CA election of April 10 has established Communist Party of Nepal (Maoist) as a single largest party and provided it a decisive advantage in power equation. The Nepali Congress (NC) and Communist Party of Nepal Unified Marxist-Leninist (CPN-UML) were reduced into the second and third largest party in the country. Given the larger share of political space by left parties and historically left out groups, such as women, ethnic communities, Dalits and Madhesi one can clearly foresee the direction Nepal's political transition will take.

The emergence of Madhesi People's Rights Forum (MPRF), Tarai Madhesh Loktantrik Party (TMLP) and Sadbhavana Party (SP) in the strategic geography of the nation (a supply route of most of public goods) has added a new geopolitical element into Nepali politics. Contradiction between non-left forces, disequilibrium of power between the left and the non-left forces and a lack of consolidated transitional regime have changed the power equilibrium but in no way has it guaranteed safe adaptation as the mandate of CA is fractured since no party commands even absolute majority. The birth of small parties through proportional election system represents Nepal's diversity and asymmetry of power. Negotiation on diverse issues—such as formation of government, concept of head of state, federalism, reintegration of armed forces, management of conflict residues and redistributive policies among various political parties that characterize the nation's political life will be a major task while drafting a constitution. The collective struggles of small parties and left out groups will continue to cause governmental, constitutional and political instability in the future unless institutional mechanisms of representation of functionally active groups are well placed in the political system. The partisan bickering, stalemate and ineffectual and often contradictory compromises have weakened the ability of government to implement the Comprehensive Peace Agreement (CPA) signed by the ruling parties and Communist Party of Nepal (Maoist) on November 21, 2006, the Interim Constitution and 23 –point accord signed on December 23, 2007 and resonate the feelings of masses expressed in the new mandate.

Early amendment of the Interim Constitution to facilitate the formation of government is essential for the political transition from partiocracy to participatory democracy. The emergence of new forces and structures has already changed the historical power relationship and widely distributed leadership in society with contesting visions and dissimilar stakes in the current political order. The resilience of traditional elites and transformation of feudalism from rural to urban areas will continue to cause governmental inaction to address the security and authority vacuum and allow the decentralization of competitive violence of over two-dozen non-state actors operating independent of the state. Without sustained engagements with them, they will complicate the process of peaceful conflict resolution. Political transition from feudalism to capitalism becomes successful in those countries where economic development is high to satisfy the politically mobilized groups, muster widespread societal support for political initiatives and inspires all the potential and left out forces for cooperative action. In Nepal, the regime change did not achieve these processes and instead bristled with agitations and the corresponding rise in the level of public insecurity. It vividly reflects the erosion of monopoly of legitimate power, the *raison de' etat* of modern state. The retreat of Nepalese state from society and larger supply of competitive violence have put civil peace, property rights and individual liberties at critical risk. In this context, the outcome of CA election will likely to result in an unstable government beleaguered by political deadlocks and universal aspiration of people breeding endemic crisis tendencies unless mechanisms of social justice are integrated into the institutional development of politics.

The observance of peace accord marked the decline in the ratio of human death. But, it did not seem sufficiently comprehensive as it has unveiled a prelude for high political dynamics of ethno-territorial, communal and armed non-state actors for frequent bargaining. Unrest in country's southern periphery Tarai

and the northern periphery due to free Tibet activities will continue to occupy global geopolitical attention. Nepal's new order of politics thus remains off the track of the constitution, the formal rule of law and decriminalization of dissent. The eroding relationship of law and morality with politics has made the later autonomous with respect to that of common good. It has also reduced all spheres of life to political control and dissolved law, economy and society into party politics. In the process, it could not get rid political process of the general condition of conflict and liberate modern politics from the violent expression of pre-modern instinct. As a result, crisis of public security, authority and livelihood of citizens is becoming more intense. If the primacy of partisan politics is the end, no system is capable of maintaining democratic balance and transforming law from a disciplinary tool of the regime to a mediating agency between the state and society for social justice. Only an effective and class-neutral state can stand above the interest groups of society, ensure common benefits through the public character of politics (Dahal, 2002:1) and enable citizens to share the internationalization of trade, investment, technology and communication (Ignatieff and Thakur, 2001:34). If public institutions are made subservient to partisan or regime interest, governance becomes dysfunctional thus imposing enormous costs for the sustainability of poor citizens' web of life.

The decay of governance in Nepal, especially in the management of democratic polity, can thus be linked to inadequate institution building efforts by the political leadership and their inertia in resolving social conflicts in the domain of rights and domain of virtue. The incumbent leadership has expunged the boundary between the public and the private and the state and society and transformed state-centric conflict into society-centric ones so as to expand their political base. As a result, political socialization failed to generate public trust in the government's authority to work according to the vision of the Nepalese constitution and concert various actors of society toward systemic goals. Government instability in Nepal occurred because of the vicious cycle of action and reaction between the government and various forms of opposition where the latter is left with no option to negotiate its demands without resorting to extra-parliamentary means and managing conflict within the bounds of political order. In a climate characterized by high political dynamics, national leaders must have a keen sense of social learning about the major transformation of politics: transformation in the meaning of the primacy of government; replacement of normative by a cognitive style of expectations of citizens and loss of the capacity of government action on the part of the leading sub-system as a whole (Cohen and Arato, 1993:305).

Polities naturally subsume politically important all institutions, publics and civil society. They "significantly shape economic performance because they define and enforce economic rules" (North, 1994:366). In Nepal, the political culture developed through politics, market, civil society and public administration has fostered opposing conceptions of the political good and contradictory means to achieve it. The application of incompatible ends and means has generated social distortions and economic inefficiencies instead of responsive outcomes. Inability of the central government to muster political will to take right decisions has faltered the performance of all governments. As a result, politics in Nepal is often blamed for promoting bad governance and impunity in the public sector, pushing the public institutions towards failure ready for privatization and denationalization without knowing its adverse consequence for national life. Even top civil servants and independent consultant criticized the process of privatization of many public sector industries for a lack of transparency, lower valuation of assets and foreign involvement (Achrya, 2008:4: Ghimire, Kinley and Shakya, 2000: Executive Summary). One can see its negative effects¹: massive unemployment, poverty and deteriorating human rights conditions with the quality of public service to citizens tumbling downhill. With the fusion of politics, business, civil society and media it is easy to exploit the consumer without much resistance. The subordination of state to the interest of dominant groups generated contradiction in the political order that seemed to be unsolvable within the confines of the polity as an equilibrium system.

The separation of democracy from its "state of affairs" has become possible due to the de-institutionalization of politics. As such, democratic infrastructures, such as political parties, professional organizations and civil society have become the means by which power brokers enhanced their group clout, authority and influence rather than becoming a means to resolve collective action problems. All political parties that extol the virtue of responsive rule themselves lack necessary democratic requirements, such as deliberative structures, reflection of public opinion, democratic mechanism and institutions of transparency and accountability and enlightened issue socialization to foster intra-party democracy. It is doubtful whether

¹ Ghimire, Kinley and Shakya argue that the processes of privatization are devoid of transparency and accountability, influenced by vested interest, plagued by corruption and financial irregularities, absence of accountability in the utilization of proceeds and compromise of the interest workers.

the CA election and constitution will make the leaders accountable for their actions and break the old political culture of determining leadership through ascriptive linkages of political influential in the parties given the primacy of cronyism over a secular orientation to policy. Obviously, the CA will politicize the ordinary public enabling them to question the promise of auxiliary groups of the political parties acting as the support base in different sectors, including the civil society and human rights groups that are believed to be autonomous of such influences. Freedom of citizens is important for the autonomy of government from internal constraints and external forces, including balance of power in its three branches—executive, legislative and judiciary. To rectify the existing distorted system caused by the erosion of legitimate monopoly of state power, absence of distribution of power in the political system, concentration of discretionary powers in the office of executive and lack of any space for opposition is a monumental challenge in building democracy for new leadership. It is monumental because authority is still handed to the upper stratum of power and responsibility is pressed downwards—a long-established tradition of stripping any institution of its democratic credibility. Democracy cannot become robust unless civil society groups as balancer of public power are capable of imposing the old-style leadership an effective challenge and political competition.

Good governance requires maintaining a delicate balance between the purposive rationality of individual leaders expressed in rational choice theory and functional rationality of politics expressed in systems theory (Habermas, 2001: 142). This balance also requires a balancer, the civil society groups,² which can act as a political channel between citizens, public institutions, the state and international system and help in the maintenance of democratic system. A cluster of vibrant civil society groups as a balancing loop is needed to seek a change in the social condition to a desired development through collective action. Their role in public service accountability also requires a set of approaches, mechanisms and practices suitable to ensuring that their performance supports in meeting the targeted goals and principles of democracy. Obviously, it is difficult to generalize civil society groups in Nepal due to complexity of their sizes and functions. The following analysis highlights the political and anti-political character of civil society groups in Nepal and offers a brief conclusion.

Politics of Civil Society

The architect of scientific cosmology, Immanuel Kant said, "Politics is the highest public good." In this sphere citizens attain their full humanity, their full reality as human being because it is a means for protecting both society's life-sustaining resources and the productivity of its open and free development (Arendt, 2005:21). Politics is essentially public, democratic, legitimate and representative in the sense that the political sphere is shared equally by all citizens. In this sphere they deliberate, aggregate, articulate, communicate and resolve issues of their common concerns. Personalization and privatization of political benefits are, by contrast, anti-democratic and anti-political. In democracy conscious citizens build multiple identities, corresponding to their cultural, social, economic, political and territorial locations and organize power and resources to achieve their goals through constitutional means. Such overlapping identities provide them the common basis for participation in various institutions of governance and effect political action by non-violent means. "Democracy on the nation-state model connects three central ideas: that the proper political community is bounded one; that it possesses ultimate political authority; and that this authority enables political autonomy, so that members of demos may freely choose the conditions of their own association and legislate for themselves" (Bohman and Rehg, 2007:27).

In a war-torn country like Nepal the design of responsive institutions and consolidation of civil society groups at the grassroots, regional and national levels are considered as a part of democracy building project and gradual rationalization of urban public life and public policy. Modern politics assumes that society is a human construction brought into life through conscious choice and action. In this context, civil society opens a channel for the aspirations of the new groups to mediate general social interests of citizens and create potential conditions for stability, security and well-being even to underclass. To become public civil society groups have to transcend their partisan formation. This realization is essential to transform

² Civil society is a web of human communication, association, identities, networks and movements created by citizens for the sake of protecting themselves from the arbitrary and unjust decisions of holders of power and wealth, promoting their collective interest and producing overlapping values, institutions and public goods for the peaceful resolution and of problems and conflicts.

archaic cultural codes, shape economy and include networks of news, arts, science, entertainment, symbols and communicative values and messages to develop a collective sense of belonging. In democratic development civil society have played the following roles to balance the interest of the system and the life-world:

Improving Ordinary Citizens' Access to the Economy

The present separation of economy as a distinct sphere undermined its social role and embeddedness in society. Human security is a critical condition for durable peace and democratic processes on the ground. Democratic success largely rests on the competence of civic institutions to distribute equal economic opportunity to all citizens. Therefore, the engagement of civil society in economic reconstruction and grant of small loans for livelihood and entrepreneurship is crucial to narrow the gap between its principles and policies. Access to economy sets a precondition for the supply of public goods and services to the poor, boost their voice, visibility and access and enable local governance structures accountable to their needs and demands. Some of the micro-credit groups such as *Swabalamban*, *Grameen Banks* and *Nirdhan* even though funded externally, have been able to mobilize scarce local resources for the neediest citizens of the rural areas, built a sense of self-help, acted as a bridge between various social groups and contributed to the state's outreach in society. They also acted as a buffer against the ferocity of market materialism as they are promoting a self-reliant approach to participatory development. These roles are important to reform the oppressive relations in society and reinvent the concept of citizenship equality. If these projects can be made sustainable, a sort of virtuous cycle in the upliftment of the rural society can be ensured. Economic growth which alleviates poverty and creates employment is a precondition to achieve human dignity and durable peace.

Community groups, like the consumers' groups, constituted under Local Self-Governance Act at the District Development Committee, Village Development Committee and municipality levels have been hailed by many social scientists as a successful example of blending the ancient users groups found in rural communities with modern needs (Shrehtha, 200:4). They provide an excellent example of how to run one's own affair in a sustainable manner without outside help. They have been instrumental in helping communities to check deforestation by managing their community forests, utilizing its products and penalizing the free-riders. There are examples of successful management of public assets by rural citizens to benefit themselves. Management of public goods like irrigation, health services, primary schools and drinking water projects have also been successfully done by these groups. The federation of local authorities, such as Association of District Development Committee of Nepal (ADDCN), Municipal Association of Nepal (MuAN), National Association of Village Development Committee of Nepal (NAVIN), Federation of Community Forestry User, Nepal (FECOFUN) and National Federation of Irrigation Water Users Association of Nepal (NFIWUAN) have been lobbying to hold central decision makers and National Planning Commission (NPC) accountable to local needs. They have also been managing their self-governance and supplying local inputs to central planning authorities. The micro-credit programs and people's institutions have the ability to bring people to work together for common purpose and foster democratic processes through public services, justice, reconciliation and social peace.

Social Safety-Net for Powerless

The compromise of "embedded liberalism that created a social safety net in return for openness was successful in the second half of the twentieth century but is under pressure" (Keohane and Nye, 2005: 36) of regionalization and globalization. In a world of expanding economy and shrinking political responsibility, civil society groups are emerging to meet citizens' diverse needs. A decade-long violent conflict in Nepal has created a huge group of weak citizens: widows, orphans, disabled, displaced, etc requiring substantive social investments. The fulfillment of economic necessity of these citizens and offering them peace dividend is the primary responsibility of democratic governance. Without the revitalization of latent social power of rural civil society to work for them it would be difficult to fulfill their social interests and create a level playing field for all. Through the placement of better public policy civil society groups can prevent the market left out of these citizens. Running old citizens homes, orphanage, *Guthi*, public inns, children's homes and health services to the marginalized groups and imparting them necessary education and skills are some of the tasks that many Nepalese society groups have been directly involved today. Thus, they help citizens who have dropped out of the economic mainstream to get back on the economic track and rebuild societies torn by conflict. The transition from war to peace is not a linear process. It is a systemic as it is linked to various

institutions, networks of information, knowledge, access, and leverage. Creation of the stake of powerless in peace and development processes nurtures its sustainability.

The civil society comprises dense network of small bottom-up associations which are accessible for diverse citizen's participation on public issues and bridges the rural-urban gaps. The stronger the civil society, the more it makes the state and markets responsive to popular needs. Apart from bringing the state closer to citizens, making it more accessible to them, the civil society groups themselves are easy to reach for the citizens as they are working for their civic interests to grow and prosper. This makes these groups effective agents of diverse expression and social change. Due to growing pressure of civil society groups the government of Nepal has adopted special inclusive measures for Dalits, women, Madhesis, ethnic and indigenous groups and citizens of remote areas to augment their access to various institutions of governance and support their social and economic requirements of transformation of structural injustice into a positive peace.

Conflict Mediation

A variety of intermediary institutions in Nepal provides space for enormous possibilities for articulation of interest, negotiation, mediation and compromise of local conflict. The conflict-sensitive civil society groups do not necessarily stand opposite to either the market economy or the state but are involved in resolving root causes of conflict arising out of social dysfunctionality, such as poverty, exclusion, marginalization and structural violence. In Nepal many of them have served as a sphere of interaction among all associations and publics, institutionalized by laws, contributed to stabilize the society and promoted social reconciliation through peace building works. During People's War some of them played key roles in various tracks, engaged in developing common grounds and provided inputs to key actors for ceasefire, conflict management and relief to victims. This early transformation requires long-term consolidation, in which both the (future) elected political leaders, the civil society and the international community invest continuous efforts, to avoid the regression into a new pre-conflict phase or even a return to conflict (Bleie, 2006). Civic order means that "citizens are civil to one another (that they do not demonize their opponents, are willing to compromise, conduct reasoned rather than impassioned discussions and/ or that a society should maintain a fabric of mediating institutions to protect individuals from the government" (Etzioni, 1996:14).

The class, caste and gender discriminations clocked in the basic realities of power and wealth asymmetries in the society continue to perpetuate social exclusion, poverty and inequality producing intractable contradictions in the life of Nepalese citizens. In this context, civil society groups try to mediate between the general and particular interests, between the base and super structure and between the political and economic spheres for the welfare of majority of citizens who are not only poor but also powerless, deprived and alienated from the mainstream democratic and development processes and unable to overcome the problems of collective action. In rural areas of Nepal many elders, children and women are war survivors. They are capable of narrating about their condition, providing expertise to alleviate their collective suffering and bringing about change if they are provided with necessary resources. In a complex society like Nepal's, resolution of conflict will be effective only if authority and power are organized within democratic structures.

Buffer Against Uncertainty

With modernization and pursuit of social, economic, political and technological change, the society is marking a paradigm shift from inherited to a self-chosen path. This unplanned shift has yielded benefits to new forces, but at the same time the paths are hewed with unanticipated contradictions and risks as the number of losers is also increasing. The Nepalese civil society groups have to mediate between the individualization process of the economy and socialization process of democracy and serve as a counterweight to those seeking to destabilize society by warning citizens of the risks involved in narrow, self-interested, rights-oriented conflict and working towards mitigating them through ethics of responsibility. Peace, social justice and environmental groups have always been inspirational in re-conceptualizing development that reflects the importance of human values and ecological justice. They are fighting for profound value shifts through equality in the redistribution of global capital, debt relief, global justice and the implementation of social charters. In Nepal, Women for Human Rights (WHR), Legal Aid and Consultancy Center (LAAC), *Maiti Nepal* and *Nagrik Awaz* (NA) have been working for the girls at risk through their rehabilitation and reconciliation works. These groups are also working to expose the culprits involved in trafficking girls. In several instances, the civil society is complementing the role of the state to protect weak and vulnerable sections of society and contributing to social change, justice and peace.

Vehicles of Democratic Development

Development differentials often inspire distributional struggles and conflicts. A crisis of social integration in Nepal has taken the form of poverty, inequality, exclusion, alienation and rebellion. Their alleviation entails welfare measures to the marginalized citizens. Formulation of three types of compensations in the Interim Constitution of Nepal has broadened the social base of politics to include more and more citizens in development, such as *special representation rights* for disadvantaged groups, women, Dalits and people of remote areas; *multi-cultural rights* for ethnic and indigenous people; and *self-governance rights* for people of various regions including *Madhesh* through federalism (Dahal, 2007: 28). Establishment of justice and redistributive policies in the political culture support social integration of poor and marginalized citizens into the political process and open up the institutions of governance to the public. Without a semblance of property rights to every citizen under law participation becomes vacuous. Genuine civil society has to capture a vision of democratization of opportunities and provide the citizen choice to mobilize counter-knowledge and draw on "the pertinent forms of expertise to make its own translations" (Habermas, 1997:372). It embodies "subjective and principled freedom, the cornerstone of modernity: in civil society, subjective freedom means the rational pursuit of self-interest; in politics, the equality to participate in political decision-making; in the private sphere, ethical autonomy and self-realization" (Tucker, Jr. 1998:135). These elements are critical for securing a sound base of peace and justice in society.

Medium of Public Awareness and Public Opinion

The social movements of civil society have contributed to the renewal of public sphere, such as autonomous public interest groups, media and network-based individuals for the articulation of representative voice. The civil society seeks to influence policy making and helps in shaping pluralistic public opinions and collective will-formation (Meyer, 2002:36). The legitimacy of diverse views and its contribution to the richness of human dialogues are essential elements for the moderation of public policies as well as for triggering the dialectic of social change. The capacity of civil society groups to think representatively and engage citizens in public realm is the key to creating independent civic community, a healthy polity and an inclusive development, thereby constraining a government's exercise of discretionary authority, especially its potential for abuse of power in national decision-making while increasing the power of the society to self-organize and articulate. When civic pressure mounted in 1997, for example, the government was forced to withdraw anti-terrorist bill from the parliament. Again, it was the constant campaigning by women's rights groups that equal property rights for them has been ensured and they were given space in constitutional drafting, peace and reconciliation.

The Nepalese civil society groups have been quite successful in the field of choice-enhancing social movement, advertisement, publication and advocacy campaigns. From environmental degradation to social ills like trafficking of women, different civic groups have organized countrywide awareness campaigns helping the affected areas be alert of the gravity of the situation. Peace movements of civil society have also highlighted the cost of conflict and benefits of peace. Anti-alcohol, anti-gambling, anti-wife beating and anti-child marriage moves undertaken by women in hill districts have been quite successful. Many civil society groups in Nepal have shown a commitment to the protection of public good by removing constraints hampering the realization of human and constitutional rights, economic and political entitlements and social opportunities for empowerment. Isolation, suppression, exclusion and deprivation of citizens to civic freedom are the very anti-thesis of what civil society purports to promote. "The public sphere is not conceived simply as the back room of the parliamentary complex, but as the impulse-generating periphery that surrounds the political center: in cultivating normative reasons, it affects all parts of the political system without intending to conquer it" (Habermas, 1997: 442). The Nepalese civil society groups have, however, to work hard to transform unequal people as private persons into equal citizens-- the promoters of public interests.

Pressure Agent for Good Governance

The civil society's fundamental concern is the creation of normatively-regulated good governance. The best hope of good governance is possible if instruments of justice are introduced into its institutions and they maintain their resiliency beyond mere equilibrium of power. It can be maintained through the proper conduct and interaction of each of its various components: the policy making and administrative organs, the statistical and auditing services, the judiciary and civil society groups (Shivakumar, 1998:8). The civil society's associational autonomy and the potential to protect the rights of the public make the governing institutions susceptible to democratic accountability and responsive to citizens' freedoms, needs and aspirations. This accordingly encourages the decentralization and democratization of the state and corporate power and thus frees the citizens from the hegemony of both. A number of development agencies in Nepal have considered civil society groups central to their work in governance because of their capability to bridge the gap between

top-down decision-making and those working at the grassroots level. Their role as social movement coordinators-cum-organizers of citizens around core public interests, issues and ideas have also been seen as useful instrument of public action (Dahal, 2004:5), socially inclusive leadership development and peace building.

Promoter of Cosmopolitan Values

The notion of civil society has become central to a debate about democracy, human rights, global commons, international laws and institutions and global governance. The coherence of state and society can be achieved only by a common process of socialization across various levels of society, expanding the domain of citizenship and rationalization of citizens' ties with universal modernity. The civil society groups involve in a community building project within and across national borders as a means to both universalize individual and national life and motivate the consumers, workers, citizens, governments and the states towards regional and international cooperation. Yet, how is the identity politics of the state, the core of national sovereignty, maintained in this drive of civil society towards a universalized social, cultural and political life? The answer is, according to Michael Walzer, "demonstrating nationalism," democratizing the political and economic decision-making and humanizing the agencies of governance. This is the way to de-traditionalize life-world and implement human rights, which demand the inclusion of other (Habermas, 2002:120) into civilized coexistence.

Anti-Politics of Civil Society

Anti-politics, by definition, is anti-democratic, anti-public, non-responsive, exclusionary, personalized and opaque and restrictive of the domain of human rights and social justice to ordinary citizens. The anti-public role has been beefed up by the evolution of a sphere for circular squabble where each disapproves the other for wrong doing and defends itself for right thinking and right doing. In this context, the donors' unwavering faith in NGOs and civil society as handy partners, which can in some respects be more enlightened, issue-focused, competent and less bureaucratic in fostering the condition of democracy, human rights, development and peace, has been partially true on pragmatic grounds. The potential of civil society, human rights and NGOs to transform paternalistic and patronage-based regime into socially inclusive, gender-responsive, rule-abiding and transparent institutions remains tantalizing. Bulk of civil society groups in Nepal, like pre-political, lineage, caste and ethnicity-based interest groups, are essentially opportunistic, anti-rural and feudalistic in nature, as they continue to stoke communal passion, cultural differences and social conflicts. These groups do not have the ability to generate social capital for the feelings of citizenship. Many partial associations created by political parties have reinforced this vicious tendency. As a result, the Nepali state has become weak through the corruption of political process. Political leaders depend on comprador groups to finance political parties in exchange for neo-liberal policies that favor their commercial profits and civil society frame political discourse in the media for its endorsement because bulk of media themselves are run by this class who orient media contents to consent manufacturing. The partisan and anti-public nature of civil society can be explained from the following points:

Atomistic View of the Self

Bulk of urban civil society groups, locked in the ideological frame of funding agencies, political parties and business interests, are purely engaged in the rational pursuit of self-interest. They have failed to learn from the web of historical and cultural relationship and hierarchical forms of national life of citizens. Lack of any system of mutual learning has made them an instrument of social discrimination and political conflict than a free space for all for conflict resolution, ethical harmony and cooperation. As a result, their pursuit is primarily governed by strategic action, not the society-wide discursive orientation for civic education, norm-governed habits and action. Their cacophonous orientations have, therefore, opened new conflict lines between political, economic and civil society groups and their behavior is marked by a competition for clients and patrons. This has weakened the ability of society to maintain a balance between social integration and political development mediated by public philosophy and public action. To become relevant to public needs, Nepalese civil society groups must learn from the various intellectual traditions which formed the background of social cohesion, national identity and articulate a rationalistic worldview.

Like the voluntary basis of Nepalese duty-based civil society, *Paropakar* (charity based institutions), the modern version of civil society is not a home-grown concept. They are rights-based and have come as a part of modernization and secular individualization project. They are, therefore, less spirited to resolve the problems of agrarian societies of Nepal than engaging in fragile state framework of donors which have to work for social and economic balance during conflict. One can see bulk of civil society has lost the breadth of spirit necessary to

question violent strikes, blockades and regular agitations troubling the ordinary public in Nepal. Since they did not originate from local values, knowledge and institutional requirements their usefulness is limited to solving the problems brought about by modernization, individualization and monetization of society in such fields such as human rights, trade unions, laws, business, civil service and professional work. This shows that there is no way they can be utilized to strengthen social capital of agrarian society without their proper indigenization. But, this is not their priority because it reduces their power. Human life cannot be divorced from the free will and reflective consciousness about the overall environment. In no way it can be subjected to anomie of secular modernism or post-modernism fostered by disciplinary social sciences to demolish the sociability and spirituality of ordinary public that glued the Nepalese society so far.

Elite Dominance

In contrast to the public character of traditional groups in their capacity to bring different citizens from all walks of life to interact with each other in discourse in public places, like *Chautara* and *Basgharaha*, school compound, temples and monasteries, the modern ones are exclusionary, specialized along political party, commerce and disciplinary lines and impenetrable for any one outside the discipline. They are effective agents of change in their own discipline, no doubt, but they have lost the public character that their traditional counterparts have assumed in inspiring private individuals to form a public body (Eley, 1994:297). The southern parts of Nepal's Tarai exhibit the growth of high civility due to surplus economy and interest of property owning class to invest in schools, colleges, hospitals, public inns, temples, ponds, roads, bridges and charity-based activities and remove the gaps between the haves and have-nots. The instrumentalization of cultural differences by political parties to expand their base is, however, eroding this spirit.

The urban areas of Nepal witness the increasing fusion of boundaries between political parties, business groups and civil society for common interests. A strong bond glued by identical interest has squeezed the space for unorganized public to participate in political platform without leverage. Boundary crossing of members among these groups is also frequent. As a result of these, voluntary sphere is now increasingly being largely monetized. Obviously, policy change through public campaigns and pressure tactics works in Nepal. Civil society activism in Nepal Development Forum (NDF) typically reflects this trend. Here, however, grassroots rural and agrarian institutions are hardly represented. Traditional institutions have specialized in bringing all the segments of society, including policy and decision makers in one space—the public space for undertaking a new initiative. Such public characteristic is rarely available in today's intermediary groups. The professional space has been expanding. It is providing opportunity for an array of professionals to be involved in public works. The same process is fraught with difficulties in the modern context with an infinite number of formalities and institutional delay, a work defined only for the specialists. Even then the public problem to be solved could acquire the unplanned shape as it reaches the resolution phase.

Civil society groups are generally considered to be voluntary, charity-based ones having no pecuniary and partisan interests in the policies they pursue. Since the modern civil society comes along with the development model being imported, it can neither remain free from the politics of being expedited by development agencies which in turn are influenced by the ideology being pursued by the most influential countries, nor can it claim to be free from the utilitarian motives of those importing the development models. One can see the incorporation of various exogenous development concepts in Nepal's five-year planning documents and country cooperation framework of various NGOs. Development dependency not only affects economic sphere, but also the social, cultural and psychological dimensions in a more direct manner. Social contexts are local while their shapers and those that maintain and sustain them are alien who understand little about them. While these groups may be effective and result oriented, the targets being met by them have the potential of bringing about a number of new problems in the course of solving old ones. In other words, the social change promoted by these agents could bring about wide fissures along existing fault lines that had been glued by traditional social capital until recently. This shows that, like Siamese twins, civility and utilitarian motives in these developments are strongly tied. And, a critic has argued that these civil societies are not propagating a system of civic education for a shared sense of civilized coexistence and a common authority of constitution (Bhatta, 2007: 18-23).

Dependency Oriented

The exponential growth of civil society groups and NGOs in Nepal in recent years "is largely due to the attraction of external funding" (Maskay, 1998:168). In modern public life external interests are valid only up to the extent they complement domestic public needs. Scholars from transitional countries have argued that imposed economic and political transition aimed through the state class or civil society fosters a new kind of undemocratic elites as they create a gulf between the state and society notwithstanding their convergence in capitalizing external resources.

Many emerging civil society groups in Nepal are not being rooted in the real needs, experiences and aspirations of Nepalese citizens as they are just a response to donors' aid package, aid conditionality and cultural, methodological and ideological conditioning defined in terms of patron-client relationship. Their priority, therefore, is less to operate according to constitutional vision than to be imprisoned by outside models of development manufactured for an entirely different context. There is an absence of institutionalized partnership of the civil society with the state which makes the functional boundaries of these societies very porous. As a result, politics of civil society in Nepal is dominated by a myriad of interest and pressure groups which are, consequently, de-culturating the organizational base of national political parties through soft power of ideas and hard power of geopolitics and money. In this context, bulk of urban civil society groups can be considered as high leverage actors, hyper mobile, resourceful and emancipated from the very concept of national loyalty essential for democratic rule.

The dependency in sustaining the civil society obviously leaves a more direct question to be addressed what after the donors have left? The relationship between the urban civil society and funders is built on patronage and, therefore, they apply clientelist approaches to solve problems and conflicts. If funding were to dry up, a majority of non-indigenous civil society groups would be fated to suffer terminal decline (Dahal, 2001:42). The defender of civil society admits, "The various institutions that are potential member of civil society are not perceived as truly independent, or as self-governing, self-financing bodies that they must become" (Panday, 2001: 124). The mounting resentment against the civil society groups, especially urban NGOs, is that they are not accountable to native citizens, often indulge in incitements and campaigns against the irrational fear of already weak state. The liberation of civil society from national affinity with the state and citizens has drained the social capital necessary for liberating citizens from social problems and enabling them as reflective and reflexive public (Shrestha, 1997:38) capable of assuming the responsibility of citizenship. Only a genuine civil society based on the spirit of self-help can make the process of liberation choice-enhancing, sustainable and national in character.

Inability to Effect Mediation

Conflict, especially violent one, often changes the identities and group boundaries. Reconciliation and peace building across various boundaries require redistributive justice and the likelihood of its sustainability (Paffenholz, 2008:2). The conflict dynamics of Nepal requires an understanding of the distinctive difficulties facing nation-state, the political problems being faced by political parties and governance problem of the public sector economy and the plight of poverty-stricken citizens before any program can be introduced. The complexity of social problems and those of governance are interlocked. But, advocacy NGOs are preoccupied with a single agenda without any concern about what their actions might do to the rest of the country and its citizens in the broader scheme of things. There is little cost and benefit analysis done before advocacy on a certain issue is articulated. When costs and benefits are measured, there is hardly any particular mention, let alone the inclusion, of the entire variables that need to be incorporated for a balanced view of the issue. If civil society cannot resolve conflict of interest by itself, public space remains contested sites for various groups. Various pillars of peace including the Local Peace Committees have to be activated for managing the nexus of local-regional-national conflict and activated their reinforcing loop for conflict resolution.

New civil society group, like their predecessors professional associations, consultancy firms and NGOs, created its own establishment and remained far from the emotions, affections, education and socialization of citizens and link them to a wider world of public. If the sources of funding and the amount being spent by these modern NGOs and advocacy groups are sought for, they are hardly made available. It is, therefore, not surprising that owner of civil society groups sometimes fail to practice what they preach. Media often report about NGOs and civil society groups for not making their funding transparent in Nepal. The chief challenge arises from observations that seemingly conflict with the claim at issues as it does not have any impact on real institutional contexts of decision making. Democratization of economic power reduces the chances of corruption, increases transparency and accountability and reduces the level of conflict.

Incapacity to forge an Effective Collective Action

Owing to the fragmented efforts of civil society and poor knowledge among the citizens about their own positions, civil society groups have not been able to make a coherent approach for forging their strengths in either policy orientation or long-term coalitions or even in sharing enthusiasm for cooperative action. Trade unions, human rights groups, Dalits groups, women's associations and student unions are especially prone to this tendency. An effective lobbying strategy requires coalition building with several groups together for concerted action. This coalition effort makes effective use of the resources of civil societies with similar objectives and overcome past restrictions through strategic action. In some instances, these groups have just been acting as extension of global geopolitics or national political parties infusing rank partisan in their behavior and extending benefits only to its clients. One critic calls

Nepalese civil society largely "uncivil" because of their inability to hold political parties accountable to their actions (Lawoti, 2007: 12). Due to the erosion of their historical identities, ideology and legitimate party finance, the Nepalese political parties are thus being pushed into the image of market: those who pay higher amount of money to the party boss get higher position and authority. NGOs and civil society groups have also been blamed for displacing the indigenous systems by promoting alien thinking, culture and values (Bhatta, 2007:100) and eroding a sense of national identity.

Conclusion

Only public spirited civil society and vibrant public sphere can find the ways to tie citizens to democratic governance and balance the power of public for freedom and the statehood for legitimate public order. The top challenge facing the Nepalese civil society institutions is not hurdles in their boom, rather in their origin, institution-building, expansion and social contribution. There is a need to preserve the traditional base of civil society and indigenize the modern ones so that both can complement in their humanitarian, development and peace building tasks. Less genuine, self-proclaimed and urban-biased ones are, however, disciplined by regime power, culturally deviant and confined to issuing statements rather than engaging in resolving the collective action problems. They drown the voices of real civil society working with ordinary citizens at the grassroots level and pose a risk to social cohesion and peace. The overlapping functions of the modern civil society should be avoided through the promulgation of a Comprehensive Civil Society Policy Framework and priority should be given to those groups which are inclusive, independent, membership-based, socially representative, transparent and accountable to ordinary public. The Nepalese civil society groups have to repair the social dysfunctionality and foster the ability of political system to sustain equilibrium and stability.

Home-grown, indigenous, duty-oriented and charity-based civil society needs to be fostered at the grassroots level and overcome the problem associated with the decline of government. Social scientists and policy makers should learn from the reflection of soft power of civil society which has played historical role in nation-building and strengthening state-society ties. Their role in social, economic and political democratization is important to provide social mobility and opportunity to the underclass and deprived. Only then downward accountability can facilitate access to decision-making, abolition of impunity and maintenance of transparency and accountability in the functions of key institutions of governance. This strengthens their balancing role of a public power and orient towards public action.

References

- Acharya, Bhanu Prasad. 2008. "Economic Crash program," *The Kathmandu Post*, February 21.
- Arendt, Hannah. 2005. *The Promise of Politics*, New York: Shocken Books.
- Bhatta, Chandra Dev. 2007. "NGOs and Donors: A Critical Appraisal," *Readings on Governance and Development*, Vol. VIII.
- Bhatta, Chandra Dev. 2008. "Nepal: A Critique on NGO-Donor Dichotomy," *Nepali Journal of Contemporary Studies*, Vol. VII, No. 2.
- Bleie, Tone. 2006. "Role of Civil Society in Conflict Mediation and Peace Building in Nepal," *The Telegraph Weekly*, July 19.
- Bohman, James and Willing Rehg. 2007. "Jurgen Habermas," *Stanford Encyclopedia of Philosophy*.
- Cohem, Jean L. Andrew Arato. 1994. *Civil Society and Political Theory*, London: The MIT Press.
- Dahal, Dev Raj. 2001. *Civil Society in Nepal: Opening the Ground for Questions*, Kathmandu: Center for Development and Governance.
2004. "New Social Movements in Nepal," *Organization*, June-July.
2007. "Contextualizing Social Science in Nepal," *Readings on Governance and Development*, Vol. X.
2002. "Spirit of Public Inquiry: Anti-Political Politics in Nepal," *South Asia Politics*, New Delhi, June.
- Dahal, Kashi Raj. 2007. *Constituent Assembly: An Introductory Book*, Kathmandu: FES.

- Eley, Geoff. 1994. "Nations, Publics and political Cultures: Placing Habermas in the Nineteenth Century," eds Nicholas B. Dirks, Geoff Elly and Sherry B. Orther, *A Reader in Contemporary Social Theory*, New Jersey: Princeton University Press.
- Etzioni, Amitai. 1996. *The Golden Rule*, New York: Basic Books.
- Ghimire, Gopal, Lane Kinley and Rabindra K. Shakya. 2000. *Privatization in Nepal: An Independent Review of Privatization Program*, A Report Submitted to DFID, December, Kathmandu.
- Habermas, Jurgen. 1997. *Between Facts and Norms: Contribution to a Discourse Theory of Law and Democracy*, London: Polity Press.
- Ignatief, Michael and Ramesh Thakur. 2001. *The Responsibility to Protect*, Ottawa: International Research Development Center.
- Keohane, Robert O. and Joseph S. Nye, Jr. 2005. "Introduction," Joseph S. Nye and John D. Donahue, eds. *Governance in a Globalizing World*, Delhi: Surjeet Publications.
- Lawoti, Mahendra. 2007. *Looking Back, Looking Forward: Centralization, Multiple Conflicts and Democratic State Building in Nepal*, New York: East-West Center, Washington.
- Maskay, Bishwa K. 1998. *Non-Governmental Organizations in Development*, Kathmandu: Center for Development and Governance.
- Meyer, Thomas. 2002. *Democracy: An Introduction for Democratic Practice*, Jakarta: FES.
- North, Douglas C. 1994. "Economic Performance through Time," *American Economic Review*, 84.
- Paffenholz, Thania. 2008. "The Nepali Maoists: Successful Transformation or Compliance with a Strategic Plan," Paper presented at the International Studies Annual Conference, San Francisco, March 26-29.
- Panday, Devendra Raj. 2001. *Corruption, Governance and International Cooperation*, Kathmandu: Transparency International.
- Shivakumar, Sujai J. 1998. "Institutional Problem Solving Versus Good Governance As Modern Paradigm for Development," *Workshop in Political Theory and Policy Analysis*.
- Shrestha, Bihari K. 2000. "Sociological Context of (I)NGOs in Nepal," Paper presented at a Kathmandu seminar organized by sociology students of Tribhuvan University and FES on April 10-11.
- Shrestha, Nanda R. 1997. *In the Name of Development: Reflection on Nepal*, New York: University Press of America.
- Tucker Jr. Kenneth H. 1998. *Anthony Giddens and Modern Social Theory*, New Delhi: Sage Publications.

Source: Indian Journal of Nepalese Studies, Vol. XIV, 2008, Banaras Hindu University.