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Contemporary Civil Society
in Nepal

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1. Background

In recent years, civil society has become the darling of economists, political scientists and policy makers both in the Western and non-Western world. The discourse on the modern concept of civil society in Nepal is fairly new despite the age-old existence of civic practices. But those civic practices of civil society were of a different kind, endowed with different responsibilities, and can hardly be equated with the current notion of civil society. That was a civil society with a limited civic sphere, engaged in indigenous activities which contributed little towards citizenship building. The reason for this was that the civic space was either pre-determined or restricted by the state due to a primitive political structure based on parochial thinking. This might be one of the reasons why civic resurgence did not emerge until political change irrupted in the nineties. The Third Wave of democratization that swept away undemocratic regimes worldwide in fact led to a worldwide growth of civil society. In most cases the wave itself was the repercussion of a worldwide civic resurrection that could not be contained within the borders of nation-states.

The current notion of civil society that emerged after Nepal's 1990 *modest* political change is the recent phenomenon. Also, the United Nations (UN) decade of conference[1] –which took place in nineties– provided ample opportunities for the growth of modern Civil Society Organizations (CSOs) worldwide. These world conferences and other multilateral organisations have given generous space to Non Governmental Organizations (NGOs) to be active participants in the democratization process and economic development of the nation-states. And through them donors have channelled large amounts of money for this purpose. The result, however, was somewhat disturbing, as this has produced a Hobbesian nature of civil society in Third World countries, which kept themselves busy vying for power and added a layer of new elites. The high-ranking retired bureaucrats, politicians and urban elites instantly usurped up the civic sphere and became direct beneficiaries of this process; and siphoned off large amounts of donors money. Their contribution to socio-economic development and the democratization process was meagre and questionable.

Today the debate on civil society is such that it has reached its pinnacle and the word itself has been used, abused and *overused* by policy makers, donors, academicians and armchair political pundits. The overarching aim of this paper is to analyse the *reception* and *domestication* of this powerful idea and what impact it has had on Nepali politics over the years. For this, I will first analyse

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1   In the 1990s, major UN conferences/conventions/summits took place, among others, the Vienna Convention on Human Rights, the Rio Summit on Environment, and the Beijing Conference on Women.

why there has been an ever increasing interest in civil society in Nepal. My point of analysis is mostly based on the role of civil society in political processes, namely, how the Nepali civil society has reacted towards the democratization process and how the idea has been resonating time and again. I have chosen the 1990s as the benchmark for this discussion.

2. The Development of Civil Society as an Idea

The historical development of civil society goes back to sixteenth-century English political thought, when the term used to refer to the state, whereas contemporary usage tends to contrast civil society and the state. The seventeenth century theorists of civil society based their argument on the concept of a social contract. For them, civil society (*societas civilis)* was a rule of law in which citizens gave up the freedom of the state of nature in exchange for the guarantee of certain rights –security for Hobbes, plus liberty and property for Locke. Later definitions of civil society included the idea of an active citizenry checking violations of the social contract by the state.

Hegel's nineteenth-century notion of civil society included the market, whereas the contemporary concept tends to regard civil society as a non-profit sector. Similarly, Antonio Gramsci regarded civil society as an arena where class hegemony forges consent; Karl Marx regarded civil society as a structure to serve the interests of the capitalist bourgeoisie, whereas much contemporary discussion treats civil society as a site of disruption and dissent. Alex de Tocqueville regarded civil society as an essential bulwark of liberal democracy. Similarly Mary Kaldor defines civil society as the medium through which a social contract between the governing institutions and the governed is negotiated and reproduced. This includes defining moments –such as constitutional conventions and round tables– as well as everyday public pressure through the media, political parties, churches, NGOs, and the like. For Kaldor, civil society is inextricably linked to individual rights. It will suffice to add therefore that the ubiquity of civil society in both critical literature and popular commentary has not led to any clear consensus about its exact meaning and role. What is true is that civil society is private in origin but public in action.

The modern concept of civil society was reinvented in Eastern Europe and Latin America in the eighties and it has subsequently spread to all corners of globe through intellectual exchange, activist discourse and the official language of politicians and development donors. It has gradually become a terminological fad in academic, media, and policy circles in the post-nineties political environment. The idea of civil society has been employed in a variety of often contradictory senses to legitimate sundry intellectual and political projects.

There is growing agreement about the importance of civil society, but there is also growing disagreement about its exact meaning. In the contemporary revival of the idea of civil society, the concept has come to mean different things for different people in different places, causing a great deal of ambiguity and confusion. For instance, in the American context the civil society argument is employed in order to underline the need to promote and strengthen a network of solidarity among citizens who are otherwise passive and individualistic (Putnam, 1995). In contrast the idea of civil society in Eastern Europe is invoked to counter the state and to celebrate citizenship values and individual rights (Seligman, 1992). However, in many Third World and post-colonial societies the argument is directed to state and market where both are being controlled by dominant elites. The idea is that it is civil society that can control, if not entirely transform, the state and press it into the service of democracy and social justice (Mohapatra 2003: 294). The civil society realm has been used to express *opposition* both to the state and market. That is the reason why Lewis (2002: 4) has rightly noted that "different local meanings (have) been created around

the concept as part of an increasingly universal negotiation between citizens, states, and markets", seemingly confirming Van Rooy's (1998) famous quip that the concept's inherent vagueness is part of its appeal.

3. The Rise of Civil Society as a Political Tool

The growing number of coalitions of civil society groups now claim the right to have a say in everything from nuclear arms control negotiations to the operations of multinational corporations. Wherever we look, activities beyond the state and business sectors are on the march: Self-help groups care for the sick and disseminate new farming methods; campaign for human rights; action groups resist the construction of dams; journalists campaign against censorship; social movements press for minority rights; mass protests campaign for more democracy and a just society; foreign aid is disbursed via NGOs, so that a large proportion of resources are beyond the control of the state. However, civil society cannot by itself spark the overthrow of an authoritarian system and replace it with a democratic one. Neither can interest groups, which often have narrowly-defined and specific agendas, simply take the place of political parties and replicate their foundations (Elliott, 2003: 328). What can do is collect diverse forces into a common platform and exert pressure both on state and market where necessary and promote an inclusive political culture.

Interestingly, the engagement of civil society in various socio-political spectrums is fairly new. This phenomenon has enabled civil society to emerge as an alternative global power. The bottom line, however, is why the idea of civil society has been projected as an alternative source of power in nation building when state machineries play a major part in maintaining national and international order. The majority of arguments in this regard stem from *terminology* which carries strong moral overtones and effectively excludes negative and destructive associations. The anticipation that civil society bridges societal gaps, builds up an inclusive and just society, challenges authoritarian states and international regimes with the help of global civil society, and eventually helps to resolve conflict(s) further elevates its role in this realm.

There are many schools of thought that hail civil society's role in addressing fault lines, which in turn helps to resolve/transform conflicts and plays a significant role in citizenship building. First, modern society has three basic components, 'capital, state, and the people with all their associations and organisations constituting civil society' (Galtung, 1996: 152). Civil society binds them and facilitates people to come together for a whole variety of public activities. Civil society in this regard works as locus standi for citizens who can freely organize themselves into groups and associations at various levels in order to make the formal bodies of the state authority adopt policies in consonant with their perceived interests. The 'platform' that civil society provides is the real 'constituency' of power where people from different walks of life discuss problems and find sustainable solutions.

Secondly, civil society is not *non-political*; it is *non-state* but not *anti-state and anti-people*. In its non-state functions, civil society covers both social and political activities. Civil society increases *civic engagement* and stands out as the single most important proximate explanation for the difference between peace and violence. Civic engagement among various strata of society builds up *trust* and promotes political culture (Putnam, 1993) among ruling classes. Varshney in his finding in India argues that where such works of engagement and *political culture* exist (emphasis added), tensions and conflicts are regulated and managed; where they are missing, communal identities lead to endemic and ghastly violence (Varshney, 2002).

Thirdly, society, rather than the state, is the legitimate source of any power. Civilian forces such as political parties, parliamentarians, NGOs, professional bodies, peasant leagues, cooperatives, ethnic and socio-cultural associations,

etc. are critical components because their movements can prepare people psychologically for desired change and provide them with choices to oppose any policy or action that is harmful to them as well as explore alternatives to it (Dahal, 1997: 15-6). Fourthly, the state belongs to its people (that is, the legitimacy of any changes lies with people's consent), and the mobilisation of 'people power' (Havel 1992) against repressive regimes or 'conflicting parties' helps to resolve problems. Hence the civil society movement is important because it consolidates people's power from below by strengthening grassroots institutions, values, initiatives, and creativity, from above by democratising state institutions, and from outside by creating a constituency for revitalising and reforming the functions of multinational institutions such as the UN in response to global popular consciousness (Dahal 1997: 17). This can exert pressure on decision-makers to reach a peaceful settlement of conflict including the formulation of policies and practices designed to the address root causes of conflict.

Fifthly, aspirations on civil society have been drawn from the fact that civil societies are characteristically non-violent and protect individual and group freedoms from Hobbesian nation-states, Leviathan world order and irresponsible 'non-state actors' who are fascinated by their own perception of interests. For Kaldor, even during conflict, civil society *does exist* and can exert influence on conflicting parties to maintain order in society. Kaldor believes that if violence and predation are to be found in what are considered zones of peace, it is possible to find *islands of civility* in nearly all the war zones (Kaldor, 2001: 110) as opposed to the fact that civil society can only serve or exist as an effective foundation for democracy where there are credible functioning state institutions and strong political parties with deep roots in society. She argues that it is always possible to identify local advocates of cosmopolitanism, people and places that refuse to accept the politics of war – islands of civility (Kaldor 2001: 120). And it is this island of civility that can bring about changes in all sectors of humanity. Because civility increases the continuous *engagement of citizens* even during political crisis and puts democracy on the right track and minimizes conflicts. Moreover, the incorporation of civil society organizations in the governance process not only contributes to sustainable peace but also addresses the urgent tasks of economic modernization, political liberalisation, and social inclusion because they are the real stakeholders in governance.

Whatever the rationalities of civil society are, the latter plays a crucial role in nation building. That said, civil society instils a feeling of *citizenship* among citizenry. Civil society consists of the sum of citizens and the corporations involved in it. More importantly, every individual in a civil society is a *free citizen* in a constitutional republic. Civil society plays an essential role in insisting on respect for existing rights, working to ensure that politicians and state officials remain accountable for their actions. This is achieved through a variety of means, including resort to the judiciary, media campaigns, and protests. Equally important is that civil society can often play a crucial role in many activities such as setting public agendas, including demanding new laws and new rights. Civil society plays a direct role in advocating change in the *corridors* of power with the state and developing alternative policies in formulating *inclusive* citizenship through state-civil society synergy. By and large it is the *civic space* of civil society that promotes the concept of *citizenship* by involving citizens into the institutional life of the state without any discrimination based on caste, creed, sex, economic status, educational attainment etc., transforms sovereignty of the state to the people, and elevates their status from *raitis* to public.

However, all is not well in the civil society realm –their impact is often ambivalent. Increasing political and social mobilisation in civil societies does not necessarily lead to democracy and welfare –it can also spark off unrest

and upheaval (Trentmann, 2000: 38-45)[2]. Overall, the term 'civil society' itself is blurred and vague –what constitutes civil society (all NGOs, professional and intermediary associations), as well as who belongs in civil society and who does not (what happens, for instance, with terrorists' organizations), is a most contested point in the study of civil society. Moreover, the relationship between the state and non-state actors is plagued with ambiguities and it is not clear where the role of the state ends and the role of non-state actors begins.

While discussing civil society in the Nepali context, it is worthwhile to note that many civil society organizations have mushroomed with the dawn of democracy in the nineties. The civic movement has taken further momentum at the height of escalating insurgency. But the million dollar question is whether we have a 'civil society' that can truly promote the sense of belonging towards nation (by promoting the notion of civic citizenship which bears both rights and responsibilities for citizens and accelerates the civic sphere of civil society), that addresses social and political bias.

4. State of Civil Society in Nepal

The modern view on civil society (Nagrik Samaj –the Nepalis equivalent for civil society) as in the rest of South Asia subscribes to the western neoliberal approach. This exported modern concept of civil society grossly discounts the organic civic concept developed during the Vedic period. For the most part, the process of modernity in this sector has either superseded or destroyed traditional forms of duty-bound rural civil society organisations and resulted in the growth of urban-based, self-interested, elite civil society organisations.

After the political change experienced during the 1990s, the country went through successive political crises. The situation further deteriorated when the Maoist insurgency struck the nation in 1996. The mounting insurgency created a political vacuum when major political forces neither were able to cement their differences nor did they hold tangible negotiations with the Maoists. The situation finally reached a dead end. Amidst this, civil society took greater initiative to bring major stakeholders (vis-à-vis the monarchy, political parties and the Maoist) to the common platform but all in vain. Civil society contributed enormously towards different phases of negotiations but did not succeed in breaking the ice, partly due to the perception of interests of the parties involved both in the conflict and in the negotiations, but also because civil society itself was not in a position to exert pressure due to the 'nature of the conflict' (regime change). It was partly because the elite, *urban-based civil society* did not command public mandate and the Maoists were sceptical of it. The deadlock saw a light at the end of the tunnel when agitating seven party alliances (SPA) backed up by civil society reached an operational agreement with Maoists at the end of 2005. Since then, Nepalese civil society organisations have played a vital role both in taking the movement ahead and cautioning political leaders.

Ironically, to our dismay, the civil society realm is not clear in the Nepali context. Civil society has frequently used in different aspects projecting it as an answer to every social malaise without clearing off epistemic hurdles and its parameters. The bias hinges both on its theorization and application. There is no explanation as to why the realm has been called civil society. And the biggest challenge lies with its application for different purposes by involving different types of groups. This poses a real theoretical challenge when it comes to define what civil society in Nepal is, whom it represents and what its parameters are. These unanswered issues are crucial when interpreting Nepalis civil society.

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2   For detailed discussion see "Venezuela's Civil Society Coup" in *World Policy Journal*, Summer 2002, pp 38-45 and Trentmann 2000: 3-46.

What has been observed, however, is that *joining the civil society club* has become a *norm dejure,* and so is bringing out protests, closures by wearing the *civil society* tag whether they are desirable or not. This practice has distorted the exact meaning and its location. Another problem when theorizing on civil society is that both civil society and NGOs are interchangeably used to acknowledge each other. Part of reasons is a phenomenon that civil society is legally and analytically equated with the NGO, which is a "de facto definitional amendment" of civil society, but also a manifestation of the "inability of academics and analysts" to differentiate between these two terms (Tamang, 2003: 15-17). Practically, this was also the project developed by the donors and the Nepali state. Firstly, donors –given the disparities within civil society and the greater capacity of educated elites to organize. A key challenge for donors committed to poverty reduction is identifying ways of supporting organizations of the poor, rather than organizations claiming to act on behalf of the poor and of creating spaces where the voices of the poor can be heard. However, as Howell (2001) said, donor engagement with civil society has a marked urban bias. Secondly from the part of state, this was the project developed by retired bureaucrats, judges, government officials, urban-based elites, and chatterer's group who wanted to maintain *status quo.*

There are two types of civil society in Nepal. The first one, truly speaking, grew out of the *isation culture* such as NGOisation of service, globalization, liberalization, and privatization, and is supported by donors. The civic sphere created by this *isation culture* is largely populated by the self-declared conglomerate of urban elites who prefer to be called *civil society leaders*. They have made little or no attempt to address societal issues nor have they extended their activities in the peripheral areas, let alone engaging with wider civil society. These elites of the Nepalis civil society by contrast have treated citizens merely as consumers, thereby ignoring basic tenets of civil society. The second type of civil society in Nepal is promoted by political elites and political parties. This includes large numbers of interests groups, trade unions built on political lineage, which work in line with political interests and protects their own interests. This civil society is *oppositional* in nature. To some extent it has helped to foster the democratic rights of the people and the creation of a responsible government.

However, when we put both types of civil society into one basket what is clear, to our dismay, is that the civic space in Nepal is restricted to politically and economically organized sectors of society and it is only this economically well-organized section that has benefited from the modernization of this concept. And marginal groups do not find it easy to gain entry into the civil society forums. It would mean that ordinary people do not possess access either to a space or to the freedom that is necessary for democratic engagement. What needs to be emphasized is that if the benefits of civil society are restricted to these sections it just shows that the project of civil society is far from being complete. As freedom in these cases is being realized by a minority and not by the people as a whole, the basic ethics of civil society can hardly be said to exist in any meaningful way. When democracy no longer encourages the well-being of citizens along the lines of civil society it is largely because the ethics of freedom are being subverted by technological rationality or by market principles or by the majority principle or by the pure and dogmatic assertions of command or group equality (as in caste-based) politics. None of these are compatible with the ethics of civil society, nor with the cultivation of citizenship. The civic practice itself becomes very much the antithesis of civil society's norms. Civil society in this context is nothing but politics of "narcissism" as Neera Chondhoke (2003: 25) defined it.

"The exclusionary policy adopted by the state and treatment of citizen merely as 'consumers' both by state and civil society has developed a 'consumerism' notion of civil society. The widening gap between political elites

urban-based 'columnised' civil society, duty-bound rural civic organizations, and ordinary citizens has deconstructed the true notion of civil society, let alone construction of 'civic citizenship'. The state and society are fragmented in every aspect, citizenship values are deeply internalized by the people, social conflicts are largely undermined [...]" (Dahal, 2006).

However, in recent years the civil society movement has emerged to express the disillusionment of the middle class with politics, economics, corrupt political processes, the Maoist insurgency, the inability of the state to undertake the task of furthering development, for an inclusive democracy and a just society. But the biggest dilemma is that the Nepalis civil society neither is democratic nor does it carry egalitarian values. The civic sphere by contrast is largely populated by the urban elites and has included provision of *hierarchy* (that is, senior civil society leaders, junior civil society leaders, etc.) in rank and file. They have grossly failed to accommodate those who cannot form their own associations either to bargain with the state or the market, or to protect their interests (downtrodden, underprivileged). Hence, civil society is not a harmonious space where citizens associate with each other to influence public; rather, it is a site for contestation among different groups, as much against each other for their rightful place and for the benefits of development, as against the state (p. 276). Overall civil society has not uniformly promoted the notion of citizenship. It has ignored some sections of society at the expenses of others.

The NGOs and civil society boom, and the disunity among them, reflect the country's social asymmetry in caste, class, ethnicity, gender and regions. The biggest problem is how citizens qualify to be members of civil society and *vice versa* where civil society is based on class interest and the citizenship produced so is *exclusive* as against the need of addressing fault-lines of critical mass in order to reconstruct the civil society based on civic citizenship which will set this nation on the right track.

5. Civil Society as a New Avatar

The civil society movement supported by political parties played a considerable role in reinstalling democracy in 1990. Nevertheless, the strength of its period of opposition against bad people *(Panchas)*, bad system *(Panchayat)* became the weaknesses of its period of rule during the transitional period in the nineties, thereby distorting its meaning from *civil* to *uncivil society*. This was a distinct departure from the general model of civil society. However, civil society led by political movement played a decisive role in peacefully steering ahead the *Jana Andolan 2* of spring 2006 that virtually led to the fall of the royal regime's citadel. The revival of civil society, a uniquely different in nature, upsurge against the royal regime is a classic example. This is a towering achievement of civil society in modern times and has set a precedent that political revolutions can bring about changes without spilling blood. The underlying feature of this movement was that the movement was remarkably peaceful and self-regulated; atomised right-based civil society (a self-enlightened liquid mass, not the urban-based elite civil society) took a front seat for the first time as a bid to end the autocratic regime for ever.

The frequency in rallies aftermath of *Jana Andolan 2* taken out by civil society organizations and their leaders in the name of *khabardari julus* shows an increased level of political awareness and unflinching faith on democracy for sustainable peace. Civil society's euphoria has provoked everyone to be known as civil society activists. If one doesn't belong to a political party, he or she can easily join the civil society club, and come out in the street chanting slogans that suit his or her interests. This is considered the easiest way to have things done as well as to wash up any past misdeeds.

But civic euphoria expressed by unabated protests also poses serious challenges as to what type of civil society it will ultimately produce in the long

run, because this is simply an *unorganized liquid mass* often violent in nature. Thus it raises more questions than the answers it offers. The biggest worry is as to what would happen if this turned into an established trend of bringing down political (whether they are desirable or not) systems through. Moreover, too much of 'civic protest' might lead any nation into becoming a *banana state* where the one who shouts loudest is the one who wins and the country might ultimately fall into the hands of anarchists. Furthermore, too much of civic protest might reduce the role of political parties, which can be dangerous for the sustainability of democracy. A political order is necessary for a good society. Moreover, solutions cannot always be sought through violent protests. And opposition to the bad system does not always necessarily create a good system. The good system only is established if the civil society is civilized. For the time being, perhaps this might be the result of public frustration against age-old authoritarian rule and deceiving behaviour of political leaders. Therefore one cannot outright comment on this post-modern version of Nepali civil society at this stage. What is needed, however, to change the modus operandi of civic protests? This theoretical and practical fuzziness has a clear breach both in literature and discourse and logically puts a question mark on the nature of civil society and expectations underpinned on it.

6. Conclusion

In this paper, I have stated that the existing civil society in Nepal, including the surfeit of NGOs, pro-democracy groups, and civil society activists are highly laden with their own *perception of interests* and divided on partisan line with one foot in civil society and the other one out of it. Civil society in Nepal is not the story of *ordinary people living extraordinary lives*. It is the story of those who are vying for power and would like to maintain *status quo* by climbing the *civil society* ladder. Hence, theoretically, part of our civil society can be compared with the Hobbesian notion (the urban-based power-monger which exists in the state of nature); and the liquid unorganised unruly mass that occasionally challenges both state and market can be compared with the Gramscian notion of anti-hegemonic civil society and the rest with the Chatterjeeian notion of *oppositional* model that opposes everything that comes in the way through protests; it closures whatever comes in the way (positive or negative) without really going deep on its repercussions. This paper has also analysed the post-1990s civil society which, in tandem with political society, contaminated *state of affairs* during the nineties. But it certainly has emerged as an *alternative force* in recent time. In Scott's words, it has become the *weapons of the weak* on resistance to authority (Goody, 2001: 157). That said, civil society in Nepal is going through an *empowerment* process; exposing various issues confronting the nation despite its contradictions. The two models of civil society (the Gramscian and Chatterjeeian) put a question mark on the nature of civil society but this is obvious in a politically instable state like Nepal, which has been moving from crisis to crisis for more than half a century.

The challenge for the Nepalis civil society is to democratise horizontally and civilise *oppositional movements* by making them inclusive, representative for a wider arrange of social causes rather than fulfilling the interest of political parties; special groups *per se* or championing objectives of self-declared civil society leaders. Hence I have proposed the term 'inclusive secular civil society' to avoid both the theoretical and the practical bias existing in this field. This can perhaps be achieved by introducing civic education in schools; public opinion; discourse and pressure by right-based NGOs. This will elucidate a new breed of civil society free from clan and tribal loyalty, aiming to engage in the analysis of major rules and regulations of society, liberate people from primordial thinking and prepare them to rise above personal and familial interests. Only then

can we have a true civil society which will assist to translate civic virtues into practical life including conflict transformation/resolution.

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