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The Role of Political Parties in
Deepening Democracy in Nepal
**A Study of Party Image,
Issues at Stake, and Agenda Building**

Edited by
**Anand Aditya
Chandra D. Bhatta**

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Foreword

The political parties in Nepal have demonstrated an amazing feat for democracy restoration. But they have shown scant ability in institutionalizing democracy. Their challenge lies in the fusion of shared visions, moral leadership, and opening up for Nepali citizens an opportunity for a dignified life, liberty, and progress. Nepal's ethnic, caste, language, and religious diversity makes the society highly resilient and public-spirited prompting critical thinking and diverse solution, a precondition to deepening democracy.

The purpose of politics is to seek social peace and prosperity, not just to pursue empirical truth like scientists, or explain theories like the social scientists or perform rituals as the priests do. What distinguishes a university professor from a political leader is that the latter has to deal the real situation while the former has to deal with only disciplinary problems. The leadership's imperative consists in showing collective wisdom above partial interests, craft an effective national strategy to settle the constitutional crisis, and formulate a viable action plan for the future.

This however, demands a new vision and a fundamental shift from the traditional mode of thinking and behavior. Whereas the state and its citizens require no election to legitimize their existence as sovereign entities, all other non-sovereign bodies like the government, political parties, civil society, private sector organizations, NGOs and federations need periodic elections to approve their legitimacy and action. The more these bodies conform to the national values, rule of law, and democracy in their formation and mutual interaction, the better they become lawful in the public eyes.

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The individual citizen has an ultimate intrinsic value. If the individual identity of Nepali citizens is to be defined and dominated by the group identity of ethnicity, race, class, caste, gender, region, and religion, and fortified further by an exclusive group identity, it becomes easy to blame others for the cause of backwardness, not one's own self. Victimhood then makes compromise hard and scapegoating easy. Renouncing one's self at the mercy of society, ideology, and political party undermines the autonomy of the citizen while relegating public good undermines the general interest of the wider political community—the state. Nepal's constitution, therefore, tries to reconcile state sovereignty and popular sovereignty seeking to transform people into citizens.

The stability of democracy rests on the honesty of leadership to party statutes, predictable polices, a deliberative mechanism of decision making, smooth transfer of authority to local leadership, and its ability to build trust between the state, the civic institutions, and citizens. Political authority derives from elections, the trust of people and law and, therefore, its term is fixed. This means civic power of parties and institutional power of security, rule of law, integrity, accountability, justice and transparency require building a coherent vision, inter-generational circulation of leadership in the *bodypolitik*, and creating policies to mobilize the centripetal forces of society, erase the fault lines between the numerous parties and unite the citizens for cooperative action.

I hope, this volume on Political Parties, edited by Anand Aditya and Chandra Dev Bhatta offers some food for thought to induce a new mode of action and interaction for both the reader and the practitioner of politics away from the staid and stale rhetorics now dominant in Nepal. For the opinions expressed in the articles the authors themselves are responsible.

Dev Raj Dahal, Head, FES Nepal

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Editors' Note

In all likelihood, there never has been a time like this.

After ten cycles of political movements, twenty-four decades of dynastic rule, and full fifty-seven years of waiting, Nepal is now a Federal Democratic Republic. But along with its federal transition from an ancient feudal order, a new set of crises is also underway.

In fact, every decade in Nepal has brought its share of crisis or movement of one sort or another. But every such movement has also failed to become revolution in its true sense, just as every crisis was left unresolved. Left mid-way, a movement may be less harmful than a crisis, but a crisis left unattended can invite catastrophes. The **Crisis of Constitutionalisation** that now threatens our new-born republic, for instance, can turn out to be the Mother of all the crises in the days to come.

In the midst of such maddening melee, this volume does not try to cover all the problems in its course. It only draws attention to some major issues and agendas of the day, crying for immediate attention.

Conventional political theory tells us a lot about how and when to acquire power. That was what Machiavelli did and many of his school of thought to promote *realpolitik*. Conventional political theory, however, tells us little about *what* one can do and should do when power is achieved, even less about *how and why to share it with others* – which is the soul function of democracy, and virtually nothing about how to do it in a situation where contradictions born from exotic transplants of ideas abound; blind stakeholding holds in place of stakebuilding; and outsourcing rules the day in place of insourcing, unleashing conflicts and crises of catastrophic proportions. A lot of mischief follows as a consequence and in

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practice, however pure the principle professed and however pious the purpose presented. Recall the vivisection of states, disappearance of empires, and dismemberment of whole nations, even nationalities in the world's map in the past one century.

Of course, no metaparty musing is intended here. The pool of arguments and ideas offer alternative perspectives, another fundamental of democracy, because decisions based on deliberations between diverse groups are more likely to be right, more realistic, and more representative than those of partisan minds walled off from each other.

This new age also arrives with its own questions. Do we have the wisdom to settle them? Or, the gut and the grit to face the battle that lies ahead? Defending the democracy requires a new kind of approach that only parties can muster and mobilize. And, if politics is the game of power management, power must be comprehended, constituted, and socialized in a new way so that those who use it combine right with duty, power with responsibility, and authority with accountability, that can no more be kept divorced in any innovative management of power.

Crises, in such a context, need not become a matter to fear. Crises can drive us forward making us more robust and more resolute. Crises, in fact, can bring their moments of redemption, if there is the will to turn problems into solutions and the resolve to put in the effort. Every failure can then turn into success, every liability into an asset, every conflict into a lesson in peace, and every challenge into an opportunity. With the IT and online revolution now underway, the ongoing universal transition of paradigms, the Three-Track-Strategy unfolding, and the new tectonic shift of power imminent, a new era of opportunity structure stands at our threshold. Isn't this something we can all celebrate?

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If, in certain ways, the present moment looks like the worst of all our times, in more than one way, it may also turn out to be the best. Can the dawn be far behind when the midnight darkness is about to melt away?

Anand Aditya

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Abbreviations and Acronyms

BS	Bikram Sambat
CA	Constituent Assembly
CON	Constitution of Nepal
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal-Maoist
CPN-UML	Communist Party of Nepal-United Marxist Leninist
DDC	District Development Committee
DDPA	Durban Declaration and Plan of Action
DFID	Department for International Development
GON	Government of Nepal
HDR	Human Development Report
HR	Human Rights
IDA	International Development Agency
IDEA	Institute for Democracy and Electoral Assistance
IDP	Internally Displaced Persons/People
IDS	International Development Studies
IOM	Institute of Migration
NC	Nepali Congress
NCCS	Nepal Centre for Contemporary Studies
NEMAF	Nepal Madhes Foundation
NLA	Nepalis Living Abroad
NOSC	Nepal Opinion Survey Centre
NOTA	None of the Above
NRN	Non-Resident Nepalis
OSCE	Organization of Security and Co-operation in Europe
PC	Parity Coefficient
PDP	Physically disabled People
PI	Parity Index
PIL	Public Interest Litigation
POLSAN	Political Science Association of Nepal
PR	Proportional Representation
SIRF	Social Inclusion Research Fund
SODISA	State of Democracy in South Asia
T	Table
TPAF	Tank Prasad Acharya Foundation
UDMF	United Democratic Madhesi Front
UPR	Universal Periodic Review
UTOP	Universal Transition of Paradigms
VDC	Village Development Committee
WDR	World Development Report

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Minorities on March; Turbulent Tarai-Madhes

Reshaping Party Image and Renurturing Nepali Politics

Anand Aditya

“Every age must ask its own questions and seek its own answers.”

Richard von Weizsäcker

1 Introduction

1.1 Setting the Theme

Considering the uneasy, hesitant start and the dubious image with which Political Parties took off over two centuries ago, the course they have covered so far may well be regarded as stormy, even spectacular. In binding and breaking empires, they have played a key role even as they do now in felling, stalling or else, forestalling governments. Among the countries on the world’s map, it is now hard to find one country, whether a democracy or a dictatorship, without a single party and can one really imagine a genuine democracy without it?¹

“Originally devised to retain some officeholders in their jobs,” and formally regarded as an invention of the 19th century, Political Parties have thus become ubiquitous in today’s politics, “adaptable to all sorts of other purposes”, as a “miracle glue” of sorts.² Conceiving of politics without Political Parties, Geoffrey Brennan and Alan Hamlin say, “is like conceiving of football without teams.”³ Held by James Bryce to be ‘inevitable,’ Political Parties have become an indispensable feature of democracy since they make the private citizen a *zoon politikon*. Sigmund Neumann even believes they have become our fate.⁴ Two simple ways to realize their influence is the

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frequent suspension or total suppression of Political Parties by authoritarian regimes and dictatorships denying or destroying the spirit but retaining the shell, of the party organ. Related to the key political transformations, elections have also closely followed or preceded some of the most critical moments in nations' political history: the Rose Revolution in Georgia (2003), the Cedar Revolution in Lebanon (2004), the Orange Revolution in Ukraine (2005), or our own Rhododendron Revolution (2006), for just a few instances. Elections can, moreover, bring touching moments in people's lives: recall the black men and women crying on the TV on Barack Obama's election to presidency (2008) and eyes welling up in the Indian Assembly on Modi's election to premiership in 2014. Gerhard Leibhold even claims that the contemporary political order renders it a "parties' state" or *Parteienstaat*.⁵

But since parties are a subset of the nation and the larger global community, reflecting their success and failure, their virtues as well as vices, they are also not immune to certain weaknesses of the larger political domain.

1.2 Objectives

This study was, therefore, taken up with the following three objectives in mind:

- Undertake a broad status review of the Political Parties in Nepal considering the key achievements made and critical constraints faced, in the context of the issues related to the minorities and the Madhes Movement.
- Suggest measures to overcome the problems faced by the minorities, particularly in the political and electoral sectors.
- Formulate a set of agendas to resolve the issues.

1.3 Rationale and Relevance

The rationale for this exercise can be underscored in three different

ways. The first one is academic – the under-researched account of Nepal's Political Parties and party systems in general; the second justification is the deficiency of improvement measures attempted by Political Parties; and a third is the unique context of the day: the right occasion for redesigning the Political Parties and their roles in the context of restructuring of the State, one major agenda of the day.

The design and application of a new system in a State, however, demands a careful examination of system options and a comprehensive understanding of the character of all Minority groups and the role Political Parties can play. In that regard, special care has to be taken to clear certain confusions regarding the political concepts that still cloud the public mind and the role that parties can play in improving their image which is far from very positive.

The more one looks into the literature, the more evident it becomes that the problem lies not in the scarcity of the issues on which work is possible, nor even on the material that is available, but in the immense scope of exploration and the way one tries to organize the study. What this paper attempts to do is not to cover all the arguments possible, but only to offer the context and the rationale for political change.

A new school of thought in Germany investigating the cause of the Weimar Republic's end in 1933 believes that during the short 'Open Period' of transition that followed immediately after the end of the Kaiserreich, the opportunity to implement structural reforms that they consider might have secured parliamentary democracy was squandered. The emphasis on order ad absurdum that followed, instead, and the lack of political imagination and clear vision necessary in times of revolutionary change, it is claimed, brought the catastrophe.⁶ The situation in Nepal today is hardly different. Is it 'a democracy without democrats,' manifesting the symptoms of the Weimar Syndrome?⁷ At the core of the debate raging here is whether

it, too, is going to be a missed opportunity. Partly, this may be the reason that never before in this country's history has the need for a new party been felt so keenly by all and sundry and never before has it acquired so much appeal as now. Even in the USA Jeffrey Sachs, who upholds subsidiarity for local power, is now calling for a third party's role in his country to give more voting power to the poor and the minorities.

But where is one to begin and where to end? Clarity on the concept remains inadequately focused. Confusion on even the key issues and maladies is so pervasive that many in power and pretending to know may neither know the cause nor the cure. Hence the stress on clearing certain cobwebs from the minds of the public and the political actors and agencies as an essential step in mythoclasm.

The fast erosion of traditional authority, the pace of political mobilization, accelerating social participation, growth in the overall socioeconomic status of the median voter, and mass exposure to IT and science and technology are each intensifying the quantum and quality of globalization, liberalization, and development in an unprecedented way. The political impact of these processes on both the citizens and parties, election, and attitudes, are bound to be enormous and enduring – an impact no observer can ignore anymore. In any serious appraisal of the movements now underway – be it the minorities on the move or Madhes upsurge – the issues must be probed adequately and agendas must be set and formulated with the care they deserve, keeping in view a whole array of developments on the political front. The voter's dependence is decreasing. Party salience is declining. The role of civil society is rising even as the republican zeal is likely to soar with a growth in the socio-economic status of the mean voter. And, as a converse, monarchism faces a steep decline in the days to come. Democracy is likely to broaden and deepen. With secularism rising and mass

enlightenment growing, the traditional role of religion is going to decline, the occasional spells of its revival notwithstanding, Hard power may witness a steady descent in the role of the State even as realpolitik faces a robust challenge in the days to come.

Against such a perspective, some of the more specific reasons for taking up this study are offered by the SWOR analysis below in Chart 1.

Chart 1 SWOR Analysis

Strengths		Weaknesses	
1.	Citizens' trust in Democracy and aspirations from elected governance (ref: Survey Finding)	1.	Prevalence of Political Myths and Fallacies (ref: Text)
2.	Incorporation of democratic principles, PR in ICON (2007) and constitution	2.	Weak Consensus, Compromise, and Cooperation Culture
3.	Constitutional support for Inclusion	3.	Image Deficit
4.	Statutory provision for support of Women, minorities in representation and executive posts	4.	Electoral deficit
5.	Multiparty governance incorporated in constitution	5.	Poor Rule Implementation
		6.	Electoral Malpractices
		7.	Political Corruption
		8.	Legal Paralysis
		9.	Impunity
		10.	Weak Electoral Commission
		11.	Weak Conflict Management and Crisis Coping Capacity
Opportunities		Risks (Threats)	
1.	Universal Transition of Paradigms (UTOP) ⁸ , Multi-Track Approach, Parity Index, Electoral Redesigning	1.	Political Instability and Uncertainty
2.	Right to Information, NOTA, PIL	2.	Extra-Constitutional Protests/Movements
3.	Constitutional incorporation of provisions related to Political Parties	3.	Cooptation of Electoral Agenda
		4.	Conflict, Crisis
		5.	Acephalic Political Movement and Secession

1.4 Methodology and Data Sources

The study is based on a broad review of the existing literature including reports, surveys, articles, and observations substantiated by empirical evidences obtained from survey materials (the IDEA,

SDSA, and other ones), and the Human Development and World Development Reports.

1.5 Study Outline

The paper is divided into five parts. After introducing the theme in Section 1, Section 2 offers a conceptual perspective with a background on the minorities and the Madhes in Section 3. The third section also attempts a brief survey of the images and attitudes about Political Parties among the public at large in addition to a brief explanation about why public diplomacy is needed which is followed by a set of measures in Section 4 and finally conclusion Section 5.

2 Conceptual Perspective

2.1 Twelve Myths of Nepali Politics

“The cat has nine lives”, goes a proverb. Myths also manifest themselves in more than one form with multiple impacts, particularly myths of politics that exert enormous influence over the mass mind, since they are related to power, State, and government and affect the lives of not just individuals and organizations, but also whole nations and societies. There is certainly no dearth of myths and fallacies clouding the debate in Nepal’s politics. The assumption, for instance, that adequate literacy pushes up women’s participation in politics is belied by the situation in Sri Lanka. The idea here is not to exhaust the list, but only to select the most topical among them that relate to the context at issue.

- 1 MYTH OF MAJORITARIAN SUPERIORITY – A Westminster borrow-over that claims majority is here to rule and others are there only to oppose and play a subservient role, is contravened by the frequent failure of majoritarian systems in the developing countries and the success of PR and coalition cultures in Belgium, Finland, Italy, Mauritania, and the Netherlands where Political Parties share power in the governance mechanism.

- 2 MINORITY MYTH (Minorities in government promote the cause of the minorities) – Counter-example: Dalits in India.
- 3 GENDER MYTH – Nomination raises the scope for election. Counter-example: The 5% joke of nomination in Nepal.
- 4 DIVERSITY MYTH (Diversity breeds conflict) – In reality, diversity can enhance the resilience and survival capacity of a system. The problem lies in managing diversity. In fact, a high degree of diversity, argues Sigmund Neumann, offers a climate for a functioning democracy if it can counter the deleterious impacts of caste and facilitates free interplay of associations with the parties serving as their forum.⁹
- 5 IDENTITY MYTH – The idea that the identity of an individual, group or community can be reduced to a single factor – ethnic or otherwise – is a dangerous fallacy. One example is the claim that the Newars of Nepal constitute a *Jati* (ethnic category) or a *Jat* (caste). The fact is, they are neither; they are a community, something like a melting pot or even a *protonation* of sorts.
- 6 UNITARIAN MYTH – Compared to the federal mode of governance, centralized unitary rule sustains the unity and solidarity of those governed, some believe. A claim that flies in the face of the fate that has befallen Britain's rule of countries which could not prevent the secession of the U.S., its other colonies, and Ireland. The Scottish referendum is still an alive issue. The other empires which, too, were not federations, disintegrated because they were all centrally administered. Almost a quarter millennium of centralized rule in Nepal has kept it intact so far, but inside its physical frame, is the nation's heart throbbing? With voices now rising in sharp rebellion and with myriad minorities on march with their threats to secede, only a genuine devolution of rights, powers, and authority is likely to let them evolve together as a true state-nation.

- 7 CLASS MYTH – Contrary to the thesis on abolition of class, class, in all likelihood, is a universal biological instinct (recall bees with their queens and street dogs barking at rag-pickers) genetically ingrained in all living animals, including humans, and may be very difficult, if not impossible, to abolish. Class, moreover, can form itself in more than one way, in as many ways probably as values are, even if the economic class somehow disappears from society.
- 8 PROLETARIAN MYTH – With the forces of globalization now underway (liberalization, global migration, including marketization and privatization), the upward transformation of the Proletariat into a middle class, particularly with the growing pace of democratization, human rights, IT, and expansion of the service sector looks irreversible.
- 9 POWER MYTH – Power, in the Communist ideology, is a neutral tool that, once seized by the workers will change the world, a view that forgets its corruptive, blinding, discommunicating, and addictive influence. This is an over-simplified version of the truth. After Marx, enough has happened in history to suggest that the Party has often hijacked the role of the workers, transforming, rather than abolishing, the role of the State and making the Party, instead of the workers, the dictator. The process of power aggrandizement and subversion is a familiar feature by now. They will do it by means fair, if possible; foul, if necessary; and will try to fit the facts into theory. If they cannot, they will change the facts.
- 10 THE MADHES MYTH – Orocentric chauvinism that holds that Madhes does not exist on Nepal’s map (belied by the term for two ‘Bhitri Madhes’ districts) and that they are working as surrogates for an alien agenda (against the nation’s interest) and cannot be trusted for army recruitment.

- 11 MYTH ABOUT ELECTORAL CORRUPTION – Those who believe that electoral corruption is here to stay can take a page or two from Taiwan of 1994 where a crackdown on the problem by Lee Teng-Hui, the president and Ma Ying-Jeou, the justice minister, was effective in indicting 436 politicians and conviction of half of them. The campaign yielded 4,375 local court convictions using wire tapping, forensic accounting techniques to track unusual movement of cash and the role of police in investigating suspected cases of vote buying, which rendered the election in 2000 the cleanest in Taiwan’s history.¹⁰
- 12 CIVIL SOCIETY CANNOT PLAY EFFECTIVE ROLE – Reality tells us a different story. Some 25 cases from 17 countries covered in an analysis of sixteen years between 1980 and 2005 suggest at least nine types of roles were prominently played by the civil society, the most frequent being the CSO-State dialogue, followed by ouster of the ruling regime and agenda building, democratization, and electoral pressure, with interfaith activity, peace negotiation, formation of Political Parties, and exposure of corruption at the tail end.¹¹ Another lesson comes from SPEAR (Society for Promotion of Education and Research), a civil society organization in Belize which led a campaign successfully for democratic reform and education through a people’s manifesto for the 1998 election, establishment of a Political Reform Commission, educational video, and a workshop kit on exercising peoplepower.

2.2 Realpolitik and Its Fallout

Conventional politics tells us much about what to do, why, and how when power is at hand. That is what Machiavelli did and Hobbes explained, and that is how realpolitik ruled the world for three centuries to sustain the Westphalian order, the Balance of Power paradigm, and the predominant role of the state based on force,

violence, and hard power (*machtpolitik*). One clear bias of the realists is the assumption that states are the only important actors in politics and that the traditional interests of the state are unchanging interests. The overall role of the state, in fact, is now being seriously questioned. The state of Swiss neutrality today, too contradicts the proposition on unchanging interest.¹² This bias also goes against the second principle stated by Hans J. Morgenthau in his definition of political realism formulated decades ago that says the content and matter of the use of power are determined by the political and cultural environment and that conditions are changeable. Another principle worth noting is that political realism refuses to identify the moral aspirations of a particular nation with the moral laws that govern the universe.¹³ Thus, in a world where terrorism is globalizing faster than justice and discontent and demands are soaring higher than achievements, realpolitik is now proving outdated and inadequate, prompting us to look for an alternative political approach and attitude. Using realpolitik to solve the political problems of the new century is using a 14th century map to reach the Galapagos Island. In a nutshell, realpolitik has not only allowed the powerful to extract what they can compelling the weak to grant what they must, it has also brought considerable misery, conflicts, and crises based on myths and fallacies. Admiral Zumwalt's apologies took eighteen years to come post the 7th Fleet fiasco in the Bay of Bengal in 1972; Henry Kissinger needed strategic defeat in South Asia to acknowledge the weakness of his policy in 1975; Robert McNamara suffered the Vietnam debacle to write out his confessions; and Eduard Schevardnadze had to swallow a humiliating retreat from Kabul to admit the Soviet intervention in Afghanistan was the most serious violation of civilian human values. The damage caused was as profound and spectacular as were the confessions that followed, but the confessions came, unfortunately, long after the water had passed over their heads, which leaves one

wondiring; H Djalases, Karmals, McNamaras, and Manavendra Roys are lost to history before they could tell the story of the radical transformation they underwent?

2.3 Universal Transition of Paradigms (UTOP)

In virtually every crucial socio-political sector, be it security, human rights, power, or state function, one can notice a fundamental change in the attitudes, outlook, and approaches taken so far not only in defining, but also in operationalizing and strategizing the issue and agendas. This has been fundamentally affecting the mode of interpretation and perception of the variables under consideration, a consequence of the global processes now underway – democratization, liberalization, migration, privatization, marketization, and other forces which look irreversible. The chart below presents some of these changes underway.

Chart 2 Universal Transition of Paradigms

From	Toward
State as source of sovereignty	People
Nation-state	State-Nation
Nationalism	Humanism,
Balance of Power	Balance of Interests
Hard Power	Smart Power (Hard + Soft Power)
Gravitation of Power	Diffusion
Clandestine Transactions	Transparency
Military Security	Human Security
Majoritarianism	Consociationalism, PR
Unitarianism	Pluralism
Elite Diplomacy	Public Diplomacy
Formal Representation	Substantive Representation
Upward Accountability	Downward Accountability
Stability in Governance	Public Welfare
Stakeholding	Stakebuilding
Economic Growth	Development

As a universal political organ, if there is an agency that can play a crucial role in facilitating the Universal Transition of Paradigms (UTOP), it is the political parties. But this is a role that has hardly

attracted the attention of parties here. In Nepal’s context, for instance, the promotion, or acceleration of the calls for the vigor of an organized body that only a party holds. Individuals and groups of citizens may be of help but only to a limited extent. Such task, moreover, does not formally lie in the domain of a government, preoccupied with other more immediate concerns. The civil society and NGOs can certainly ally themselves with political parties in the effort. The new stakes and roles that emerge can go far in intensifying the pace of transition, but the whole mechanism demands careful consideration.

The role of political parties, of course, does not end here. Activating Track 2 and Track 3 demands a certain kind of framework and preparation in the absence of which the other initiative takers, governments or I/NGOs, may fail to achieve the results sought. The political parties can prepare the groundwork needed through training, orientation modules, and campaigns, setting the stage for the policy designed. Chart 3 tries to specify the advantages and key elements of each track.

Chart 3 Multi-Track Approach to Governance

	Track One State-Based	Track Two Elite-Based	Track Three People-Based
Population Involved	Rulers	Elite	Masses
Strategy for Action	Command	Mobilization	Participation
Nature of Mechanism	Authoritarian	Patronistic	Democratic
Level of Transparency	Closed	Partly Open	Transparent
Decision-Making	Centralized	Delegated	Decentralized
Nature of Regime	Hegemony	Oligarchy	Decentralized
Social Capital (Trust)	Very Low	Low	Medium to High

Putting minorities in power is one aspect of the problem. Transforming attitude and behavior is another equally important dimension related to capacity building which is more complex and time consuming.

2.4 Measuring Community Progress

While the idea that every community must get represented in the parliament and other sectors of the nation's life is fast gaining ground (evident in its frequent use in ICON,¹⁴ CA Members Act, and other documents), particularly over the past half century, the absence of a concrete measure, a kind of statistical indicator, to compare the status of various human communities, say minorities here, at a particular time (t1) or its progress (say from time t1 to t2) or its status compared to other communities (M1 ... Mn) has effected comparative status analysis so far. Proportionality deserves serious consideration, because, as one observer puts it: "Proportionality provides justice to various socio-cultural groups according to their population size and which also influence [sic] distribution of resources."¹⁵ It is in that context that this paper proposes a simple summary figure as an index which is not only easy to understand but also simple in use and that makes comparisons possible over both space and time. Termed *Parity Index*, it is the ratio of the share in percentage of a community in a sector (say here MPs in the Parliament) divided by its share (in percentage again) in the total population or,

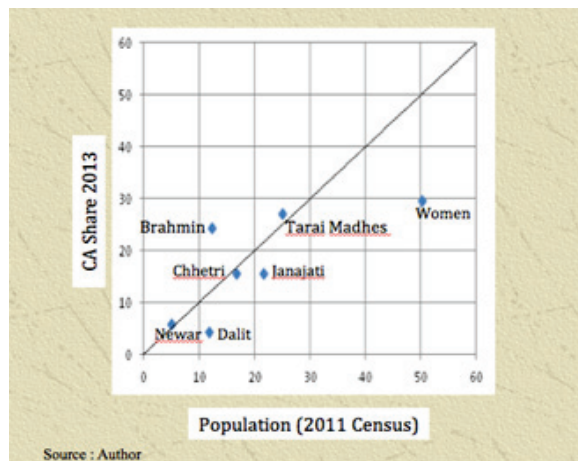
$$PI = \frac{\text{Percentage of a Community in a certain sector}}{\text{Percentage of the community in the total population}}$$

(Scale 0 to 1 with figures below 1 representing under-representation and figures above 1 over-representation)

The various PI figures for a set of communities (M₁ ... M_n) can be shown on a graph (an example of which is given in Figure 1 of this study for some minority and majority groups of Nepal) where the diagonal represents the line of perfect parity, a position below it indicates non-parity, and points above the line super-parity, the implication being that higher or lower the position and the more distant it is from the diagonal, the more extreme the disparity. The advantage in such graph plotting is that it gives an instant view of

the relative positions of a number of communities and also over time. The term closest to parity is proportionality.¹⁶

Fig. 1 Parity Index for 2013 CA Election



2.5 Political Parties in the 21st Century

The ability of a party system to relate concrete interests to public policy and shape them into public issues depends upon more than one factor. The first one in that regard is party culture, the tradition parties in a country have in the course of their evolution developed over time to handle issues, the norms established, and the skills or techniques acquired to resolve problems, manage crises, and address the challenges rising. Obviously, the longer such history, the more specific the skills, the more clear the norms and the easier it is for a party to take up an issue, comprehend their valence, define them, formulate strategy to resolve, frame them, and follow up on the process of issue evolution in a way that best suits the interest of the citizens involved, the constituency concerned, and the society at large. The ability to handle issues is also a function of the kind of organization a party has grown into, its sturdiness and authority,

and the resources it commands. Party leadership plays no small role in the way issues evolve. But one cannot also rule out the background political environment plays. Consider the issue of identity in Nepal's context, to illustrate the point.

Three observations are in order here, before proceeding ahead. One, the role of Political Parties as a **stakebuilder** is not coterminous with its role just as a **stakeholder**. Its role in building stakes is often much more fundamental and hence primary than that of most other agencies, whether political, parapolitical, or non-political. Two, the nature and magnitude of that role is determined by a country's particular context and environment. Three, in a more particular way such role is conditioned by the specific stage of the State and its politics – whether it is in a state of formation, transition, consolidation, or stable equilibrium. The crisis of consensus that Nepal's Political Parties are now facing can be explained in terms of their capability to see and build stakes together with other political actors.

Given the background that Political Parties in general have, with the short span of their history and the continuous struggle that they have had to wage against the ruling regimes, the litigious mode of issue handling and agenda building here should hardly surprise the observer. Given, moreover, that the genesis and evolution of almost every issue follows a certain dynamics, a dynamics that demands a closer and deeper study and follow-up than it so often receives, precludes the possibility that parties would be able to handle as sensitive an issue as that of identity through their ad hoc approach.

How much aware are the people here of identity as an issue? Is the organization doing anything to enhance issue literacy? Is the party itself sensitive to the issue valence of identity and its implications, positive and negative? What implications does the valence of identity bear for social and national integration? How is it

planning to address the problems that the identities of more than hundred ethnic groups here raise when they are fully aroused, mobilized, and sharpened? Given the diversity here, it will certainly not be as easy to face them as for the parties in China or Korea where the population is almost or absolutely homogeneous (95% Han and 100% Korean in the two countries respectively). The process of issue socialization (orientation and education) for the various communities, too, is not going to be exactly uniform for the same reason, particularly if there is no agency or program to coordinate, monitor, or evaluate the process. A casual look at the party manifestos will show how lightly that issue is being taken. Also, reorienting leadership and party cadres on any issue at stake comes before reorienting the mass at large. Has it been done and done adequately? The question is important because before proceeding further the party itself must be prepared fully to take the case forward before the mass. What often follows, however, is a kind of partisan and shallow handling instead of a broad sharing of the views and developments and adequate deliberation, dialogue, informed debate, even academic discourse, to weigh up the pros and cons on the particular issue at stake. Only such an exercise can lead to a rational policy decision and development of strategies for the party and government. The risk of going astray, and the risk of the whole process of issue management going out of control multiplies manifold unless the party takes the issue up as a key priority in its agenda and sets up a cell for the same purpose. This logically would mean a certain body and set of rules to study and research in order to analyze and synthesize the findings to bring up a package of strategies so that the issue can be handled properly. All that, however, remains a matter of imagination and idle planning here in the unmusical race of parties for chairs.

In a situation where the political community remains distinctly divided and deeply polarized, it is hard to imagine that a national

society will emerge soon enough to respond capably to the multiple challenges of the various kinds of system crises that rise separately, successively or simultaneously. Of all the projects politically possible, nation-building is least likely to prove an instant coffee-kind of experiment, least likely through a ruler's or regime's fiat of state decrees and designs, however piously ordained. Nor can it be paced up as a joint venture of a syndicate of political parties, if a substantial part of the country's population is left out.

When this happens, the major role for the Political Parties would be to try to reconcile the divisions and reduce political polarization. But when ideology and partisan bias in one form or another begin to denigrate the evolution of party regimes, such a mediatory role can least be expected to come into play; even if they do, it may become ineffective. While this may explain some of the failure of the present party politics, another important reason for party system paralysis is the desperate effort to outbid and outflank every rival in their power game. Making a choice between any two parties for the average voter then turns into a choice between the tweedledum and the tweedledee. The difficulty gets further aggravated by the proliferation of parties where distinguishing between the numerous platforms, programs, policies, and pledges poses a formidable challenge for any voter, a task complicated further by the absence of a system of keeping a close watch on the background of the candidate and what the winner does post-election, even whether the party follows up at all on the promises made in the course of its campaign and before and after. In the absence of a system of public scrutiny and in a situation where vote banking has been taken almost for granted, such devices can be proposed, but can be least expected to function.

It is a situation best depicted by Lucian W. Pye, which he stated when he referred to the plight of the Asian political system at large:

“they can neither get along well without Political Parties nor work well with them.”¹⁷

Parties thus matter and they matter in more than one way. The primacy of politics, even in the complex process of development, is recognized to be fundamental and decisive.¹⁸ The positive gains made in the aftermath of the Rhododendron Movement of 2006, the incorporation of PR, inclusion, and the Parity Principle in the Constitution, the abolition of monarchy, and the establishment of Federal Republic are each radical changes. But along with them the pathologies of Nepal’s body politics are no less acute – crisis syndrome, chronic political instability, grand corruption, expanding impunity, political crime, electoral deficit, legislative paralysis, policy failure, each suggest the transition from feudal monarchy of federalism is going to be tortuous and torturous. All this prompts a fresh review of the role political parties can take up in the days ahead for revitalizing the politics of this land. But unless parties chart out a radically different track from the conventional approach (which hardly works), there will be no way out of the present conundrum. In that regard, one prominent leftist political activist notes that the greatest problem of the country is that the political parties here lack a vision to direct their way.¹⁹ They need not borrow the styles blindly from abroad which they often have done so far, nor do they have to adopt and copy intact models and principles such as majoritarianism and campaigning modes each of which have brought immense harm to the evolution of the body politique of this land in general and party structure in particular. A new public debate and discourse on the issue must start, but this is beyond the bounds of this paper. What can be safely surmised forthwith is that a holistic restructuring of the party organization, its vision and mission, as well as of its strategic framework, is needed.

In place of the traditional command and control mode, use, for instance, can be made of the huge diversity of non-state, parastatal

agencies, and civil society bodies working in collaboration with them to broaden both ownership and legitimacy together with investment efficiency and efficacy by distributing roles and resources in a kind of partnership in place of the prevailing rivalry that breeds conflict and paralysis. Such a strategy also downloads much of the burden that a party has otherwise to bear.

In one way, at least, parties are like the traditional state, which used the logic of Westphalia to deny access to its hallowed ground, but they must open up some of their working space to make such partnership possible and enduring. This would go a long way to improve their repressive, exclusionary, corrupt, closed, and unaccountable images. They may now have controlling power, but they often lack 'constructive' power: the ability to reconcile conflicting interests and to design and help implement public policy. Most of them, moreover, lack the ability to take prompt timely decisions or even prioritize. The failure of every major party here last year to mobilize their youth bodies in the quake-affected districts came dramatically to the fore when they waited for full one month, till the arrival of foreign aid, to leave for fieldwork.

Progressive change in party behavior can occur when bargaining allows different groups to identify and converge on common interests and find ways to pursue them. Parties can, moreover, build up new kinds of stakes and help in shaping opportunities for collective action. They can also transform various forms of soft power into political authority, which is now so sorely lacking, thanks to the steady erosion in their image, but this demands assiduous efforts, skill, and strategies not always available.

Increased transparency, accountability, information, the scope for broader mass participation, and expanded inter-agency partnership are all important for supporting and expediting collective action, but they are not sufficient.

What renders the venture sufficient is the will to play an active role and face the challenges that come in the way. Even more important will be the ability to transform the personal will at the micro-level into a public will by effecting a fusion of the individual wills that alone can give it a focused sharpness with the momentum to drive itself forward and keep going till the goal is reached. All this, of course, does not happen overnight. It demands the flair of a leader, his unique ability to give face to the faceless crowd, vision to the mass mind, voice to the people's aspirations, and eyes to their movement. It is only then that thousands of hands come to collaborate and millions start marching behind. Pericles' peroration on Athenian democracy, Ben Franklin's speech on America's newly found independence, Abraham Lincoln's Gettysburg address, Lokmanya Tilak's call for *Swaraj* (Self-Rule), Gandhi's Salt March, Mao Tse-tung's Long March, Subhash Bose's March to Delhi, and Martin Luther King's Freedom Dream Speech were all sparked and fuelled by some such spirit. But no little is the role played in promoting party work by the sense of sacrifice often demonstrated by leaders and party workers from time to time. George Washington declined the offer of crown; Nyerere left his government to rebuild his party organization; U Nu stepped down in 1956 to "cleanse" his party; Tungku A. Rahman resigned his premiership to prepare his party for the polls in 1959; and President Cardenas of Mexico cleared the space for his successor in 1935 voluntarily despite insistent calls from his party to run for another term. They were all thus example setters. In our own case, too, Sardar Gunjman, Ram Raja, and Ganesh Man Singh declined the premier's post offered, but these are rare exceptions.

2.5.1 The Constitution We Are Missing

The classical definition of crisis, says James O'Connor, is the turning point of an illness wherein it is decided whether or not the

organism's self-healing powers are sufficient for recovery.²⁰ The trends and patterns of the unrest in the South suggest there is not just one crisis, but a whole set of them, as will be clear from the discussion below.

Crisis Syndrome

If one is to go by the various kinds of crises that developing systems are found to be ailing from and the diverse sets of crises that political analysts have propounded for developing polities, Nepal appears to be in the grip of a number of crises at the same time, a crisis syndrome of sorts. In brief, eight major types of political crises can be delineated: Capability, Development, Transformation, Stability, Governance, Equilibrium, Leadership, and Constitutionalization.

a. **Capability Crisis**

The five capabilities proposed by Almond and Powell (extractive, regulative, distributive, symbolic, and responsive)²¹ at the domestic and international levels face a situation of crisis in Nepal.

b. **Developmental Crisis**

Nepal is also facing the six developmental crises – Identity, Legitimacy, Penetration, Participation, Integration, and Distribution – conceptualized by the Committee on Comparative Politics of the Social Science Research Council²².

c. **Transformation Crisis**

The three hypotheses on modernization crises are Crisis of Institutionalization relating social norms to structures, Crisis of Socialization relating structures to behavior, and Crisis of Internalization relating behavior to norms put forward by David E. Apter.²³

d. **Stability Crisis**

The Mobilization-Institutionalization Hypothesis which says that

if an increase in political participation is not matched by a corresponding increase in the complexity, autonomy, adaptability, and coherence in the nation's political institutions, instability results (which explains why there is such a high frequency of regime and policy turnover in Nepal), this argument is derived from Samuel P. Huntington's Stability Crisis Proposition.²⁴

e. Governance Crisis

On the governance front five crises are evident – of confidence, goal consensus, political competence (leadership), of policy consent, and corporation in rule implementation which severely constrain the decision makers' capacity to resolve the problems, conflict, and collaborate on policy implementation.

f. Equilibrium Crisis

A significant disparity between the three interest variables (right, power, and authority) and control variables (duty, responsibility, and authority) is likely to produce problems of social cohesion, crime, corruption, and chaos and the crisis of accountability that pervade present-day Nepali politics.

g. Crisis of Constitutionalization

Narrowly defined, a constitution implies the nature and structure of a polity and, defined more broadly, it embodies, represents, or reflects the historical experiences of the past, the constitutional experiments underway at present, and the political ambitions and expectations (goals) of and for the future. It is thus not a point event, but a continuously evolving process subsuming the ordeals and achievements of a dynamic polity, learning from both the successes and failures over time, incorporating the challenges faced, problems solved, and lessons learnt. This is what most constitutional exercises of the still evolving democracies in the West – UK, USA, Switzerland, and the Scandinavian States – tell us. The

course that Nepal's constitution takes tomorrow will decide the destiny of this land in the years to come. But if it is to be a successful journey, it cannot traverse a very different path. It is thus the legitimacy of the already adopted document at issue, as also its ownership and efficacy. There are certainly other stakes as well, of confidence, of commitment, of competence, as well as of compromise and consensus which will not come overnight, but will need time to build up, the test of which will lie in the implementability of the rules designed and the slow institutionalization of the whole process. At a time when terrorism is globalizing much faster than justice, discontent is rising more rapidly than democracy, the enemies of the Republic are bracing up to return their hallowed monarchy, and the votaries of violence are resetting the stage for another round of insurgency with secessionary thrusts, the key challenge of the agenda of Nepal's new constitution, will lie less in holding the old stakes and more in building them anew some of which may be unfamiliar to the mass. The means starting a whole new process of stakebuilding on values, among others, confidence, commitment, competence, compromise, and consensus so that a tradition of political cooperation starts and political communion of the hearts and minds between the leaders and the citizens evolves in course of time. Only this can assure adequate implementation of the rules formulated and enduring institutionalization of the constitution as the supreme law of this land.

Pressed between centuries of tradition and long-awaited structural change, Nepali state today faces a challenge it never did before: the challenge to maintain the right kind of balance so that we can all move forward and move together. This conjunction of change and challenge has also brought a certain crisis – the crisis of confidence and credibility in implementing and institutionalizing the constitution, in brief, the **crisis of constitutionalization** – that, if not managed properly, may not only derail the twin processes of

democratization and development, but may also undo all the achievements made so far in terms of the human struggles waged and sacrifices made. The trust deficit is so deep that the partners of the Nine Point Agreement are already at loggerheads charging each other and, warns one party leader, if the statutory gap remains, not one out of the 400 laws formulated so far, it could create a constitutional vacuum²⁵ if the next 22 months roll by as they have so far. The failure to support Girija for the post of President ended consensus, polarizing domestic politics and the inability to put up the contentious issues to vote in the full CA led to the collapse of the CA without the MPs getting a chance resolve the differences through democratic mechanism. These were two of the mistakes openly admitted by the Maoist supremo. But the question here is: Why did not they take the right step in time?²⁶ The fundamental challenge before us all is thus to weave together this state of minorities into a state-nation which all can own up as our common home.

Much is now being made of the new constitution, going by the praise lavished on it, particularly by its founders. Self-praise, however, is no recommendation. A similar adulation did not save its predecessor, the Constitution drafted after the movement of 1990, on whose sustainability this observer had expressed his profound doubts just before the 2006 movement in an open seminar to two of its founders who were hardly in a mood to appreciate the point. What followed immediately is history, and even at its best, the present document looks like a hollow victory.

The constitution that we have in mind is the product of four elements – robust principles to guide our course in transition and binding us all together with a purpose to steer us forward toward our destination, and the right process to lead us, manned by capable personnel (leadership). The constitution, however, is also a document whose pledges get fulfilled only over a course of time. It cannot be a readymade promise to be delivered at one go: partly it is

the excitement of the suspense that keeps the effort going. For the same reason, it is as much a pledge for consensus as for compromise of give and take and as much for interaction between parties today as for the future, to be redeemed in the days to come.

But the constitution delivered after the election of the second constituent assembly has somehow hit a snag fuelling the regional movement in Tarai-Madhes that shows few signs of abating. More than five dozens of lives have been lost in the five months of the unrest and the countless measures of human blood, tears, and toil have failed to yield the document the people have been waiting for over the past six decades. Even before the ink was dry, clamors for amendments began to rise. What went wrong and where?

Turbulent Madhes signals a crisis hardly faced by the state before. Conflict grows in injustice, but it thrives into a crisis when injustice remains long unaddressed and pledges made are abandoned. More than a frozen document of pious promises, uncertain premises, and declarations of ambitious future intents, a constitution is the vision of a nation's future that must instil not only hope for the mass at large, but also the faith to live for and prosper by and the zeal to work together. It must also assure them a safe hearth and a secure home, preserving their identity and rights and protecting their past heritage. This alone can weld an indivisible common solidarity of the people to steer safely and steadily the course of this new-born republic's delicate transition toward prosperity for which thousands have struggled, suffered, and sacrificed all they had. If it is to become a sacred pledge made in eternity to the people to be delivered over time rather than a mere wish-list like the past six constitutions, it has also to become a compromise that binds us all together in a communion of hearts where we not just give and take, but also care and share. For only thus can a constitution truly hope to become a tidal force to lift us all together from the persisting poverty and misery rather than a boat

with just a few fortunate aboard, abandoning the rest high and dry to their fate.

2.5.2 A New Nationhood in Making?

Given the calls now being made for an independent Madhes, what lies ahead? That Norway seceded peacefully, as did Singapore and Slovakia, does not mean every such secession will be painless or peaceful, enduring or even beneficial. The vivisection of India has failed to solve the basic problems of the subcontinent and a divided Korea has benefitted neither side. Post-war separations of Vietnam, Yemen, even Germany did not endure beyond a half-century. It is in such a context that the risks of postponing the cognate processes of national integration and liberation of minorities until they turn into the direst hazards become manifest not just in the calls for separation in Nepal's South, but also in the multiple crises this state is facing, each of it as much a cause as a consequence.

But, if there is the right to renounce citizenship as a part of one's membership in a nation-state, why not admit a group or region's right to withdraw from that body? According to the Harm Principle, if it is impermissible to interfere with an individual's liberty as long as her choice does not harm others, it is equally impermissible to interfere with a group of individuals' efforts to secede, if such efforts do not harm others²⁷. The Right to Secede in this sense finds its best justification in the Right to Dissociate, the logical converse to the Right of Association or as a close parallel with the Right to Emigrate as an outcome of the Liberal Paradox²⁸.

Apart from the difficulty that attends the problem of defining precisely the harm that could follow post-secession or even in the course of the process of secession itself (recall the carnage that followed the decision for India's partition) – harm to the host state and harm to the seceding body – the problem of obtaining the right mandate for such secession remains. Who mandates the decision, in

what ways, why, and with what net effect are certainly questions of crucial relevance, the answers to which will not be easy to find or explain convincingly. Third is the vulnerability that the decision can bring to the loser state, the secessioner, or even for the third party, in this case, our neighbors in the North as well as South, an area of unexplored speculation, but obviously fraught with grave risks of proportions difficult to imagine presently. The implications may even unfold processes of irreversible change in a chain or cumulative sequence. Fourth is the domino effect that may follow in a multi-diverse country like Nepal itself where a homogenous region is an exception rather than the rule. There would be no end to secession, if the principle is applied literally. In the central Himalayas, the risk of a giant buffer hole opening cannot be ruled out, constraining not just the relation between the two large neighbors, but also threatening their security apart from the multiplier effect it could unleash for the populations on both sides of Nepal's border. The separation of Bangladesh could not be foreseen in 1947 when Pakistan separated and calls for further separation there is not yet a matter of the past. Finally, given the reality of multifold deprivation – vertical and horizontal – who can assure elimination of that malady post-secession, which is the prime claim of the demand-raisers? But most, if not all of such consequences and possibilities could be taken care of through certain tested mechanisms of consociational democracy in Nepal's federal system as far more acceptable alternatives to the constitutional right to secede.

- a) CONSTITUTIONAL GROUP VETO RIGHT: in John Calhoun's terms, the Principle of Concurrent Majority, it is the right of a group, such as state or province, to bloc national legislative proposals.
- b) CONSTITUTIONAL RIGHT OF NULLIFICATION: the right of a unit in a federation to declare in its territory null and void an item of federal legislation.

- c) MINORITY GROUP RIGHTS: language rights (in Canada, for one example) for cultural minorities, that guarantees an official policy of bilingualism in public curriculum.

The problem here in Nepal is not only the regional conflict that the turbulence in Tarai-Madhes has brought to the fore. If in a society people just leave side by side, juxtaposed as in a crowd, isolated and without real ties, the situation can be compared to a mixture in chemical terms. Integration implies something akin to the emergence of a composite material, not just absence of conflict.

2.5.3 Party and Political Stability

Instability is a familiar feature of Nepal's politics – in all forms: legislative, executive, and cabinet. The aspect ignored is a sustained search for measures to prevent and forestall it. The origin has two roots – the court feuds and the failure of the parties involved in the abolitionary movement of 1950 to accommodate each other, reflected picturesquely in the various parties' response to the royal take-over in 1960, which also reflected the absence of a 'strong popular base for party movement as a whole.'²⁹ While the occasional hibernation and periods of political exile of the various parties explain, partly, why the mainstream parties that later took over power failed to inaugurate regimes of order and stability in Nepal, the power incumbents following 'revolutionary' movements lacked the authority, and will as well as skill and experience to establish stable, peaceful regimes such changes demand. Since issue management and agenda building both call for a certain kind of will and skill - debating, deliberation, discussion, and dialogue for compromise, conciliation, consensus building, and cooperation that can evolve only in the course of time and experience, conflict characterizes most of the interactions between the various parties.

Political instability, however, is not unique to Nepal. Italy was governed by 59 different coalitions after 1945.³⁰ The six years of

President Friedrich Ebert's term witnessed nine chancellors and more than a dozen cabinets; the average government lasting not longer than six months.³¹ After independence, the Dominican Republic saw no less than 27 constitutions, approximately one every six years and even Ecuador went through 17 constitutions after its independence as well as 24 military interventions.³² Consensus and cooperation are becoming more difficult now for another reason, too. Far more actors and agencies are in the game of politics whose expectations and demands are rising out of proportion to the resources available and system capacity to manage or handle them. The trust deficit that rules the day needs to be addressed, apart from nurturing political values, attitudes, and skills that promote mutual understanding between the parties in contention, conflict, and any proposed collaboration effort.

2.5.4 Promoting Public Debate

If each and every political movement in Nepal failed to deliver, and truly liberate, the reason was that it was a liberation brought about without adequate deliberation, without even the minimum of dialogue and public debate, on the fundamental issues of the movement, the constitution to be drafted, the democracy to be institutionalized, and the development course to be pursued. The liberation that came in effect was thus only half liberation, only liberation from the regime previously in rule.

Benjamin Constant believes if all perceptions are allowed to compete, the best will win. John Stuart Mill contended that the strongest reasons make the best strongest impression. To Alt Ross, democracy is "the peaceful reconciliation by debate and voting... as an expression of the will of the people." Thus, says Lars-Göran Stenelo, even if debate may not presuppose democracy, democracy presupposes debate.³³

Debate within large public sphere also ensures that like-minded people do not go more partisan by walling themselves off from alternative perspectives. Partisan enclaves increase the scope for extremism, instability, even violence.³⁴ Moreover, decisions based on deliberations between diverse groups are likely to be more right, more representative,³⁵ even more realistic, legitimate and likely to be better owned by the mass at large than otherwise, notwithstanding the difficulty that a large number of such diverse group tends to pose in reaching agreement.

The *Human Development Report 2002* states the critical role of public debate thus: "...countries can promote human development for all when they have governance systems that are fully accountable to all – and when people can participate in the debates and decisions that shape their lives."³⁶

Debate looks essential for one more reason – what the politicians don't say can't certainly be held against them, but much of what they say can be. Also, part of what they don't do may not be held against them, but most of what they do and are doing now, again, can be. Debate thus offers the best possible opportunity to bring into open their virtues as well as vices, the sins of omission and commission of those who rule and govern, making it the most open forum to publicize the issues and agendas. There is thus no better alternative left for the mass public to deliberate, discuss, and decide on the issues and agendas of the day. Despite the fact that Corazon Aquino didn't have a party or organization, she had people's power behind her mobilized through public debate and mass action that abolished the powerful regime of Marcos, just as the social media revolution unleashed the Arab Spring in the Maghreb throwing out a number of dictators in contrast to the coalition of political parties mounted in Nepal to abolish a monarchy. Supporters of the old regime are still trying though to stage its comeback, even if the available signs suggest that it is already in its twilight stage.³⁷

2.5.5 Public Diplomacy

Public diplomacy is about informing, educating, and enabling citizens on the key public issues and agendas of the day, domestic as well as foreign, so that they can comprehend the issues at stake to take rational decisions affecting them in the short and the long term.

Public diplomacy, however, demands a nuanced conversation in the civil space about the fast changing values of foreign and domestic policies in the light of the ongoing Universal Transition of the Paradigms of rights and responsibilities, rules and roles, security and defense, growth and development, hard and soft power as well as the purpose, policy, and personnel involved in the process called diplomacy which is concerned with the destiny of both the public at large at home and in the neighborhood across the border. But the failings of traditional diplomacy in this regard are becoming counterproductive, bringing negative externalities in unanticipated ways, engendering risks of unacceptable proportions that could be avoided and managed if a mechanism for proactive vigilance, monitoring, and feedback is put in place in time.

The failure of public diplomacy can bring consequences that remain invisible before but can become devastating later. The ongoing Tarai-Madhes Movement is one telling example in this regard. It can entrench nationalization of apathy and indifference in the public mind, even habitual inertia as it has done in Nepal, among the media and civil society, neutralizing possible positive remedies and rendering the mass partisan and deeply divided. The deep, broad, and generational polarization of the Tarai-Madhes Movement underway poses unprecedented risks for this nation's solidarity and is threatening to rive apart even the close neighborhood relations between Nepal and India. The second order effects of policies, domestic as well as foreign, if improperly conceived, designed, and implemented in a traditional zero-sum way, can, moreover, bring impacts and implications of unimaginable proportions. Nothing

better than Nigeria's federalization proves what happens when a noble principle and idea is wrongly implemented. Neither foreign policy nor neighborhood relationship is an exception to this rule: sans capacity building, it becomes a gabardine suit on a beggar's body; in less than a few months the gift becomes the beggar's rags.

For far too long, public diplomacy has thus been left ignored, forgotten or abandoned in sheer neglect in the annals of the neighborhood relations of South Asia, particularly India and Nepal. If one familiar consequence is the havoc brought every year by the dams on one side and floods on another, another, no less familiar, is the whole set of cross-border conflicts plaguing the relations of the two close neighbors. The third one is the regional fault line of tectonic proportions that now is threatening to damage their reciprocal relations like never before. The inability of the ruling regime in Nepal to adequately inform the constituencies on both sides of the border brought a constitution which proved to be a damp squib facing amendments even before the ink was dry on the draft.

Why Public Diplomacy?

The vagueness and vogueisness of conventional diplomacy offer more semblance than substance, more promise than delivery. It has, in fact, become a tool for promoting the career and power of the privileged few rather than a service for the people below. Defined as the art and practice of conducting negotiation between nations, it has so far served as an instrument of consolidating hard power in the hands of the State instead of being used as a skill for handling affairs to avoid hostility. It also has failed to contain conflicts and prevent wars between peoples. In the realpolitik bid of the post-war era for naked power, Political Parties have also pushed most states towards what Rudolph C. Ryser regards as *State-Colonialism* (2012). But in a world of 6000 nations totaling to a population of one billion

and covering 80 percent of global diversity, the power-hungry two hundred or so states will find it more and more difficult to manage them in the conventional way. By 2011, twenty of them had already failed, Somalia for just one instance. Forty more were at risk of failing. In fact, 145 of the 250 wars between 1945 and 2010, that is 58%, were Fourth World wars which took place between nations and between states and nations over self-determination, territorial control or use of natural resources.

Fiona Rotberg identifies environmental crisis as one of the indirect causes of Nepal's present crisis, a sum total of natural resource scarcity, population growth, and unequal resource distribution, that characterize the economies of most states of the region rendering them fragile. Francis Fukuyama believes the chief threat to us and to the world order are now weak, collapsed or failed states and weakening or withering away of the State is not a prelude to utopia but to disaster.³⁸ There is thus more than one reason for disquiet about the failure of conventional diplomacy. If the coming anarchy, impending global doom, and mutiny of minorities are to be addressed, traditional diplomacy must come out of its cocoon for an ecdysis that can replenish its dying roots into the new incarnation of Public Diplomacy. The world's fast growing interdependence and blurring of the erstwhile national borders (in EU, for one instance) certainly call for a regional diplomacy beyond the nation-state's conventional framework which is now assuming the shape of trans-state, even continental dimensions already. In the emerging scene where a global community and ethics are now emerging in a more concrete and tangible form than ever before, the concept of poly-helix rather than Rummel's tri-helix may better explain the State's multiple interdependence where one state has no control over how the others will act³⁹ and the roles, norms, principles, and processes of the traditional diplomacy are unlikely to serve the purpose anymore. This is not to render diplomacy populist but the point

remains that the Pundits of conventional diplomacy have so far kept it a hostage of the State, the professionals, and the power elite. The need now is to free it from its chains of the past to release the forces lying dormant.

This is an agenda that can no more be postponed. It means a vicinal, local, and rejuvenated diplomacy that goes deeper down to the roots of the people. Such an agenda can be framed and formulated by opening the communication between citizens and through a closer connectivity between communities. More than as an esoteric, exotic art of the few, for the few, and by the few at the top, it can then become a tool to serve the mass public at large.

The incredible explosion of IT makes all this possible enabling the people to claim back the minimum control over the circumstances of their lives, not just to restore civic dignity, but also to release the State from its captivity of forces – internal and external. That point holds because diplomacy has served only as an obedient handmaiden of the State so far. Reparatory revanchism adopted at the Versailles, for instance, destroyed Franco-German relations triggering the 2nd World War. Regimentation kept captive the potentials of most states during the Westphalian era. And the Revolutionary approach ended in the nemesis of communist regimes around 1991. A new order of relations between states and nations is, therefore, the demand of the day, which is possible only through reformulating the rules and roles of Public Diplomacy in the rapidly changing context of the 21st century.

The disillusionments of traditional diplomacy and the Conventional Treaty Trap are just too many to be left to the dustbin of history. It took a whole century for humanity to learn that power is more than political, that security is more than the military establishment, and peace is more than just law, order, and stability. Tocqueville's Law says that what the few have today, the many will

demand tomorrow. But even otherwise, in the **Convulsive Mode** that James N. Rosenau conceives for states in the future,⁴⁰ internal and external forces are likely to involve them in a high flux of rapid interaction where conventional diplomacy would be too ineffective and inadequate to handle the agendas emerging, the challenges appearing, and the demands rising.

In this regard, no less critical will be the role of the border in each country. The quality of border governance matters because inefficient border control regimes imply, on the average, three times as many days, nearly twice as many documents, and six times as many signatures in the poor economies compared to the rich ones for importing goods, encouraging corruption and foreign intervention. The border governance and management regime, too, therefore will have to be harmonized, streamlined, and simplified to optimize the flow of goods and interaction between citizens. One Stop Border Posts, for instance, can prevent duplication and Single Window Systems can minimize hassle and waste.

2.5.6 Empowering the Voter

Considering the low trust that people at large have in the Political Parties today and the heavy electoral deficit, it is hardly surprising that voters' empowerment is a nearly forgotten agenda in Nepal, scarcely touched in the psephographical literature, and ignored almost regularly in the initiatives taken up by Political Parties. Why is this so?

Partly the answer lies in the absence of mechanisms to strengthen the tools of direct democracy such as Referendum, Recall, and Initiative. This is not all. Subsidiarism has hardly been given the serious attention to empower the voter by building up awareness and enhance the overall electoral and political capacity of the citizens. PIL (Public Interest Litigation) is almost unknown among the mass of voters and electoral impunity is rampant. Laws and rules

related to elections are hardly implemented and enforced. The electoral regime remains fragile. The role of ombudsperson is yet to take its roots. The agenda on voter empowerment has thus a long way to go.

More specifically, empowered voterhood means, among other things:

- Adequately aware voters, electoral literacy, and an enlightened citizenry that knows not only its rights, but also the duties and obligations that come along with each such right.
- A certain level of political socialization and education that keeps the average citizen adequately informed on the critical issues and agendas of the day and also provides them with the political skills necessary to take up initiatives as individuals and as groups.
- Political mobilization of the mass through State policies, programs, and measures that keep the electorate sufficiently prepared to cope with the conflicts and crises that the society may face from time to time.
- A public-based mechanism for electoral monitoring, supervision, and feedback to oversee and control party, leadership, and agency behavior (Ombudsperson, PIL etc.). This, in turn, implies a reasonable balance maintained between the powers and responsibilities of organizations such as Political Parties as also between the authority and accountability of institutions such as the Legislature (House), Executive, Judiciary, and the Civil Society.
- An electorate that can handle the roles, rules, resources, relationships, and risks involved in the various political processes of the body politique.

If the perspective just sketched out is correct, it becomes clear that electoral reform demands time, calling for assessing the roles of parties, political regime, candidates, voters, Election Commission, civil society, virtually all the agencies that have their stakes here one way or the other. Few of them, however, spare time and thinking on how the voter votes the way s/he does and why, leaving them as mere objects. Such objectification of the Nepali voter leaves the field clear for the spoilers of the electoral game. Another opportunity lost is the demonstration and other effects that a clean CA election could have left on similar other exercises elsewhere, like the mainstreaming of the Maoists has done. Instead, most of the Political Parties joined the game under the belief that they were the sole holders of the electoral stake; most of the candidates contested, believing they owned up the whole mandate; and most of the civil society agencies participated reluctantly, leaving the voter high and dry, compromising both their right and the duty. Voter's sovereignty has thus become an empty phrase rendering empowerment meaningless.

We certainly cannot fall back anymore on our past habits and presumptions, believing that empowerment is impossible, nor on the hope that it will happen in the course of time. It may be easy to wax enthusiastic about the promise of an empowered voter, and it looks comfortable to anticipate a scenario where the voter becomes the master, the key decision-maker of who ultimately enters the House, but materializing that scenario will demand a heavy investment in vision, mission, strategy, and resources.

2.5.7 Candidature and Its Costs

Responding to the query of an Indian citizen ('How can I choose the right person in elections'), A.P.J. Abdul Kalam, the former president of India, says, "Nobility of the candidate (or righteousness of the candidate) and performance in the constituency has (sic) to be the

criteria."⁴¹ Nobility, even righteousness of a candidate, however, is a virtue more presumed than achieved in the course of selection and election of candidates by parties in Nepal. What really happens and how are candidates practically selected? Although theoretically, performance in constituency remains the focus and the lead role in the process of candidate selection is claimed by the candidate's commitment, connections, oratorical skills, image acquired, closeness to leadership, office experience and membership, as also property status followed by academic ability and other kinds of experience,⁴² data suggest that the party leader plays the supreme rule, followed by the national executive and the parliamentary party with the ability to spend, playing probably the role in winning the vote.³⁴³ Another dimension in representation is the caste-ethnic factor and gender. Information culled out from the International Idea Study, carried out in 2004-05, suggests women could not muster more than four individuals (10.8%) in the CWC/CC of any political party of the day and the strength of the Brahman-Chhetri groups in the four main parties remained between a minimum of 60% (RPP) and a maximum of 72.3% for CPN-UML.⁴⁴

Can the right kind of candidature's participation, including those from the women in politics, reduce crime and corruption and make it more ethical or is it the high level of crime, corruption, and impunity that is deterring them from entering politics?

The prevailing scenario on the candidature front (the reluctance of the political parties and their leadership to forward a panel of genuinely deserving candidates -- committed and competent, yet lacking the confidence in winning the vote, the skyrocketing levels of campaign expenditure,⁴⁵ combined with the existing mode of candidate selection and election) demands a radical shift from the present mode of candidating toward civil screening of the future candidates at the local and provincial levels and another filter that parties can institute at the local level elections by making them

nonpartisan and holding primary election nominations as in the USA.⁴⁶ Only such a shift in candidature can induce the entry of a new generation of the professionals into Nepal's politics to eliminate or, at least, minimize the divide between the professionals and the politicians. "The true Democrat," remarked W. Ivor Jennings, "has a suspicion that he may not always be right."⁴⁷ The politician here believes, instead, his rival is always wrong. It was often the hubris of politicians -- their refusal to heed the professional's advice -- that brought defeat or disaster in some form. Nepal's debacle in the year 1816 and India's 146 years later were insinuated in advance by some of the top professionals (army chiefs or commanders), only to be ignored.⁴⁸

2.5.8 Does Civil Society Matter?

H. N. Mukherjee's remark on the plight of Indian Political Parties strongly recalls the premonitions Gandhi felt just before his assassination about his Party when he proposed that the Indian National Congress should disband itself to reshape itself as a social service organization. Had he then the forevision of the party machine degenerating into its present state?

As a matter of fact, such overtures have been more than once rebuffed for one reason or another. For instance, the 8th session of the Indian National Congress at Allahabad in 1892 rejected Justice Ranade's appeal to work on political and social reforms in conjunction with each other and his appeal to the Congress to work together with the Social Conference. The Congress did not see the connection between the two. Gandhi's efforts to remove untouchability, too, were left unheeded by party leaders as were Mahatma Phule's efforts on the social question and Babasaheb Amte's initiatives on social reform. Yet that rural reform is possible has been amply demonstrated by the accomplishments achieved by Vinoba Bhave, Baba Amte, Pandurang Shastri Athavale's Swadhyay

extended to 14 Indian States, former SP Suresh Khopade's success in lowering crime rates through Mohalla committees in Bhiwandi (in 1993) as well as Anna Hazare's efforts to mobilize local people in Ralegan Siddhi and *Shramadana* (a self-help model) that refuses donation, as also the *Pani Chetana Manch* in Palamu of Bihar.

It is in that sense that Gandhi's stress on individual honesty as the true and reliable foundation of politics (1947), Rajaji's emphasis in 1967 on character as the nation's keystone, JP's call for total revolution and a governance based on integrity (1975-77) and politics defined not just in terms of statecraft and party politics, but based on people's policy and consensus,⁴⁹ and Inder Gujeral's focus on integrity in the public realm (1997) have to be seen.⁵⁰

At a time, when encroachment on the public space and public resources has become the norm and public ethics a forgotten value, expanding public space and containing encroachment may look difficult. But this is what Curitiba, an average Brazilian city, did. If it could do, why could not others?⁵¹ In such a situation, we may often feel we are handling the leaves of the problem tree. The need is to begin with the branches, proceed downward to the trunk, and get down to the roots.

The two cases of Aligarh and Calicut from India, moreover, dramatically demonstrate what a powerful impact the civic culture of a society can leave on its ability to contain social conflicts. Modularity – the ability to transcend traditional ascriptive occupations and associations, argues Ernest Gellner, makes civil society distinguishing it from *Segmentalism* that defines a traditional society where the influence of birth, fixed occupation, and place do not easily change.⁵² Explicating the concepts, Varshney convincingly puts forth his premise of an integral link between the structure of civic life in a multi-ethnic society and the presence or absence of ethnic violence. It was the Gandhian shift in the national movement

that laid the foundation of India's associational civic order between the 1920s and 1940s, lending a certain civil character to the political organizations. As a case, Varshney compares why despite the fact that both Calicut and Aligarh are roughly 36%-38% Muslim, with Hindus constituting the bulk of the population, the former city has had not a single riot so far in contrast to Aligarh that figures in the list of the eight most riot-prone cities of India.⁵³ It is worth noting, too, that compared to Aligarh where commensalism is prevalent in about 54% of the population, only 42% of the Hindu and Muslim families report their children play together, and just 60% of the Hindus and Muslims visit each other's family regularly, the figures for Calicut are significantly higher: 83%, 90%, and 86%. Compared to Aligarh where trade unions hardly exist, in Calicut they thrive and despite the former's significant industrial sector, Calicut also has associations of all kinds, many of them trade-based. Moreover, whereas the politicians tend to polarize with no inter-commensal dependence or relationship and no effective peace committees in Aligarh, the situation differs substantially in a positive way in the case of Calicut.⁵⁴

The need of the hour thus is to adopt a post-bourgeois conception of civil society that allows a larger role for public spheres, extended form of self-management, and inter-public coordination in a civic-republican spirit (in contrast to the liberal-individual one), proposed by Nancy Fraser.⁵⁵ Putnam's study reveals the decisive role of the density and weight of local organizational network in establishing and securing efficient political institutions, underscoring that it is not economic strength that produces civil spirit, but rather the civil spirit that produces economic growth and functioning democratic institutions.⁵⁶ Unlike in 1989, when three human rights activists were handed over in deafening silence by the ruling regime to an unrepentant Thimpu, the civil society in Nepal is slowly awakening rekindling public faith in the zeal with which it

responded in 2004 to the issue of the *Lhotshampas*.⁵⁷ The three-day gathering of global civil society representatives from 19 countries across Asia, Africa, Europe, and South America held in Kathmandu in June 2016 to discuss the role of civil society in the achievement of Sustainable Development Goal 2 (on hunger, food security, and nutrition) was a welcome step. In that regard, the suggestion made by the WFP Country Director on the need for the government and civil society to clearly articulate development priorities in Nepal underscores much of the point made here.⁵⁸

2.5.9 Issue Distance and Agenda Building

Now that issue politics has started to replace party politics as the primary influence on mass political behavior with respect not only to the public and electoral issues, but also the parliamentary and legislative issues, the role of issues in political socialization and agenda building is likely to grow in the days to come, as the socioeconomic status of the politically relevant strata of Nepal's population changes.

Table 1 Issue Distance

Issue	Citizens	MPS
Support for Secular State	35.2	94.4
Support for Federal Government	42.4	93.3
Support for Land Ceiling	61.3	79.2
The major problems facing the country (figures in brackets indicate ranking choices)		
Economic Hardship	70.1(1)	38.3(3)
Weak Governance	29.9(2)	51.7(2)
Uncivil Agitation	24.1(3)	4.3 (6)
Political Conflict	21.6(4)	59.9(1)
Exclusion	8.0 (5)	12.3(4)
Foreign Interference	0.6 (6)	8.7 (5)
Two most important reasons for marginalization/backwardness		
Tradition	25.9	41.7
Caste-Ethnicity	25.4	15.0
Two most responsible elements for backwardness		
Government	57.2	79.2
People of Upper Caste	25.1	7.7
Best means for fulfilling the Backward Communities' Demand		
Negotiation with Government	94.1	78.2

Source: International IDEA, 2008: V42, V43, V31, V23, V46, V47, V49.

No party can therefore ignore anymore the way issues emerge and the valence they acquire as well as the impact issue orientation and socialization leave on the mass society. This advent of issues as a significant factor in affecting voting behavior has been noted by a number of observers of the scene, Huntington for instance.⁵⁹ But in Nepal's context, there appears to be a remarkable difference between the way the politicians take up the issues and how the ordinary citizens do. Issue Saliency differs depending on the nature of the constituency. There is thus a clear distance between the attitudes shown by the elected MPs and common citizenry on the same issue. Issues of general interest (political issues bearing upon government, development) are thus articulated only by those elected, not by the common citizens, a contrast which Table 1 clearly shows.

Building and forwarding a clear public agenda becomes difficult in such a situation. The larger the issue distance between the two groups of population, more difficult will be that process, a difficulty aggravated further by in-party and intra-party conflicts, as also patronage politics.⁶⁰ In the scramble for control, the agenda runs the risk of being taken over by patrons, populists, and politicians who respect only the form, not the substance, of democracy. Whoever has the final allocation of funds, says William W. Biddle, may control the program and beneficiaries, rendering them weak followers and conformers to their orders, rather than independent decision-makers.⁶¹ Keeping in view how the Arun 3 was pushed out more than two decades ago, the role of political parties in mobilizing regional efforts to launch mega projects in critical sectors of the region such as river-basin cooperation is hard to stress.⁶²

3. Patterns in Nepal's Political Development

Five Fault Lines of Nepal Republic

Five months of protest movement and over five dozens of lives

sacrificed now seem to have ended in a stalemate. That political turmoil, however, also underscores, more or less explicitly, five fault lines in the evolution of the State of Nepal.

Chart 4 Five Fault Lines of Republican Nepal

-
- Geological - Tectonic, Perennial
 - Political - Ideological (East vs West)
 - Economic - Class (Vertical)
 - Cultural - Faith, Religion, Norms
 - Regional - Hills vs Plain; Center vs Karnali
-

Trends in Social Mobilization

An empirical analysis of the ongoing trends in social mobilization in Nepal affirms the need to reconsider the indifference that political parties, other non-state actors, and the government have adopted so far toward this process. Briefly stated, the model used here is the one offered by Karl W. Deutsch with the 11 indices suggested by him in his seminal publication of 1961 that shows how the political demography of this land has been changing, generating pressures for a more general transformation of the political elite. Even as the levels of social mobilization rise, opposition to the existing regime is likely to grow, irrespective of the regime's nature and its policies. The role of identity in party politics or the role of patronage may not necessarily change, even personalism. But social mobilization does alter the level and focus of political activity encouraging the political parties to use voters' disenchantment brought by regional and class divisions. Highly mobilized societies thus tend to bear a high potential for opposition to any regime.⁶³

Analysis suggests that in the two decades between 1991 and 2011 (refer to the two charts below), H/P ratio has changed from 12 to 32.8, an indicator of the potential for growth of the incidence and strength of national conflict which has grown more than 2.5 times in between. The Q/P ratio, a probable index of the long-term strength

of the dominant language Nepali and Hindu culture in the nation's context, has declined 44%, a diminution that is substantial. That MD>MA implies that the mobilized differentiated population has substantially outstripped the mobilized assimilated population and the rates of growth in the two variables are 3.6 vs 3.5, with the former outstripping the latter, which bears implications of significant import for future politics. The underlying differentiated population (R) is a potential reserve for ethnic movement or even for irredentist agitation stands at 7.4 million (28% of the total population), which may join the ranks of H, the mobilized differentiated group, if arrangements (like consociational electoral and other political mechanisms) are not activated to contain the adverse trends. The pace of ethnic movements in Nepal tomorrow is thus likely to be determined by the growth rates of these two groups over time as also by the policies and strategies devised by political agencies such as parties and governments that can make a crucial difference in the pace and tenor of future movements of the minorities.⁶⁴

Chart 5 Social Mobilization in Nepal

	A	D	
M	MA (N) Dominant Nationality 5.6 mn	MD (H) Heterodox 8.7mn	54% (14.31mn)
	UA (Q) Quiescent 4.8mn	UD (R) Reserve 7.5mn	
	39.17% (10.4mn)	60.83% (16.1mn)	

A = Assimilated Population=Q-N
 D = Differentiated Population=P-A
 M = Summation of 5 social indicators: m_{2a} (radio audience), m₄ (urban population), m₅ (workforce in non-agricultural population), m₆ (literacy), m₈ (voting turnout)
 U = Mobilized Population=P-M
 P = Population
 Y = Total Income (GNI US\$=19.6 bn)

+

Chart 6 Decadal Change in Social Mobilization

	1991	2001	2011
H/P	12	17.9	32.8
Q/P	32	28	18.1
MD	2.4 mn	4.4 mn	8.7 mn
MA	1.6 mn	2.8 mn	5.6 mn
R	9.6 mn	10.3 mn	7.4 mn

Source : Author

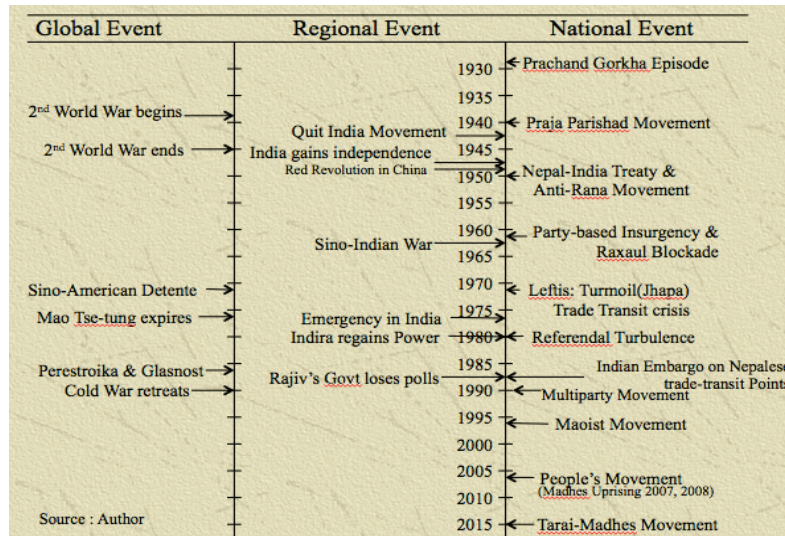
Cyclicality of Political Movements in Nepal

If one salient feature of the political movements in Nepal is their recurrent propensity within a period of nine to twelve years, another is their concentration in three areas – Kathmandu Valley, Mid-West, (Rolpa, Rukum, and Pyuthan), and eastern Tarai where the ecumene, the seedbed, lies in the region east and west of the Koshi river (Map).

Fig. 2 Map of Nepal showing the three prominent seedbeds of political movements



Chart 7 Chart Depicting Periodicity of Political Movements in Nepal



3.1 Minorities on March

Inability to protect Minority rights is one big failure of democracy in South Asia, declares a report⁶⁵ and the "Achilles' heel of majoritarian democracies," claims the *Human Development Report 2000* is "the exclusion and marginalization of Minorities."⁶⁶ Invisibilization of the ethnic groups and marginalization of whole regions combined with the non-recognition of various languages have produced a sort of siege mentality amongst the communities affected and the duality implicit in the State's policies is a source of confusion and serious weaknesses in the State's capacity to respond to the challenges.

Mass mobilization did play an instrumental role in the success of the people's movement for democracy in 2006. Still this did not assure that the evolving democratic dispensation would work in favor of those who remain marginalized. The agenda on minorities, in this sense, is like the tip of the iceberg as far as broadening, deepening, and sustaining of the debate on them at the mass public level is concerned.

This section, therefore, offers a rapid status review of the progress recently made in each sector, highlighting the issues and agendas in areas where Political Parties can concentrate their efforts in the future policymaking and strategy development.

Essentially, six arguments underlie this exercise:

One, whether separately or together, minorities claim a substantial part of the country's population and therefore have the right to a substantive share of the seats in the House (**the Justice Argument**).⁶⁷

Two, minorities are distinguished often in terms of a separate set of norms, values, principles, culture, language or traditions which set them apart from other groups (**Identity Argument**).

Three, minorities have different experiences, physically, socially, or culturally imprinted over time in their community memory; they may have interests that can conflict with those of the majority and that need to be represented; and therefore the majority cannot (rather, should not) represent them (**the Irreplaceability Argument**).

Four, domination and deprivation of the minorities, if continued, risks further ethnicization⁶⁸ and deterioration of the Minority situation, which can fully destabilize the political order (**the Risk Argument**).

Five, more balanced representation of the State's minorities will not only bring more support from the Minority and thus stability but can also accelerate the processes of democratization as well as growth and development (**the Development Argument**). It is in such a context that the opposition costs of democracy become the opportunity costs of a nation's development.

Finally, the key prerequisite to the change in the status of minorities is political restructuring, particularly constitutional

and legislative changes directed toward mainstreaming of the minorities, an approach which has yielded positive results in a number of countries (**the Political Argument**).⁶⁹

3.1.1 Women: More than Half of Nepal's Sky

Women in Nepal present a unique paradox: marginal demographic strength (50+ percent share in population) notwithstanding, they remain a Minority, which allows them to claim a mesority (meso=middle), if not a true majority status – in the political, social, as well as economic sense. Compared to Bhutan which changed the practice of casting votes by households and adopted full suffrage only in 2008⁷⁰, compared to India, where the constitutional amendment to set aside 33% of parliamentary seats for women has been pending since 1996 and has failed to pass⁷¹, compared to Sri Lanka where high parameters of growth have yet to push up female political presence, compared even to Switzerland where female suffrage came two decades later and where opponents of female suffrage and activism are still active,⁷² the situation in Nepal looks positively different, particularly at a moment when the President of the new Republic, its Speaker, and Chief Justice are all women. But if that self-congratulatory mood is not to degenerate into complacency, even vaingloriousness, considerable work lies ahead. On the indigenous women, disaggregated data are not yet available. One clear impact is their under-representation in the decision-making bodies. The government's commitment and agreements made to Badi women have not materialized yet. The Gender Inequality Index (GII) says, among a set of 138 countries Nepal is at the bottom quintile (0.716) ranking 28th from below.⁷³ The FWLD study of laws, conducted in 2000 and updated in 2004 of sex-discriminatory laws, identified 176 provisions in 83 pieces of legislation.⁷⁴ On gender justice in the period between 1991 and 2004, in the 23 cases filed, at least 35% of the verdicts came out unfavorable.

There is no law yet making domestic violence a crime and no law, too, accusing a woman of being a witch a crime. Dowry deaths and witch-hunting continue to be the news headlines. JICA report says 43% of women face sexual harassment in the workplace who cannot complain due to the absence of or complicated legal procedure.⁷⁵ Another report reveals 28% of women candidates conceded facing violence during election in the form of threats or coercion followed by physical or psychological violence.⁷⁶ Rautes, a tribal group, cannot elect a woman as their tribal head, nor are their women even allowed to participate in any decisive role.⁷⁷ Since 1999, the Political Parties of Nepal have included women's empowerment in their objective, but there is no woman so far in an office bearer position in any of them.

One study by David Dollar has found that increased female participation in parliament reduces corruption. The World Bank's cross-sectional research in early 2000, too, shows such positive correlation; and both Peru and Morocco are now taking dramatic measures to combat corruption by replacing male public officials with female ones. But the connection between gender and corruption is not yet very clear. Tanzania's female quota system, like Nepal's, became a 'menu of manipulation by the male politicians. Hence that link deserves a deeper closer probe than it is usually given. The use of sextortion (sex+extortion) remains as a major issue, here as elsewhere.⁷⁸

The good news is that participation at the grassroots level has increased. The CA committees have prepared 11 concept papers on various gender-friendly themes, and a separate CA Women Caucus that includes members from all Political Parties is now actively lobbying in favor of women-friendly laws,⁷⁹ including one to push up reservation to 33% in all services or 50% of the reservation allocated for all communities. In such a context the sharp upsurge of female seats in Nepal's parliament post-2008 marked a distinct

milestone in the real sense. Compared to a total set of 187 countries for which data are available, Nepal's figure (33.2%) is superceded only by 17 countries (lowest Qatar 0, highest Rwanda and Cuba, 50.9 and 43.2 respectively), with the regional mean (South Asia) at 10.4, European and Central Asian mean at 12.5 and the world mean at 16.2,⁸⁰ and China and India's figures standing at 21.3 and 9.2 respectively.

Is there a relationship between the year women first receive their right to vote (A) and the percentage of seats they occupy in the House (B)? Study of data on 11 countries⁸¹ on these two variables suggests a possible relationship. Voting turnout (C), too, appears to be high or very high apart from the fact that the scores on a number of other variables included for analysis in this context (D), too, show a consistently high or very high ranking. Beyond a certain critical threshold of female seats in the House, governance variables appear to be positively correlated. Is a Gender Effect at work here?⁸²

The responses to the question can vary but it is clear that when women have more political rights, the nature of public investment changes.⁸³ Entitlement to political rights with substantive representation in the House and government is therefore the *sine qua non* for empowering and involving women.

3.1.2 Indigenous Ethnic Groups

Except India Nepal is more heterogeneous than most of the countries not only in the region, but also globally.⁸⁴ With such high ethnic heterogeneity, the implications of the substantive growth of the mobilized differentiated population within two decades (1991-2011) for ethnic movement in Nepal look ominous,⁸⁵ a reflection of which is evident in the shifts in identity within three decades.

One measure of the emergence of caste/ethnicity as a key agenda of the day lay in its success in the CA election which brought

218 Members of Indigenous Ethnic Groups (IEG) to the House through the new Act that guarantees quotas for Minority and Indigenous Ethnic Groups. But identity has multiple dimensions and reducing it to a single one of them, whether caste or ethnicity, can unfold implications of enormously risky proportions. At least, it is obvious that when one single identity somehow dominates the agenda, relegating others, conflict becomes more likely and crisis of tragic proportions may not remain very far as the Kashmir conundrum shows.⁸⁶ Probably it was in some such sense that identity-based federalism has been regarded as 'a worm in the food.'⁸⁷

Given the pace of globalization and given the increasing frequencies of inter-caste and inter-ethnic marriages, whether caste-ethnic identity will retain their urgency in the decades ahead is difficult to say. But even if it does, in view of the myriad ethnic minorities in Nepal, it will not be easy to cater to the identity demands of each and every Minority. Moreover, that in the two and half years between 2008 and 2011, the proportion of people who like to identify as Nepalis only increased steadily from 52 to 71% (by 19%), indicates a growing fatigue with aggressive identity-based politics. The same IDEA survey and in June of 2011 revealed that more than 7-10th of the respondents (N=3000) from 35 districts in a random probability sample survey regard ethnic organizations as less than trustworthy (with the mean level of trust declining from 4.9 to 4.5 on a scale 0 = very untrustworthy; 10 = very trustworthy) which reflects the fragile base of caste-ethnicity identity.⁸⁸ One unavoidable conclusion is: Despite all the sharpness of the caste-ethnicity-based identity movement, the agenda demands the circumspection it deserves.⁸⁹

3.1.3 Madhes on the Move

Madhesis can be regarded as a regional Minority of the plains in Nepal's south that occupies 23% of the country's land area, houses

48.5% of its population, contributes over 2/3rd of its GDP, and is home to no fewer than 35 caste groups, 25 ethnic nationalities, and 17 Dalit communities who were not on the State's radar in the five-fold hierarchy of 1854 Muluki Ain (National Code) and remained politically peripheralized.⁹⁰ The steady southward migration of hillfolk raised their share of population from 6% in 1952/54 to 32% in 1991 and 36% in 2001. Another issue is the poor representation of Tarai in the Political Parties, even in civil society organizations, although in Tarai-Madhes itself one observer draws attention to a particular community called *Panchpauniya*, who, he says, feel exploited by the Yadavs and whom even the Madhesi Political Parties have failed to include.⁹¹ It is against such a background that one needs to view the regional unrest in the south that brought up the people of a whole region rising in protest against the discrimination of decades. The agitations in Nepalgunj were followed by the Lahan killings (on 19 January 2007). The gory killings at Gaur, the Kapilbastu carnage, and Tikapur uprising underscored the intensity of people's resentment. The Madhes movement has thus brought visibility and recognition to the status of the people there showing the pressure of the movements pushed the State to go for federalism. In the south, Nepali Congress was almost relegated to the background as was the Maoist Party pushing up the MJF as the fourth force in the CA elections. NGOs which had concentrated so far their work north of the plains have now shifted their attention southward. It has also exposed the myth that the people there are reluctant to come forward and take initiative in politics, increasing the bargaining capacity of the Tarai-Madhes region as a new collective force in Nepal's politics. But the fact that it took the South-centered Sadbhawana Party 22 years after its inception to head for the Hills to extend its base northward shows how slow political movements can be.⁹² The interim order given by the Supreme Court on the recruitment of Madhesi youths in the Nepal Army also suggests integration is not going to be a cake-walk.

3.1.4 Language Minorities

Despite the irregularities frequently observed in language enumeration of the various census recordings, one can identify the key trends:

- (1) Nepali language has slid to less than a majority strength.
- (2) All other languages are spoken by less than one-eighth of the population.
- (3) The share of Nepali speaking population suffered a sharp drop between 1981 and 2001.
- (4) During the same period, the number of vernacular identifiers increased significantly in all language groups.

Alienation from the traditional mode of accepting Nepali silently as vernacular and Hindu as one's professed religion is obvious. Still, Nepali remains the *Lingua Franca* for a majority of the population and all ethnic groups and is spoken by 48.6 percent of the population. Among the traditional ethnic groups, except for Magars whose majority identify Nepali as their vernacular, all others retain their indigenous language as their vernacular. All the Madhesi groups (caste, Janajati, Dalit, and Muslim), choose linguistic discrimination as the third most important factor in marginalization.⁹³ Survey suggests a clear shift in opinion on language between 2004 and 2007. While in the 2004 survey, a majority of the respondents opted for retention of Nepali as the only official language, in the 2007 survey, except for those who had Nepali as their mother tongue, all the Madhesi groups – Janajati, high caste, Dalit, and Muslim – favored a bi/multi-language policy (79, 83, 89.5, and 93% respectively), a support that stood high among the MPs (72%).⁹⁴ Despite such decline, that most of the urban dwellers, highly educated groups, elders (above age 60), and inhabitants of the western and mid-western development regions favored uni-language (Nepali only) policy, shows a clear divide on the issue in terms of residence, education, age, and region.

3.1.5 People with Disability (PWD): Otherwise Able

Statistics on the disabled in Nepal is not very precise, which puts it between 10-12% of the population, but if defined broadly to include ageing, mental illness, and chronic diseases, it may reach upto 20%.⁹⁵ Insurgency may have added further to that list. Although the World Report on Disability-2011 puts the average at 15%, that figure may rise in the future due to population ageing, globalization, conflicts, disasters, and improved diagnostics. In poor countries the figure may be still larger.

Defined as 'the incapacity to function optimally in daily life, due to a deficit in physical or mental functions',⁹⁶ clinically, the disabled have been classified by the Ministry of Women, Children, and Social Welfare in 2056 BS into seven groups – physical disability, blindness, visual impairment, mental retardation, deafness, hearing impairment, and mental disease. In education, skill development, financial dependence, and social activities, the disabled remain far behind and it is no wonder that they do not figure in decision-making. The reason is not only the neglect by the community, local governance, and the policymakers. Even their families hardly consider the problem in terms of the rights perspective. The conventional charity-based approach to the problem bears no teeth. Disability, in fact, is taken as a punishment for the sin in previous life and the gap between the plethora of rules and regulations⁹⁷ and overall performance only bespeaks the poor accountability of the State and the Political Parties, leaving the disabled as second-class citizens. There is hardly a provision for free distribution of assisting materials nor is there a plan for training and rehabilitation centers to use the skills of the PWDs whose political rights are yet to be established. The fundamental issue is weak awareness and advocacy on behalf of the PWD. The saddest part of the story is that most of the disabilities are preventable, yet both the society at large and the government, even the Political Parties, have failed to take up this

issue with the seriousness it demands. Jhamak Ghimire and Laxmi Rai (of Panchkanya-8, Sunsari) exemplify what they can achieve, given the will power and given the support needed.⁹⁸

The former Vice-Chair of the National Planning Commission, however, was found admitting that the State has not been able to address properly the PWD agenda.⁹⁹ A special project is also reported to be working on strategies for the same purpose.

3.1.6 Resurgent Religion

While the State in Nepal never adopted an explicitly Erastian stand on religion,¹⁰⁰ in the previous order Hindu festivals were declared as national holidays, but festivals of other religions and Minority groups were accorded less importance and confined to holidays to that particular religion or group.

ICON 2006 for the first time gave recognition to the Muslim community; the government announced public holidays for Muslim festivals and it was after the 2006 People's Movement for Democracy that the major Political Parties set up separate wings of Muslim organizations.

After 1990, the year of the onset of multiparty system in Nepal, religion became a very sensitive issue in census taking, but it was after the Maoist uprising that it acquired a new urgency. Whereas Nepali language and Hinduism as religion declined from 58.4% to 48.6% and from 89.5 to 80.6 between 1981 and 2001, Buddhism grew from 5.3 to 10.7 and Islam from 2.7 to 4.2% respectively (the figure for the Kirats rose from 1.7 to 3.6% between 1991 and 2001). The most significant rise was of Christianity which, according to one observer, stood at 1 million from 25 baptized believers in the 1960s and is said to be growing fastest,¹⁰¹ possibly among the Newars and tribal ethnics such as Tamangs, Rais, and Chepangs, the mission overall being to see the 'whole land to be evangelized as soon as possible'.¹⁰² Blandine Ripert, in her conversion narrative of the

Tamangs in Dhading and Nuwakot districts West of Kathmandu raises a meaningful question in this regard: "What makes this transformation of a region socially so rapidly possible in stark contrast to what took a much longer time in Europe?"¹⁰³ In contrast to their erstwhile passive struggle (one possible reason being their reluctance to get entrapped into the liberation theology reminiscent of their embroilment in South America), this new assertiveness of the Christian society as a political force in Nepal could be explained by the substantial if still under-the-surface growth in their population, the significant roles played by them in health, education, financial, and social welfare sectors,¹⁰⁴ the increasingly assertive role of the Christian agencies¹⁰⁵ as also their enhanced awareness of civil rights. Bible translation is said to be in progress in at least 15 languages. Overall, a sense of empowerment through social welfare, career promotion, ownership, and status upliftment could explain the fast growth of Christianity.¹⁰⁶ While the people with no religion are now reported to be outnumbering Christians in England and Wales (with the US likely to follow suit), and the faith itself is said to be currently dying in Europe, pushing the mission to shift its global center of gravity toward the South (South Sudan, and South Korea as two examples),¹⁰⁷ the Gospel appears to be returning with a certain vengeance, shaking up and unhinging the traditional bonds of a long-stagnant society. But if the sudden rise of religious politics is not to be allowed to use religion for seizing political power, a curse of our time, the need will remain to hold seriously and follow the spirit of the General Spiritual Appeal.¹⁰⁸

3.1.7 DALITS: Destined to Remain Destitute

Historically, Nepali society relegated Dalits to the bottom of the socio-economic totem pole. Compared to India where the government still hesitates to acknowledge the practice of caste-based discrimination and despite the conspicuous failure of the DDPA to mention caste discrimination and use the word 'Dalit' in its

declaration, it was criminalized in the 1990s in Nepal and the Caste-based Discrimination and Untouchability (Offence and Punishment) Act 2011 was adopted.

As many as 205 forms of discriminatory practices and 23 discriminatory provisions in laws have been recorded. Even citizenship is denied to individuals bearing family titles used by the 'upper castes'. None of the six constitutional bodies and commissions figures Dalit as a member. The State has proclaimed an end to the various forms of forced labor – *Bali Ghare* (Eastern Nepal), *Khalo* (Western Nepal), *Khan System* (Tarai), and *Haliya* based on caste and descent. But there is yet no law to implement such ban.

Discrimination, in fact, is one major reason why Dalit women do not seek health care. In contrast to the identity assertion of Janajatis, moreover, Dalits show a propensity for identity aversion – disowning their caste owing to the stigma attached to their surnames and socio-cultural insecurity which results in reporting the wrong caste to the census enumerators. This may explain part of the gap in census returns, a claim raised by Dalits on population underestimates: in fact, as many as 13 Dalit castes out of 28 in the Official Schedule have been found unreported in the census.¹⁰⁹ Inter-Dalit and Intra-Dalit relations and the monopoly of certain communities constitute two other problems that testify to the absence of a unified stand on the Dalit agenda. The report by Asian Human Rights Association and Jagaran Media reveals that only 45 cases related to caste based discrimination and untouchability were registered in the last four years.¹¹⁰ The casteist role played by a number of various political parties in one funeral ritual looked far from commendable.¹¹¹

The good news is that government supports the draft UN principles and guidelines for the effective elimination of discrimination based on work and decent and has not only decided

to set up a special mechanism to monitor violation against the Dalits, but has also formed a National Dalit Commission Board (on 23 February 2012), and also announced in 2010 a bonus scheme to encourage inter-caste marriage which, though, is growing at too slow a pace.¹¹²

3.1.8 Internally Displaced People (IDP)

Article 5.2 of the CPA (21 November 2006) commits both parties to allow IDPs without any political prejudice to return to their respective places of former residence and get rehabilitated, but that provision is yet to materialize. Not registered in the voters' list where they are staying at present, they find that the rules that require them to vote from their place of origin discourage their role in voting.

Nepal's March 2006 National Policy on IDPs allows them to cast absentee ballots for their district of origin (Section 5.4.2), but CON 1990 disallows absentee voting. The IOM notes that expert technical assistance can be availed by Election Commission in its existing IT infrastructure; even the experiences of OSCE and IOM that have been monitoring and supporting elections for IDPs can be utilized. The test of the success of the whole IDP agenda will lie in the number of those returning home, their reintegration, and ability to take part in voting there.

The people of hill origin who have been displaced during and after the Madhes uprising constitute a new category of the IDPs in Nepal on which there is little work so far.¹¹³ Much thus remains to be done on the IDP front, which demands that a clear agenda be put in place to do justice to all who have been pushed out of their hearth, home, or land.

3.1.9 Nepalis Living Abroad (NLA)

Few probably realize that Nepalis are one of the most mobile people

in South Asia, spread from Fiji in the Pacific region to Falkland in the western hemisphere and drawn to the various parts of the world, in battle action, through brain drain or brawn drain, either as permanent residents, that is, as assimilated citizenry of their host country, as periodic workers posted in various jobs, or else, as seasonal itinerants in search of jobs.¹¹⁴ A very large number of Nepali citizens are thus stationed abroad, sending remittance home from India, the Gulf region, South East Asia, Korea, and other regions in Western Europe (UK and the Continent) and North America through studies or job work. The figure emigrating daily in search of work is over 1,000 since the State cannot offer productive work for them at home. As most of them are of working and voting age, the International Organization for Migration (IOM) estimates that at least three million are living outside Nepal as out-of-country voters (OOCV), majority of them in India, which means 11 to 18% of the total population, which is far from small. Results of a survey show that the general public is in favor of extending franchise to them, supported nominally by all Political Parties¹¹⁵ and the complications notwithstanding,¹¹⁶ mail-in ballots could be devised to enable them to vote from abroad, but as the IOM notes, external voting requires a significant lead time over in-country operations and has to drive the election time-line. In that context, the demand of the Non-Resident Nepalis (NRN) for maintaining their citizenship deserves a serious consideration, particularly in view of the contribution they could make to the development of the country.¹¹⁷

3.1.10 Micro-Minorities

The issue of Micro-Minorities is an issue casually referred to, but not adequately addressed. A **Micro-Minority** is defined here as a Minority with population below one percent of the country's total. There are at least 37 such communities altogether which add up to 4.8% of the total population, over 1 million that in no way looks

small. The difficulty of representing them at the regional and national level, even if it is possible at the local village level, has already been noticed.¹¹⁸ One approach to make their representation in the new legislature could be **pooling the populations of these Micro-Minorities** which could start at any level – from the local and provincial to the central, to nominate or select the candidates on a rotary or some other basis already agreed upon.¹¹⁹ A certain number of seats in the House can be allocated for this purpose, if proportionality is to be followed for social justice to this group.

Issue Profile

The key issues covered in the set of recommendations filtered out in the course of the preceding analysis are presented below (Chart 8).

Chart 8 Issue Profile

<p>A. CONSTITUTION</p> <ol style="list-style-type: none"> 1. Inputs by minorities in the constitution <p>B. ELECTION AND REPRESENTATION</p> <ol style="list-style-type: none"> 1. Equitable Representation of minorities in election and other key sectors 2. Equitable Representation of Micro-minorities in House 3. Adequate and effective representation of constituency 4. Extension of voting rights (to NLA, for instance) <p>C. RIGHTS, POWER, AND FREEDOM</p> <ol style="list-style-type: none"> 1. Preservation of the rights of minorities to survive 2. Preservation of the rights of minorities to develop 3. Guaranteeing regional and local autonomy of minorities 4. Guaranteeing rights to land, water, and other natural resources of minorities 5. Minority-responsive devolution of power from the central to the local level 6. Education in vernacular 7. Guaranteeing freedom of faith <p>D. LAW AND JUSTICE</p> <ol style="list-style-type: none"> 1. Discrimination 2. Forced Labor 3. Recognition of all Minority groups 4. Provision of citizenship certificates 5. Provision of basic services to minorities 6. Adequate Minority-friendly adjustment and provisions 7. Procedural complexity of rules, laws, registration process 	<p>E. IMPUNITY</p> <ol style="list-style-type: none"> 1. Measures against corruption (to reduce the vulnerability of Minority groups) <p>F. POLITICAL PARTIES</p> <ol style="list-style-type: none"> 1. Democratization of Political Parties (to enhance Minority community participation) 2. Decriminalization of Political Parties <p>G. CIVIL SOCIETY</p> <ol style="list-style-type: none"> 1. Strengthening the role of civil society and media as a watchdog <p>H. INTERNATIONAL SECTOR</p> <ol style="list-style-type: none"> 1. Ratification of treaties and Implementation 2. Use of technical support in special areas (election monitoring, for instance) 3. Lack of mechanism to implement, monitor, and evaluate the international conventions on rights <p>I. CAPACITY BUILDING</p> <ol style="list-style-type: none"> 1. Enhancement of the Political Representation Capacity (PRC) of Minority groups 2. Enhancement of the Policy Implementation and Enforcement Capability (PIEC) of the State 3. Discrimination in Policy Literacy among minorities and others 4. Orientation on obverse vs Minority group relations and scope 5. Dispelling the myths about minorities 6. Reorientation of attitudes and restoring dignity 7. Sensitization and clarification on the key Minority issues and concepts 8. Enhancing social capital 9. Recognition of community-based dispute
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<ul style="list-style-type: none"> 8. Legal enforcement of rights and court judgments through police and courts 9. Non-investigation of complaints 10. Non-cooperation with the criminal justice system 11. Speedy redressing of cases of violation of Minority rights 12. Disentitlement 13. Protection of indigenous knowledge, traditions, laws, customs, and land tenure systems 14. Law to protect tenancy rights for the landless 15. Ensuring Nepal Lands Act in practice effectively promotes equality 16. Extra-Judicial killings 17. Inclusion of vetting system in the Transition Justice System 	<ul style="list-style-type: none"> resolution mechanism 10. Provision for adequate resources J. MONITORING AND EVALUATION <ul style="list-style-type: none"> 1. Absence of effective mechanisms to implement and monitor laws, impunity, and violation of rights
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Source: Author

Redesigning a Minority-Friendly Electoral System

In broad terms, most of the electoral systems have so far followed one or more of four approaches. The British model, based on the FPTP system where the winner takes all and the loser waits till its time comes (which may never come), is a model now repudiated on so many fronts that it is losing its enthusiasts fast except among these who remain its most passionate advocates. The American approach negotiated by the chosen representatives was adopted by a number of countries including Poland and France in Europe and others during the last two and quarter centuries in Asia, Africa, and Latin America. This was also the approach adopted in Nepal in 1990 by the Constitution Commission of nine persons representing three power centers – the Palace, Nepali Congress, and the United Left Front. The third approach is one where a Communist Party nominally allows competition for seats in the House, but designs the overall mechanism in such a way as to make elections a single party game. The fourth one, the authoritarian approach, either eliminates the scope of party existence altogether or, as in the case of traditional leftist regimes, manipulates electoral processes to make it the playground of one single party or a dictator's personal turf.

Considering the stark deficiency of the electoral framework set up in 1990, elections will have to be designed afresh in a way to make them more open, inclusive, participatory, and owned up by the minorities.

Obviously, none of these four models is adequate to address the needs of the new electoral framework on our agenda. Mainstreaming the marginalized implies mainstreaming both the minorities and the people of Madhes into the electoral design, but the representational deficit – acute as well as chronic – of the traditional frameworks means the task will be far from simple or one-shot remedy.

Accommodation of the minorities, in fact, has often been pledged and postponed in myriad forms, but unlike the good girls of Tallulah Bankhead who kept the diary, the pledgers have become the bad girls who never have the time to honor their pledge. Redesigning the electoral system can then bring what Lucian W. Pye calls 'Participation Crisis',¹²⁰ a crisis that can involve change in the role of the existing power partners in three different ways. The first one is a slow, latent, under-the-surface process of transformation of incremental evolution that demands time. In the second case, there is often abrupt reversal of roles, as happened in the case of the Tamils and Singhalese in Sri Lanka after 1948, of Muslims and Hindus in India after 1857, between various religious sects in Lebanon in and after the mid-20th century, and between the immigrants and native citizens in Tripura in northeastern India and in Fiji. Such a situation can push up a whole group of population in protest who feel that the emerging framework may threaten their power and interests, turning them into losers. They then become stakebreakers or spoilers – negative stakeholders – in the new power game. Addressing their anxieties demands considerable skill in political management.

Since those now at work on the new electoral design cannot afford the time demanded by the first approach nor can they risk abrupt reversal of the roles, they must take a hard, deep, and long look into the issues involved and stakes held by all the sides concerned to arrive at the right kind of solution. In redesigning a Minority-friendly electoral system, the five propositions that follow can be of help:

- One:** Poorly designed electoral systems, which imply wrong representation of the minorities, are unable to anticipate and countervail the onset of the process of political fragmentation and turmoil they may unleash.
- Two:** The conventional majority-based electoral designs being inadequate to serve the needs and demands of the minorities, have to be redesigned structurally to accommodate effectively the demands of the minorities.
- Three:** In the long term, such maldesigned electoral systems tend only to sustain survival regimes deficient in political capital which can engender structural conflict.
- Four:** The weak conflict management capacity of a poorly designed legislature can spawn chronic legislative instability, democratic deficit, and structural crises.
- Five:** The weak crisis coping capacity of such regimes may ultimately result in State failure, or even collapse.

3.2 Tarai-Madhes in Turbulence

The present protest in the south has been decisively different from the preceding two movements of the region in altering the earlier agendas of the State for social change and political engagement. It is becoming transformative in changing the total social structure of Nepali society, reformative by trying to offset traditional injustices

and inequalities, redemptive by changing the scope for personal betterment and offering alternatives lifestyles.¹²¹

3.2.1 Genesis of the Movement

We may now try to probe into How and Why the movement took shape and grew. The obvious trigger was what could be regarded as the Five Village Syndrome and other claims made by the actors of the ruling regime, but a time-bound tradition of discrimination and deprivation – real and perceived – was also at work. The discrimination-deprivation mechanism starts at the psychological level, but has a number of dimensions and culminates in mass alienation, which, too, is psychological.¹²²

Chart 9 Psycho-Social Roots of the Movement

• Trust Deficit	• Leadership Crisis
• Hegemonic Nationalism (Orocentric)	• Positional Negotiation
• Derogation	• Subject Culture
• Deprivation, Discrimination & its Various dimension leading to Deep Alienation (Inter-Generational) – Meme	• Inoculation Effect (Policy)
• Segregation	• Five Village Syndrome
• Political Myopia	• Survival Regime
• Social Mobilization	• Hard State
• Horizontal, Vertical, Generational Polarization	• Political Instability
	• Minorities on March
	• Crisis of Constitutionalization

Source: Author

One case closely, if curiously, comparable is the resurgence of Pahari identity and movement for Uttarakhand State in the UP of India. It has been argued that Uttarakhand identity was the product of that agitation before of which one could speak only as a fragmented identity. The sense of separateness while living outside the region; clash of interest with non-Paharis regarded as aliens responsible for cultural decline and economic backwardness of the region; and the imposition of 27% reservation for OBCs, combined with the State' failure to uplift economy and pushing out people for work; deforestation; and the rise of emigrant settlers are regarded to

have fueled the movement, many of which bear close parallels to Nepal's Tarai-Madhes uprising. Another similarity appears to be the State's inability to recognize the genuine grievances of the movement and mishandling it that is claimed to have transformed it into a powerful demand for separate statehood. The similarity with Nepal's case of Tarai-Madhes upsurge could hardly be more striking.¹²³

3.2.2 Discrimination-Deprivation

Relative Deprivation (J-Curve) in the present context appears to be proceeding in three different ways for the three major communities:

1. Detrimental Deprivation for the traditional power elite.
2. Progressive Deprivation sensed by the neo-elite leaders of Political Parties in the South who lost the election of 2013 and who fear losing political turf further in the reversal of pledges made in the Interim Constitution; and
3. Aspirational Deprivation in the case of the people of Tarai-Madhes whose value expectations are rising but value capabilities lie on a plateau.¹²⁴

One reason why the democratic constitution of 1919 in Germany gave way to Hitler's rise was probably the disconnect prevailing in the failure of the political change to enable the people to identify with the symbols and substance of the new regime and to transform people's expectations. Partly at least, the revolution in China was somehow able to accomplish it.¹²⁵ Nepal's current scenario hardly allows one to expect such an outcome, given the fragility of **Incentive Compatibility** of the State's political system where the power holders find it advantageous to do what the society as a whole needs from them.¹²⁶ The leaders then start doing what is good for them, by effecting a camouflage of interests, instead of what is good for the society as a whole. It was probably this reversal of

preferences, too, that 'marginalized' the issues during the course of regime change in 1990 when a new constitution was taking shape. The chairman of the Constitution Recommendation Commission is reported to have stated that 95 percent of the suggestions brought before the commission had been related to marginal issues, such as culture, language, and religion.¹²⁷ What was regarded as 'marginal,' however, took just six years to reemerge as mainstream issues in the form of the Maoist 'People's War' in the Mid-Western hills, surfacing clearly after the minorities also started their march in protest movements before and after the 2008 upheaval.

Pointing to the ultimate risk that our scenario analysis suggests – these two observations underscore the possibility of the movement going astray and becoming acephalic, that is, headless. Headlessness here means becoming devoid of direction and control when the open unregulated border in the South may unleash the scope for arms supply and a much more violent movement than ever seen so far – a scenario that could unfold the ultimate stage for secession – a stage that can only be imagined now – but once it picks up momentum and crosses the critical threshold of physical disintegration, the water will pass over the heads of us all when the cries will not be even heard. If a stitch in time saves nine, we may still have time to heed the message on the wall.

In the stratified, differentially empowered multi-Minority, multi-cultural, and segmented society of Nepal structured in forms of dominance and subordination where the issues of subaltern counter-public (Nancy Fraser's term) are bound to rise, is representational parity possible? This question reduces itself to the question of substantive representation, which, in other words, is to challenge the ritual mode of candidature that reinforces the traditional set of candidates nominated or directed from above by party leaders or power elite which perpetuates subalternity in candidature and representation as elsewhere. What can parties do to change the

situation? The next subsection takes up the issue of party image in Nepal before proceeding further.

3.3 Party Image and Institutional Trust

One practical way to appraise how important Political Parties have become in the life of a nation is to ask citizens which parties they identify themselves with. The concept of party identification, first developed by Angus Campbell (1960), is only now beginning to acquire some salience here and, over the past quarter century, a number of political and social surveys have been done in Nepal by various polling agencies that tell us much about the images, opinions, and attitude of the Nepali people on the Political Parties and other various political issues of the day. What kind of image do the people carry in their mind and how do they respond on political issues, agendas, and political parties?

Here is a small sample of the findings filtered from a large pool of data.

- A survey study done recently by the Ministry of Law and Justice reveals three important findings: 79.5% of the criminals charged get acquittal through political support; among those protecting the accused, members of Political Parties rank highest in their share (44.8%); and 87 percent of the respondents do not know about the free legal service being made available to those in need of help.¹²⁸
- Asked which Political Party they would choose as capable of building a peaceful and prosperous Nepal, 42 percent out of a sample of 3527 citizens surveyed in 35 districts in 2015 (2072 BS) by *Himal*, offered a negative response (Don't know 25.7%, Don't want to say 11.2%, No such party exists 5.1%).¹²⁹
- The Global Corruption Barometer, moreover, voted Nepal's Political Parties as the most corrupt institution.¹³⁰

- More than fifty percent out of a sample of 3500 in a survey done in 38 districts of the country in 2013 said they voted outside the Political Parties.¹³¹ No single party could claim a strength above 11-14% [NC, UML, CPN (M)] when respondents were asked whom they would choose as the Prime Minister (percentages aggregated partywise). The pattern of party image thus corresponds more or less closely to the image about leadership.
- Seventy-six percent of them believed democracy is in peril from Political Parties.
- Nearly half of them (47%) think Political Parties are self-centred.
- Over four-fifths (83%) see a gap in the pledges made to the voters and the performance.
- Close to half of them do not bother to read the party manifestoes.
- Sixty-two percent of a survey done by the SDSA in 2008 said they never take interest in politics (N=4089) and forty-two percent said they discuss politics with no one¹³².
- The index of people's participation in social organization remains puny (13% vs South Asian mean 14%)¹³³, although the ratio of Pro-Diversity (on the Secular vs Majoritarian debate) looks substantially more positive (42.3 with a quotient of 14 vs the region's mean of 15:10 quotient 1.5) from a national sample of 10,965.
- The NCCS survey of 2002 shows that over three-fourths of the MPs approached believe the government is either poorly responsive or not responsive to the issues raised in the House¹³⁴.

- Over eight-tenths (81.7%) of the respondents from the Himal ORG-MARG survey done in 2001 said the activities of leaders and Political Parties posed threat to democracy.
- The IIDS survey of 1994 (15 districts, N=1321) shows most citizens have no access to mass media; the citizens' capacity to use media to publicize issues remains abysmally low; and nearly half of those surveyed do not believe they have a role in forming public opinion¹³⁵.
- Going still further back, while the NOSC and SEARCH surveys done in six districts of the Kathmandu valley and outside in 1993 reveal widespread dissatisfaction among the mass public with Political Parties (even if a majority of the party respondents except those from the CPN-UML, appear predictably satisfied),¹³⁶ seven-tenths of the 1,000 respondents survey done in 1991 by POLSAN in ten districts were found to believe elections make government listen to people with a larger proportion (86.6%) thinking Political Parties are necessary¹³⁷.
- One study done in seven districts of Tarai-Madhes of representation in local governance at three levels – VDC, Municipal, and DDC (N=560) – shows that Parity Index (PI) in local governance is favorable to Madhesis compared to the Hillfolk, with hill representatives' preponderance in Political Parties, as VDC secretaries, teachers, and health workers. While the turnout of Madhesi voters in the previous VDC elections was overwhelming (88%, with Dalits and minorities leading), over half (55%) of the respondents said they do not know a single DDC member and over one-fourth (27%) said they are never called for social or developmental work initiated and 31 percent said their advice is never taken on these issues¹³⁸.

- At the national level, the picture on political communication looks hardly better. One recent study shows just over one-tenth of the citizens in Nepal (11%) voice opinion to public officials¹³⁹. This means out of a country set of 187 on which data are available, 146 or 88 percent rank better than does Nepal.
- One ray in this bleak scenario was the 33.2% seats that female MPs claimed in the first Legislature-Parliament elected in 2008.
- Whereas the transparency of Political Parties on a 0-10 point scale was observed to be just 2.9 (insufficient 0-3.3; normal 3.4-6.7; satisfactory 6.8-10)¹⁴⁰, the trust that voters and citizens show in the various political institutions of the State, the image that emerges of Political Parties is even more sobering, not different from the observations made above. Whether at the national or regional level, the two tables (Tables 2 and 3) below present a near-bottom position for Political Parties. Will the parties take heed?

Of course, most of the party people, particularly the leaders and other party executives, may not like to face up to this kind of reality check. Yet the reality is there and will not go with an ostrich-like approach.

Table 2 Trust in Political Institutions (Great deal or Some)

Institution	Citizens % (N range 2911-3659)	MPs % (N=300)
1. Election Commission	77.7	84.9
2. Courts	74.6	72.3
3. Government	67.9	80.0
4. Army	65.5	65.6
5. Civil Service	63.9	71.2
6. Police	58.9	70.0
7. Political Parties	57.0	86.9
8. CPN-M	48.9	54.6

Source: IDEA2008: V20A-H.

**Table 3 Level of Institutional Trust: Trust Ratio
(Great deal + Somewhat)/Not at all**

Institution	Nepal	South Asia	India
1. Local Government	64/9	58/11	64/11
2. Army	62/9	72/8	74/5
3. Courts	60/7	60/11	58/12
4. Police	57/12	47/24	42/26
5. Election Commission	54/5	49/9	51/8
6. Civil Service	48/13	51/14	47/17
7. Central Government	48/13	56/11	62/7
8. Political Parties	41/17	38/21	36/24
9. Parliament	41/13	42/13	43/12

Source: Oxford et al. 2008: Tables T 4.2-4.11, 246-254.

Somehow, the overall image of parties in Nepal that emerges from this analysis is not very different from what H. N. Mukherjee underscored for the Indian counterpart exactly a quarter-century ago – “politics and politicians [were never before so much] [and] almost rightfully... as denigrated... degraded, and sometimes detested, in the eyes of our people as they are at the moment-”.¹⁴¹

Image matters and often matters in significant ways. Image can do and undo the making of parties and whole public agencies and organizations. If it is the image of the party that impels someone to join it, it is its anti-image that may drive him way. A party cadre will remain in a party to work and struggle under its banner only as long as the image in the cadres’ mind sustains. If the party activists decide to fight and fall fighting, in other words, sacrifice their precious life, blood, tear, toil, and all, it is because of the image they have of their party and its leadership. Imagine, then, the pain and desperation of the thousands of party workers who feel betrayed and let down when their mother organization goes astray. This has been a familiar story in Nepal's political history in the course of the various struggles waged over the past few decades. There was

certainly no dearth of souls and minds willing to wage the battle and keep it going for democracy, human rights, and human liberation in this land. What lacked was the true vision and mission, the spirit that could keep the journey going ahead in a sustained fashion. Hundreds have died, as a consequence, and thousands have sacrificed all they had for the noble cause. And, if those still fighting for the cause begin to leave the front, it is because the image is no more there. It has evaporated: the image they have cherished of the party and pursued so far has turned out to be a mirage.

The image a party holds at a time also matters in other ways too. In the context of an election, for one instance, particularly before the decision is made to hold the election. In 1959, for example, evidence exists to show that King Mahendra announced his decision to go for election only after confirming that Nepali Congress would not muster a majority of seats.¹⁴² Indira Gandhi's decision for polls in 1977 was driven by a similar confidence "to get through".¹⁴³ Even the 2013 elections for the second CA elections in Nepal probably bore similar perceptions, if of contradictory nature among the various parties.

Image thus matters. How exactly it does, why, with what effect, and in how many ways could be a theme worth probing in larger detail, but that again, is outside the reach of this paper. In a somewhat personal vein, image has mattered strongly for this observer, too, more than once in his own life, pushing him spontaneously toward three 'political' decisions¹⁴⁴, but without any party connection or motives whatsoever.

Party Image, in fact, is a composite product of several elements and processes at work, virtually from the day a party is born and starts to function. The dynamics of image formation is more intricate and long-term than is usually regarded. The way a party frames its issues, builds up an agenda, handles campaign, trains its cadres,

mobilizes resources, devises policies, formulates strategies, each, matters in the way image gets projected in the public mind. Party image is thus a product of the platform it builds, the program it formulates and implements and is substantially influenced by the happenings in its internal (organizational and national) and external (international) constituencies. Often the way it takes up the issue matters more than what it actually does. The people it associates with in the course of its activities – cadres and leaders – all matter, too, in the way image evolves. But the way the Doctrine of Necessity was (mis-) used in Nepal recently to bring up a transitional government certainly didn't help to enhance the image of any party then coalescing nor did their occasional tactical dithering over consensus and majority approaches to decide on issues from time to time.¹⁴⁵ No wonder, then, that whereas politics is regarded as an art of the possible, party politics in Nepal has rendered even the possible impossible and unacceptable acceptable.

The discussion just preceding does not imply that politics is a mere manipulation of image. It was James Bryce who said in a country full of change and movement, new questions are always coming up and the duty of a great party is to find answers and remedies.¹⁴⁶ One way by which decrepit organizations may acquire a new lease of life would be to revive the parties as incubators of remedies, notes Arthur M. Schlesinger, Jr. who further reminds that the “incubation of remedy depends, not on techniques of party organization, but on the intelligence and resourcefulness of people outside the organization and on the receptivity and seriousness of individual politicians, who will then use parties as vehicles for ideas.”¹⁴⁷

3.4 A Features Analysis of Nepal's Political Parties

A look at the structure of the Political Parties shows each of the four major parties (NC, CPN-UML, NCP(M), and RPP), boasts a

countrywide network of units from the primary level to the national convention. Their membership may range from 1 million to 4 million with active membership probably over 17% in general. Each, moreover, has sister groups/organizations ranging from 6 to 20 with 10-26 departments. Altogether 400,000 leaders and 1.6 million people are reported to be now depending on politics for their survival which is 1/18th of the country's population.¹⁴⁸ Finally, a number of them have ties with peer organizations abroad that function as an international base for their support. The putative role of the international community in their internal democratization is hard to deny.

One could also observe a whole set of trends and patterns from the history of the political behavior of the parties that militate against democratization:

- Tendency to split
- Absence of uniformity in conducting party affairs and the frequently observed dithering over even major political goals and policies
- Lack of transparency on sources of income and expenditure: the study done by the Transparency International and Carter Center under the CRIMIS Project (2010) refers to the clandestine mode of conducting politics and the practice of connecting funds
- Poor regional and ethnic inclusiveness in candidature patterns and membership in party bodies (central committees, for instance), House, and other decision-making processes
- Absence of the tradition of grooming future leadership
- Dominance of ad hoc, arbitrary, and exclusionary decisions, in policy and decision-making processes

- Inability to develop consensus on the fundamental issues, modes, and principles of governance
- Failure to adhere to the election code of conduct
- Inability to assert adequately the role of Political Parties in the realm of governance
- Absence of a national, regional, and local watchdog over the role and performance of Political Parties
- Strategic Gap in planning, policy formulation, decision-making, issue framing, and agenda building behaviour of Political Parties

Overall, lack of interior democratic structure and poor participation at the local and regional levels remain the Achilles' heel of all Political Parties.

Since in voting alone, at least eleven different modes can be noticed,¹⁴⁹ a well informed strategy to minimize electoral malpractices would have to be designed in any serious party agenda to minimize electoral delinquency.

Under-institutionalization remains a chronic problem in Nepal's Political Parties.

Moreover, since neither female franchise in constitution and candidature nor larger female representation in other sectors of the society nor even high levels of growth can *ipso facto* ensure enhanced political representation, engendering democracy (incorporating due gender representation) demands determined, affirmative, and assertive measures by the Political Parties to do justice to the cause of gender equity.

3.5 Why Consistency in Policy?

When Political Parties and ruling regimes in an elected order shift their priorities too often, violating the established rules of the game,

the Rule of Law itself becomes illusory and Policy Credibility, Policy Efficiency, and Time Inconsistency, and Relational Contracting¹⁵⁰ become key issues endangering policy continuity and the pledges made by the previous regime. The change of hands by parties in survival regimes is often behind such shifts rendering the image of the parties vulnerable till they begin to lose their minimal credibility in the eyes of the public, particularly those who become most affected by such shifts. The Trust Deficit it may cause creates havoc in the relations between the various constituencies concerned. One clear case here is the series of agreements made by the various Political Parties in Nepal in the Interim Constitution and the changes they brought in an abrupt way and without even consulting the concerned parties on the new document after the election of the 2nd Constituent Assembly. It was this shift that pushed the parties in the south to start the third movement in Tarai-Madhes that shows few signs of abatement. This apart, Party organizations as well as government regimes can beneficially use three concepts from policy and management – the *Precautionary Principle*,¹⁵¹ the *Prevention Principle*,¹⁵² and the *Resiliency Principle*¹⁵³ – to enhance the impact of their strategies.

3.6 Are Parties and Politics in Decline?

The overall image that emerges of our Political Parties from this analysis of surveys is certainly far from pretty, or even satisfying. But even abroad, the picture of politics, in general, and parties, in particular, is not very different. The Americans' trust in government, for instance, is said to have declined from 61% in 1966 to 36% in 2000.¹⁵⁴ Turnout there has refused to go up, refuting the assumption that it should have risen in the US with progress in education, income, and educational status. One national study carried out by CSDS (New Delhi) in India in 2004 reveals only 9% of Indians expressed their faith in the politicians¹⁵⁵ as also that Political Parties

are the Achilles' heel in India's political structure.¹⁵⁶ In India, 86% of the Indians believe Political Parties are corrupt¹⁵⁷ and of the 541 lawmakers elected to the 2014 parliament, at least 186, that is 34%, were reported to have pending criminal cases.

Political Parties can thus be seen in decline in many parts of the world. In France, Italy, Norway, and the United States, the membership of the established Political Parties was once reported to be half of what it was 20 years ago and surveys in both Latin America and Central and Eastern Europe found that people have more confidence in Television than Political Parties.¹⁵⁸ The Gallup International's Millennium Survey done in 1999 that asked more than 50,000 people in 60 countries if their country was governed by the Will of the people came out with a surprising finding – less than a third of the respondents said yes with just one-tenth agreeing that their government responded to their people's will. Given the role dons are seen now playing¹⁵⁹ in election and overall politics of more than one dominant party in Nepal, and the prevailing party stasis, the image they have acquired is hardly surprising.

Still, the question remains: if political participation is not organized by the parties, how will it be organized? a question as relevant now as when it was first raised over four decades ago.¹⁶⁰ The case of Thawang, the old hotbed of leftist politics in Nepal, shows that sans a sense of ownership in power, that is substantive representation in issue framing, agenda building, policymaking, and decision, participation carries little sense for the median voter, cadre, or even a citizen. This explains why Thawang which started as the key ecumene of Maoist movement decades ago, is still a rebel.¹⁶¹

"In a more interdependent world," argues the *Human Development Report* (2002), "politics and political institutions are even more central to human development,"¹⁶² a point emphasized in the social context by Buddha himself 2500 years ago when he

stressed the role of the *Sangha (sngam sharanam gachchhami)*.¹⁶³ Historically, parties have become powerful, perhaps the most powerful drivers of social change, and vectors of critical political transformation, a role that is hard to overemphasize. Probably the most important task before the Political Parties in Nepal should therefore be the effort to increase what Karl W. Deutsch calls the *cognitive capabilities* in the course of the political transition underway and their *integrative capabilities* – the capabilities to enable people of different races, regions, and religions, to work together in solidarity.¹⁶⁴ Therein would lie their highest fulfillment.

3.7 Lessons

1. **Pressure and protest work:** The 5th amendment to ICON came in July 2008, three months after the CA elections, declaring Nepal as a Federal Republic after the Madhes Uprising; and the GON decided to restore district offices to the headquarters in Jaleshwar following local pressure; the bill on torture came as a consequence of the tremendous pressure from the international community. Another case came in February 2009 when the scholarship for Dalit students was reduced by cabinet decision – from 15% to 9%. The decision was reversed following protests by Dalit students. Other examples are the government backdown on petrol prices, and the 20 million rupees sanctioned for the Everest expedition of a certain team, as also the government's preponement of the agenda of integration of the Maoist combatants by two days.
2. **Government dithers and constituencies need to keep a constant vigilance on their demands:** If the transfer of reserved seats from Dalits and Janajatis is one case in point, another is the proposal of 14 States by the State Restructuring Commission (appointed by the CA) approved

by simple majority, not by two-thirds as required by the ICON.

3. **Delays are inevitable**, if urgent measures are not installed to expedite agendas and voices are not kept up to pressurize the government. The delay on constitution draft is one example, the time taken to expedite progress on the Truth and Reconciliation Commission another.
4. **Constituencies have to go at it alone**, if cooperation strategy is not extended by the mainstream communities. Dalits, for instance, would, for instance, find it hard to wage the struggle against inequality if they must keep going in their push upward in the absence of an alliance with the Brahmins, Chhetris, and Newars, who are mere powerful and privileged and in a position to pull them forward.
5. **The active involvement of all key stakeholders is essential for the legitimacy of any democratic constitution**, if it is to be owned up by the people from various social and ethnic strata of the country's population and regions which is based on a nationwide debate (a process that the 1990 constitution lacked).

3.8 Inferences

- 1 Since the level of awareness on the Minority agenda remains very low, advocacy campaigns to take up the cause on any Minority front do not go far.
- 2 The level of policy literacy (on what, why, and how) is at a bottom – among the target groups as well as those who execute it. One logical consequence is weak commitment in policy *execution* and *enforcement*. In fact, in such circumstances, a kind of *Policy Inoculation Effect* can be engendered which means, the weak and inadequate or

ineffective implementation of a particular policy can render it immune to success, not just of that particular policy, but for any other policy measures tried by the government in the future.

- 3 Similar to the two observations preceding, the overall capacity of most Minority groups in various areas is weak almost at the bottom. The implications of such a State for their democratization and development can be far-reaching, if measures are not taken to improve them. Evidence, however, shows that given the support needed, minorities can come up fast to compensate for their gaps. One evidence was the decadal professional shift in technical and administration positions of the Dalits and other minorities that was noticed in the period 1991-2001, when inter-community differences could be seen significantly narrowing down.¹⁶⁵ Another evidence, which is a more recent one, looks even more striking. Between 2059/60 BS and 2063/64 BS, the success rates of Janajatis and Madhesis exceeded those of the Brahmans and Chhetris in public service recruitment, the ratios of recommended cases to contested cases being 2.03 and 2.03 vs 1.91 and 1.76. Even the Dalits were not far behind at 1.58.¹⁶⁶
- 4 There does not seem to be enough will to implement and enforce rules and regulations in the State mechanisms – explicable possibly by inadequate or poor commitment to the cause.
- 5 When law and general order is weak and attainable only for those who can afford it and when there is under-representation of a certain region or community, alienation increases. People of the Tarai-Madhes harbor alienation rooted in these two factors.¹⁶⁷

- 6 State policy on the same agenda often varies and turns out to be clearly inconsistent. One illustration came in 2007 in the penalty meted to the dissidents from Tarai-Madhes who had made a bonfire of the constitution and were put beyond the bar.¹⁶⁸ The government looked the other way when the Janajatis did the same.
- 7 The positive approach shown by the government to accepting the many changes during the UPR suggests reasonable strategies formulated by the international community (UN agencies, INGOs, donors, and diplomatic representations) will be accepted if properly structured and mediated.
- 8 At the same time, however, the propensity to balk or dither on agendas under pressure is often evident on the part of the government, which remains its soft spot, compelling the State to cave in even under unreasonable demands. There is a whole array of unholy bargains effected under duress by the government recently on this point.

3.9 Scenario Analysis

The discussion done so far allows us to offer a three-stage scenario analysis of 15 variables for three possible kinds of political developments presented in Chart 10. Comparison of the various kinds of possibilities in the areas depicted amply justified the approaches mentioned and the measures recommended.

Chart 10 A Three-Stage Scenario Analysis

	Variable	Status Quo Ante (A)	Status Quo (B)	Optional (C)
1	Constitutional Order	Autocracy	Party-State	Direct and Delegated Democracy
2	Key role player	King, Dictator, Power Elite	Party, Government, State, Power Elite	State, Party, Civil Society, Private Sector

+

	Variable	Status Quo Ante (A)	Status Quo (B)	Optional (C)
3	Track Used	1	1,2	1,2,3
4	Issue Awareness and Mass Advocacy	Dormant	Weak	Strong
5	Agenda Building	Ruling Elite	Political Party	Mass Public, Private Sector, Government
6	Status of Public Sector	Non-existent or very weak	Political sector predominant	Autonomous
7	Identity	Monocratic	Hegemonic	Pluralistic/ Composite
8	Inclusion	Minimum	Low	High
9	Political Mobilization and Public Participation	State	Elite	Mass
10	Political Instability/ Uncertainty	Very High	High	Low
11	Scope for Conflict, Violence, Crisis	Very High	High	Low
12	Representation	Selective, Manipulated, Nominated	Nominal	Substantive
13	Access to Resources and Opportunities	Oligarchs	Power Elite, Party	Mass
14	Political Efficacy and Ownership	Very Low	Low	High
15	Nation and State Relationship	Assimilation; Nation-State	Hegemonic Nationalism	Pluralistic (Rainbow, Mosaic), State-Nation

4. Measures Recommended

4.1 Encapacitating Political Parties

Since one central objective of every Political Party is to acquire power in order to govern, studying power becomes important, not just to get more power, but also to know how to use it in a better way and more efficiently than usually possible. In contrast to a policy-oriented party that would rather be right than win the vote at any cost, a power-oriented party changes many of its policies, even principles.¹⁶⁹ No less important then would be the 'power with people' – "the power to coordinate, to pull a group into a phase, so that their efforts reinforce each other. Power then can be used to

serve for creative ends to make it an instrument of human liberation.¹⁷⁰

The process of empowering and encapacitating Political Parties, in other words, their capacity building, in this sense can now be put forth in a capsule form.

4.1.1 Five Fundamentals of Party Restructuring

In order to specify what, why, and how of the process of political rejuvenation, the fundamental elements crucial in any restructuring of a Political Party are:

- Key Relevance – Universal Transition of Paradigms
- Key Rationale – Capacity Building, Non-Violence, Rational (Humanitarian) Politics
- Key Principle – Triangulation (Subsidiarism, Stakebuilding, Parity Index)
- Key Strategy – Three-Track Approach
- Key Medium – Political Party

4.1.2 Five Criteria for a Democratic Party Structure¹⁷¹

- Open discussion on issues
- Free inter-party elections
- Multiple candidature
- Regular party conventions
- Arbitral inter-party jurisdiction along with a court of ordinary jurisdiction with a viable functioning party statute

4.1.3 Five Ways to Capacity Building

- Conceptual Base – Vision, Plan, Strategy
- Integrative Capacity – Internal and External
- Connective Framework – PR (Image Building and Promotion)

Analytical-Evaluative Skills – Information, Survey, Research,
Feedback

Symbolic Capability – Image and Authority

4.2 A Three-Step Framework for Political Parties

A. Revisiting the Strategy on the Policy Front

Since the affirmative approach alone to minorities (quotas and reservations) may not be adequate to address the issue of their under-representation, a new approach to policy is called for. This can be started in four different ways:

One: *Provisionally, affirmative action on a short-term basis with sunset clauses*

Two: *Political Representation Capability (PRC) of the target Minority groups can be enhanced to improve not only their socio-economic status but also to strengthen their social and political skills as also the ability to participate more actively on the Minority agenda through the enhanced quality of candidature and decision-making as this would improve their demand capability, pressure efficacy, voting strength as well as electoral eligibility.*

Enhancing PRC, in turn, calls for a set of what may be termed the 6A approach, each of which operates in a progressive sequence, generating a converging, cumulative impact in the course of time with a multiple synergy which would not happen otherwise: Awareness, Advocacy, Attitude Change, Aptitude Building, Association, and Action.

Three: *Policy Implementation and Enforcement Capability (PIEC) of the State can be enhanced by reformulating the traditional approach to policymaking and implementation.¹⁷²*

Four: *Instituting measures at a multiple level.* Certain provisions appear to be too important to be incorporated at one single

level – one is for reporting and MEF (Monitoring, Evaluation, and Feedback); another for an ombudsperson; still another would be commissions. Incorporating such structures will enhance not only the check and balance effect, but will also assure the overall impact for which the mechanism is installed.

B. Revisiting the Relational Strategy: Mythopoeia vs Mythoclasm

Another issue closely related to the minorities, Madhes and Nepali politics, as mentioned already, is the set of myths holding their sway over the public mind (Section 2.1), which have substantially impeded progress on both the Madhes and the Minority agendas. In Nepal, as elsewhere, considerable obscurantism prevails on the matter. The stereotypes run deep and the social and cultural inertia will not melt away easily; they cannot be done away with by mere legislation and then waiting for the things to happen. That agenda demands a sustained multi-pronged and multi-level effort to erase the stereotypes from the people's mind. Just as mythopoeia takes its time to take shape, grow, and become an influence over the public psyche, blasting myths (mythoclasm) also will take time. This can take five forms – agency and State announcements and declarations, media programs (press, radio, TV, cyberworld), public debates and seminars, textbook curricula at school and higher levels, to bring together all the Minority and 'majority' groups into close interaction, and the installation of markers and hoarding boards in public places with messages to remind the sidewalkers on the policy goals, values, mottos, slogans, and principles constituting the restructured Minority-majority relationship. Such an agenda combines the power of education and socialization with mass mobilization to promote the values of social amity, understanding, tolerance, accommodation, and respect for the language, culture, religion, and traditions among the communities of this land.

C. Revisiting the Strategy on Representation

The local level of elections and governance is a good place to start developing electoral participation of the minorities and their communities for whom the higher level may appear too abstract, remote, and inaccessible for various reasons. Local elections are the elements of democratic governance closest to the people and hence can become the training ground for the higher levels of participation. minorities are more likely to participate in a developed system of local government which is more autonomous, has greater financial freedom, and is simple enough, closer, and accessible, and also more responsive to the local community needs and open to influence and participation. For the same reason, local government can be made more accountable and efficient, too. Larger the accountability and efficiency, the greater the effectiveness perceived by the local voter (efficacy). The drafting of a new constitution and its implementation presents an opportunity to revisit the scope for incorporating such provisions into the agenda and develop a comprehensive new workable approach to local governance in Nepal that is more Madhes- and Minority-friendly.

4.3 A Four-Point Strategy

Activate Tracks Two and Three. Track Two here means galvanizing the Middle Class professionals, educators, scientists, engineers, technologists, lawyers, medicos, bureaucrats, diplomats, and media professionals, as a bridge between Track One (government-to-government relations) and Track Three (citizen-to-citizen). But the Third Track brings its own challenges and opportunities. Challenges because the traditional inertia, ignorance, and poverty of the mass public are likely to demand enormous inputs of insight and perseverance to melt their resistance, and opportunities because, once off the ground, their momentum can be used to harness potentials of immense proportions, even to move mountains. The

synergy of the Middle Class and the people's mass can do what no single track can do alone, but they can do it only if they do it together.

Use the seven R's of relational management. This means reformulating the **Roles** of the various actors and agencies at work on the neighborhood agenda; implementing **Rules** and regulations in a more effective way; redefining the **Rights** and powers of the authorities so that relations become more productive; reconfiguring **Relationships** vertical, horizontal, and cross-generational; redefining **Responsibilities** in the light of the agenda at issue so that delivery becomes more certain and predictable; garnering **Resources** to bring together all forms of the Developmental Capital – human, physical, natural, social, financial, and political – along with an adequate review of the **Risks** involved in the exercise.

Engage proactively a broad range of human actors and agencies in Building Stakes. Stakebuilding is to stakeholding what property building is to propertyholding. Stakebuilding, unfortunately, is a concept forgotten in most, if not all, of the analyses about stakes. It is prior to the process of stakeholding. No stakes, no stakeholders. Stakes do not come from nowhere; they have to be built, cultivated, and promoted before they can be held. All stakebuilders in this sense become stakeholders but the converse need not be true. Stakes, moreover, come in multiple forms and shapes and need to be built in as many ways as interests, values, and goals can be imagined.

Reinvent Conventional Diplomacy using Public Diplomacy. The bedrock of public diplomacy is subsidiarism whose soul is localism. Successful programs often apply what James Scott calls *Metis* (1968): the ability to use local knowledge to create local solutions. Francis Fukuyama elaborates on how certain schemes to improve human conditions have failed in the absence of the right

approach. The State can often use deterrence to prevent certain things from happening but not always compellence to get things done. **Power Overstress Theory** says that efforts at maintaining mere law and order using hard power are detrimental to a State both internally and externally. Then there is also the **Security Dilemma** which means failure to adequately comprehend the neighbor's position can turn A's security doctrine into B's security threat. In the absence of mutual empathy, even treaties can become little better than the proverbial dinner between the Fox and the Crane. In such circumstances, the conventional mode of State relations often fails to release developmental capital or start the process of Defense Conversion – the transfer of defense capabilities in peacetime to non-defense production of consumer goods. Also, instead of transferring the best practices from far lying exotic continents, transplanting those from and around the region as a mode of **insourcing** makes better sense. This we say for three different but critically important reasons. One: Similar issues allow similar resolutions. Two: Common problems demand common approach. And Three: The megadiversity of the subcontinent offers an unparalleled scope for experimentation and emulation in countless ways. If one measure fails, another may succeed. Examples lie aplenty inside the region of South Asia itself, for instance. Efficiency increases, ownership grows, and solidarity becomes deeper and broader. The local approach can thus be used as the most powerful driver of the transformation of feudal societies into truly federal ones. But the Public Diplomacy proposed also needs to be simple and civil to make it sustainable. It has to be simple, because it then becomes easy to convince and connect, as also to concretize the ideas for the mass at large as well as to collaborate and continue. It also needs to become civil because it is the citizens who take the initiative here.

4.4 Ten Agendas for the Future

Agenda One: Reframe Almond and Verba's static social stability-and-balance-based model of civic culture and reformulate it to facilitate broader mass participation in politics by democratizing civic culture that alone can enable the citizens to retain political authority in their own hands to act as their own government in a context where those elected to the House, instead of deciding for them, perform their roles not as people's masters but as their officers.¹⁷³

Agenda Two: Clear the cobwebs of myths and fallacies keeping the mass public and politicians' mind confused on a whole array of issues.

Agenda Three: Renegotiate the role between the private and the political sectors.¹⁷⁴

Agenda Four: Empower the citizen and the voters.

Agenda Five: Expand the Political Participation and representation of the minorities.

Agenda Six: Reassess the role of political agencies – Political Parties, Government, Parliament, and Election Commission.

Agenda Seven: Revisit the role of the civil society. In this regards, with the help of political parties civil society can start a public agenda that has long remained sidelined: mass public debate and academic discourse on the political heritage of the East to revive the roots which have been pushed to the backburner and are fast wilting out in blind imitation of outsourcing on ideas and approaches from abroad. Such political insourcing can immensely enhance the quality of political order of the new republic which is being restructured.

Agenda Eight: Reinvent the strategy on the policy front, relations, and representation, if possible, adopting the

Coparticipation technique used to incorporate minority interest into a unified governing hierarchy in Brazil, Colombia, and Uruguay to promote political stability.¹⁷⁵

Agenda Nine: Develop a new mode of contesting and candidature.

Agenda Ten: Enhance the capacity of the political parties to minimize adversarial politics by cultivating a culture of consensus and compromise and managing conflicts as also to cope with crises.

5. Round-Up

When great changes occur in history, said Eugene V. Debbs, and when great principles are involved, as a rule, the majority are wrong and the minority are right. While this study does not claim the minorities are right on all their demands, it proposes that they be heeded seriously. After all, a democratic system is judged by the way it treats its minorities and how Political Parties play their role in this regard. After all the discussion that minorities and Madhes may arouse, the fact remains that neither the minorities nor the Madhes created the problem. They have merely made more urgent the need to solve the problem that has existed for a long time. The longer the delay in solving the problem, the more complicated and difficult these two agendas are going to become, not less. Also, these old issues are not going to be resolved by adopting the old approaches. In Nepal's case that point is of critical concern because minorities together constitute the permanent base of the country's political demography, the major determinant, like a common denominator, of all of its political dynamics in the days to come which can neither be wished away nor needs to be. Indeed, in a situation where no community literally wields a majority position, the way the myriad minorities relate to each other will make the difference between the success and the failure of the regime's policy on issues and agendas.

It can even decide the very pace and tenor of the nation's future course of democratization and development. But the key role in relating minorities to each other belongs to the Political Parties whose sins of commission and omission can undo the whole process.

“A party perishes,” it has been said, “if it conceals its mistakes, if it glosses over sore problems, if it covers up its shortcomings by pretending that all is well, if it is intolerant of criticism and self-criticism, if it gives way to self-complacency and vain glory and rests on its laurels.”¹⁷⁶ The parties can neither afford to commit major mistakes on the Minority and Madhes agendas, nor gloss over them, nor cover their shortcomings, nor even become self-complacent to rest on their laurels. “The abdication of political responsibility,” holds Percy Ernst Schramm, “frees a people neither from the consequences of its abuse nor... from the burden of guilt that is sure to follow.”¹⁷⁷

Riven apart between three identities – that of individuals, of communities, and of the State-Nation – the Minoritarians today stand confused, their life chances unassured and often in jeopardy. In fact, a peculiar dissonance characterizes the situation – most people do not associate democracy with Minority rights and the government and the Political Parties also show less than the desirable readiness to protect and advance Minority interests. Yet the people are not also averse to protecting Minority rights and the government has taken some concrete steps to ensure them. This brings hope as well as challenges – hope that success can be achieved, but success can be achieved only when the challenges are met.

It is in such a vein that this study outlines some of the achievements made, offers a profile of the issues that remain to be addressed, identifies some of the key constraints on the way, and suggests measures. It also proposes certain strategies to resolve the Madhes and Minority agendas in a fairly strong way (on the micro-

Minority, for instance). Parity Index and policy innovation it proposes with the hope that this may introduce not only a new phase of debate on the minorities, but may also further deepen the process of democratization in Nepal. This study, therefore, stresses the need to work seriously on the metrics of change in the Madhes and Minority situation.

Comparing and monitoring change in the role of the Political Parties may look at first a complex, difficult agenda, but it is a challenge which can be addressed. Looking at the glacial pace that the Political Parties in Nepal have adopted to change their modes of behavior, in their interaction with other parties and political actors and agencies, even in their relationship with the civil society, one wonders whether there can be a Flynn Effect to the bargaining skills of the parties in conflict.¹⁷⁸ Considering the levity with which the new constitution is seen to handle the role of political parties,¹⁷⁹ one we says it could take a page or two from the West German Basic Law which covers a wide range of issues in its 41 articles under seven different sections including their constitutional status, functions, internal management, and nomination of candidates for elections.¹⁸⁰ Still, if there are indicators for despair, there are also indicators of hope. Indicators, moreover, can be devised and measures can be operationalized to assess the vulnerability and progress in the status of both the minorities and parties over time. But if the measures, strategies, and agendas proposed here are not to remain a mere wish-list, to be on safe side, a distinction must be made here between the 'necessary' and 'sufficient' conditions for these transformations. Allocation of public resources to pro-right programs provides only a necessary condition whereas only effective implementation and management of such resources would create the sufficient condition. Likewise, transfer of the decision-making powers, roles, rule-making provisions, resource-use capabilities, and managerial delegation constitute the necessary condition, but only adequate capacity

building (enablement), entitlement, and empowerment of the minorities and the people of Tarai-Madhes in the effective use of such transfer can generate the sufficient condition.

One key thrust of this study lies in enhancing the overall capacity of the Madhesis and minorities, not just to represent themselves in the House, but also to represent themselves substantively on the policymaking and decision fronts, because this is what they lack today and aspire for in the political order unfolding. But with that power, there is responsibility attached, and responsibility for one's action, says Stephen E. Brande, is something few care to assume and many others fear. Naturally, greater the power the minorities acquire, greater the responsibility on the part of those who exercise it, and also greater the degree of resistance from those who will feel threatened and greater also their reluctance to acknowledge it. The success of the new Republican regime will lie as much in the extent to which the resistance and reluctance of those who feel threatened declines as in the extent to which the sense of responsibility rises among those who exercise the newly acquired power.

For that to happen, the State must combine its coercive and constructive powers, the hard and soft powers through its ability to reconcile the conflicting interests of various communities. That it can do by transferring its raw power into a constructive authority in bargaining with the various groups of minorities and people of Madhes to identify the common interests and reconcile on the unshared ones and find ways to pursue them. Here the Nepali genius to compromise, coexist, accommodate, and avoid brinkmanship, evidenced by their voting pattern, may be put to good use.¹⁸¹ In Nepal's transition from its old image of a warfare state to a welfare state, measures such as the one recently announced by the incumbent government to facilitate health insurance and secure free treatment for those under the poverty line and in need of heart,

kidney, liver, and cancer cure looks an encouraging development.¹⁸² Political parties can play a crucial, catalytic role in motivating and mobilizing the house, the government, and their own constituency in taking up such measures and policies.

At a time when the country is undergoing multiple restructuring – from a centralized feudal monarchy to federal republic (constitutional), from exclusion to inclusion (social), and from subjecthood to citizenship (civil), can a conscious citizen remain a passive spectator? For, it is clear that decades from now, when the political struggles of the day will have become a part of this nation's history, people will remember these years as years of upheaval and acute trauma and transition. The way the Political Parties and their leadership handle the challenges they face today will decide how the posterity will judge them and their decisions. But such a multi-fold transformation is possible only when it is holistic, and the State's policy is activated at three distinct levels concentrating all the processes toward the single goal of State transformation.

The Fourth Revolution that Micklethwait and Wooldridge talk about is about harnessing the power of technology to provide better services and about reviving the spirit of democracy by lightening the burden of the State. This is possible by rendering the work of the government optimal when it comes close to the people to whom it becomes accountable which can happen when it works with the help of technology rendering e-democracy a matter of everyday life for the voter and the citizen.¹⁸³ Crises, perils, and upheavals are the stuff of a nation's journey, stuff which this country has faced time and again and faced successfully and survived them. "Only through perils and upheavals" said Albert Einstein, "can nations be brought to further development."¹⁸⁴ Political order and stability, concludes Robert S. McNamara at the end of his harrowing tale of the Vietnam Tragedy, has to be forged *by* a people *for* themselves.¹⁸⁵ In addressing the Minority and the Madhes agendas, the Political

Parties must come forward with a new frame of mind that learns to aspire, to imagine, and to dream together with them so that their common interests can be translated into demands tomorrow to materialize into concrete reality. Development after all, is first a hope, a belief, a vision, and a dream asking to be turned into reality. In that regard, bonding of the three policy E's on minorities – Policy Effectiveness, Policy Efficiency, and Policy Efficacy, through policy legislation, implementation, enforcement, and follow-up will assume a crucial role. The impact of dysergy of opportunity costs when these three policy E's are absent or lacking can only be imagined at present. And the consequences of their synergy for each Minority group and Madhes at both the individual and aggregate levels and the country as a whole, too, can only be imagined now. But they need to be imagined because it is an imagination worth pursuing. War, the saying goes, is too serious a matter to be left to the sole consideration of the Army and its generals, or the Parliament to the parliamentarians alone. Politics and parties, too, are too important to be left only to the politicians and their leaders.¹⁸⁶

Notes

- 1 This substantial, if spectacular, shift in the image of Political Parties poses a starkly curious contrast to the shift that Thomas Jefferson himself underwent when the idea of the party was just taking shape (Schleginger, Junior 1980: 258.). In 1789, whereas Jefferson claimed he would not go to heaven at all if he could not go there but with a party, in another decade he was found conceding he was prepared to go, with the right party, to the White House, if not to heaven.
- 2 Shively 2003: 246.
- 3 Brennan and Hamlin 2000: 185.
- 4 Newman 1956: 1-6
- 5 Friedrich 1966: 435, 440, 445.
- 6 Mulhausen 2015:115.
- 7 The Weimar Syndrome may be set to work when, following the abolition of a regime, a solid basis of liberal political support is found

lacking; allegiance of the key social elite is missing; deepening political disenchantment begins to induce radical movements of the Right and/or Left; and ultimately, the vacuum left by the absence of normal democratic practices invites authoritarian decrees and orders culminating in the possible dissolution of the tottering regime to install some form of dictatorship, authoritarian takeover or military coup (Mclean 1996: 526).

- 8 Aditya, Upreti, and Adhikary 2008: 57-58.
- 9 Cohen and Rai 2000: 2-3.
- 10 Schaffer 2008: 198-200.
- 11 Aditya 2011: 42-43 (T3).
- 12 Miller 1985: 72.
- 13 Morgenthau 1991: 4-17.
- 14 ICON articles 21 and 33 (d1) use the term 'Proportional Inclusion'.
- 15 Harka Gurung, *From Exclusion to Inclusion*, SIRF, 2007, p. 36.
- 16 The proportionality of ethnic minorities in 11 selected OECD parliaments is presented by HDR 2004 in Table 2.1 comparing their shares in the Lower House with shares in population arriving at a ratio of 1 (0.97 is the more precise figure for 8.8/9.0 ratio for the Netherlands, highest for the groups of 11 countries), 0.6 for US (HDR 2004, p. 35.), 0.4 for Belgium, 0.2 for UK, 0.1 for Germany, and 0 for France and Switzerland. One paper uses the term *Proportional Share Index* (PSI) (range 1.63 and 3.66 for Brahmins-Chhetris to 0.84 and 0 for others (Ram Prakash Yadav, 'Caste/Ethnic Representation in Government at Policy Level in Nepal', in SIRF, 2007, pp. 95-124). Another analysis uses the difference between a variable percentage and population percentage to compare community situations, with positive or negative figures (Rita Manchanda, 2009, Table 3.2, p. 165.). Still another study uses the term *Proportionality of Representation Index* using the same formula with figures ranged between 0.13 for Roma, 1.09 for Bulgarians, 2.48 for Armenians, and 36.19 for Jews, with a number of ethnic groups such as Romanians, Greeks, and Russians showing no legislative presence (Oleh Protsyk and Konstantin Sachariew, 'Recruitment and Representation of Ethnic Minorities under PR: Evidence from Bulgaria,' in *East European Politics and Societies*, Vol. 20, No. 10, 2010, Sage Publications, pp. 19 and 5, T1). PC has been used also in the GESA Report 2007 (submitted to the World Bank).
- 17 Pye 1966: 369.

- 18 Leftwich 2004.
- 19 Karki 2073 BS: 4.
- 20 O' Connor 1987: 108.
- 21 Almond and Powell 1966: 195-205.
- 22 Pye 1966: 63-67.
- 23 Apter 1965: 421-430.
- 24 Apter 1965: 521.
- 25 KC 2013 BS: 5.
- 26 Jha 2014: 338.
- 27 Buchanan 1991: 29.
- 28 The Tolerant framework of liberalism can lead to proliferation of political and religious organizations, even fundamentalist agencies, to shatter the liberal framework itself, destroying ultimately the whole body of civil and political rights. Examples are the Fascist, Nazi, and Marxist dictatorships of various shapes and sizes in the 20th century. Ibid.: 34.
- 29 Joshi and Rose 2004: 125, 126, 457.
- 30 Shivley 2003: 260.
- 31 Mulhausen 2015: 73.
- 32 McDonald, and Ruhl 1989: 321-327.
- 33 Stenelo 1984:117.
- 34 Sunstein 2001: 40.
- 35 Sunstein 2001: 41.
- 36 Human Development Report 2002: Overview.
- 37 Aditya 2013.
- 38 Fukuyama 2004: 162.
- 39 Rummel 1987: 276.
- 40 Resonau 1981: 337.
- 41 Kalam 2010: 23.
- 42 Dhungel 2007: Table IV A: 5: 60.
- 43 Ibid.: Table IV A: 1, 2, 3, 4: 60.
- 44 Ibid.: Table IV A: 1, 56-59.
- 45 If the handbook on financing published by Political Parties published by International Idea suggests that to qualify for funds, parties must live up to certain standards of internal party democracy, transparency, and inclusiveness, the point is to underscore the need of explaining the role

of public resources, such as public money, public space, and the mass media to reduce the subservience of political parties to the private agencies and institutions. Narayan Manandhar, "Change starts from the top," *The Kathmandu Post*, 8 November 2014 (Money, Finance and Economics). Anyway, costly elections carry four risks. One, genuine candidates may not be available for election. Two, special interests may prevail, inducing corruption, even criminalization. Three, issues of the party may be sidelined derailing the party agenda itself. Four, the policy output may become poor and minimum.

- 46 Karl H. Kramer believes that the fact that local elections do not participate in the selection of representatives for the nation level leaves a deleterious effect. (Kramer 2002: 185)
- 47 Neumann 1956: 397.
- 48 Aditya 2007: *The Kathmandu Post*.
- 49 Pandey 2072 BS: 75.
- 50 Waslekar 1998: 122, 157, 158-159, 160, 163, 80.
- 51 Albery, Temple, and Bowen 2001: 52-55.
- 52 Varshney 2006: 431.
- 53 Ibid: 439.
- 54 Ibid: 439-453.
- 55 Fraser 2006.
- 56 Rothstein 1998: 150-151.
- 57 Rizal 2004: Foreword.
- 58 'Global Civil Society dialogue on SDG 2 concludes,' *The Himalayan Times*, 4 June 2016, p.2.
- 59 Huntington 1975: 87.
- 60 Hachhethu 2002: 153-154.
- 61 Biddle 1968.
- 62 Subedi 2016: 34-35.
- 63 McDonald and Ruhl; 1989: 337.
- 64 For further details, the reader is referred to Aditya et al. 2008: 161-165.
- 65 Oxford, SDSA, CSDS 2008: 139.
- 66 The report quotes that majoritarian decision-making procedures bring consequences such as exclusion from participation, bypassing of the rule of law, oppression, and impoverishment. *Human Development Report 2000*: 59-60.

- 67 Even if women are kept outside the count as an overlapping category, a conservative estimate of the other nine Minority groups' population is likely to sum up to over seven-tenths of the country's total population.
- 68 Paff-Czarneka, Senanayake, Nandy, and Gomez 2001: 86-87.
- 69 Evidence from cross-country data suggests that a society with greater equality of control over assets and incomes brings more equal distribution of power structure for the citizens and the majority-Minority disparity declines. Large majority-Minority inequality implies not just gross inefficiency in a State's resource use and growth, it also affects its overall ability to compete globally. Reduced Minority-based inequalities in health, education, and decisional matters can lend a clear advantage over states that delay action. WDR 2002: 5.
- 70 WDR 2012: 58.
- 71 WDR 2012: 335.
- 72 The Federation of Swiss Women against Women's Right to Vote' (f. 1959) opposes female suffrage, arguing women's place is in the home – Kinder, Kirche, and Küche (children, churches, and kitchen) – not in the political arena. In the canton of Appenzell Innerhoten, 95% opposed female franchise in a 1959 national referendum and 67% of women voters opposed it. WDR 2012: 336.
- 73 Gender Inequality Index (GII) captures 3 critical dimensions for women – reproductive health, empowerment, and labor market participation – in one synthetic index that ranges from 0 (no inequality in the included dimensions) to 1 (complete inequality), and addresses the key drawbacks of GDI and GEM (related to urban elite bias, extensive manipulations in filling the missing data, and the incongruence stemming from combining absolute and relative achievements). The more correlated the disparities between genders across various other dimensions, the higher the index. HDR 2010: 90, T4.
- 74 DFID, World Bank 2005: Ch. 10-22. See Annex 10.3 for list of the cases filed during these 13 years.
- 75 Bhadra 2006.
- 76 SAP International 2008: 3.
- 77 Kantipur, 18 February 2012.
- 78 Manandhar 2016: 7.
- 79 SAP International: 93.
- 80 HDR 2010: Table 4.

- 81 The countries: Argentina, Austria, Denmark, Finland, Germany, Iceland, the Netherlands, New Zealand, Norway, Spain, Sweden. Data were taken from HDR 2002 Tables A1.2, A1.1.
- 82 The number of years female franchise was introduced ranged from 54 (Argentina) to 106 (New Zealand) with female seats figuring between 25.1 (Austria) and 42.7 (Sweden). The possible relationships here could be A-B, A-C, A-D, B-C, B-D, and even C-D, but these are mere speculations and need to be tested. The categories were classified on a 5-point scale of equal intervals – Very High, High, Medium, Low, and Very Low (-2.5 to 2.5). For analysis, seven variables were selected on subjective indicators of Governance (Polity Scale, Press Freedom, Voice & Accountability, Political Stability and Lack of Violence, Rule of Law, Government Effectiveness, and Graft) and three objective ones (the year women received the right to vote, turnout, and women's seat in parliament). Analysis suggests that in 110 of the country cases (i.e., 73% out of the total 151 cases for which data are available), the indicators follow a more or less uniform pattern, allowing one to guess fairly safely (almost predictably) within a safe margin of error, six of the indicators, given any one. In 20 cases (13.24%), the indicators remain uniform.
- 83 The impact of female suffrage on health, education, and welfare expenditure over time and sharp decline in child mortality in USA has been documented. WDR 2012: 68.
- 84 The ethnic and linguistic homogeneity index, as given by Kurian 1984: 47-49 is 30, which puts it above 28 countries (N=135) on a scale of 1 (greatest heterogeneity) to 100 (highest homogeneity).
- 85 For an Analysis of social mobilization in Nepal, see Aditya et al. 2008: 161-165.
- 86 The notion of Kashmiriyat (a common Kashmiri identity that transcend religious alliances with plan for 'a new Kashmir' incorporating radical measures such as land redistribution, espoused by Sheikh Abdullah, a socialist secularist), for instance, was not acceptable to other fundamentalist groups there (Frank 2007:198).
- 87 Bell 2014:398.
- 88 Sharma and Khadka 2011: 69-76.
- 89 One internet-based survey of civil society organizations in a wide range of countries reveals that while 76 percent of the respondents agree "to the highest extent" that empowerment is an integral component of human development and nearly all (94%) believe that having the

opportunity to participate in social decision-making is a critical aspect of development, the most important dimensions of empowerment were identified to be not *Group Identity*, but literacy and education (66%), the right of vote (54%), and freedom of expression (51%). *Group Identity*, in fact, fared as the last choice at 12% (HDR 2010, Box 6.6. p. 114).

- 90 Gurung 2007: 15.
- 91 Yadav: 17-18.
- 92 *Kantipur*, 'Madhesi dal pahadtira', 25 March 2012.
- 93 IDEA Survey 2008: Table V4.
- 94 Ibid.: 88-89, TV9. The table carries some errors.
- 95 Limbu 2008: 112.
- 96 The Disabled Person Protection and Welfare Act, 2038 BS (1982).
- 97 Muluki Ain (1853), New Civil Code (1963), Education Laws (1972), Stature on Special Education (1975), Act on the Protection and Welfare of the Disabled (1982, 1994), National Policy on the Disabled (1996), Local Self-Government Act (1998), Nepal Gazette (1999), National Plan for the Disabled (2003), Transportation Laws (1993), Constitution of Nepal 1990, Various Five Year Plans.
- 98 Jhamak Ghimire, *Jeevan: Kanda ki Phool* (Life: Thorn or a Flower; Kathmandu: Jhamak Ghimire Art and Literature Academy, 2010).
- 99 *Gorkhapatra* Daily, 24 December 2011.
- 100 The theory, wrongly attributed to Erastos of Switzerland (1524-83), who was believed to have held this doctrine, that holds that the State has the right to decide the religion of its members.
- 101 Bhattarai 2007: 219.
- 102 Johnstone 1988: 371.
- 103 Ripert 2014:58.
- 104 Johnstone 1988: 220.
- 105 The United Mission to Nepal, Christian Media, Nepal Christian Society, the National Council of Churches of Nepal, the National Churches Fellowship of Nepal, for instance.
- 106 Perry 1997: 361-363.
- 107 Fraser 2016: 7.
- 108 Launched in 1999 and co-signed by several heads of international organizations and religious leaders, it asks to adhere to the following principles: a. a refusal to invoke a religious or spiritual power to justify

violence of any kind; b. refusal to invoke a religious or spiritual source to justify discrimination and exclusion; c. refusal to exploit or dominate by means of strength, intellectual capacity or spiritual persuasion, wealth, or social status. Aan-Marie Kolenston, Governmental Donor-based Agencies and Faith-based Organizations, in Simkhada and Warner 2005: 80.

- 109 Gurung 2007: 53. In appendix to the paper.
- 110 'Cases of caste-based discrimination rarely reach court: Report,' *The Kathmandu Post*, 4 June 2016, p. 2.
- 111 Bishwakarma 2070 BS: 2002-2003.
- 112 In that regard, the initiative taken by the residents of Darlamehous VDC1 of Toripata in Gulmi to break commensal taboos (*Nepal Samacharpatra*, 'Brahman, Chhetri dalit ko chulo ma', 26 March 2012) looks encouraging.
- 113 See 'Sambodhan Chahiyo', Sarala Gautam's report on displacement from Madhes, *Himal Khabar Patrika*, 13-27 April 2012, pp. 14-16.
- 114 The high demand of Nepali soldiers as UN peacekeepers apart, Nepalese UN volunteers have worked in 51 countries reaching as far as the Cook Islands of the Pacific and conflict-ridden Kosovo. The UNV program officials are stationed from Botswana to Bangladesh. Nepal, in fact, was the fifth largest supplier of UN volunteers in 1999. NPC/NDVS, IYV 2003: 87.
- 115 Nepal International Election Forum (NIEFO), 'Random Opinion Poll on Constituent Assembly Election', July 2006.
- 116 The problems are: absence of documentation on Nepalese in India and elsewhere, availability at home constituency at election times, difficulties in distinguishing Nepalese from Indian Citizens, or the conflict-forced migrants from the economic migrants, connecting migrants to a home district, statistics on the number and location of migrants, illegal and irregular stay and movement, and technical problems associated with the out-of-country voters.
- 117 NRN A 2010.
- 118 Shakya 2007: 175.
- 119 A strategy suggested by the author as a member of Group 2 and approved at the SAHR Regional Workshop of 2007 in Kathmandu to ensure inclusion and political representation of all groups. See SAHR Report of the Regional Group of Experts on Inclusive Electoral Processes, 2008, p. 102.

- 120 Participation Crisis, according to Lucian W. Pye, occurs in a situation of uncertainty over the appropriate rate of expansion and influx of new participants creating serious strains on the existing institutions, with new interests and new issues arising to break continuity of the old policy which makes it necessary to reestablish the entire structure of political relations.
- 121 Cohen and Rai 2000: 2-3.
- 122 For an extended explanation of the various forms that structural exclusion takes to evolve through various stages of deprivation into alienation, see the discussion in section 2.2 on Exclusion Redivivus in Aditya 2009: 20-23.
- 123 Waheed 1998: 4. The author concludes that in absence of a policy for commitment to regional development and removal of poverty and regional imbalances, demands for separate states in India are unlikely to end. Ibid.: 258.
- 124 Gurr 1970: 50-53.
- 125 Shively 2003: 207.
- 126 Shively 2003: 207-208.
- 127 Kramer 2002:182.
- 128 *Aastha Weekly*, 25 May 2016.
- 129 *Himal Survey*, 16-22 August 2015.
- 130 *The Kathmandu Post*, 17 January 2014.
- 131 *Himal* 2013.
- 132 Oxford, SDSA, CSDS 2008.
- 133 International IDEA 2008.
- 134 Baral 2005.
- 135 IIDS 1996:116-117.
- 136 NOC 1994; SEARCH 1994.
- 137 POLSAN 1992.
- 138 JAGHRIT Nepal 2007.
- 139 HDR 2010, Aditya 2011: 51 (Table 8).
- 140 *Nepal Weekly*, 12 February 2012.
- 141 Kashyap 1996, 20 February 1981, in the course of Dr. Zakir Hussain Memorial Lecture.
- 142 Sijapati 2071 (BS): 126-128.
- 143 Indira Gandhi to a journalist; Frank 2007: 410.

- 144 The author remembers, declining in his teens, twice to apply for an award available within his reach, which could have sustained his two years of study at the Intermediate level of Science. The reason: the award was named after the king who had staged his takeover in 1960. A second moment came abroad when, while a student of a Medical College, after learning about the Party-State's decision in 1956 to invade Hungary and the mass carnage and execution of Premier Imre Nagy that had happened a decade ago, something snapped inside him about that kind of political order. Monarchy as a system of political rule, for him, died, too, the night he knew about the details of the gruesome killing of the Commander of a certain Political Party in Bharatpur uprising (in 1961).
- 145 Sharma 2007 BS: 359.
- 146 Schlesinger, Jr. 1986: 274.
- 147 Ibid.: 27, 275.
- 148 *Nepal Weekly*, 12 February 2012.
- 149 Aditya 1995: 102-103. Among them are Pressure, Purchased, Command, Bloc, Compliance, Committed, Critical, and Protest (Negative) voting.
- 150 *Policy Credibility*: A central problem of public policy, credibility implies fixed rules.
Policy Efficiency: Efficient policies tend to be stable, inefficient policies are vulnerable to being overturned.
Time Inconsistency: Time Inconsistency implies a policy that appears optimal at a time t_0 no longer seems optimal at time t_n .
Relational Contracting: A term indicating a context when parties do not agree on elaborate plans of action, but on goals and criteria to decide on mechanisms with unforeseen contingencies, disputes, and disagreements.
- 151 *Precautionary Principle*: The management concept that in situations that pose threats of irreversible damage in situation, the lack of full scientific certainty shall not be used to postpone effective measures to prevent situational degradation.
- 152 *Prevention Principle*: The policy concept that in circumstances posing scope for high natural hazards for human habitation, the lack of data and information or the traditional mode of behavior (such as settlement) shall not be used to postpone measures to ban certain activities (human habitation, for instance).

- 153 *Resiliency Principle*: Defined as the survival and sustenance capacity of a system to tolerate the impact of stresses, shocks, and pressures without permanent irreversible change in the system's basic features, structure or functional capacity and its ability to adapt and adjust to a new environment without compromising on its basic traits, values and principles.
- 154 Geer 2004: 360.
- 155 Shahasrabuddhe 2013: 176-177, 125-126.
- 156 Ibid.: 278.
- 157 TI Global Corruption Barometer.
- 158 UNDP 2002: 5.
- 159 'Chunawi Rathamaa Gunda Sarathi,' *Shukrabaar Weekly*, 15 November 2013, p. 7.
- 160 Crozier, Huntington, and Watanuki 1975: 91.
- 161 'Thawang Sandhaiko Bidrohi' (Thawang a perennial rebel), Hira Bahadur Ghartimagar, 20-26 March 2016, pp. 24-31.
- 162 HDR 2002: Overview 2.
- 163 The last words of Joe Hill, labor union leader, before he was executed in 1925 in Salt Lake City for a 'framed-up charge of murder,' for his friends were: "Don't mourn me; organize." Deutsch 1970: 72.
- 164 Deutsch 1970: 404.
- 165 TPAF et al. 2008: 106 (T 6.14).
- 166 Anubhav Ajit, ed., *Samabeshikaran* (Paper by Hikmat Bishwakarma on Civil Service, Tables 3 and 4, pp. 51-52).
- 167 IDA, NEMAF et al.: xi.
- 168 Magh 2, 2063 BS, Communication to the author in person by a senior advocate activist.
- 169 Deutsch 1970: 61.
- 170 Deutsch 1970: 29.
- 171 Partly based on Meyer 2007: 12. While Thomas Meyer presents a succinct list of the criteria in his booklet, the fifth factor is, essentially, a corollary of the first one.
- 172 See Section VI on communication policy in Principle and Practice, in *Mass Media and Democratization* (Kathmandu: IIDS, 1996): 77-86. Much of what applies to the policies in the media sector applies also to policymaking in general.
- 173 Aditya 2011: 15-18.

- 174 Ibid. 2011: 58-63.
- 175 McDonald, Ruhl 1989: 342.
- 176 Finer 1977: 308.
- 177 Schramm 2010: 14.
- 178 Mahbubani 2013: 23. A remarkable finding of James Flynn, a philosopher, that after the first administration of the IQ tests, the scores achieved by the test takers have been rising.
- 179 Part 29 of Nepal's Constitution deals with political parties in just four articles (269-272) in a little over two pages (199-201).
- 180 Sahasrabuddhe 2013: 276.
- 181 Gautam 2015: 43-46
- 182 Shekhar Kharel, 'Aspatalkai Upchar,' *Himal*, 5-11 June 2016, p. 14.
- 183 Micklethwait and Wooldridge 2015: 270.
- 184 In a rousing speech, concluding his remarks at Royal Albert Hall in London before the 2nd World War. Calaprice and Lipscombe 2008: 106.
- 185 McNamara 1996: 333.
- 186 "Politics is too large, diverse and important," says Leon D. Epstein in a similar vein, "to be left solely or mainly to Political Parties" (Epstein 1975: 27).

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The Role of Political Parties in Deepening Democracy in Nepal

Dev Raj Dahal

“Democracy is the most difficult of all forms of government, since it requires the widest spread of intelligence, and we forgot to make ourselves intelligent when we made ourselves sovereign.”

Will and Ariel Durant

Introduction

Political parties are essential elements of representative democracy. On the basis of a particular ideological worldview, political leaders organize their followers and cadres in the party, create an opportunity structure to redistribute the cake between the classes¹, coordinate their behavior, formulate strategies and programs, design the electoral choice, use power, and exert pressure for the desirable policy outcome. Nepalese political parties mainly arose out of democratic struggle and have today assumed these functions to play a crucial role in coalition-building and political transformation. To mobilize and represent the heterogeneous social and cultural landscape of the nation, they have also framed issues, nurtured civic and human rights, excited people's imagination with new ideas about human condition, and initiated structural change of the state, polity, and economy through bellicose zeal.

Moreover, Nepalese parties have also carried out political modernization and democratization through political education, social mobilization, recruitment of leadership, and aggregation and articulation of public interest. By acting as a transmission belt and

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projecting societal interest into decision-making, they have performed effective communication functions between the political system and the citizens and demonstrated political will and cooperative action for the restoration of democracy. They, however, appear weak to maintain a democratic dynamic between the inputs and outputs of political system, stoke over-expectation of the people, and consequently face rationality deficit in performance while in the seat of government. Similarly, their clientalist networks, based on neo-patrimonial structures, have produced tension for the representational system and the process of political mediation². They also appear feeble to consolidate the state, “a state in which the whole is greater than the sum of its parts”³ and utilize its power to reduce poverty, income inequality and political conflicts, and increase the scope of livelihood. Defining a single universe of democracy, peace, and development in Nepal is another central challenge in transcending their competing partisan lens.

The prolonged political transition in Nepal so far signifies that the mainstream parties—Nepali Congress (NC), Communist Party of Nepal-Unified Marxist-Leninist (CPN-UML), United Communist Party of Nepal-Maoist (UCPN-Maoist), and United Democratic Madhesi Front (UDMF)⁴ – lack a shared vision, skill, and ability to steer rule-based governance, institutionalize and consolidate democratic gains, seek institutional stability, strengthen popular sovereignty through local governance, beef up the intermediary institutions of society, and meet the expectations of ordinary citizens in the realm of public good. Owing to the dysfunctionality of formal economy and its inability to create employment, the youth are forced to migrate abroad to improve better living conditions. Similarly, the dispersal of power to the horizontal and vertical structures of local self-governance remains exceedingly scant.

The assertion of popular will is a key strategy of citizens to influence national politics, law-making, and development policies.

Nepalese parties as the institutional safeguard of people can deepen democracy if their leaders are capable of protecting the freedom, security, and dignity of citizens and creating a rule-based easy-access order. Nepal has a tremendous potential in unlocking its energy for development—strategic location, diverse topographical landscape, demographic dividends, hydropower, tourism, and cultural diversity. Deepening democracy requires the optimal utilization of these potentials for welfare-oriented programs for Nepali citizens with special emphasis on the weaker sections of societies so that they feel a greater stake in maintaining and sustaining the democratic institutions and a civic culture of tolerance of diversity bestowed by national heritage. In Nepal, however, in the post-democratic phase ordinary people are mostly sidelined from democratic dividends. While the senior leaders fear party reforms as a risk to their authority and power, a process-driven boosting of local level committees and leaders can create a strong electorate for both deepening party democracy and leadership development.

Various national political movements organized by Nepal's parties in 1950, 1960, 1979, 1990, 2006, and several identity-based movements have spread democratic ideas, expanded franchise, and brought previously immobilized groups into politics. Each time, institutional deterioration caused a problem for democracy consolidation. As long as the institutional integrity of the leaders is not established and democratic values, procedures, habits, and civic culture are not internalized in their personal and institutional life including those of the cadres and followers, deepening democracy will remain an uphill task. These two functions are important for the political integration of diverse functional interest groups, social classes, and intermediary bodies into the party structures. "Institutions are seen as equivalent to progress and political effectiveness, they embody models of a good political order easy to recognize and emulate."⁵ Democratic parties are institutionally

accountable to power because political power is a trust of people that requires periodic renewal through the election of parties, local bodies, and the national bodypolitik for its legitimate use. They, therefore, must operate transparently in response to the demands of the electorate.

Deepening democracy in Nepal, however, requires democratization of the inner life of parties and the utilization of its historically evolved national ethos that supports social pluralism. It is important to foster a culture of inclusion, listening, deliberation, and negotiation of conflict of interests, ideologies, and identities. Politics is part of a public realm because it helps to create a common ground for various partisan interests which tend to stratify the population in the binary code of “we” and “they.” National politics democratizes the public institutions through the negotiation of a post-conflict social contract which means leaders and citizens cannot act arbitrarily against the laws of the land. The subordination of every aspect of life to the imperative of politics is authoritarian because it undermines the checks and balances of power. Promulgation of a workable constitution for diverse social and political groups by the second Constituent Assembly (CA) elected in November 2013 and renewal of the authority and legitimacy of the government are crucial indicators for putting a tab on social fissures and mobilizing the centripetal forces of society for nation-building.

The first CA elected in April 2008, having squandered endless opportunities, collapsed after four years of political acrobatics. But it has offered sufficient learning opportunities to reflect and plan for the future on the basis of accumulated experience. Nepal's parties, in fact, have all shown a catch-all tendency. The 'catch-all' is a term coined by the German Political Scientist, Otto Kirchheimer, to denote those parties which aim to maximize the number of party supporters and members regardless of their commitment to party ideology and program. In Nepal, such a tendency has created a disjuncture

between the basic values of the parties and their ultimate goals by opening party membership to all kinds of Nepali citizens. The catch-all tendency is also eating away the conventionally-shaped images, ideologies, and identities sapping the glue that keeps Nepalese parties united to their cadres and voters. This may be good for power-sharing. But it does not augur well for common values as a background condition for the resolution of critical constitutional issues—federalism, form of governance, election system, citizenship, judiciary—and implementation of a new constitution promulgated on September 20, 2015.

One can also notice a chronic trust deficit among the ruling and opposition parties after the promulgation of the Constitution of Nepal that formalized secularism, federalism, republican state, and social inclusion. There is, however, paralysis of power owing to the agitation of UDMF and Tharus and extreme political polarization between the ruling coalition of NC, CPN-UML, and UCPN (Maoist) and UDMF though they are part of the same post-2005 political establishment brought together by the 12-point agreement, political agitation of 2006, Comprehensive Peace Accord 2006, and Interim Constitution 2007. As a result the mainstream parties are unable to deliver their three key promises: promulgation of a new constitution in consensus, holding local government elections, and offering good governance. The coalition of 33 parties' alliance led by CPN (Maoist) leader Mohan Baidya boycotted the CA election in favor of a roundtable dialogue, and refused to participate in it for lack of a package deal from the government in power-sharing and settlement of issues. The tendency of the parties to stay in government by any kind of political coalition has alienated the opposition forces prompting them to resort to multiple forms of resistances—both constitutional and unconstitutional—undermining volunteerism and social solidarity.

The key challenges for democratization of political parties and deepening democracy in Nepal can be subsumed under the reforms in parties' functioning and adequate designing of party laws, system of feedbacks between leaders and citizens, strengthening of inner party democracy, and expansion of the social base of political parties based on the principles of democracy, social inclusion, subsidiarity, human rights, justice, and peace. Conscious adoption of these basic values, beliefs, and attitudes is crucial for deepening democracy in Nepal. History offers the lesson that a constitution based entirely on power equation, not on the fundamental values of democracy and national culture, cannot last long.

Deepening Democracy Demands a Clear Focus on *Demos*

The word *demos* implies common rights-bearing citizens of a constitutional state regardless of race, color, ethnicity, caste, gender, and region. The transformation of unequal tribal people of different identities, separated by age, caste, class, gender, ethnicity, occupation, region, and religion into equal sovereign citizens is the central task of civic and political transformation. It exposes citizens to a process of enlightenment capable of inducing the skills of self-determination in their private and public lives and exercising democratic choice. This is a kind of education which emancipates them from self-tutelage and enables them to exercise civil liberties. Life-long civic education, participation in public affairs, and utilization of equal opportunity are a must to deepen democracy at the various levels of society and bridge their normative and empirical gaps by expanding the ecological, economic, social, cultural, and political bases of freedom. The public autonomy of citizens and their self-emancipation from various kinds of bondages and tutelages enable them to exercise their rights, perform responsibilities, and initiate constructive and peaceful change. Civil state is a political "community of equal, rights-bearing citizens,

united in patriotic attachment to a shared set of political practices and values.”⁶

Democratic ethos is thus important to develop a sense of one’s political efficacy as self-aware active citizens, imbibe democratic habits, and ensure popular sovereignty. A common democratic citizenship in Nepal can transcend the tribal, parochial, and primordial differences among the Nepali people and create a shared ‘background condition’ for judgment concerning values and interests. It can generate a common cause with other parties suitable for the peaceful resolution of personal, political, and constitutional issues. The bureaucratization of parties, however, creates obstacles for democratization. Max Weber argues that “Even revolutionary parties, upon assuming power, would soon be forced to come to terms with the stern and intransigent facts of bureaucratic life.”⁷ Nepal’s political parties of all shades have suffered such a transformation and their leaders’ careerist instinct has distanced them from the general *demos* barring the time of general elections and political agitation.

Through constitutional patriotism, democracy provides self-determination and dignity to citizens and opposes personality cult, feudal privileges, colonialism, and imperialism. Democracy flourishes with the civic competence of citizens, their deliberative power, and the belief that their interests and actions affect the course of national politics. Civic competence is a key to increase the participation of Nepali people in every phase of public life and shape human development. Public opinion and fair elections are the sources of legitimacy to shape rule, power, and authority in the best tradition of society accepted by most citizens. But the material basis of democracy can be provided only by democratizing the ownership of the means of production and property in fulfilling the basic needs and fair distribution of public goods so that citizens are not

manipulated by material incentives during elections and at critical junctures of the nation's history.

Constitutionalization of Party Manifestoes

Nepal represents a diverse spectrum of political parties and multiple contexts. One can see that out of the 122 political parties which contested the second CA election only thirty could make their representation in the House. The Constitution of Nepal 2015 clearly states that parties operating against the letter and spirit of the constitution and disturbing the country's religious or community unity or divisive in character are not entitled to registration in the Election Commission. Similarly, it lays out a number of conditions: the party statute and regulation must be democratic; submission of the constitution of the party's annual auditing report and other documents required by law; elections to be held every five years for all office bearers; and the party executive committee at each layer to be proportionally representative of women, Dalits, indigenous, and marginalized groups, as also the suppressed castes reflecting the diversity of the nation. This necessitates the congruity of party programs with the spirit of constitution in order to foster a culture of consensus, prevent polarization at both the national and party levels, thwart political radicalization of extra-constitutional and anti-systemic parties, and steer politics in the constitutional path. All this, however, also requires party schools to teach democratic curricula rather than just focusing on the party manifesto and ideology to enable the cadres and followers to think not only about their own parties but also outside the party lines. There is a need to discuss public policy and induce into the party a listening culture—listening to the voices of the local cadres of parties, ordinary supporters, and even the broader mass who can become potential supporters in the future.

Civil society, media, think tanks, and academic institutions can, in this context, provide alternative ideas and autonomous leaders who can speak out against the unconscionable behavior of incumbent party elites who fear the consequences and risks induced in the course of deepening of democracy. The Election Commission and Judiciary have a critical role to play in the democratization of parties of Nepal in making the electoral and party laws binding. But the executive in Nepal has shown a propensity to interfere in the activities of the court, especially those related to the withdrawal of criminal cases and even circumvent judicial autonomy while judges are also subjected to parliamentary hearings. This has been caused by a blurring of the boundary between law and politics robbing the ordinary citizens of access to justice. It is equally important to prevent the excessive corporate funding of parties for the promotion of special interest groups and wean politics off money's domination and its nexus with the instrument of violence which do not dovetail with the grand principles of the Nepali state. Nepal also requires political parties' restructuring in terms of honoring promises leaders make to the people during elections, maintaining coherence between the agreements and decisions, including internal democracy, strengthening communication, and promoting inclusion.⁸ The constitutional behavior of citizens cultivates a common identity among them and their leaders.

Coherence of Individual Rights, Group Rights, and Human Rights

Recently, in Nepal, excessive party-mindedness has encouraged the people to fight for group rights than exclusively individual freedoms. This has fostered a sort of subsidiary identity politics. The Constitution of Nepal has increased the representation of several groups of people on the basis of their demographic strength— Dalits, ethnic groups and indigenous people, Madhesis, Khas-Aryans, Tharus, Muslims, women, and backward regions—and created a kind

of “differentiated citizenship” that goes beyond the common rights of citizenship.⁹ It may be helpful to promote group parity but “group-specific rights” is at odds with the commitment to universal rights.¹⁰ For many of these groups, agitation has become a convenient tool to be heard and heeded and break a certain group-enclosed leadership culture at the top and a kind of excessive party-mindedness of the mainstream parties. This group identity politics ignores the representation of several micro-minorities weakening their leverage in party politics. The resolution of tension between individual, group-based, and human rights can maximize the benefits of governance, minimize their abuses, and prevent the leadership’s acculturation to neo-feudalism. The risk here is that a feudal nucleus would create permanent exclusion of the under-classes of society from political opportunities, except during the elections, party’s shows of physical strength, and periods of confrontation making it difficult to de-link politics from structural violence and formulate strategies to liberate the oppressed through reformist measures.

The Constitution of Nepal has expanded the social rights of people including the right to work, food, shelter, education, health, social justice, social security, cultural and language rights beyond the capacity of the state to fulfill them. All communities must have the right to express their identity, so that the new constitution will be obliged to guarantee them. But the division of political power along ethnic, caste, and territorial lines is a risky strategy for conflict-resolution as democratic politics is rooted in modern ideology rather than biology. It is relatively easy to resolve an ideological and interest-based conflict through understanding and negotiation for power-sharing, but ethnic conflict has the propensity to become emotionally charged which negates the existence of the other and refuses to respect others’ legitimate interests in a country with overlapping values. The growing violence against women and recent agitations of the Madhesis and Tharus following their dissatisfaction

with the demarcation of seven federal provinces in the country have brought economic paralysis hindering the nation's move toward a stable democracy that can deliver sustainable peace and development.

Reducing Extra-Party Political Participation

The power-centric approach of the mainstream leaders has brought up partisan bureaucracy, a business community apathetic to the egalitarian effects of democracy, and the free ride of armed non-state actors. The business community favors economic liberalization but is aligned with political leaders to restrict political liberalization. Political leaders within the same parties, too, share the same ideology, but suffer from personal rivalries stoked by their group interests and have built sprawling networks with the leaders of other parties applying Kautilya's dictum— the enemy of my enemy is my friend. As a result, the social movements in Nepal are bitterly divided along partisan lines and lack the capacity to channel and articulate ordinary citizens' voices and concerns. "The capacity of social movements to change the public mind still depends, to a large extent, on their ability to shape the debate in the public spheres."¹¹ The imposition of election candidates from above has bred factionalism and bureaucratic tendency in the leaders. The selection of candidates by local party committees by majority is central to making it transparent and enabling ordinary citizens to exercise their freedom of choice. Political participation through extra-political channels such as civil society, media, professional groups, primordial associations, and non-state actors is growing in Nepal as a result of the personalization of political leadership, tendency of the top leaders to contest elections from two constituencies, control of party apparatuses even when defeated in elections, and fragmentation of political parties into organized interest groups following grievance-based politics.

In contrast, open communication between the party and society has been reduced to elections, social movements, participation in mediatised public sphere, and frequent political agitations. The old mode of one leader and many cadres communication has shifted to many leaders and many cadres communication. New technology and social media are today changing the face of politics in Nepal as citizens can more directly communicate to their representatives rather than visiting the party offices. The old style politics that served the party well in a vertical chain through a narrow elite base is now fiercely contested by horizontal groups who enjoy expressing themselves through federations, societies, NGOs, community organizations, media, and caucus groups across the party formation. They are engaged in collective action with the changing frame of binary politics—friend and enemy—to address the challenges of the new mode of social stratification.

In such a context, Nepalese parties are seeking to reform themselves from their group-enclosed nature to open, transparent, and responsive institutions as they move into the future. This will democratize the left parties, socialize the non-left parties, and increase their internal ability for competition and politicization of the people into civic culture. Likewise, 'democratic centralism' will be transformed into 'democratic decentralization' in the organizational and leadership structures of the left parties as their common slogans of unity-struggle-transformation and inclusive, secular, federal democratic republic reach the ordinary life of citizens. This will convert them into mass-based parties. The openness of parties to diverse society will thus reduce the undemocratic channels of political participation and help to achieve political stability.

Enhancing Social Responsiveness and Accountability

Responsive rule is an open good. "It revolves around necessary

correspondence between expressed citizen wishes and policy outcome.”¹² Fair elections of the central committee (CC) and other party committees of various hierarchies provide legitimacy for informed democratic decision-making. But when the party president has a veto power and the local party committees are only command-receiving subordinate bodies while the general assembly or national convention does not have enough time for policy discourse, intra-party conflict becomes inevitable. How can a robust democracy be built as a bottom-up process and its values internalized in such a condition? The formation of party committee is associated with leadership selection. The level of mutual respect between leaders and cadres requires a sense of equality. Inner-party democracy strengthens the responsiveness of parties toward cadres, voters, and functional groups in society; enables the party organization to become flexible in cooperation with actors from a diverse civil society; and prevents them from becoming exclusively authoritarian, government-oriented, and statist.

In normative terms, intra-party democracy is essential for the acceptance of ideology, civic and moral renewal of organization, policy, and personnel choices as well as building ties of the parties with the lives and hopes of each generation of citizens. Inner party democracy accomplishes something which is crucial: it increases the international legitimacy of the parties. The right to information embedded in the constitutional law requires political parties to become transparent in election, finance, and operation. This transparency in election is essential to know whether Nepalese parties are serving as a medium for channeling the citizens' aspirations in the governing institutions. Another role is fair selection of leaders with the ability to represent the people, use their conscience, and shape the relevant public policies. In pluralist societies, social responsiveness of parties can promote the social cohesion and nation-building. Nepal's adoption of minimum wage,

social protection, social analysis, targeting of under-classes, and gender budgeting have set up a certain link between equity and democracy. Yet, the pre-modern politics of divide and rule and instrumentalization of the cultural differences of the nation for the widening of electoral clout by the leaders continue to constrain the process of deepening democracy's potential for social cohesion.

Representation of Social Diversity in Political Power

Nepal is a country of minorities except in the case of religion where over 80 percent of the people identify themselves as Hindus. It hosts 125 ethnic and caste groups, over 7 religious sects, and 123 linguistic and cultural communities. The question here is: How can the adequate social representation of women, Dalits, workers, youth, indigenous groups, Madhesis, backward communities, and Muslims be ensured when the District Committee, Electoral Constituency Coordination Committee, and Ilaka Committee have to get approval of their decisions from the super-ordinate committees? The central committees of the mainstream parties suggest that the representation of social diversity is highly skewed in terms of gender, class, caste, ethnicity, and other variables prompting many of these groups to organize their own parties, such as those of Madhesis, Janajatis, Newa, Dalits, Khas-Chhetris, Muslims, etc to escape from the traditional forms of bondages.

The voter turnouts in local elections in Nepal usually exceeded the turnouts in national elections. The demographic makeup of those elected is diverse more because of the constitutional requirements of inclusion of women, and the weaker sections of society and marginalized groups than due to genuine political motivation. The lack of interest of political leaders in the local bodies' election is likely to fuel generational tension in the future. The winner-takes-all type of political culture, business financing of political campaign, and dominance of money politics create an unequal playing field for

average voters and candidates and discourage meaningful political participation of ordinary citizens in the political sphere. Inner party democracy beefs up internal coherence between leaders and cadres, dynamism and deliberation of party rank and file, and minimizes the degree of factionalism, conflict, and split that often erode party image. In this regard, the three key challenges to internal party democracy in Nepal are: the lack of uniformity in the election of parties, weak status of the lower level committees, and parochialism rather than democratic deliberation in national conventions.¹³

Social representation of diversity in the party structures enables parties to build connections with the diverse groups in society, deepens the parties' organizational roots, and fosters both social integration among various people on equal terms and system integration with the institutions of governance. This is important to override all sub-national loyalties in preference to a loyalty to the national polity. Only then Nepalese people can realise a sense of justice in democracy and its infrastructures, such as legislature, political parties, and civil society. The stake for the democratization of Nepalese parties is growing higher with the mobilization of consciousness of grassroots people by primordial traditional groups and rational civil society opening alternative channels for aggregation, articulation, and communication of public interests. "Democracy thrives when there are major opportunities for the mass of ordinary people actively to participate, through discussion and autonomous organizations, in shaping the agenda of public life, and when they are actively using these opportunities."¹⁴

Managing Factionalism

Intense factionalism and excessive partisan attachment have roiled the purpose of democratic politics in Nepal. All the mainstream parties in Nepal today suffer from factionalism led by individuals in the commanding heights of party organizations and this factionalism

percolates down to the grassroots politics and everyday discourse. One can see three such streams in NC led by Ram C. Paudel, Sher B. Deuba, and Khum B. Khadka; three streams in CPN-UML led by K. P. Sharma Oli, Jhala Nath Khanal, and Madhav K. Nepal; and three in UCPN (Maoist) led by Pushpa K. Dahal, Baburam Bhattarai (who recently left the party to create a new force), and Narayan Kaji Shrestha, each of them leaving only a tiny space for alternative points of view, though common interest in power is preventing their split. The CPN (Maoist) and Madhes-based parties also bear similar trends as they are hostage to special interest groups. Differences among the leaders are largely personal, not ideological, as their interest in economic liberalization keeps them together under a semblance of “collective leadership.” Each of them increasingly judges the partners in other parties in terms of their opposition to rivals where party affiliation is simply a cover for distinction that does not go very deep. And coalition politics in Nepal is organized more around what they oppose rather than what they stand for. In this sense, they do not seem system-integrative. This renders national collective action complicated, posing numerous problems for national unity. Max Weber, comparing the dissimilar political systems of the world, says that only responsible leaders are capable of elevating national interests above petty, class or sectional interests¹⁵ forestalling political closure.

The fear of demotion and interest in self-promotion have helped the leaders to organize clientele among the supporters within the parties, breeding intense factionalism, split or even bargaining for higher posts, inviting scorn and disapproval from citizens. This factionalized tendency has caused political inertia, narrow-minded self-interest, exhaustion of strength, and deadlock within and across the parties. Managing such a factional tendency through legitimate representation, deliberation, code-based conduct, and the ability to resolve problems is essential for the political parties to modernise

themselves. But clan-based tendency in the NC, the problem of inclusive succession in the CPN-UML, rhetorical politics in UCPN (Maoist), and personalization of organizational control and leader-for-life in all other parties militate against such improvements. Democratization of the leadership structure can reduce the temptation of leaders to exalt their status, inducing them accept citizen equality, and abide by the constitutional and party discipline. “Leadership building and transfer is not only connected with individual change. It is about the structural continuity of party, its periodic renewal, certainty of future and development of new generation of leadership.”¹⁶ The good character of candidates for election can improve the quality of leadership. Democracy entails participation and shared responsibility, not exclusive dependence of the citizens on the leaders to solve all their problems.

Democratizing Organization and Communication

Party organization brings a number of benefits—party legitimacy links with supporters, financial support from business groups, volunteers for mobilization of candidates for election, strengthened policy position, and democratic stability. But deepening democracy also requires election of all the party-related institutions and members, limits on the term of elected leaders, and opportunity for women and marginalized groups for representation in the party apparatuses.

Political parties and cultural associations, in fact, can play a crucial role in the transformation and rationalization of society by engaging the people in the entire cycle of development—planning, budgeting, administration, implementation, monitoring, evaluation, and feedback, not just by voting, conducting assemblies, election campaigns, political education, and shouting slogans in the streets for visible political attention. One can, however, see that the media are also transforming Nepal’s political parties as leaders

communicate more to the media than among themselves. Autonomy and editorial freedom in the media are here two crucial aspects for enabling journalists to become the real watchdogs of society in playing two other roles: creating a vibrant public sphere and cultivating a shared political culture. In Nepal, however, one finds a widening gap between the traditional politics of divide and rule and a socioeconomic and communication revolution spawning 'critical' masses of society in every sphere of life who demand immediate structural change through the redistribution of power, resources, and recognition. The mass media in such a situation, are testing the promises made during elections by party leaders and their performance and exposing the yawning gap between the pledge and the performance.

The deepening of democracy has been deformed by the capture of democratic institutions by the elites of party bureaucracy and the deadly embrace of neo-liberal, finance-driven, and corporate-dominated public policy against the liberal spirit of social democracy¹⁷ inscribed in Nepal's constitution. It means that Nepalese parties have either the alternative knowledge or the ability to defy the international policy prescription that is not suitable to national relevance. Their policy think-tanks, like business consultants, do not have any interest in social learning and contextualizing policy issues. This is the effect of top-down network politics where political participation narrows around the key leaders instead of expanding its circuit to peoples' representatives, civil society, and attentive public.¹⁸ Every election in Nepal has, however, shown a clear mandate of the voters: removal of the incumbent party from its dominant status. This marks the progress of the evaluative capacity of Nepali citizens and their unfailing appetite for appropriate political change.

Enlarging the Institutional Base of Political Participation

In Nepal, the stake for the democratization of the internal life of parties has never been so high as now. Electoral participation has increased to over 70 percent. Mass mobilization and the rise in the level of political consciousness following the Constituent Assembly (CA) elections are challenging the hereditary, traditional, bureaucratic, and gerontocratic privileges of the leaders in favor of the elected, young, rational, and dynamic ones. The top political leaders have, however, developed a propensity to stage their comeback through proportional election and continue with the same political culture due to their control on organizational power. In fact, Nepal's case has clearly shown that the closed list proportional election system has made representatives "accountable to party bosses rather than voters and prevented the cross-party alliances necessary to address the specific concerns of women, youth or other marginalized populations."¹⁹ The transformation of leader-oriented cadres into party-oriented ones is important in closing the psychological gulf between the cadres of the majority establishment and minority opposition in the same party.

There is thus a need in Nepal for the parties to expand its institutional domain to absorb the newly mobilized social groups and prevent political instability caused by high participation and low institutionalization of political process.²⁰ The voice for the inclusion of citizens in the key decisions and institutions and more democracy is becoming louder and louder among the rank and file of political workers. "People become public through the connecting process of deliberation. To deliberate means to weigh carefully both the consequences of various options for action and the views of others."²¹ Genuine democracy in the party provides leaders to receive feedback, manage their grievances and problems, and maintain their downward accountability to voters and ordinary citizens. It also demands the principle of subsidiarity in leadership

selection and recruitment of party officials from the diverse life of society.

There is, however, a need to arrest the proliferation of political parties through electoral reforms, as well as to discourage leaders' tendency to split the party to become heads by negotiating the interest for internal adjustment, socialization on party acts and imposition of the threshold of at least three percent of the total votes for sending representatives in the parliament. This will reduce the number of parties in Nepal's parliament. Predatory leaders, however, mobilize ethnic, racial, and communal tensions to expand their constituencies in their effort to redirect the frustration and resentment of their clientelist followings away from their own exploitative behavior.²² The demand for ethnic-federal structuring of the state will thus also demand restructuring the mode of functioning of Nepali parties in the days to come.

Reconciling Negotiation and Compromise

Nepal's political parties need to abolish the politics of negation in favor of a more enlightened stance and negotiation and to avoid personal attacks that sideline issues and turn citizens' attention away from real challenges to their life, liberty, livelihood, and property. It presupposes a certain role of the civil society, think tanks, party intellectuals, and media as a countervailing force in communicating common ground, connecting political parties with the society, and formulating a realistic agenda for consensus on the common issues. This would also help leaders to overcome their feudal authoritarian ego nurtured by media entertainment, consent manufacturing, and political indoctrination. A favorable constitutional and nationalist strategy to build trust becomes here important. "The structural stresses offer parties and the public sphere as a whole less chance to conduct discourses centered on the standards of justice and basic social values."²³

In spite of the operation of many coalition governments in Nepal, political parties have yet to acquire a culture of coalition, negotiation, and compromise for the promotion of collective public and national interests. The negotiation of political interests for power-sharing occurs outside the parliament, in the High Level Political Commission (HLPC), which has eroded the authority of the parliament and the parliamentary leaders of parties and their capacity to embed their actions in the general life of citizens.²⁴ The party conventions should provide them sufficient opportunity for discussion on basic issues such as public security, food, health, education, sanitation, irrigation, management of local resources, infrastructural development, reconciliation, and reconstruction so that the trust of grassroots people will increase in the district and central party leaders.²⁵ The politics of negation can be better applied to deter the spoilers of the political system—corrupt, criminals, smugglers, human traffickers, and authoritarian and anti-social elements who often seek to capture party leadership through undemocratic means, and undermine the legitimacy of the political system as a whole. The media, in this regard, can serve as a statutory nexus between the input and output functions of democracy to promote what Juergen Habermas calls “communicative action,”²⁶ essential to nurture understanding in the political sphere to provide and accelerate national compromise and cooperation.

Mediation of Political Conflict

All the major parties of Nepal suffer from internal frictions due to personality differences among their leaders and a manifest gap between their ideological rhetoric and the reality of performance. Inner-party conflicts in Nepal are marked by leadership rivalry, control over opportunity and resources, ethnic and regional tensions, identity politics of diverse groups within the parties, strong legacy of hereditary and feudalistic elements, distortion of ideology

and the impact of national and international power centers.²⁷ They are also encountering the post-conflict challenges from new parties such as the UCPN (Maoist), Madhesi Jana Adhikar Forum (MJAF), MJAF (Democratic), Tarai-Madhes Loktantrik Party (TMLP), Sadbhavana Party, CPN (Maoist) of diverse hues, civil society, media, the various social movements, and the upsurge of over a dozen non-state armed actors engaged in extortion and violence. These forces themselves are facing a tension between fusion and fission of their organizational and leadership structures. The rational adjudication of competing claims above selfish point-scoring is essential in minimizing political frictions and conflicts.

One irony of Nepali politics is that in a coalition government small parties enjoy disproportional share of power relative to their representative strength and often act as free riders while the mainstream parties suffer from the problem of personality cult, leader-oriented factionalism, and patronage. Political leaders must acknowledge the problems of society, find common ground, and democratize their organizational structures further by opening their parties to the diverse perspectives of the society for deliberation, and synthesizing the contesting visions clearly into a national framework. Communication at various levels of leadership, culture of informed deliberation in committees, management of dissenting voices, evaluation of cadres and leaders, and reconstruction of the broken relationship and infrastructures in such a context become essential to mitigate conflict. Factionalism can be managed by upgrading the goals and means, adopting election and human rights codes of conduct, and a constitutional tradition of politics.

Otherwise, the politicization of ethnicity, caste, class, and territoriality will continue to weaken the parties, inspiring the leaders to unprincipled competition than consensus and sharpening political polarization, and inter-and intra-party deadlock. In the party rank and file it is essential to address the cadres' genuine

demands, capture the resilience of Nepali society, foster unity and harmony between groups, and promote the organization's capacity to adapt to the demands of "public opinion." An inter-party conflict resolution mechanism is, therefore, needed to confine the parties to the political sphere of policy and law-making and steer the social welfare state in a clear constitutional direction.

Aiding Parties from Outside

The prevailing situation also renders it crucial to understand the mode of funding of political parties in Nepal that influences its representation, policy-making, and decision making, to see whether leadership can stand above the dominant internal and external interest groups to arbitrate competing interests, opinions, and preferences or continues to skirt the rules of the game to degenerate Nepal's democracy into partiocracy. Under the agenda of democracy promotion donors have funded a number of programs in the developing countries by financing free and fair elections, supporting the effective political institutions (constitutions, courts, legislatures, local governments, and political parties) and through the sponsorship of nongovernmental civic and community groups like fraternal organizations, religiously affiliated associations, trade unions, media and professional societies.²⁸

The dominant approach to party assistance has been dubbed by Thomas Carothers "institutional modeling."²⁹ This means "assistance providers adopt standard training programs drawn from their domestic party experience and then replicate the same programs in country after country"³⁰ regardless of national significance. External support to Nepalese political parties extends to financing political leaders with exposure visits, material support, organization of dialogue, experience sharing, external advice, financing candidates during election, and supporting political party-affiliated NGOs, consultants, federations, and professional organizations. Studies

have found that under the “guise of good governance, massive programs of social, economic and political engineering have taken place in societies emerging from conflict and economic crisis.”³¹ One can visibly witness these trends in Nepal also. Many leaders of Nepal’s political parties are also being funded by donors for constituency development, scholarships for their children, business deals, and other benefits.

But donors’ support to parties’ ancillary organizations has created institutional divides spawning acute problems in the institutionalization of political parties. Some parties have become victims of political engineering. Partly owing to the non-inclusive nature and partly due to the private ambition of leaders, Nepalese parties now face the emergence of caucus groups of subsidiary identities aided by the donors and social movements. The formation of social movements around global communication, incentives, and solidarity networks has thus caused the division of Nepal’s national political sphere. “Global politics have turned into global domestic politics, which rob national politics of their boundaries and foundations.”³² This has provided opportunity for the donors to finance the non-state actors and civil society organizations as “parallel institutions” rendering parties either dysfunctional inhibiting long-term reforms “without realizing that the most durable and appropriate political institutions normally evolve in response to specific local conditions influenced by factors as varied as history, culture, natural resource and climate.”³³

Aiding parties to support the democratic values of countries can mitigate conflict but covertly subverting those values that oppose “institutional modeling” does not make democracy stable. The Department of International Development’s conflict assessment report reveals that “donors were inadvertently channeling aid in ways that deepened social exclusion processes, thereby contributing to the continuation of the conflict. A major reorientation of the

program contributed to evolve micro-level community development"³⁴ and improve development effectiveness and promote positive change. Similarly, when the power of money holds a disproportional weight over the voters in the decision of parties it creates unequal playing field and tramples democratic values associated with social justice. Party assistance in Nepal can become reasonably successful if it increases the efficacy of Nepalese parties to serve Nepali citizens and strengthen their leaders' commitment to public and national interests. It cannot work if parties face the pressure of international conditionalities and sanctions for economic liberalization and suffer from the crisis of "output legitimacy with regard to economic and development policies,"³⁵ as has happened in Nepal.

Conclusion

The growth of a dense network of intermediary institutions provides political parties an opportunity to engage citizens in various walks of political life and increase their stake in democracy. Factionalism, split, leader-for-life, tenure, dominance of hereditary elements, social and gender bias, network-based and vertical patron-client relationship characterize the political culture of Nepalese political parties. These trends have encouraged the emergence of regional, ethnic, indigenous, and caste-based parties which play the politics of difference and impose obstacles for social and national integration. The *social, generational, and gender gaps* in the leadership, especially of the second and third generations, failed to inspire the real commitment of youth in the party and institutionalization of political parties through "longevity, renewability and reprogrammability."³⁶ The other missing element is the concept of social solidarity to reduce the cost of politics and liberate parties from the control of the dominant interest groups. So long as decision-making prerogative

remains with the top leadership, it would be difficult to democratize and institutionalize Nepalese parties.

The remedy is open deliberation in the party committees, internal cohesion of party, upholding positional accountability, democratization, re-socialization, and decentralization of the structural set-up of parties. These processes require a fresh adjustment of ideas and behavior enabling the political parties to expand their social base and make leadership selection inclusive. A democratic leader never loses sight of the balance between four core elements: acquisition of power, maintenance of democratic ideals, promotion of social wellbeing of the people, and constructive change in society which makes violent conflict redundant. There is also a need for the party to look for leaders who can *inspire vision and sustainable change* than the father figures (patriarchs) who lack the vision of creating a decent society, fear change including the change of leadership, and fail to coordinate the behavior of their cadres and voters. The nonperformance of the incumbent parties has often led the voters to change their preferences in each election. The leaders of Nepal must study the country before they govern, maintain strong feedback with the electorates, and take stock of the risks and opportunities of the new times with the support of think-tanks. The battles in the days ahead among the factions of various parties for leadership in Nepal are likely to inspire *democratic selection of future leaders through electoral means than just charisma and tradition*. Media exposure and democratic awakening in such a context can provide the normative basis for social modernization of Nepal's parties to genuinely deepen the democratic values and institutions in the body politique of the nation.

Notes

- 1 Parkin 2002:104.
- 2 Spiess 2009: 25.

- 3 Grimond 2015: 29.
- 4 United Democratic Madhesi Front (UDMF) is a constellation of six regional parties of the southern flatlands—Madhesi Jana Adhikar Forum (Democratic), led by Bijaya Kumar Gachhedar; Madhesi Jana Adhikar Forum-Nepal, led by Upendra Yadav; Tarai-Madhes Loktantrik Party, led by Mahantha Thakur; Sadbhavana Party, led by Rajendra Mahato; Tarai-Madhes Sadbhavana Party Nepal, led by M. P. Yadav; and National Madhes Socialist Party, led by Sharat Singh Bhandari. The MJAF (Democratic) splintered from UDMF following the 16-point agreement among NC, CPN-UML, UCPN (Maoist), and MJAF on June 8, 2015.
- 5 Siedschlag 2008:2.
- 6 Ignatieff 1993:6.
- 7 Frank 2002:104.
- 8 Gomar and Linares 2008: 13.
- 9 Murchland 2009:133.
- 10 Kymlica 1995: 69.
- 11 Castells 2008:87.
- 12 Saward 1998:79.
- 13 Prasai 2008:12.
- 14 Crouch 2008: 2.
- 15 Frack 2002:106.
- 16 Gyawali 2013: 82.
- 17 Greider 2014.
- 18 Braithwaite, Charlesworth, and Soares 2012:4.
- 19 Meisburger 2011:11.
- 20 Huntington 1968:5.
- 21 Mathews 1994: 11.
- 22 Diamond 2001:12.
- 23 Meyer and Hinchman 2008: 77.
- 24 Dahal 2013:31.
- 25 Pre-election scenario revealed many authoritarian traits: ticket distribution to potential candidates was highly centralized; the top leaders of various parties contested from two constituencies giving the impression they have to win anyway; many small parties did not maintain social inclusivity; and some parties with little commitment to democracy, inclusivity, responsibility, and peace also contested the election.

- 26 Habermas 1995:130.
- 27 Saud 2013:102-8.
- 28 Mandelbaum 1999: 12.
- 29 Carothers 2006:112.
- 30 Misburger 2011:6.
- 31 MacGinty and Williams 2015: 12.
- 32 Beck 2006:249.
- 33 Misburger 2011:6.
- 34 DFID 2009: 18.
- 35 Saxer 2009: 89.
- 36 Emerson 1986: 149.

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Managing Intra-Party Clash and Strengthening Democracy

Pradip Gyanwali

Political parties play an important role in the strengthening and development of democracy. In spite of their limitations, no other institution can accomplish work that the parties do. In a representative democracy, people elect their representatives to build rules and ensure their implementation, assist in developing and promoting alternative policies, presenting electoral options before the voters, and in promoting the notion of good governance. They raise political awareness in society, take the peoples' problems to the state, and create an environment for the solution of the problems. A democracy without competition and decisive role of parties can not even be imagined. In fact, the success of democracy depends upon the activities and behavior of parties.

There are certainly other agencies that protect the interest groups in society, such as particular rights of professional bodies, trade unions, and civil society organizations, NGOs, and INGOs. But a legitimate access to the state mechanism, the representation and influence necessary for the protection of people's rights, and transforming conflicts over issues in an adverse state system to ensure public interest is possible only through the leadership of a party.

A classless and all-class party cannot be imagined as a political party is bound to be based on a particular class. Still, every party claims that it represents the welfare of the many classes of the society to ensure its political superiority. This becomes necessary in

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a competitive democratic system to obtain majority. Antonio Gramsci's analysis on 'cultural superiority' is also applicable to political superiority. Political parties often have to face contradictory situations. On the one hand, they claim to represent most of the classes of society to ensure their superiority; on the other, they find it hard to maintain a balance between the interests of mutually opposed classes. It is, indeed, a very complicated and challenging responsibility for political parties to please the majority without compromising on the fundamental welfare of the classes represented by them.

Transformative Roles of Political Parties

The roles of parties have been tremendously affected by the global developments and the changes occurring in our country. The Whigs, organized in the 15th century probably as the first political parties, were loose caucuses but with the passage of time after a series of political movements, periodical elections, and ideological changes, these groups evolved into political parties.

In the twentieth century, parties became social groups of mass awareness, social organizers, and leaders of movements. There was no social sector free from the influence of political parties' reach. But the pace and progress in modernization and globalization, the growing role of economic powers, media, and non-state agencies, and individualism raised a question against the traditional role of political parties which was narrowed down by the powerful role of the media. In certain contexts, the media even started to interfere in the policymaking process. Social and non-governmental organizations have displaced parties from their role of social reform and awareness that they used to play in the past. Powerful financial centers and structures have brought political change through the formation and dissolution of governments. Globalization has, moreover, diminished the role of political parties.

All this does not mean that the relevance of political parties is over. But if they lose connection with the social movements, if they do not adapt to the media, if they do not coordinate with the financial agencies, they may lose their efficacy. With the changes in social-economic production, there have been tremendous changes in the traditional definition of classes, class interests, and concerns, as also in the modes and procedures of struggle and their psychology. There has been a growing need, too, of cooperation between the classes adhering to opposite poles on issues like environmental destruction, climate change, natural calamities, and new ways are being adopted to manage struggle between classes. Political parties ought now to mobilize and transform themselves in accordance with these changes and the need of the day.

Intra-Party Clash and Party Democratization

Discussion, debate, and internal opposition are the characteristic features of a political organization. A political organization completely free of clashes can hardly be imagined. The proper management of intra-party clash and internal democracy makes the political organization progressive and lively. But if not managed properly, intra-party clash can make the party weak and disorganized and the process can even harm the whole process of democratization.

Democratization of party, in fact, is an important way to manage intra-party clash. Internal democracy of party implies making party members participate in intra-party discussion and decision-making process, to create an environment for the selection of leaders who are capable and have appeal in applying popular and sensitive policies to win elections, and building democratic values. This contributes in connecting the common people with the government, benefitting the party, and giving permanence and validity to multi-party democracy.

There is certainly no fixed model or formula for intra-party democracy. Various forms of democracy exist. In various countries even the models of development of parties differ. A universally accepted model of democracy does not exist. However, there are universally accepted values and assumptions about democracy in spite of variations. Likewise, there are common aspects of intra-party democracy such as maximum participation of the members of party in the formation of policy and election of leadership, democratic selection of candidates, transparency of the source of party funds, periodic election of leadership, a legitimate way for granting membership and development of the organizational structure, and listening to the grievances of people.

Due to the relatively short democratic background, the effect of traditional feudal culture, and various human weaknesses, the responsibility to construct a party's policy was so far restricted to limited officers of parties, especially in the rising democracies of the Third World. There are mainly two reasons behind this: the belief that the people in higher positions possess the talent and farsightedness and the cadres must simply follow their bidding as also the indifference toward the common people's participation in policymaking. Conventions, seminars, and meetings are only limited to the formalities of passing the issues that party leaders have agreed upon. Discussion of thoughts is not encouraged. As a result, adequate participation of cadres does not take place. In fact, a party's sovereignty lies in the cadres of the party just as the state's sovereignty lies in the common people. But in the absence of intra-party democracy, party members rarely act out their roles.

The problem of leadership building is also related to this. Leadership building and devolution are not merely related to changing an individual's role in the party. It is an issue of the continuation of party structure, its periodic renewal, guarantee of its future, and development of a new generation. But in most of the

third world countries where politics is taken as a 'profession', it becomes synonymous with 'power'. The question of construction and devolution of leadership has always been challenging. Normally, there is a trend of obtaining the position through foul play after which no one is willing to let go of it. This leads to divisions and conspiracies. But intra-party democracy implies broadly outlined procedures of leadership building and devolution of power.

Resolving intra-party conflict, disputes, and the issues of disagreement also fall within the boundary of intra-party democracy. There are mainly three reasons behind such conflicts, disputes, and disagreements: ideological or policy-related disagreement, disagreement about structure/procedure, and individual/ factional interests.

In a lively party, ideological policy-related debates are natural and the ideas and policies formulated in a particular context may not be suitable later. According to the German poet Goethe, the color of life is green and the color of principle is grey. Disputes may occur because the society is dynamic; debates may occur as interest groups enter the party, and differences may rise between the new and the old generation.

A lively debate must be allowed between ideas. This makes the party dynamic and rejuvenated. But there is no conducive environment for ideological debate in every party. A narrow mindset takes ideological debate as a challenge to the leadership and rejects the decisions taken. The problems of looking for a technical solution to a political question, overshadowing ideological questions as much as possible and, in some contexts, attacking physically/ organizationally the critics are now common phenomena. The proper management of ideological conflicts gives the party a new direction whereas its absence either makes the party directionless or makes the party ideologically impotent.

Problems are created in a party due to structural or procedural reasons. If there are well-defined structures and procedures for obtaining and ending of membership, formation and dissolution of committees, election and devolution of leadership, evaluation system for taking action and promotion, organization of conventions and conferences and policymaking and decision processes, and if they are duly followed, the problems arising within the party get resolved. People will accept the decisions even if they do not agree fully. But if there are no such procedures and the procedures are not followed, intra-party conflicts are likely to occur.

Another reason for intra-party conflicts is personal or group interests. Normally, it is expected that the major leaders of the party act as the main ideological leaders, organizers or publicizers of the party and they function as the representatives of the common consciousness of the people. But feudal background and social consciousness make the leaders bosses. They describe their personal or group welfare as the welfare of the party, protection of their posts as the protection of the party, and criticisms directed toward them the opposition to the party. They secure their posts and build a group of blind followers, devoid of creative and logical capabilities by misusing the power of the party rule instead of winning hearts on the basis of thought, efficiency, and viewpoint. This leads to myriad problems within the party.

Democratic Movement and the Parties of Nepal

Political parties appeared in Nepal in the forties of the last century when Nepal was in a transitional phase from the feudal mode of production toward the capitalist mode, precipitating two movements – revolutionary and reformist, representing two classes and two ideologies in the form of two political powers: the Communist Party of Nepal and Nepali Congress. These were the mother parties; others were merely their co-products.

But unlike in Europe, the capitalist revolution didn't happen here. Capitalism in Nepal did not eradicate feudalism; instead, a mixture of feudalism and colonialism as a dependent kind of capitalist mode of production took root and started to grow. The capitalist class here thus was far from struggling and progressive. This class character is what gave Nepali Congress its distinctive shape; it could not rise above political reforms and could not divorce feudalism in a final and decisive manner. It kept compromising with feudalism time and again. What is more, even the working class here could not completely separate itself from feudalist production relations, nor was it an industrial proletariat who, in Marx's words, had the "whole world to win and only its chains to lose." It was part peasant and part laborer. The working class in Nepal thus could not retain a struggling character. As a consequence, division, deviation, and opportunism flourished. While analyzing the political parties of Nepal, we must keep in mind these developments. Apart from that, the political parties were more ideology-based than class-based. This in part explains why class-wise, Nepali Congress favors the large capitalists and liberal feudalists, and ideologically is neo-liberalist, that is, reformist/conservative. With the passage of time, it has certainly undergone a certain change in its attitudes, noticed in the constitution of 1991: acceptance of the Constituent Assembly, republicanism, and cooperation with the leftist forces that look positive changes. But its limitations, class character, and neo-liberalism remain the key constraints. As for the communist movement as the vanguard and representative of the country's working class, radical leftists and democrats have become active in the movement and one can notice a strong ideological political clash between the moderates and radical leftists. Will Marxism in its original form continue to guide the movement or will Maoism lead it? Will the people and their initiatives carry ahead the banner of social transformation? Should we stand in favor of socialism with

democratic values implemented through people's mandate, multiparty competition, and freedom of thought, or will single-party dictatorial rule of the state in the name of 'proletariat dictatorship' prevail? Can we achieve prosperity by ensuring partnership in the resources of production or by grabbing the properties of elites? Must we support nationalism based on balanced external relationships for prosperity and protection of national welfare or follow blind nationalism? These are the key issues of today's communist movement. The future of the course of political power in Nepalese society will be decided by the way democratic transformation occurs of the hard-line communism which is regarded by many as the major factor responsible for destruction, division, and violence in society.

Lately, identity-based political parties have also appeared becoming the Fourth Power in Nepal's politics. But the lack of a clear class character, ideological and political philosophy, and organizational structure is clearly evident in most such formations. Most of them are not also free from the tendency to split, the chronic malady of Nepal's political parties. Some of the identity-based parties already demonstrate their inability to change in the name of propelling identity.

Inter-Party Clash and Impact of Democracy

Differences between parties are natural in a competitive democracy. In order to protect the welfare of the class and group represented, every party tries to hold up and implement its agenda as a priority. This ushers in disagreements between parties. The major questions here are: What are the limitations of such disagreements and how can they be resolved? Competition is not conflict and one reason for the problematic relations between the political parties in Nepal is the failure to understand this relationship. The revolutionary democrats and liberal democrats fundamentally differ in their socioeconomic agenda over the choice of the structure of the state

and also about the idealized future. These differences cannot possibly be erased. The contention between these two lines of thoughts is very much natural. But these two powers are also partners in their struggle against feudalism for the establishment of democracy. Inability to properly define the course of such partnership and movement has taken its toll, which is sad.

The two major parties of Nepal clashed even before the House of the Ranas fell and the regression of 1960 came even before the foundations of democracy had properly been laid. The Panchayat system was their common enemy, but they could not go together even for thirty years. It was their mutual hostility that sustained the Panchayat system. The founder of the unified people's movement Pushpa Lal was left ignored. The unified people's movement of 1990 became a success because of the ingenuity and far-sightedness of Madan Bhandari and Ganesh Man Singh, but before its achievements could be institutionalized, King Gyanendra's dictatorship emerged on the scene to be replaced by the transformation of 2005, the twelve-point agreement, comprehensive peace accord, interim constitution, and election of the Constituent Assembly. Then the Communist Party of Nepal (Maoist) repeated the same mistake. Even before the Republic could be institutionalized, factions reappeared and divisions dominated party decisions, dramatically reflected in the dissolution of the Constituent Assembly.

With the election of the second Constituent Assembly and a new power balance, there is a more favorable environment here for the new constitution. The relevance of the agreement and cooperation between the partners of the movement remains and neglecting the role of the Maoist party will be a fatal mistake. The 2013 election has thus put a great responsibility on the shoulders of the CPN (UML) and the Nepali Congress: Completing the transitional phase by leading the constitution-making process. But the people's mandate is now being interpreted in extreme ways, denying the still vital role of

agreement between the parties. If we fail to cooperate on democracy, republic, federalism, social justice, inclusive participatory ruling system, secularism, and economic prosperity which are now our common agendas, and if we fail to compromise for institutionalizing these goals by holding on to competition and conflict, we will fail not only ourselves but the nation and its future as well.

Democratization of Party for Democratization of Society

Democratization of society demands democratization of parties. The major components of intra-party democracy are ensuring equal status of all party members in the party's constitution, decisive role of the party members in policymaking and leadership selection, collective leadership, development of a healthy ideological debate and critical consciousness, periodic elections and accountability, transparent management of party sources, a planned mode of leadership development, a constitutional way for leadership succession, and a mechanism for listening to the criticism and grievances of the people at large. Only political parties upholding these features and healthy competition and operation between themselves can make democracy strong. Multiparty Communism alone can lead to the total democratization of the society. This means that the internal life of party must first itself be democratic. A balanced relationship between the political goals conceived and the mechanism of achieving that goal is a new concept in Nepal's politics and will be influenced heavily by the behavior of other parties as well.

Party building and democratization of parties are dynamic events in themselves. These processes are interlinked with the democratic development of the whole society. The development of parties cannot be imagined in isolation from the pace of society. The society is always in a dynamic state, a dynamism that always raises new questions on the class and ideological character of parties, their

ways of functioning, and interrelationships. The parties who can address and mediate these questions are the ones who are going to be decisive in the days to come. The parties which are unable to change and are static will become irrelevant, and may even disappear.

A political party is like a conductor in a concert who doesn't use any musical instrument, but directs the movement of the various instruments to create harmony and melody. If the parties become weak and fail to direct properly, democracy will be imperiled. In this sense, political parties embody the most important mechanism to establish unity and ensure democracy and development in society.



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Internal Disputes in Political Parties and Strengthening Democracy

N.P. Saud

The history of evolution of political parties in Nepal does not go beyond eight decades. Following the establishment of Praja Parishad to fight against the Rana regime, other parties like Nepali Congress and Nepal Communist Party emerged and more than hundred are active today. The tendency to split, however, remains a chronic feature of all political parties in Nepal. Internal party dispute, the theme of this write-up, takes up the situation of internal democracy in the parties to explain how much they are divided and the reasons for such divisions as well as measures essential to address the malady.

Reasons behind Internal Conflicts

1. **Personality Clash.** In Nepal, political parties emerge under the initiative of social elites and parties revolve around persons rather than principles and are unlikely to be institutionalized soon enough. Leaders deny competition for alternative leadership and the status quo continues. Conflict becomes inevitable as also the clash of personalities and factional attack and defense become the order of the day.

2. **Control over Means and Resources.** Since parties are centralised, the upper level leaders retain control over the opportunities, means, and resources.

3. **Issue of Racial and Regional Recognition.** Factions appear based on race and region supported by the NGOs and INGOs which divert attention from the main issues of the day.

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4. **Feudal Legacy.** Parties in Nepal are also often based on family as in most of the developing countries where the norms and values of open competition are hardly practiced.

5. **Ideological Deviation.** Instead of institutionalizing ideology, bargaining for facilities, posts, and privileges becomes the norm rendering ideology insignificant.

6. **Influence of Power Center.** Due to its geopolitical situation Nepal attracts the attention of powerful countries. For a long period it remained a closed society preventing open discussion and open political competition for power. Racial, regional, gender, linguistic, religious, and social issues became the concern of the international community after the political changes that followed in 1950, 1990, and 2006 when the influence of foreign countries and organizations started to grow.

Strengthening Democracy

We have now had thirty years of multiparty governance after six elections. That period look still short in comparison to the experience of the developed countries. But we have wasted considerable time struggling for democracy and power politics. Development is possible only in a stable democracy that depends upon the people's continuous consolidation of the party's democratic practice and preservation of mature governing structures.

Parties are the pillars of democracy. Social transformation and development can be assured only through broader mobilization of the people by the parties. To ensure the access of all, inclusive and proportionate representation is essential where the role of public base of the parties, a program for the representation of the targeted groups, balanced recognition, and interparty management of relation are each essential. For all this to happen, the parties have to reform themselves. But most of the parties are divided and the law

recognizing the split of parties has increased the number of parties in the CA, a situation that induces instability.

The frequent rise and fall of governments point to the internal rifts and political instability of parties in Nepal. Inclusion has also weakened people's right to choose their representatives for the House. Without developing internal democracy in parties, extensive people's support, capacity development, institution building, and enhancement of internal conflict management skills it will not be possible to improve the situation.

Measures Recommended

Free and Transparent Election System inside Party. For a free and fair election of parties, a legal mechanism in the national Election Commission should be set up and questions on the regulation and laws of parties should be reconciliated by the court to make the parties transparent, competent, and accountable.

Committee System. In order to make the committee system strong and reliable, rights and duties need to be decentralized in the context of policymaking and implementation.

Time Limit for Leadership Tenure. Multiple elections of representatives for a single constituency hinder the growth of new leadership and innovation. A change in leadership after a certain period is desirable.

Role of Think-Tanks. Groups based on ideas from diverse sources provide energy to the party. Ideas must be drawn from diverse sources to enhance the role of political parties.

Performance Based on Public Welfare and Values. Parties must base their work on public values with people at the center.

Leadership Based on Policy, Program, and Conduct. In any organization, principles, policy, leadership, and programs are important. Accountability can be ascertained by strictly

implementing policies and programs and a close monitoring of leaders' public behavior and communication.

Special Programs to Reach Targeted Voter Groups. Since the same program cannot cater to diverse communities and regions, plans and programs specific for the various communities and regions are needed.

Conclusion

The challenges faced by political parties in Nepal today are complex and many. Democracy will be strengthened only if the parties become independent in their internal management and self-sufficient. Though groups based on issues and committee system can establish a sustainable base of conflict management, parties influenced by alien forces cannot secure the nation's liberty, sovereignty, and prosperity.



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Inclusive Democracy and Conflict Resolution

Lalbabu Yadav

Wars have never hurt anybody except the people who die.

Salvador Dali

Introduction

The inclusion of all ethnic, religious, and socio-cultural groups in the mainstream politics and all layers of decision-making and governance has become one of the crucial aspects of democratization of political power in Nepal following the April 2006 *Jana Andolan*. Most of Nepalese political parties have advocated inclusive democracy during the pre- and post- *Jana Andolan* periods to initiate substantive reforms to include the marginalized, and form a shared just and peaceful governance. Power sharing is one of the popular means of settling high-intensity political conflict. The stability of a sound mechanism of democracy, however, also requires democratic values, institutions, and processes. Since Nepal's conflict is multi-layered, only a functioning state can improve its multi-level engagement with society, contain the spoilers of peace, and push for post-conflict peace-building initiatives. Creation of an inclusive public authority is one key to strengthen state's linkages and outreach in society.¹

Against such a perspective, this paper intends to analyze how far the political parties of Nepal have internalized the concept of inclusive democracy in their legal, policy, and institutional behavior. In the course of such an exercise, the paper takes up various issues of inclusive democracy among the political parties, the outcome of

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election and post-election political tendencies as a way of conflict resolution, opening of new conflict lines. and the possibility of mitigation and then concludes.

Political Dynamics, Inclusion, and Grievance Reduction

Politically, inclusion is a means to reduce tension and a key to the resolution of conflict in society. In a country of minorities like Nepal, the monopoly of power by a single group undermines the whole system and triggers factionalism, anti-institutional social movement, and conflict. The Maoist People's War was started in 1996 mobilizing various groups of people around a set of grievances. The approach in the beginning was reformist and, building on its success, it escalated into a low-intensity conflict confined to Rolpa, Dolpa, and surrounding areas. As the response of the government became counter-productive, the war gradually expanded, engaged the Nepal Army, became high-scale, and spread all over the nation. With escalation, the war also became more violent. The gradual withdrawal of the state from society by the various governments in the nineties followed by the cut in subsidy to peasants, privatization of industries, communication, health, and education and control of local bodies by all-party committees weakened the state's overall authority and legitimacy in society.

The reduced presence of state in society, in turn, facilitated the deepening of conflict. One study points out many root causes of conflict and inability of various governments to resolve them due to the personality differences of the political leaders of various parties, frequent deadlock, and failure of communication between the key actors including the king and the inability of the third party to mediate. Nepal's current political dynamics is today shaped by the continuing power struggle between the ruling parties and the CPN (Maoist), agitations of several social groups for resource, power, rights, and identity, and the operation of dozens of armed para-

military groups vitiating security, law and order, and service delivery. The non-resolution of many contentious issues has added fuel to this dynamics. Politically significant groups have also now started demanding the representation of their groups in the various committees of political parties and civil society.

When several rounds of negotiations failed to produce result to terminate the war, the Seven Party Alliance and CPN (Maoist) signed a 12-point agreement in Delhi in 2005, and fused the street agitation of parliamentary parties and People's War together to abolish king Gyanendra's direct rule. Mass movement was utilized as a mode of conflict resolution in Nepal because negotiation between the rival groups and back channel communication and mediation efforts² failed to produce a positive outcome. During and after the April 2006 political movement, a number of political issues and agendas including inclusive democracy have been raised by the major political parties of Nepal. After the restoration of the House of Representatives in 2006 and formation of the new government following the success of the movement, new reform initiatives were also undertaken that defined the Code of Conduct for ceasefire, suspended the monarchy, brought the property of the previous king under government control, changed the name of the Royal Nepal Army into Nepal Army, brought the NA under civilian control, and declared the state secular. A strong demand for federalism also started with Madhesi movement while the first meeting of the CA declared the country republic. Drafting a new constitution by the elected Constitution Assembly (CA) has been one of the main agendas of the CPN-Maoist articulated in its 40-point demands. Also the signing of CPA placed constitutional change at the heart of peace-building and efforts to tackle the deep-seated economic and social inequalities.³

Accordingly, the ruling Seven Party Alliance began negotiation with the Maoists and brought them into the mainstream politics by

including them in the interim constitution-making process, interim parliament, and government. In June 2006, an Interim Constitution Drafting Committee composed of six men was formed to draft a new constitution. Since no Dalits, women, and ethnic persons were included, it sparked a political movement for “inclusive law-making process.” Later ten more names were added, but it was still short of extensive public participation, public opinion formation, and ownership. The Interim Constitution was promulgated on January 15, 2007 by the House of Representatives, which got dissolved opening the way for the formation of a 330-member interim legislature. The Interim Constitution tilted power to the executive undermining the separation and checks and balance of powers, and politicized public institutions.⁴

After much haggling, election of the 601-member Constituent Assembly (CA) took place on April 10, 2008. The election system adopted was a mixed one wherein 240 members had been elected on the basis of geographic constituencies based on first-past-the post, with 335 members elected through proportional election system based on party list and 26 members selected by a council of ministers on the recommendation of parties. For candidates for the closed list, parties adopted inclusion of five groups of people—Madhesis (31.2 percent), Dalit (13.0 percent), ethnic and indigenous people (37.8 percent), backward regions (4 percent), and others (30.2 percent) with a quota allocated for women from all groups at fifty percent.

Election based on these inclusive provisions introduced a silent social revolution as it enfranchised many previously under-represented groups and changed the political equation since the Maoists commanded more seats than the two big parties— (Nepali Congress and CPN-UML) combined, and brought in new parties— Madhesi Jana Adhikar Forum (MJAF), Tarai Madhesh Loktantrik Party (TMLP), and Sadbhavana Party (SP) which also saw the decline

of the old parties run by some of the former leading figures of the Panchayat regime—Rastriya Prajatantra Party (RPP), RPP-Nepal, and Rastriya Janashakti Party (RJP). These changes have somewhat reduced the grievances and conflict not without opening new lines of conflict as old classes are not adjusted with the new reality of change due to the loss of power and those having less representation finding a cause to fight. They are now struggling to constrain the social transformation. Out of the 103 ethnic and caste groups in Nepal, twenty finding no representation are demanding their voice, visibility, and representation in the CA. The Organization of Backward Classes are also demanding a place while the indigenous people are clamoring for “prior use” rights on land, rivers and forests as compensation for their historical deprivation in building a shared future.

The first CA election established the CPN (Maoist) as a single dominant party in the CA but short of simple majority to form the government of its own. Three factors contributed to the mainstreaming of the rebels into democratic politics—mass support in the election, international legitimacy, and tendency of its leadership to gain power through election than conflict.⁵ Lack of coherence between the hard and soft lines in the party’s central committee, however, has put it in a dilemma: Whether to resort to “state capture through revolt” or turn itself into a civilian party.

New Lines of Conflict

The major issues now are: sharing of state powers; state restructuring; federalism; right to self-determination; prior use rights on land, forests, and rivers; form of government (parliamentary or presidential); autonomy of judiciary; problems of conflict victims; returning the property seized by Maoists during the war; and democratization of the Maoist party and Nepal Army.

Demands for restructuring of the Nepalese state with special emphasis on federalism, proportional representation, electoral reforms, and inclusive democracy have increased with the rise of the semi-militant Madhesi movement and social movements of ethnic groups and indigenous people. These movements are all based on identity and the concept of citizenship equality. All the Madhesi parties demand “One Madhes, One Pradesh,” rejected by other parties and Tharus living in Madhes. Geography unites Madhes, while religion divides them. Culture unites them while the languages spoken in Tarai (Maithili, Awadhi, and Bhojputi) divide them. Concern for common identity unites them while class, caste, gender, and communal discrimination divide them. The Tharus, moreover, consider themselves as “indigenous”, regarding others as “outsiders.” All of this implies only a common identity they can forge would be a “civic identity of citizenship” and the “national identity of Nepalis.” Political stability thus will largely depend on the “negotiated compromise” among the functional groups of society and their political parties.⁶

The inclusionary politics of various groups have also unleashed the issue of inner party democracy that may resolve the problem of structural injustice in parties where most of the party leaders are Bahuns. The resentment of Chhetris has to be considered legitimate because despite their largest share in population (19 percent) they are weakly represented in the CA. Alienation may thus become a source of major future conflicts. The mainstream political parties have also failed to encourage proper representation of the marginalized and vulnerable groups and minorities in the various committees of parties including the central committees. As a result, they have remained as disadvantaged groups (DAGs) and powerless so far in Nepalese politics and accordingly, *women*, *Madhesis*, *Jananatis*, and *Dalits* remain underrepresented in every layer of governance and decision-making process leaving them dissatisfied

and inclined to take to streets and political agitation. Massive mobilization of social groups in the absence of their adequate representation is a way for conflict escalation than conflict resolution. Durable peace can only be built on the basis of social justice, inclusion, and participation. But the ongoing political instability in Nepal has opened major fault lines of conflict:

1. Factionalism in each mainstream party into three groups makes it difficult to generate a national political will to attain the national goals. Distrust at inter- and intra- party level means that a negotiated resolution of conflicts in Nepal will remain protracted.
2. The various preconditions set by the mainstream parties to convert them into a civilian party would turn it into a parliamentary party which might alienate its radical components.
3. The UCPN (Maoist) fears that parliamentary parties are bent on sabotaging the CA and its agenda of secularism, federalism, and republican state.
4. The demand raised by the Maoists and Madhesi Parties for the democratization of Nepal Army has alarmed the security forces which regard themselves as the sole bulwark against the possible Maoist takeover of the state and stand opposed to the integration of Maoist combatants to the NA.

Representation in the Parties' Central Committees

Inclusive democracy presumes that “those affected by the decision have the right to be included in the decision-making process.” Political inclusion in the party committees is a democratic means to reduce the grievances of party cadres, voters, and general citizens as it increases the social base of party. Exclusion fuels alienation and conflict. Table 1 shows that Hill Bahuns, which comprise just 12.7

percent of the total population of Nepal, hold disproportional representation (40 percent) in the three major political parties' (NC, CPN-UML, and CPN-Maoist) central committees. The next dominant groups are Chhetris and Newars which constitute 18 percent and 5.6 percent of the total population respectively but occupy 13 and 7 percent seats in the parties' central committees respectively. These three groups, which constitute only 36 percent of the total population have secured 60 percent of the seats in the central committees' members. This leaves only 40 percent of the seats for the remaining 65 percent of the population. Women with a 50 percent population share have only 13 percent of seats; for the Janajatis the disparity is 37.2 vs 14; for Madhesis 33 vs 10; and for Dalits 13 vs 3. Despite the commitment of the parties for proportional representation, representation thus remains highly imbalanced. Caste, not class-oriented nature of political parties in Nepal is thus the main obstacle to inner party democracy and transformation of Nepalese society. All the Madhesi parties, too, formed in the name of inclusion discriminate against the Dalits Women, and the 33 percent of population of Hill origin now living in Tarai. For example, MJAF, which has allocated women 8 percent, hill people 4, and Dalits 4 percent of seats in its central committee, is dominated by Yadavs claiming 45 percent of the seats in the central committee of the party although their share in national population is hardly four percent. TMLP, too, is a party dominated by high caste Madhesi Bahuns and Chhetris. Such imbalanced sharing of civic power does not help in moderating the grievances of people for a legitimate space and lasting resolution of political conflict. A community tends to become authoritarian if it holds more power than its due representative share.

The quest for social and political equality is a weapon of the weak in society to democratize their status and reduce the amount of

structural injustice and cultural violence. In women's case, patriarchy perpetuates violence.

Table 1 Caste/Ethnic Representation in the Parties' Central Committees

Political Parties	Nepali Congress		CPN-UML		CPN Maoist		MJAF		TMDP	
	No	%	No	%	No	%	No	%	No	%
Bahun	26	44	45	40	50	38	-	-	-	-
Chhetri	11	18	66	5	22	17	1	2	-	-
Newar	5	8	6	5	10	8	-	-	-	-
Women	6	10	21	18	14	11	2	10	8	14
Madhesi	5	8	18	16	9	7	24	86	46	84
Janajati	6	10	10	11	24	17	-	-	-	-
Dalit	1	2	6	5	2	2	1	2	1	2
Total	60	100	115	100	131	100	28	100	55	100

Source: Political Parties' Offices.

Demanding just distributional is a low-cost strategy of the marginalized groups to increase their power, influence, and identity, but caste and class polarization can decrease this power and become a new source of conflict. The NC, CPN-UML, and CPN-Maoist are major political parties and can play a significant role in inclusion of the DAGs in the decision-making process in the polity. Insignificant representation of DAGs in the central committee implies weak hold of the disadvantaged groups in electoral results and policy outcomes and conflict resolution. The MJAF domination by Yadavs led to its split. This is why the DAGs are continuously raising their voice for inclusion. The role of the DAGs and marginalized groups in peace, democratization, and development is emerging as the main agenda of the day because none of these processes can become sustainable in a real sense without their active support and participation. One critical prerequisite for such inclusion is the question of inner-party democracy or their inclusive representation among the political parties, which is emerging as another major agenda after the April mass movement of 2006.

It is thus clear that democratic values cannot be internalized in a polity until the political parties themselves encourage inclusive democratic values within their organizational networks and activities and enlarge the representative base of power. The exclusion of *women, Madhesis, janjatis, Dalits*, and other ethnic minorities has brought up identity-based social movement, engagement with more radical parties, and violent outbursts in different parties of the country. The political parties as representative institutions have to encourage their participation in the party structures, in the government mechanism, as also in the constitutional and other bodies such as the National Planning Commission.

Interim Constitution, Parties, and Inclusion

The promulgation of the Interim Constitution of Nepal, 2007, formally introduced the concept of inclusive democracy and state restructuring to end all types of gender, caste, ethnic, and regional discrimination in Nepalese society as a major agenda. But the *Madhesi* movement in the south and the *Adibasi, Janajati* and *Dalits* in other parts of the country in 2007 have raised some serious issues regarding their participation and representation groups in various layers of administration and decision-making bodies.

In that regard, the political parties must adopt certain measures in resolving the issue in the changed political context. The marginalized groups including *women, Madhesis, AdivasiJanajatis*, and *Dalits* in the interim Legislative parliament tried to address some of the concerns. Representation of the excluded groups in the Interim Legislative/Parliament was dismally low. Out of its 329 members *women, Madhesis, janajatis*, and *Dalits* occupied 17.6, 21.6, 15.5, and 4.6 percent of the seats respectively. CPN-Maoist gave adequate representation, and did comparatively better than NC and CPN-UML.

Problems and Challenges

Materializing inclusive democracy in practice in Post-April 2006 Nepal brings a number of problems and challenges. The absence of political commitment on the part of the larger parties, absence of sufficient awareness among the excluded people and the concerned stakeholders, lack of a responsive political and administrative culture are some of the principle bottlenecks. The weak representation of *women, Madhesis, Adivasis, janajatis*, and *Dalits* in the leadership of political parties has left them ineffective in their role in decision-making. Addressing this gap requires not only a change in party law to make it more open for representation, but also more responsible and responsive. Exclusion of the bulk of population from political parties not only triggers anti-institutional agitation, but also brings up their own institutions for collective action. The proliferation of *Dalits, Tharus, Madhesis, Women*, and *Janajati*-based organizations and their unity across the party line is eroding the effectiveness of political parties and pushing up extra-party networks. Many of the donors are now funding such cross-party network to weaken the party structure. There is, however, a positive side also, as it is fostering overlapping interests so crucial for inventing a “common ground” necessary for conflict resolution. There is thus a critical need to expand the scope of inclusive representation in some important aspects: apart from improving the share of representation in party apparatus at both the local and central levels, the political parties should declare an agenda for the excluded groups or DAGs— *women, Madhesis, Adivasis, janajatis*, and *Dalits*; review the role of the political parties in parliament/legislation in terms of their accountability, responsibility, and responsiveness; open party committees for debate and collective decision-making; and encourage the party’s social integration potential. In this context, it will also be essential to understand the question of the study of inclusive democracy in political parties in

four ways: voice, representation, articulation of policy platforms, and performance.

Conclusion

In segmented societies social inclusion provides a means to reduce alienation, exclusion, and violence-breeding elements. Distribution of power among groups is a major tool of conflict resolution. But inclusion of groups must be matched with individual rights granted by the human rights instruments, the “rights of minorities” as well as “protection of the weaker sections” of society. In a country of minorities where no group can claim more than 18 percent of share in population, institutional mechanism must be evolved to invite all groups in sharing and conserving resources of the state as it helps to provide them ownership. Inclusion also helps to overcome alienation which is a major source of perceived deprivation, rebellion, and conflict. Several measures will therefore be needed to address the issues:

First, social inclusion provides a sense of belonging to the political system and augments the capacity building of the previously excluded groups essential for their stake-holding in the peace process. In the light of the on-going *Madhesi*, *Dalits*, and *Adibasi*, and *janajatis*’ social movement, there is a need to expand the constitutional base of politics, as also the institutional base of political parties and governing institutions. Compared with the issue of Madhes, the problems of other social groups are different. The resolution of Madhesi problems requires among other measures integration of mainstream moderate forces in a dialogue with the radical armed groups of various hues and peaceful dialogue with the identity-related groups. The mainstream parties’ tendency to protect criminals and delay judgment of courts and youth unemployment have to be tackled as soon as possible so that the street does not

become an alternative parliament and court to address the grievances and resolve issues.

Second, a negotiated settlement of issues would help to achieve durable peace, democracy, and development. In that regard, a number of strategies have to be pursued: first, multi-party negotiation for breaking the deadlock existing at various levels such as the formation of government, monitoring of the implementation of consensus, and a round-table high level dialogue for resolving the contentious issues including restoration of local bodies, establishment of local peace committees, etc; Second, the civil society can draft a “common ground paper” for confidence building measures, and negotiated compromise; third, international community ought to act as a creative catalyst for facilitating ways to resolve the issues and conflicts; fourth, post-conflict reconstruction, rehabilitation, and reconciliation measures have to be strengthened to address all sources of structural injustice; and fifth, redistributive measures need to be initiated to allocate the benefits of peace dividends to all sections of the society.

Third, to strengthen and effectively implement the concept of inclusive democracy in practice, a number of recommendations could be put forward to contain certain groups from clinging to power and address the grievances of the excluded and reduce the scope for future conflict:

- The political parties have to demonstrate a democratic culture in their attitude and behavior so that the concept of inclusive democracy can be better realized through compromise of various groups where no single group is able to dominate the government and decision-making processes.
- In order to make party cadres aware about the concepts of inclusive democracy and state restructuring, civic education

programs need to be conducted throughout the country on a massive scale.

- The political parties, including the larger ones, have to demonstrate a culture of tolerance and attitude to respect the concept of inclusive democracy as a mode of conflict resolution in our multi-cultural society and maintain a balance between the three groups of rights—individual rights, group rights, and human rights.
- A balance has to be set up between the legislative and executive powers akin to a system of checks and balances to prevent the tyranny of the majority.

These measures can consolidate inclusive democracy to create public goods for the benefits of all levels of citizens—the rich and the poor, the high and the low, the strong and the weak, the majority and the minority.

Notes

- 1 Menocal 2009:4.
- 2 Sir Jeffrey James of the UK, Samuel Tamrat of the UN, and Swiss and Norwegian mediators.
- 3 International Crisis Group 2007:1.
- 4 International Crisis Group 2007:9.
- 5 Dahal 2010:2.
- 6 Hueglin 2003: 61.

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Political Parties and the Process of Deepening Democracy : An Indigenous Peoples' Perspective

Krishna B. Bhattachan

Introduction

Although the people's movement of 1990 transformed Nepal's partyless order into a multi-party political system, political parties based on caste, ethnicity, and language were prohibited by the State. There was no political party of indigenous peoples until the dissolution of the first Constituent Assembly in 2012. Indigenous peoples' political parties, including the Federal Socialist Party, Social Democratic Party, and Federal Limbuwan Party Nepal were formed only after the first Constituent Assembly was set up to ensure identity-based federalism in Nepal in the new constitution to be written by the elected Constituent Assembly. Political parties vary in terms of their role and ideology, their regional and geographical representation, population coverage, and electoral performance. Against such a background, this article analyzes the role of the dominant political parties in Nepal, namely, Nepali Congress, Communist Party of Nepal (CPN)-Unified Marxist-Leninist (UML), Unified Communist Party of Nepal (UCPN)-Maoist, and others such as the Madhesi Janaadhikar Forum, Sadbhabana Party, and Limbuwan Party. The focus will be on the respect or abuse of indigenous peoples' rights and lives. The paper is not going to dwell on the universal roles of political parties such as policy formulation and prioritization, educating voters, recruiting and training candidates for public offices.

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Mockery of the Rule of Law

Leaders of the dominant political parties are not tired of talking about democracy, democratic process, rule of law, election and decision by majority votes, and human rights. But, in practice, they make and break the laws. Numerous instances can be cited, of which the main ones are:

Disrespect for Agreements: Nepal government and agencies involved in various movements, including the indigenous peoples' movement, have signed scores of agreements.¹

- Nepal Government and Nepal Federation of Indigenous Nationalities (NEFIN) and Indigenous Peoples' Joint Struggle Committee (IPJSC) signed the 20-point agreement on 7 August 2007. The main points of the agreement were: The political parties would ensure inclusive candidacy in the first-past-the-post election; adopt proportional representation on the basis of caste/ethnicity, sex, and region; and in the 26 nominations would consider inclusion of indigenous peoples who cannot represent themselves through the first-past-the-post and proportional representation. Since the Government failed to implement the agreement, a few months after the agreement, a delegation representing NEFIN and IPJSC met the then Prime Minister Girija Prasad Koirala, who said he was not aware of such agreement.
- In the 5-point agreement reached between Nepal Government, the seven political parties, and Sanghiya Limbuwan Rajya Parishad on 19 March 2008, the first observation was: "By addressing the high aspirations of Limbuwan residents and the movement and to keep national unity, integrity, and sovereignty intact, a provision for federal governance system through constitutional

arrangement shall be made based on the historical background and geographical region (translation the author's).

- In the 5-point agreement reached between Nepal Government, the seven political parties, and Sanghiya Ganatantrik Rastriya Morcha, Nepal on 24 March 2008, the third point stated, “In restructuring the state to end the centralized unitary governance system of 239 years, a constitutional arrangement of federal governance... with self-rule for the indigenous peoples including Limbuwan, Khambuwan, Tamsaling, Tharuhat, Dalit, backward communities, and ethnic groups based on their historical background, language, geographical region, and economic resources and scope, will be made through the Constituent Assembly keeping Nepal’s sovereignty, national unity, and territorial integrity intact”, “Sanghiya Limbuwan Rajya Parishad will be represented in the Constitution's State Restructuring Commission” (translation the author's).
- In the 8-point agreement between Nepal Government and Samyukta Loktantrik Madhesi Morcha inked on 29 March 2008, the second point said, “Accepting aspirations of the Madhesi people to establish an autonomous Madhes province and of the people of other regions to establish autonomous provinces, Nepal will be a federal democratic state... where the provinces will be fully autonomous with full authorities” (translation the author's).

Both Nepali Congress and CPN-UML appear indifferent about implementing the agreements. Even their positions during the consensus building dialogues and meetings looked against these provisions. It should be noted that leaders of these same parties led the Government dialogue team and signed the agreements. The main

opposition party, CPN-Unified Maoist, which leads an alliance of thirty political parties from inside and outside the Constituent Assembly, has been demanding effective implementation of the agreements made by the Government, but during the negotiation it failed to pursue the cause steadily.

Abuse of the Supreme Court's Verdict

- **Abuse of the Directive Order of the Supreme Court:** The Supreme court of Nepal issued a directive order on 21 April 2013 to hold election of the second Constituent Assembly after making necessary amendments in the Constituent Assembly Election Law, 2064, Constituent Assembly Election Regulation, 2064, and Constituent Assembly Regulation, 2065 to ensure the rights of the indigenous peoples as per the international laws, including ILOC 169 that Nepal is a party to. When a delegation of NEFIN met the Chief Election Commissioner to request implementation of the SC directive order, the latter said that the request came somewhat late and they could do nothing as the Commission had finished preparatory works for holding the election on 22 November 2014. The response looked unreasonable since the SC had already informed them and followed up twice for implementation of its order. Election of the second CA was held without amending the laws and the elected second CA amended its regulation without following the directive order. More worrisome is the fact that none of the political parties paid attention to the directive order to amend the CA election law and regulation.
- **Abuse of the Supreme Court's Mandamus:** The Supreme Court's mandamus clearly says that nomination of the 26 CA members by the Government should include indigenous peoples left out by the first-past-the-post and proportional

elections and that nominations of independent experts should be really independent; also that no nominations should be made from among the card carrying members of a political party and those who have lost elections or had nominations through PR. To divide and rule, CPN-UML recommended NEFIN's General Secretary and NC recommended the Chairperson of NEFIN to fill in the vacant positions of the 26 nominations and the Government immediately complied.

Unfortunately, every political party, including the ruling, opposition, and other small ones have failed to respect the SC verdicts (the directive order and the mandamus).

Disrespect for Decisions of the 1st Constituent Assembly

The leaders and Government Ministers claimed that the first CA had finished about 90 percent of the works and the elected second CA formally took ownership of the works done by the first CA. If so, how do the issues stand now?

- **Consensus on the Basis of Restructuring of the State and Division of State Power:** The first CA unanimously agreed that identity would be the primary basis and viability the secondary one in restructuring of state and division of state powers. Identity was specified in terms of (i) ethnic/community, (ii) linguistic, (iii) cultural, (iv) geographical/regional, and (v) historical continuity. Viability was specified in terms of (i) economic interdependence and ability, (ii) condition and scope for infrastructure development, economic interdependence, and continuity, (iii) availability of natural resources, and (iv) administrative access. Nepali Congress and CPN-UML gave more priority to viability and less to identity in the first CA rejecting ethnic and regional identity. In the second CA, the ruling political

parties, including Nepali Congress and CPN-UML, stood against identity as the primary basis of state restructuring. Instead, they gave top priority to viability and geography, specially the north-south vertical nexus of the provinces.

- **Recommendations of the State Restructuring Committee of the First CA:** The State Restructuring Committee recommended 14 provinces, 23 autonomous areas as also an unspecified number of special and protected areas based on those two criteria. The 14 provinces included Limbuwan, Kirat, Tamsaling, Sherpa, Newa, Tamuwan, Magarat, Madhes-Tharuhath, and Madhes-Kochila. The CPN-Maoist did not pursue the “process” to its end by passing it in the CA although the identity-based parties, including CPN-Maoist held 2/3rds of majority in the CA. Instead, the first CA was dissolved ending its 4-years term. The Second CA unanimously agreed to own the works done by the first CA. It is said that 90 percent of the works was accomplished leaving only ten percent of the contentious issues.
- The Commission revived the State Restructuring and State Power Division Committee which submitted its report reviewing the former Committee’s report and recommendations and finally recommended 10 territorial and one non-territorial provinces along with certain autonomous, special, and protected areas.

If the ruling political parties do not abide by the rule of the game they have made, the political parties will lose the trust of the indigenous peoples, Madhesi, Dalits, and Muslims leading to erosion of democratic norms and values.

International Laws and Human Rights Violated

Nepal has ratified several international laws including the International Convention on Elimination of Racial Discrimination (ICERD) in 1991 and the ILO Convention 169 on the indigenous and tribal peoples but has failed to implement them. Violation of these laws is frequent. The ICERD Committee has issued some warnings to Nepal, but the state refuses to comply.

CERD Committee's Early Warning: LAHURNIP and IPOs had submitted a complaint to the CERD Committee about violation of the principle of direct representation of indigenous peoples in the CA and Free, Prior and Informed Consent (FPIC). The CERD Committee accepted the complaint realizing the urgency of the case and issued an early warning on 13 March 2014 with recommendations to Nepal Government to form a thematic committee on the indigenous peoples in the CA, establish an FPIC mechanism to take consent of the indigenous peoples, and ensure direct representation of the indigenous peoples in the CA. The Committee on Elimination of Racial Discrimination, in its early warning to Nepal on 13 March 2009, stated, "The Committee recommends that mechanisms be established to ensure indigenous peoples' free, prior and informed consent during the constitution's drafting stage, and that an indigenous peoples' thematic committee be set up to guarantee the representation and participation of indigenous peoples in political life."² Nepal government responded by arguing that the CA has a Committee on the Minorities and Marginalized Groups to take care of the concerns of the indigenous peoples. The CERD Committee issued another warning on 28 September 2009, appreciating the efforts of the Government to address the issues of indigenous peoples through the committee on minority and marginalized groups, reminding these were not sufficient to address the needs of the indigenous peoples. Reiterating its recommendations forwarded earlier, it suggested, "... establishment of such a thematic committee should be

urgently considered and ... effective indigenous representation should be guaranteed by allowing the participation of indigenous representatives who are freely chosen and identified by peoples concerned according to their own processes.”³ The Indigenous Peoples' Mega Front also submitted a memorandum to the CA Chair demanding establishment of the FPIC mechanism stated in the CERD's early warning. Both the CAs have failed to set up such a mechanism.

Implementation of Ideology

The leaders and followers of all political parties do believe that a political party cannot play its role effectively if it has no ideology. Among the main political parties here, the ideology of Nepali Congress is democratic socialism, that of CPN-UML is *Janatako Bahudaliya Janabad* (People's Multi-Party Democracy”) and CPN-Integrated Maoist holds Marxism-Leninism-Maoism as its central ideology. Most of the splinter left political parties follow one variant or a mixture of Marxism, Leninism, and Maoism as their ideology. The Social Democratic Party, a recently emerged political organization, has taken up Social Democracy, Pluri-Nationalism, and Indigenism.

Conclusion

From the indigenous peoples' perspective, Nepal's participatory democracy in practice is little more than an ideal. As long as the dominant groups fail to give space to the excluded groups, indigenous peoples, Dalits, Madhesis, and Muslims, democracy will not take its roots and the idea of deepening democracy will remain an idle talk.

Notes

1 http://www.peace.gov.np/uploads/files/shahmati_samjhauta.pdf.

- 2 <http://www2.ohchr.org/english/bodies/cerd/does/early.warning/nepal28092009.pdf>.
- 3 *ibid.*

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Political Parties and Constitutional Accountability

Kashiraj Dahal

Background

In Loktantra, the legitimacy of governance emanates from citizens' ballots and people's rights to equality, freedom, opportunity, social justice and security are thus guaranteed. A dynamic Loktantra requires a competitive multiparty system where the party system is considered an integral part.

"Established with the goal of implementing its own policies and programs by acquiring and exercising power, the political party is the organized form of citizens", says *Encyclopedia Britannica*. Political parties implement their programs on the basis of the mandate they secure in the election but they are guided by a certain ideology. Modern political parties also perform a whole set of functions, including political recruitment and communication, formulation, and implementation of the policies aimed at ensuring people's right to expression and well-being. These tasks help socialize the politics, encourage people to participate in the political process, and groom the new leadership.

Political parties also generate awareness among the people, take up their problems to the government, articulate the concerns of different communities in an integrated manner, and press the government to work for the welfare of the citizens. Ultimately, the objective of such political organizations is to attain power and implement their goals, policies, and programs by securing power through people's support and participation.¹

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In a democratic set-up, political parties are the vehicle of the expression of people's opinions. In order to win people's support and achieve stability, parties should espouse collective vision, provide competent leadership, maintain a high level of ethical integrity, and promote inclusiveness and internal democracy. The parties that fail to win people's trust cannot be dynamic. In Loktantra, the people hold the key. Parties are thus a conduit for people's opinions and aspirations.

Political Parties and Constitutional Accountability

Political parties need to be responsible to the people. Loktantra is consolidated only when there is a healthy competition among them. The parties have evolved as pressure groups.² In countries with a long democratic tradition, the parties came into existence and flourished not on the basis of provisions mentioned in the constitution but through practice and convention they developed for their structure, form, working style, and organization. Only parties that are active and committed to healthy political exercise can promote and sustain Loktantra. Premised on this philosophy, Nepal's constitution sets out provisions to ensure accountability of the parties in a manner that reflects their respect for and devotion to the nation's sovereignty and the basic principles of Loktantra. In order to prevent malpractices in parties, there are legal arrangements to regulate and systematize their behavior. For this purpose, political parties frame constitution and laws. The principle of constitutional accountability means parties should operate as per the letter and spirit of the constitution.

The constitutions of modern nations recognize the concept of political parties and clearly spell out provisions relating to their operation and responsibilities. For example, Cameroon has mentioned these provisions in Article 3 of its statute, just like other states such as France (Article 4), Greece (Article 29), the Republic of

Korea (Article 8), Liberia (Article 6), Portugal (Article 4), Uganda (Articles 69 to 75), Rwanda (Articles 52 to 59), and Germany (Article 21). They have defined parties as the means of expression of the people's opinion. In order to be qualified as political parties, they must abide by the basic norms and principles of democracy, sovereignty, and national unity, and act accordingly. Similarly, the parties should follow Loktantrik principle in their internal organization, make public the sources of funds, and audit reports regularly. According to the constitutions of these nations, the parties that work against the fundamental principles of democracy are automatically declared unconstitutional. The constitutional provisions pertaining to the parties in various countries demand that they must be committed to their nation, people, and democracy. They bear the responsibility to organize the people, stabilize the political process, mediate between the people and the government, impart political education to the masses, and promote Loktantrik values and norms in the society.

Germany's 1967 Act related to the political party has recognized it as a vital component of Loktantrik governance system. It states that the parties have to embrace constitutional supremacy and Loktantrik norms, and must strive to fulfill people's concerns and aspirations. As a medium of the expression of the people's will, they should impart political education, build public opinion and be accountable to the people. They need to be engaged in training, election, exercise of power in the parliament and the government, and also act as a bridge between the public office-bearers and the people.

The parties must also define their goals, programs, and policies in their statutes and election manifestos. They have to abide by the prevalent laws while spending their economic funds. In order to attain legal status, parties should be registered at the Election Commission. They should have their written statute and programs. It

is mandatory that the statute should clearly mention the name of the party; process to obtain its membership; works, duties, and rights of the members; the provisions related to the disciplinary action; the nature and structure of internal organization; the formation and rights of working committees as also the sources and mobilization of incomes. It should, moreover, devise a mechanism of mediation to interpret the statute and settle internal disputes. Such a body has to be formed through an internal election. The party's working committee members will not be allowed to be the members of the arbitral wing. The candidates for the Legislature-Parliament are chosen through a secret ballot and the party should submit the audit report to the parliament (Bundestag) annually.

The US constitution has no provision in regard to the constitutional accountability of political parties. Nonetheless, the multi-party system has been accepted as a fundamental prerequisite for the success of Loktantra. It does not imagine that the constitutional system can be vibrant in the absence of political parties. Even if the constitutions of some nations do not talk about the parties' accountability, their parties are dedicated to constitutional supremacy and citizens' rights. Modern democracies recognize the significance of parties and explain their role, responsibility, and accountability. Since the registered political parties are legal organizations, they need to act in line with the constitutional spirit.

Political Party and Transparency

Loktantra is a responsive system. It becomes meaningful if parties realize their respective responsibilities. Modern nations have accepted the values of constitutional Loktantra with the objective of incorporating its basic contents into the constitution and translating them into practice. Making the state responsible for the protection of

life and property of citizens requires accountability and transparency, which, in turn, encourages people's participation.³

Political parties should articulate people's aspirations, make their internal structures democratic, and conduct their activities in a transparent manner. They are obliged to maintain transparency in their income, expenditure, and auditing. Parties formed with malevolent interests and to undermine the basic values of democracy are declared constitutionally unfit. To ensure transparency, accountability, and honesty of the parties, modern democratic states have adopted the following constitutional provisions:

Regulating Private Funding: Parties have been forbidden to accept donation and fiscal assistance from foreign nations and companies. If the parties are found to have deposited money in foreign accounts, they forfeit their constitutional status. They are also prohibited to take donation from public agencies and deposit money in the account of anonymous persons. Such provisions seek to ensure parties' autonomy and integrity.

Increasing Public Funding: To maintain electoral fairness and avoid conflict of interests within parties, some countries have arranged constitutional provisions to fund the parties. In Germany, the parties that garner one percent of vote in the parliamentary election receive state funding. In Sweden, the parties that bag four percent of the total vote receive donation from the state. In several nations, including Denmark, Turkey, Israel, and Norway, parties are entitled to get fiscal support. Likewise, the parties failing to garner a certain minimum share of votes (threshold) lose their status as national parties. South Africa's constitution has provisions for granting state fund to the parties in a proportional and equi-judicial manner.

Setting Spending Limit: To control unhealthy competition in election, constitutions have also set limits on spending in election.

They have to submit their details of expenditure to the Election Commission (EC). In addition to that, the parties and their candidates must submit their property details to the EC for transparency and integrity of election.

The modern constitutional system includes provisions to maintain economic transparency of parties by obliging them to keep their funds and auditing in good order, and publish the reports of their incomes and expenses annually. In view of the rising corruption that has dealt a blow to the rule of law and good governance worldwide, the UN Convention against Corruption, 2003 made special provisions to bring the private sector into the legal framework to ensure their fiscal discipline. Political parties have to embrace the UN covenant and work actively to implement it. In this regard, Nepal needs to review, improve, and revise its anti-corruption laws in conformity with the UN Convention so that the parties are impelled to maintain fiscal ethics and purity.

Political Parties and Right to Information

Right to information is the natural right of citizens. Over forty nations have recognized this concept by incorporating it in their constitutions while more than hundred nations have enacted laws and regulations to enhance citizens' access to the right to information. Nepal has recognized the right to information provision as a fundamental right in its 1990 constitution and the Interim Constitution, 2007. Now that the Right to Information Act, 2008 has put the registered political parties within the category of 'Public Bodies,' parties should disseminate maximum information and actively promote the culture of transparency and accountability. Parties have a critical role in making Loktantra meaningful and delivering the fruits of democracy to all people equitably. The ideals of democracy cannot be realized in the absence of political parties and free, fair, and impartial elections. Since the political parties are

the key instruments to ensure good governance, their activities and behavior need to be open and transparent. If they fail to maintain a clean image, it will be irrational to expect transparency from other organs of the society. The Interim Constitution, 2007 has made it mandatory that the statute and regulations of the parties should be democratic, a provision that has also been included in the new constitution framed by the second Constituent Assembly.

The Right to Information Act, 2008 was enacted with the purpose of making the functions and transactions of state democratic, open, and transparent, and also accountable to the people. Clause 3 (2) of the Act guarantees that every citizen has access to information on the public bodies except the information prohibited by Sub-Clause 3. The people have right to get all information except on the following issues: (a) issues seriously jeopardizing the sovereignty, integrity, national security, public peace, stability, and international relations of Nepal; (b) issues directly affecting the investigation, inquiry, and prosecution of a crime; (c) issues seriously affecting the protection of economic, trade or monetary interest or intellectual property or banking or trade privacy; (d) issues directly jeopardizing the harmonious relationship among various castes and communities; and (e) issues interfering in the individual privacy and security of the body, life, property or health of a person.

In line with Clause 4 of the Right to Information Act, 2008, political parties also need to carry out the following tasks in order to promote a culture of information dissemination:

a. to make public and broadcast information from time to time by classifying and updating it; b. to simplify citizens' access to information; c. to keep their activities open and transparent; d. in publishing and broadcasting information, to use the national language and media.

As per Clause 5 of The Right to Information Act, 2008, the parties have to update information related to them and publish it every three months.

They have to appoint an information officer to disseminate information about the parties and their activities. If the information officer fails to provide information, the head of the party should furnish information to the public or media.

They have to make public the details of their incomes and expenditure annually.

They should make maximum use of technology to store, record, and flow information.

They should nurture an information-friendly atmosphere inside the organization.

They should enact legal provisions to make sure that they will not receive donations from foreign nations and companies or their agencies under an alias or pseudonym. The state must devise necessary laws to fund the parties according to the amount of votes they obtain in the election.

Political Parties and Electoral System: NOTA

Periodic election is the essence of Loktantra. Election is a vein that circulates blood to democracy. A periodic, fair, clean, impartial, dignified, and simple election is a critical prerequisite to a vibrant Loktantrik system. Different countries have adopted different electoral systems and made timely reforms on them. The world has been practicing a 'yes vote' electoral system for a long time. But some nations have adopted a 'negative vote' since 1970 wherein voters tick the box of the ballot paper that contains the words 'none of the above' (NOTA) if they do not want to vote for any candidate listed. The NOTA principle means that voters have the right to reject candidates they dislike or if they are unsatisfied with their

performance. The negative vote system has evolved to make political parties responsible and accountable to the people.

Different kinds of electoral systems have been practiced and experimented from time to time to boost the participation of the people in election. NOTA seeks to encourage people to take part in voting and discourage the tendency to boycott elections. It checks the number of invalid votes, which occurs when the voters tick the ballot boxes randomly to show their disapproval of the standing candidates. It also piles up pressure on parties to field good candidates in elections.

NOTA was first practiced in a county election of California in 1976, followed by the Nevada State in 1978. Then Washington, DC and Massachusetts adopted it. The NOTA principle has been applied to make democracy more meaningful and substantive. A number of countries, including Bangladesh, Belgium, Brazil, Chile, Columbia, India, Finland, France, Pakistan, Poland, Russia, Serbia, Spain, Ukraine, the UK, and the USA have exercised it. Poland introduced it in 1989, Russia in 1991, Spain in 1999, Bangladesh in 2008, Serbia in 2010, and Pakistan in 2013. They have yet to succeed in their experiment. Likewise, Kyrgyzstan, Greece, and South Africa have also incorporated provisions relating to the negative vote in their election system.

In India, the Election Commission asked the government to include NOTA in its electoral system in 2009, but the government turned down the request. The matter reached the Supreme Court. In its verdict issued in 2013, the court instructed the government to implement the NOTA principle. The case was famously known as 'People's Union for Civil Liberties and another vs. Union of India'. Subsequently, it was experimented in the 2014 general election, and provincial polls held in Delhi, Chhattisgarh, Madhyapradesh, and Rajasthan. In the Loksabha elections, over six million or 1.1 percent

of the voters cast their ballots in favor of NOTA. In the Bidhansabha elections, the negative votes accounted for 1.5 percent.

The Negative Vote is a new notion introduced to reform the electoral system. Some nations have adopted it to put pressure on the parties to pick competent and clean candidates in their elections. Some of them have granted legal status to the NOTA idea under which the election is cancelled if the negative votes exceed the total votes garnered by all candidates. Such a legal provision is in effect in the Massachusetts State of the US. In the State of Washington, DC, the NOTA principle has been accepted as a means to read public opinion. However, there the elections are not declared null even if the negative votes surpass the total votes cast.

India has adopted the NOTA principle for fulfilling a similar purpose. Elections are not revoked even though the negative votes outnumber the valid votes cast. The provision tends to encourage the parties to embrace ethical politics by granting tickets to those with a clean image. The court verdict states: *Negative voting will lead to the systemic change in polls and political parties will be forced to protect clean candidates. If the right to vote is a statutory right, then the right to reject a candidate is fundamental right of speech and expression under Constitution.* The main reason behind adopting the NOTA provision in India is to curb the criminalization of politics, corruption, and abuse of money and power in election, and raise people's faith in democracy. Some are now for rescinding the elections in case the number of negative votes exceeds total votes, and recalling the lawmakers if s/he is corrupt, criminal, and/or immoral.

However, Bangladesh has implemented the NOTA principle effectively. Elections are cancelled if the negative votes outnumber the votes garnered by all candidates, paving the way for election in constituencies under question. The candidates, who bag fewer than

the number of negative votes, are not allowed to stand in the by-election. Columbia follows a similar electoral provision.

In 2013, Nepal's Supreme Court issued a directive order in the name of government to bring a legislation to incorporate the NOTA principle in the electoral system. The court's verdict came in response to a petition filed by advocate Bhairaja Rai. The government has yet to frame laws and regulations to implement the NOTA principle here. Loktantra cannot be meaningful until there is a credible electoral system that enables the people to express their opinions impartially and fearlessly. Political parties must not be given a leeway to manipulate elections so that they unfairly roll over their rival candidates.

Conclusion

Nepal is now transforming itself into a new Loktantrik state. There is a dire need for reform in the electoral system here. Since the political parties are the true vectors of the Loktantrik system, it is imperative for them to act and conduct responsibly and transparently. If parties come under the sway of dons and money, the goal of good governance will remain a distant dream. Parties must go through a process of purification to consolidate democracy. They have to maintain transparency in their economic transactions and come up with objective criteria to select competent, honest, and clean candidates. There should be necessary legal arrangements for a free, fair, and dignified election. If parties fail to heed the call for broader electoral reforms and democratization of their organizations, criminalization of politics and politicization of crime will be the rule of the day. Such failure is sure to stunt the vibrant growth of democracy and promotion of good governance in the country.

Notes

- 1 Derbyshire 1990: 111.
- 2 Almond 1974: 88.

3 Mattozzi. 2007: 311–315.

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Reflections on Political Parties: Embracing Ethical Values

Ritu Raj Subedi

Political parties are regarded as the motors of change since they rouse, educate, and engage the masses in the course of political revolutions and play a critical role in bringing about the needed socio-economic and cultural transformation. Cardinal civilizational ideas such as democracy, freedom, equality, fraternity, and social justice gained wider currency with the evolution of parties. With the sweep of globalization and the rise of corporate power, the influence of political parties has shrunk. But this has not weakened the fundamental role of parties. A noted political scientist Thomas Meyer observes that political parties occupy a central position among all political organizations, adding that only they can handle the task of drawing up programmatic compromises for the entire society on the basis of varying social interests and values, civil society action groups and associations, and mediate between social interests and state action.¹

The knowledge available tells us that for all their shortcomings, parties carry people's agenda and act as a bridge between the government and the state. They engage in political communication, mediate between citizens and top leadership, supply fresh leaders, and resolve conflicts. In order to gain popular and constitutional legitimacy, they have to go to the people to secure their mandate through periodic elections. Democracy is constantly modified, enriched, and broadened through relentless democratic exercises, active citizenship, embracing civic values, development of democratic institutions, and attainment of shared prosperity. It is

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only political parties that execute the project of democratic reform and refinement. Interestingly, parties employ 'democracy' as the tool for fulfilling twin objectives: first, they use it to achieve the desired economic, cultural, and emotional needs of the society; second, they constantly strive to live up to the tenets of democracy for the wise, just, and rational sustainment of the chosen system.

Overcoming Negative Image

Notwithstanding the lofty goals and duties assigned to the political parties, there is no dearth of negative images attached to them, the vested interests they pursue, and unpopular actions they commit in the name of democracy, people, and nation. If the performance of Nepalese political parties serves any yardstick, the parties do not merely deserve encomium for their successful struggle against autocracy and for ushering in democratic polity; they also suffer from grave deficiencies. Nepal offers an example here about how the inherent contradictions within and between the parties have hindered the realization of lofty objectives. They envision a grand social evolution with all democratic elements needed to ensure order, peace, and affluence. But, as they move toward implementing some of their promises, they come a cropper. Like the tragic characters of Shakespeare doomed to downfall owing to their own fatal flaws, parties in Nepal and their leaders have fallen and fouled due to their egoism, parochial thinking, obsequious tendency, and lack of moral integrity. Ambition, jealousy, hatred, vengeance, and greed for power come in the way to destroy the beautiful world in Shakespearean tragedies. Of course, these are universal elements found in every society but what troubles is the high frequency of failures, and the scarcity of success.

One may encounter the above line of thought basing his/her logic on the success of parties to write the new constitution from the second Constituent Assembly elected in 2013. The mainstream

democratic parties really came up trumps. Defying all domestic challenges and external meddling, they succeeded in drawing up a national charter to set the nation on the republican, federal, and secular path. This marks a golden moment for the Nepalese parties that demonstrated the courage of their conviction to write the supreme law on their own. For this, the southern neighbor bullied them, imposing a cruel blockade because the centrist forces made a free decision guided by the domestic necessities and electoral mandate. It is a paradox that the closest neighbor that assisted in engineering landmark political upheavals in the past is now at daggers drawn with its small neighbor. How the parties come out of the crises will largely decide their future direction. This is a test of their real grit: Will they buckle under the pressure or will they resolve the trade-off without compromising national sovereignty, territorial integrity, and dignity?

The political parties in Nepal have now more than a 70-year-old history. They came into existence to carry out capitalist-democratic revolution against feudalism and autocratic rule. Most of the time, they fought against the internal adversaries to push the country forward, engineering three democratic revolutions and overseeing changes that brought unprecedented awareness among the people about their fundamental and constitutional rights, although economic growth and prosperity remain unrealized dreams. We now face the question: Why do the Nepalese parties often falter to translate their commitments into action after successfully leading the political changes? This is a moot issue that needs to be analyzed with an unvarnished viewpoint.

Myopic attitudes, corruption, nepotism, factionalism, favoritism, rent-seeking tendency, intra- and inter-party conflict are generally cited as the reasons for their lackluster performance and political fiascos. Observers point out that the parties forget their pledges in favor of the vested interests of a few. Dev Raj Dahl, providing some

insights in this regard, says: “The political parties represent a part, not the whole.”² Maybe their inability to represent the society in whole made them go belly up. Their petty bourgeois background and feudal mindsets hamper them from charting out a collective vision of development. Dahal points at their failings: “The Nepalese political parties, mainly grown out of a mixture of social and political movements, leaders’ personal ego, party splits and fragmentation of parliamentary parties, are struggling to expand their political constituencies through the use of social cleavages and even generating contradictions in a binary code of friend and enemy rather than formulating realistic vision, policies and programs for this post-conflict nation.”³

Dealing with Ethnocentric Politics

Decline in ideology and policy differences among the parties have impelled some of them to find ‘new areas and means to mobilize memberships and enter into deep sub-structures of society with the instrumental politics of differences and media-mediated image. The tendency to play up cultural differences to justify the absolute rights, truth, and supremacy of given ethnic or religious groups have posed a big challenge to the centrist political parties — left or democrat— espousing common goals and endeavor to meet the aspirations of the people. The flawed cultural politics has its root in the ‘end of history’ of Fukuyama, ‘the clash of civilizations’ of Samuel Huntington, and ‘deconstructionism’ of Derrida. In 1992, Fukuyama announced that the evolution of political ideology came to an abrupt end with the collapse of communism in the former Soviet Union and Eastern Europe. For him, liberal democracy is the final stage of development of political isms. One year later, his guru Huntington came up with another declaration. He argued that new conflicts would unfold along the cultural and religious lines, not on the basis of traditional political ideologies that characterized the 20th century.

Although Derrida's deconstructionism swept the academic sphere long before Fukuyama and Huntington made their announcements, it also tended to destroy the center, accentuating the sub-texts and sub-identities. Its emphasis on centrifugal forces openly questioned the relevance of the parties that carry ideological agendas and goals.

Ethnocentric politics, religious fundamentalism, and strident campaigns for multiculturalism are manifestations of identity politics that seeks to fill the void left by the demise of the great ideologies of the past two centuries. Divisive in nature, identity politics hardly serves the broader interests of people, nation, and humanity. In *'Politics of Identity: The Challenge of Modern Fundamentalism,'* Meyer highlights the negative consequences of identity politics: "The politicization of cultural differences has proved to be a universal instant recipe that is forever useful in stirring up public opinion which can then be converted into votes.... By employing cultural exclusion strategies, confused political loyalties are cast into the friend-foe mould. In the process, the real challenges and responsibilities automatically disappear from the public eye. By ousting others from the domain of their rights, the politics of cultural identity appears to be the indispensable basis for the welfare of 'one's own kin'. It is an exercise that is suicidal for all. In the individual case, it may well serve as a borrowed life-elixir for group politics, yet it offers no solution for issues concerning all mankind such as job creation, justice, security, healthy living standards, education and the future."⁴

Nepal has been roiled by the ethno-centric politics for years. It arose in the garb of Maoist, ethnic, and Madhesi movements that took much of the starch out of the Nepalese society. The rise of identity politics and resultant social, cultural, and ethnic discords imply the biggest failure of the Nepalese mainstream political parties that were at the helm of power for the two and a half decades under the constitutional monarchy and republican set-up. They patently

failed to deliver on their repeated promises, including political stability, peace, employment opportunity, and control of endemic corruption and runaway inflation. Politics based on clintelism, patronage, factionalism, and petty interests hollowed out the democratic polity, turning the country into a breeding ground for the rise of bellicose movements of different stripes. Their ugly tentacles continue to pester the nation despite the 'most inclusive and proportionate' constitution crafted.

Nepal's new constitution has envisioned a socialism-oriented economy that means it contains a multitude of provisions for ensuring social justice, which is a lynchpin of social democracy. The new statute, parties' election manifestos, and their own principles, programs, and policies undergird them with the ideological wherewithal necessary to square up to the belligerent ethnocentric politics. The vital task ahead of the centrist forces is to transform the mini and subsidiary identities into a national identity and vision. The parochial ethnic and regional identities pose a threat to broader national welfare, harmony, and unity. In such a context, 'social democracy' does not only serve as the common socio-political ground but also works as the antidote to detrimental ethnic politics.

Promoting Internal Democracy

The dearth of inner-party democracy is another serious political malady that the Nepalese parties suffer from, hindering the democratization of parties and the society as a whole. It is not that they lack organizational provisions, statute, system, and structures aimed at enhancing internal democracy. But their performance is not up to the mark. The given provisions are mostly ignored. The parties hardly hold the broad-based debates and deliberations before taking major decisions. The politicians have developed the habit of making decisions in the smoke-filled room. We saw such tendencies in the proceedings of the dissolved Constituent Assembly (CA). The CA was

supposed to be the locus of settling the contentious topics of the new constitution, but the major parties undermined the democratic venue with their political syndicalism while the disgruntled forces ridiculed it, boycotting it and taking to the streets to meet their demands. The major parties that hold more than two-thirds of electoral strength preferred the resorts, hotels, and residences of the top leaders to sort out the issues contested. Political overlords took cloak-and-dagger decisions and their lawmakers just signed on the dotted line. Their tryst with the CA was more mechanical and less engagement in the true sense. Theoretically, we have got the most democratic constitution because more than 90 percent of the lawmakers gave their nod to it. Still, there was an ample scope to make it more substantive and democratic.

The democratic deficit within the parties has now created an inter-generational gap, with the older generation leaders holding the whip hand and the youth leaders languishing for not getting a fair grip on the whip. If leadership transfer is temporized and finagled, it will stunt the natural growth of the party. The lack of internal democracy precludes the party from becoming a vibrant and dynamic organization. In such a situation, the party will fall into the hands of the cronies of the factional leaders, alienating the dedicated, honest, and talent cadres from party. When power, post, and resources concentrate in the hand of a cabal of leaders, it can unleash a game of one-upmanship, brickbats, and slugfest between the rival groups. The election of new leadership is a must for not only the party but also for functional democracy. The party should adopt a due democratic process, i.e. periodic election to pick up new faces. Internal election should be guided by issues, ideology, and agenda. If personality cult, factionalism, and petty interests rule the roost, internal election will merely be a façade. Thus, it is imperative to democratize all structures of the party from the center to the grassroots to prevent authoritarian propensities and enable it to

operate in a more autonomous and transparent manner. In a multi-ethnic, multi-lingual, multi-cultural, and multi-religious society like Nepal, it is necessary to transcend cultural differences and accommodate the divergent views of communities. Inner-party democracy widens the social base of parties, thereby bringing in more fresh blood from diverse social groups. It will help institutionalize a two-way communication between the electorate and party leaders and promote democratic culture and institutions.

In order to boost inner party democracy, the potential leaders and cadres should be enlightened about the duties and functions of the state, government, parties, civil society, and citizens. They need to be conscientized about the parties' ideology and policies, constitutional rights, civic norms, ethical conduct, and global values of democracy. There should be democratic and scientific methods, procedures, and principles to grant membership to new entrants, elect new leaders, and take crucial decisions. The party must scan the prospective members' past background, conduct, and qualification to discourage its catch-all proclivity. Parties are likely to lose their trust if they induct any Tom, Dick or Harry into their fold. While it is necessary to raise the bar, the parties must be receptive to the young, dynamic, and competent people, whose entry will help remove the negative image that politics is a dirty game and that only smart, clever, and cunning guys make hay out of it. The party workers' participatory role and creative engagement is essential to make democratic, inclusive, and pro-people decisions. The party's sovereignty should lie in its genuine members, not in a camarilla of powerful stalwarts. Holding the cadres, leaders, and parties accountable to the people is a prerequisite for robust inner party democracy. Only then can significant changes be brought into the life of the people and the nation.

Building a Robust Economy

India's undeclared blockade against Nepal has exposed our deep economic vulnerability as never before. The unofficial embargo laid bare how fragile our economy is. It began to creak under the strain immediately after India imposed its embargo on Nepal. The economic policies adopted in the past were largely responsible for the current downturn. Every successive government blindly pursued the neo-liberalization policy that only increased the country's dependency on foreign nations and played no role in opening new industries to generate jobs and national income. Much to the chagrin of the people, some parties that regard themselves as followers of socialism abetted the government ruling to sell off a number of local industries to the private sector at dirt-cheap prices. They pushed the citizens abroad to become migrant workers in search of menial and dangerous jobs in foreign soils. Parties nurtured poor political norms in the economic sector too. The success of a finance minister is now determined by how much foreign aid s/he brings in, not by the number of industries and jobs created within the country. The remittances of the migrant workers and customs revenue collected from imported items have become the lifeblood of the nation's economy. Parties that talked big about building a self-reliant economy did not lift a finger to materialize their high-sounding agenda when they were in the government.

Political parties need to build a common policy and position on the matters of economy and foreign relations. The April 25 earthquake and the blockade must have awakened them from their slumber. They must learn from the endurance and resilience of communities in the face of the trauma. It is high time they rose to the challenge to build up an independent and inter-dependent economy so that the nation will not be knocked down again by any natural calamities or revengeful blockade. Only a self-sustaining economy

can ensure that the government does not go begging abroad anymore for aid.

Maintaining Fiscal Ethics

If one often hears derogatory comments about politics and politicians, there are reasons. Politics has become a good profit-making venture without investment. Politicians are reported to have entered Kathmandu on sandals but later rode pajeros. A section of politicians also could be heard bragging that they did not join politics to become mendicants. These remarks contain ample truth. The stories about the rise of leaders from rags to riches within a short period of their stay in power abound. It is not that only the political neophytes have elevated themselves into an elite class. Bureaucrats, traders, NGOs/INGOs, land brokers, and persons from other professions have alike taken the unfair advantage of the lax laws of the state and weak governance. But, politicians differ from them in the sense that the former are directly accountable to the people who send them to the parliament.

Politics is a service to the people and nation, not a business to mint money. Political leaders deserve respect from the public for their good deeds and contribution to the welfare of the community. It is a sin to expect pecuniary benefits for dabbling in politics. But the political parties have faltered on this principle. Big money holds sway over large and small parties. Business tycoons become lawmakers overnight under the proportional representation electoral system through hefty donations. Election has become a costly affair. A poor candidate hardly stands the chance of winning election. Former ministers and leaders have been dragged to the court and given jail-terms for abuse of authority and public coffers. Stringent laws and effective constitutional mechanisms to punish the corrupt politicians are yet to be put in place.

Declining public morality is to be partly blamed for the rise of the corrupt political class. The hand of the laws is not long enough to catch them. Keeping the political realm clean demands transparency in the economic transactions of the parties, and in the incomes and expenditure of the cadres and leaders. The parties must abandon the practice of patronizing dons. The civil society should expose the corrupt candidates during elections. The Election Commission must be empowered to rein in parties that resort to unlawful spending to rack up votes. It must also be equipped with the necessary resources and legal tools to penalize the parties that flout the EC's rules and regulations. The parties must submit the poll expenditures to the EC and should themselves devise mechanisms to maintain a proper fiscal conduct. A strong fiscal discipline, embrace of ethical norms, and adherence to the party's code of conduct in spirit and letter can enable a party to win trust and build a positive image among the public.

Conclusion

Politics is believed to be the mother of all policies. Given their central role and responsibility in the management of the affairs of the state, political parties need to cultivate integrity and accountability. They should be exemplars in complying with the constitutional norms, democratic principle, and ethical values. Without ethics, politics becomes a brutish affair and a game of brinkmanship. The moral decay of the political parties in Nepal is not a good omen for their future. Degeneration of political ideals and ethics needs to be addressed without delay. They need to realize that only when they tread virtuous path, other organs of society will function well and yield the desired results. Plato has here a few words of wisdom: "If a man is to be a good statesman, he must know the Good; this he can only do by a combination of intellectual and moral discipline. If those

who have not gone through this discipline are allowed a share in the government, they will inevitably corrupt it.”⁵

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The Role of Political Parties in Nation-Building in Nepal

Chandra D. Bhatta

Introduction

Political parties play a vital role in democracy building. They perform various functions in the political system. Some conventional roles of the political parties are socialisation of citizens, recruitment of political officials, interest aggregation, articulation of interests, mobilisation and mediation between the agencies of the state and the society, and political opinion formation, among others. These functions make parties one primary channel for shaping an accountable and responsive government.¹ Parties also manage conflicts of interest more importantly in societies that have recently experienced violent conflict by offering a platform for social, political, cultural, and economic integration as a tool of nation-building. Yet, in many emerging democracies, especially the post-conflict ones, parties get bogged down in a quagmire that undercuts their ability to deliver the kind of systemic benefits on which representative politics depends.² A number of reasons could be cited for such a state of affairs: poor institutional management, limited membership, weak policy capacity, and shifting bases of support. Those political parties which are formed around narrow personal, regional, or ethnic ties face problems in winning the confidence of broader society. This happens primarily because they have failed to take the general interests of the society as a whole. Political parties structured around these lines do not necessarily carry forward the disciplined collective action. What these parties do to remain in power, or for their own survival, is to advocate the agendas that

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paved the ground to institutionalise the party at the outset. This means, instead of attempting to win support with policy appeals, post-conflict parties have a strong incentive to downplay policy choices and mobilise voters along petty identity lines.

Political parties also play crucial roles in nation-building. For example, the Indian National Congress has played a unique role in the building of India as a nation.³ Political parties also function as a bridge between the urban modernising elite and the traditional rural elite and between elites and non-elite groups. Usually they are modern, non-ascriptive organisations that encourage participation across the barriers that previously separated minority groups from each other. They also contribute to the breaking down of insularity and suspicion, an essential step in the nation-building process.⁴ In the context of Nepal, whether one agrees or not, the modern nation-building project was commenced by the Shah Kings. Not only did they keep Nepal united, they gave due recognition to the cultures, customs, and traditions other than their own. After the fall of the absolute rule of the Kings in 1990, political parties entered the center-stage of Nepali politics and became more concerned toward the cultures and traditions of minority groups. Their role in integration between various communities is noteworthy.⁵ The Government of Nepali Congress took the lead role in implementing some programs, such as transmission of radio news in various mother tongues, establishment of the *Rastriya Janajati Bikas Samiti* (National Committee for the Development of Nationalities), and development programs for the *Adibasis* and *Janajatis*, and Dalits in the Ninth Plan (1997-2002).⁶ Unfortunately, the same level of momentum has not been maintained by those actors who controlled the political rein after 2006. The 'mini-identity'-based issues have become significantly pronounced and have, indeed, become the fundamental feature of Nepali politics. To add further, issues related to 'identity' have also become the major bones of contention in

establishing a durable peace. In that context, some political parties have used 'ethnicity' as a political card, while others have become vocal about regional identity. Yet, there are political parties using soft issues as their political slogans. No one talks about the meta-identity of Nepali citizens. What is true, though, is that in all these cases, the major element – the state – appears to have been missing. Taken together, all these factors are destroying the social fabric of the society thereby eroding social trust in various communities. By and large, national disintegration appears to have surged ahead during this period of time. There are scholars who wonder what happens when people of different ethnic origins, speaking different languages and professions, and different religions settle in the same geographical locality and live under the same political sovereignty. Unless a common purpose binds them, the sub-national identities will influence them, argues Arthur Schlesinger. This certainly raises the question: What can hold the nation together and how should political parties respond to such challenges? The plausible answer, perhaps, lies in constitutional nationalism, but how can the political parties translate it into action?

No one in the nineteenth century thought more carefully about representative government than John Stuart Mill. The two elements that defined a nation, as Mill saw it, were the desire on the part of the inhabitants to be governed together and the 'common sympathy' instilled by a shared history, values, and language. The ethnic interpretation of history, values, and nation-building process, for its part, had put what Prayag Raj Sharma calls values in doldrums. In fact, the successive events demonstrate the fragility of the process of national cohesion. The recently promulgated Constitution of Nepal (2015) only tries to separate the state from the nation (rather than fusing them together). The provisions included in the constitution, mainly the proposed commissions, aim to divide the whole into parts, bearing a high potential of future 'internal conflict'.

The ethnocentric interpretation of the nation brings the permanent state of war.⁷ Against such a background, this paper dwells on some of the key political issues such as ethnicity, identity politics, interest groups, regionalism, and external factors which have dominated the post-2006 political process. Discussion on these factors has become important for the reason that some of them are directly colliding with the nation-building initiative which is considered as an important step in post-conflict societies. That nation-building, for the purpose of this paper, has been defined as a process wherein all the inhabitants of a given territory, regardless of individual ethnic, tribal, religious or linguistic differences, come to identify with the symbols and institutions of the state and share a common sense of belonging to build a collective future. It is this common sense of belonging that propels members to act in unison for the best interest of the nation. The key proposition of this paper is that the nation-building process has been seized by the arrival of subsidiary identity politics. The interaction between national identity and sub-national identities has failed to bring about socialisation that can interweave various nations into one political community – the state. The Constitution of Nepal (2015) has failed to come up with the appropriate social contract that could harmonise the relationship between the state and the nations. The formation of seven commissions dealing with various identity groups would aggravate the situation as it enhances the ideas of ethnos over demos. By doing this, the new constitution validates primordial identities as the basis of citizenship.⁸ The constitutional categorisation of the population into various groups further reinforces identity politics. But identity-based politics challenges the very idea of nationalism and history and sees both contested.

Crisis in the Rhythm of Nation-Building

A number of actors have their roles in generating crisis in the rhythm required for nation-building in Nepal. These actors have

come up with their own narratives which have only produced a great deal of confusion in the society⁹. This has spawned a cacophonous state of affairs. One major consequence is the political socialisation embraced by the political parties that does not imbibe public perception and, for that reason, is not really congruent with the idea of nation-building. It is, by contrast, heavily influenced by partisan or individual interests incompatible with the interests of the public at large. In fact, political leaders' mere attempt to assert victory over people or allure them through various kinds of socialisation process imposed through 'isms' have nearly fractured the indivisibility of communities into different parts. The socialisation process over the last twenty-five years has drastically changed and many factors should be held responsible for such changes. This includes the nature of politics, education, economic policy, among others, that determined relationship between the state and market. Its most visible impact can be seen in the loyalty of the people toward the state and society. The process has 'politicised' and divided citizens along 'partisan' lines rather than promoting the concept of citizenship. Today, there are various political parties (Nepali Congress, communists under various banners, socialists, Madhesis, royalists, and others) but the element of Nepaliness is missing. Likewise, there are various social groups and networks (identity-based), but the element of citizenship is missing. Such networks are aligned with the political parties, not with the state. Under such a state of affairs, it is difficult to differentiate who is a citizen and who is a party-worker.

With regard to the nation-building role of political parties, we can certainly observe various opinions here. One school of thought holds that the political parties' role at the micro-level is noteworthy (in promoting the notion of deliberative democracy, addressing the issues of the people, and connecting them with political states), but not necessarily at the macro-level (where they are deeply divided on

national issues). Another school, for its part, argues that political parties have failed to develop a mechanism wherein the state could perform its function and ensure full sharing of political power by all nations within the framework of the state.¹⁰ The characterisation of Nepali society and building of political parties along ethnic, regional, gender, and religious lines have created obstacles to building a robust statehood, a trend that has been increasing primarily because the extant political discourse has been negating one society/community at the cost of the other. Political parties, for their part, either coalesce in such a process or fail to overcome the challenges brought about by the situation. Taken together what is true, though, is that both the schools of thought agree that there are clear cleavages in Nepali society and the recently promulgated constitution of federal democratic Nepal may not be able to patch up such cleavages.

The political parties of Nepal such as the Nepali Congress, Communists, Socialists, Liberals, Nationalists, Sadbhavana, and others wear different hats. But do they stand for their name? To pick up just one example, while Nepali Congress – the grand old party of the country – claims to believe in the philosophy of nationalism, democracy, and socialism, the party has hardly translated them into action in a real sense of the term. Likewise, Nepal's communist parties trumpet nationalism and progressive approach, but have failed miserably in their performance. Many reasons could be cited for such a state of affairs. The fact remains that both the left and right leaning political parties were formed by the elites for their own benefits who have their own interpretation of the state, society, and democracy and have been waging movement(s) in society over the years and decades as and when they wish. The state and its institutions here have been used as a *jagir* by the elites of all sorts.

One noticeable difference, however, is that all of them have a different approach toward the nation and the state. The difference

could also be seen reflected in their worldviews vis-à-vis their relationship with India, China, and rest of the world. Most of them juxtapose the philosophy of their respective political parties for the purpose of state-building/nation-building process. But this has hardly helped. In terms of ideology, Nepal's political spectrum is full of left political parties but, as elsewhere in the world, they have lost their relevance from the standpoint of those who they purport to work for. This is so because they neither stand for the left ideology nor are they truly committed toward the principles of democracy. In contrast, they have alienated their focus on the class-related issues and are co-opted by capitalism – their arch-nemesis. The biggest dilemma for the communist parties of all political hues is that they have accepted the parliamentary democratic system but still hold up Marxism-Leninism-Maoism as a source of inspiration. There are scholars who raise the question how Marxism-Leninism or Maoism, taken together, would fit into the democratic framework¹¹. The makeshift ideological cocktail that has been in existence since 1950s, however, is in serious crisis in the absence of a concrete and implementable policy. In place of revolutionary slogans some of the parties have now chosen nationalism, while others are using ethnic politics to retain their revolutionary fervor-approaches that are incompatible. One scholar argues that since the political changes of 1990, ethnic politics has become a permanent fixture in Nepal's multiparty democracy.¹² Another one writes: "if the period between 1960 to 1990 was one of nation-building, the years since then have been a time of ethnicity building."¹³ The Maoist movement played out the demos-ethnos dichotomy very effectively reinforcing identity politics based on ethnicity, language, and regionalism bringing various *Janajatis* and other communities into their fold by promising them each a separate federal state. Two factors stimulated the growth of such politics in Nepal: first, most of the scholarship that has come up in 1990s and even before that was targeted to mobilise

people against the state. Such scholarship primarily laid its focus on ethnic groups which, many thought, is the root cause of Nepal's underdevelopment. Second is the politics between nation and state that has picked up a great deal of momentum in various parts of the world.¹⁴ The creation of caucus groups in the parliament representing people from across the political parties (irrespective of their ideologies) for their common objectives could be taken as the most prominent example here. The whole idea of formation of such groups, in principle, is to increase the social representation of marginalised groups/regions in the state mechanism and transform the existing power structure to make it more inclusive. To the dismay of many observers, this approach, however, appears to have been floated to use one community/group against the other. The artificially manufactured identities based on race theories, however, are not really being owned by the people. A majority of the Nepalese people, for their part, are convinced that such identities are a mere social creation of the new political ideals and counter the very idea of democracy. Yet, for some, it still remains the most potent political tool to incite ethnic politics and promote pseudo-identities. Whatever the case be, the ideas of ethno-nation and region appear to have weakened the concept of the state creating a deep confusion about the whole process of social transformation and constitutionalism.

Decline of Ideology and Rise of Identity Politics

Scholars like Fukuyama argue that the end of ideological conflicts would mean triumph for liberal democracy, market economy, and human rights. The term 'Third Wave' was coined for the democratisation process that started in the Third World countries. All was, however, not well with this wave. Most of the newly democratised states have become flash points of conflict and have failed half-way down the road. The major bone of contention was, as

we said elsewhere in the paper, the visible tension between the nation and the state or between people and the state. Some scholars called it the Fourth World Geopolitics where the state began to teeter out of control when nations actively opposed the state policies.¹⁵ Many reasons could be cited for the rise of nation-state politics. One plausible explanation is the rise of identity at the behest of 'rights' on which liberal democracy lays emphasis. The politics of 'rights' have brought a very complex situation inducing 'identity-based' conflicts, the 'cult of identity' enhanced through ethnic, regional, and religious awareness, and an incessant attack on the historical past of the state, giving new urgency to an old question: What is it that holds a nation together? Nationalism probably still remains the most powerful political emotion. However, in many countries the issue of 'identity politics' has diluted the philosophy of ideology and also the very idea of nationalism on which the nation-states laid their foundations. Such an approach has also sharply eroded the ideology of political parties world-wide and Nepal is no exception to this global phenomenon. Capitalist democracy has simply transformed the issues related to class struggle into an identity-based struggle spurring new social movements demanding the welfare state, a redistributive regime, and fulfillment of unrealized rights. Majority of the organisations/individuals engaged in the new social movements were formerly affiliated with left leaning political parties. To the dismay of many, with the passage of time, some of these organisations have transformed into political parties. One could thus now notice political parties built on the philosophy of new social movement(s) as well as the conventional ones. Some of them are cadre-based ideological parties, while others are mass-based. There are now conservative parties and others identifying themselves as Communists.

The rise of ethnic and regional parties, however, has also brought up contradictions considerably weakening the position of

the mainstream parties whose voters have been hijacked by the regional/identity-based parties. The ethnic and regional parties, nevertheless, are also not free from criticism, the most pertinent being that they evince little sense of nationalism worth the name, to which the usual riposte is that Nepali nationalism is not essentially inclusive and has to be redefined and be made more accommodative.

Returning to the issue of ideology, a huge gap is evident between what the parties preach and what they practise. For example, Nepali Congress prides itself as the party that played a crucial role in installing democracy in Nepal, but its ability to forge internal unity within the party is in serious trouble. It does believe in democratic socialism in principle, but has failed to translate the social democratic values into action. Similarly, left political parties do lay emphasis on social justice and empowerment of the poor and powerless and poor, but, in practice, their policies are hardly consistent with their claims. One can certainly claim that many of them have become real agents of the neoliberal economic policies¹⁶. In addition, even the manifestos of many political parties are not even ideologically tailored to the mode of the historical emergence of the Nepali state and evolution of the society. Political parties, for their part, are laden with pre-modern and modern ideologies where their own history and civilisation bear little relevance. Many of them see Nepal's culture, values, history, knowledge, and traditional practices as the sources of backwardness. This could be one reason why the political education provided by the political parties has not won the hearts and minds of the common people, other than their own cadres'. For those who are not affiliated with political parties, such an approach neither solves their day-to-day problems nor can it contribute in promoting civic sense. It has, instead, ended up spawning splits and factions. All this shows a clear lack of civic sense across the political parties which can only lead to their split in the long run. If past cases are anything to go by, such splits have

occurred merely to capture power, in one way or the other inviting perpetual political instability over the last half-a-century. It is a fact that none of the governments formed under the multi-party system between 1950 and 1990 has completed its tenure.

The mass-based and cadre-based parties face their own challenges in terms of their day-to-day operation. The cadre-based parties, when they attain power, develop their programs that only serve the interests of their cadres. Over the years, each and every government has come up with its own program befitting the interest of their respective parties and their close associates. There is no national perspective reflected in these programs which are just survival-oriented. Whenever the government changes, the program also changes. One classic example here is the Build-Your-Village Yourself campaign the UML initiated in 1994 and the Youth Self-Employment Program floated by the Maoist Parties after they attained power. The Bisheshwor with Poor of Nepali Congress also stands on the same boat. As a matter of fact, every ideology-based party faces its own set of challenges. The first challenge is how to remain faithful to the believers and the second one is to reach the wider constituency. The ideologically based parties also face challenge in reconciling the competing demands of the original adherents and those of the army of the new devotees. Many such parties try to appease their base cadres in the course of their movements but move toward the political center once they are in office¹⁷.

There is, moreover, a huge gap between the attitudes of the rank-and-file, that is, those who demand total and immediate change and others who try to restrain such demands. This means while some benefit through patronage, others are left in the lurch in the power struggle between the beneficiaries of the status quo and those for change that ensues, between the old elites trying to protect their status and privileges, who fear that a rapid transformation would

turn their world upside down and would threaten their identities and the mass below. Antonio Gramsci gloomily remarked in his prison notebook: "two crises consist precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear." All this generates the question of solidarity with whom and how, which is important for nation-building.

Politics of Politicking

This section takes up how politicking as a way of running politics and making policies (economic, environmental, educational, and other public policies) has become an established practice anchored by political parties. In fact, the very idea of politics is to formulate policies for the overall development of society. But this has not really been the case as there is a great deal of mismatch. The classic example one may come up here with is that while the constitution of 1990, in principle, expressed commitment toward the formation of the welfare state, policies were developed on a neoliberal line that led to the commodification of people and property. This has led to a tectonic shift in the whole social structure of the country. This trend has become a hallmark of the state. The ever narrowing access to the state for the common people due to its usurpation by the comprador class interested more in quick money-making, not industrialisation has only grown with the republican set-up and runs the risk of state functioning only for the kelpocrats. One critic argues that the democratic space after the establishment has been shrinking and partyocracy has become a substitute for democracy. The failure of parties to strengthen local government is a clear sign in that regard. He further goes on to argue that state institutions are captured by the mainstream political parties in one way or the other and association with a particular party has become the only way to get access to state resources. Party mechanism and ad hoc bureaucratic

system have replaced robust local government contributing to the erosion of democratic space. Political parties are also found to have been building up a mechanism which is known as – all party mechanism – from the village to the cabinet to control the levers of power. The formation of High-Level Political Mechanism (HLPM) which comprises political leaders from the mainstream parties alone to oversee functions of the government is nothing more than political high-handedness adopted by top-notch political leaders. Conducting political affairs by signing agreements (mostly on power and resource sharing) on an ad-hoc basis was rampant in recent times. In addition, political parties are also monopolising state largesse and distributing resources among themselves in whatever way they can¹⁸ denying a sense of justice to the people. This, in turn, has created a political economy based on a syndicate system which revolves around them and their sympathisers. The political parties appear to have been doing everything possible (float suitable ideology and coin slogans) to maintain their position in society,¹⁹ turning them into what Saxer (2015) calls, elected autocrats. In fact, politics of the day neither stimulates new policies to redress social problems nor does it empower people but prevents outcomes unfavorable to the leaders who are prepared to go to any length to render the existing rules ineffective and non-functional. This has led to the rise of a salaried political class²⁰ over the years.

The German sociologist Max Weber once remarked that there are two ways of making politics one's vocation: Either one lives 'for politics or one lives "off" it'. The first generation of Nepali leaders lived mostly for politics. Most of them were motivated by a spirit of service and sacrifice for the cause of democracy in addition to exercising political authority. The current generations of politicians, however, are more likely to enter politics to live off it. They appear to have been attracted by the power and the prestige it offers, and also by the opportunities for financial reward. The control over the state

machinery, they know, can bestow glittering prizes upon those in charge.²¹ In medieval Europe nepotism, political bribery, and appropriation of institutional wealth to endow one's family were not considered crimes. They were, in fact, considered as a part of government, no less necessary in popes than in other men.²² The situation in Nepal, even today, is no different. Those were the days when parties, to a great extent, had a coherent ideology and a certain organisational base to groom future leadership. This trend does not exist anymore and parties are increasingly bringing their relations and clients into politics. Such approaches have turned parties into interests-based leader-led private organisations. This precisely is the reason, among others, why politics has been seen as a tool to serve interests of those individual groups, community, and region who are close to the political power centers²³. This is only institutionalised political fundamentalism in the country. The conclusion one could thus draw here is that political parties would not take the step (including the local election) that jeopardises their own positions and that of their clients.

To remain in power and influence electorate, the political parties of Nepal have now come up with the Constituency Development Fund which leaders can use arbitrarily. This provision has had multiple effects in society: first, it creates obstacles for the new leaders to emerge; second, it also blurs the boundary between the roles of the legislative and the executive confounding them whether they should be performing the role of the executive or the legislator. Similarly, it overlooks the notion of separation of powers. The engagement of lawmakers in the developmental works has not just reduced their legislative role. The absence of lawmakers in the policy formulation process has also created a certain vacuum, one that is being occupied either by the donors or the so called experts who, then, formulate policies to suit their interest. They do not necessarily put the reality into context. Lawmakers, in such a

context, become not decision makers but decision takers. Under such a state of affairs when both ideologies and policies are formulated externally, the country would certainly be short of policy sovereignty. This has led to the present political decay.²⁴ Mancur Olson argues that such agencies, instead of pursuing wealth through economic activities, make use of the political system to extract benefits or rents which is not necessarily beneficial for the public and the society at large.²⁵ The general public can neither organise themselves effectively nor can take action against the miscreants²⁶. Such activities only go against the notion of 'Schools for Democracy' of Tocqueville and 'the social capital' of Putnam. Nepali society today is thus sharply polarised between those who have access to agencies and those who do not. Those who mounted the revolution simply took reins from those who adopted and created a similar system. What has been happening is the mere replacement of the feudal classes from one political movement to another. In such a situation, it is indeed, difficult for the common people to realise change in a real sense of the term.

Parties and Interests Groups

How have the various extra-constitutional interests groups influenced political parties in Nepal and how did they succeed? The queries are raised here because answering them help in understanding their role in public interest and statebuilding. These questions have arisen, because politics as such has failed to fulfill its objectives rendering state-building more difficult. Among the reasons that could be furnished to explain such a situation, the foremost one is that in recent years the Nepali state has been turned into a state of parties and entrenched elites where the political and economic powers are both controlled by the same elite groups. This helps them to deepen their networks who, in turn, frequently use it to exercise influence both in politics and economy and manipulate situations. The impact of such a state of affairs can be witnessed

everywhere, including the bureaucracy. Political affiliations hold sway rather than merit. Attachment to party membership is stronger than to the membership of the state. Elites of all sorts including the intellectuals and political actors have introduced a 'patrimonial culture' to 'sustain' the status quo inducing political erosion of the political institutions (state, rule of law, and democracy). This has led to a crisis of representation where people feel their government no longer reflects their interests but is under the control of shadow elites. A number of reasons could be provided for such a state of affairs but the most prominent among them is that after the 1990s politics has become thoroughly clientelistic. Clientelism grew in such a way that political leaders began to mobilise and buy voters making populist agendas and promises of individualised benefits, in the form of small favors or outright cash payment, or through offers of jobs or development projects, education for their children, and so on. Such patronage is also encouraging official corruption through which political bosses and their parties skim off benefits from the resources they control. The trading of political influence for money and power has become a norm, a practice so common that it is extremely difficult to block such transactions. All this severely impedes the creation of a civic culture of cooperation and formation of the civic infrastructure.²⁷ It also undermines the very concept of democracy and citizenship and can be regarded as the tyranny of the minority over the majority.

Such a state of affairs is also spewing anger and frustration against the political parties forcing people to turn to the civil society groups to fix up the problems. Unfortunately, the nexus between modern civil society groups and political party is also not free from criticism. In the case of some parties, there is no clear boundary between the political party and the civil society (read NGOs). Civil society groups tend only to implement the projects of donors. Most often, they do not have anything of their own and do anything as

long as money is there. Political parties, for their part, have been hijacked by the network groups. The triangular relationship between NGOs-Political Party-Business Community (especially contractors and manpower companies) and NGOs-Party-Donors is so blurred that it becomes difficult to distinguish who stands for whom and who is what. NGOisation of political parties compounds such non-responsible behavior since the agendas and practices of the INGOs may not be compatible to the positive growth of political parties who have to deal with people's aspirations on a day-to-day basis.²⁸ The elites, political parties, intellectuals, and networks or interests groups (represented by CSOs, NGOs, professional associations, advocacy groups etc) speak the language of equality, social justice, corruption-free society, but they often settle for privileges and benefits for themselves through reciprocal give-and-take reinforcing patrimonial culture, a major threat to democracy and state-building.

Building Pride to Build the State

Before we focus on building a state, it is also important to reflect on the factors that have led to the emergence of state weaknesses. The most pertinent factors among them is the nature of political socialisation that feeds oppositional political culture which tends to erode not only the *raison d'être* of the state but also the fabric that knits the state and Nepali society together. The new constitution is the culmination of such oppositional politics based on the principle of balance of power among parties and other various groups/stakeholders. The future of this constitution, therefore, largely hangs on the survival of such power balance. The open political environment of the new century has, moreover, brought new ways of thinking with opportunities for various groups and communities who have been unleashing ever new demands upon the state. States unable to address their demands genuinely see these groups shifting their loyalty to those who promise to champion their agendas: in

most cases, political parties, non-state actors, interest groups, even donors who become “masters of their destiny”. For them, state becomes an evil entity that needs to be restructured. All this has come as a part of the global discourse²⁹ with little left to provide a basis for the “national center”³⁰ and for the people to rally behind.

The discussion above shows there has been every effort to skirt the state and its institutions by the political parties, salaried political class,³¹ and non-state agencies.³² One may recall that with all their imperfections, the earlier rulers including the Ranas and kings, instilled the feeling of the ‘state’ among people, kept the society together and its values high. But things began to fall apart with the arrival of new parties in the scene. The historical emergence of political parties and the philosophy political parties possess are associated with ‘oppositional politics’ whose main purpose is to overthrow the existing regime in power by either dubbing it undemocratic, anti-national or unsuitable for the welfare of the people – depending on the situation³³. On the contrary, in many countries such institutions were used for national independence from the foreign rulers or to reinforce the state-building process.

If Nepal is to be strengthened as a nation-state, both the nation-building and state-building processes should go hand-in-hand. A successful nation-building process has to uphold the values of both the indigenous people and others living within the geographical boundary of the country. Here, one should not forget that the history of every state and nation is in great part a history of the mixing of values, cultures, and peoples, which today is proceeding faster than ever before due to the globalised world economy and accelerated communication and transportation. This ‘mixing process’, however, stands as a major challenge for the nation-states where the fear of the ‘other’ is one of the most instinctive human reactions. This is leading to the breakdown of the traditional social structure and order. Hence, countries like Nepal now face twin challenges:

managing the values on which the state and society stand and second, managing the diversity. Striking a right balance between the two will certainly be far from easy.

Nation-states are built upon certain historical narratives which have a potential to unite the state. One main purpose of the history books, as taught in the world, is to instill a sense of national pride and honor—in short, to inculcate a sense of patriotism and nationalism. Whether it is the United States, Great Britain, Russia, Germany or China, this is the case for all countries portrayed as modern nations. Students are inculcated with the values of the history and heritage of their nation to provide a sense of national greatness and purpose, not only for the past but also for the future. The lives of great leaders, particularly the founders of the country, are highlighted; the continuity of the nation's history is emphasised; and the importance of the nation in the history of the world and the greatness of the national culture are stressed. In the past, Nepalese people, regardless of their ethnic, class, religious or linguistic differences, used to identify with the symbols and institutions of the state and shared a common sense of destiny, but this appears to be in steep decline in recent times.

Paradoxically, the successive political movements have also negated the history, pride, the founders, and evolution process of the state. A number of political parties can now be seen busy deconstructing Nepal's cultural and historical identity manufacturing artificial icons. Identity is being defined in terms of only exclusion and negation of others. Intellectuals, in tandem with their foreign counterparts, are engaged to deplore and damage Nepal and its culture through negative projections. "We feel so proud when we show negatives things about ourselves and this is very common with existing intellectuals, development experts, media personnel and the civil society groups" said one keen observer. Alien scholars and their Nepali Sepoys upto present day are engaged in deploring

the history, culture, and civilisation of the land. They do not find anything that can be cherished and Nepal with its long history of existence as an independent state and its own knowledge culture, tradition, and national symbols³⁴ is being equated with countries where culture is still in a very dormant stage. This has to be overturned now by the political leaders and the people.

We also hear slogans about Nepal's 'diversity' and 'pluralism' but not about what unites this diversity. Diversity does not certainly rest only on the names, numbers, or demarcation lines of states. Diversity can be embraced and upheld only on the basis of the historical roots and the national pride and communion that bind the whole society together. But the *raison d'être* for any such pride is being passionately denounced. There are very few political parties who appreciate historical evolution of the state and society. The articulation and aggregation of interests for personal purposes have utterly weakened the social fabric of Nepali society. For example, political parties of various ideologies, ethnic groups (*Janajatis*), and Madhesis, and even the Pahadis have evolved with their own perspective on nation-building. No common understanding or source of pride now welds the people in the hills and Tarai together. This has created a yawning gap between the nation and the state and complicated the nation-building process. There is a great deal of confusion whether the citizens should take pride in their history, tradition, and culture or is it only the geography that matters? Nationalism based on a national sense of history, pride, and purpose along with the ethos of pluralism can positively contribute toward the nation-building process. This has been agreed upon even by the scholars who argue that each and every nation is built on its distinctive social and cultural order and is a solid base of democracy. For them, political institutions of democracy are shaped by nations' own culture and interactions it has with institutions of the state and the succeeding regimes in power.³⁵ Hence, the 'institutions' for

democracy building and nation-building cannot be the same for all the nations.

Politicians are the most privileged and powerful actors in a society, but, to the dismay of many, they have shown little interest so far to protect sanctity of the state. Over the period of time, Nepal has only become a captured state wherein political leaders have more preferences over a syndicate system of power sharing that only strengthens family-friendly politics, dynastic succession, patronage, and prevents the legitimate opposition of the smaller minority political parties. There is nothing like what Bell (2015) calls political meritocracy which undermines the integrity of a democratic public life, expands the gaps between the haves and the have-nots, and erodes the legitimacy of the constitutional order.³⁶ There is moreover, also an acute shortage of political morality and an urgent need to uphold it. Political parties now, therefore, need to work to restore the capacity of the state, introduce the concept of inner-party democracy in their organisation, and develop a mechanism that can also defend the national interest. The decision-making process activated through the so-called 'consensus' among a few political leaders is not only contrary to 'ideological' clichés of various parties,³⁷ it is also very much against the philosophical underpinnings of democracy, a mechanism that appears to have been used merely to strike a balance between the leaders' profit and loss that is generating legitimacy crisis and pushing state toward the 'corporatisation'.

Conclusion

This discussion raised the question whether Nepal's political parties can meet the conditions for nation-building? The answer is a certain 'yes' provided that political parties rise above their partisan interests. Political parties must uphold the aspirations of the people and use democracy as a process of metamorphosis wherein anyone

who is nobody today can become somebody tomorrow with his own efforts. For this to happen, people need to believe that the existing system can help them achieve something within their own lifetime. Such a system can generate pride for the state and its culture and values. The nation-state, in such a context, is just an idea to which the citizens need to be attached. If we really want to build the state, we need to generate a sense of nationness among the people. But for this to happen, it is important to get rid of the career-centric mode of governance and power-dominated system of politics.

Use of terms like 'we' and 'they' to distinguish the political leaders from the 'people' is also distancing them away from each other instead of bringing them together. The political leaders, elites, and bureaucrats claim citizens should know about democracy and be active participants, but the leaders themselves hardly are up to the mark in this respect. 'Patronage' has become their '*pewa*' and any threat to it is regarded as a threat to democracy. Given the level of awareness in Nepali society, it is hard to ascertain who should learn from whom. Should the agencies of the state learn from the people or the other way? The basis of unity should be seen in the shared historical past (the state) and its cultural mixing, which would alone give the idea of what values Nepal stand for – the idea of Nepaliness. The proper functioning of a political system in a plural society like ours demands values, symbols, and traditions to hold to and some common background³⁸ to consolidate nationalism. But these elements are becoming weaker day-by-day. The idea of nationalism faces problems and many have now started identifying themselves in terms of caste, religion, region, and ethnicity. These factors are holding us back from building a state based on the concept of constitutional patriotism and civic citizenship. Civic citizenship in such a situation can generate stronger feelings of a common national identity and would be the best thing to counter the disintegrating influences of religious, castist, and regional interests.

All said, one cannot blame political parties solely for such a state of affairs. Donors and their agencies³⁹ also are responsible. A majority of the political parties are co-opted by these agencies. The problems are thus rooted both inside and outside. Two factors that demand immediate attention are: first, dismantle the syndicate regime and second, strike a right balance in the high geopolitics of the land operating now whose impact is reflected in both the political parties and the political process of the land. The external influence in Nepal's domestic politics has been pervasive right from the year 1814⁴⁰ which has intensified after 2006. The regimes to be headed by the political parties in the days ahead must brace themselves up to reduce such influences in every way they can.

Notes

- 1 Reily 2008: 42.
- 2 Ibid: 43.
- 3 Beitelte 20012: 13
- 4 Gaige 197: 1975
- 5 Gaige 1975: 196
- 6 Bhattachan 2000: 150.
- 7 Habermas: 115.
- 8 Kharel 2015.
- 9 The Maoist party has reduced Nepal's history of some thousand years to a mere ten years of their insurgency (1996-2006) and events that followed afterward.
- 10 Ryser 228: 2012.
- 11 Prof. Thomas Meyer argues that Leninism does not accept pluralism and basic rights of the people but the dictatorship of proletariat. Thomas Meyer's interview published in *The Rising Nepal* (Baral 2000: 76).
- 12 Sharma 2004: 238.
- 13 Gellner 2007: 1823.
- 14 Ryser 2012.
- 15 Ryser 2012: 32.

- 16 Nepalese political parties do claim either to be communist or social democratic, but most of them are engaged in privatizing the public services, mainly health and education. Bhatta 2014.
- 17 This applies to almost all of Nepali political parties, but it happens more with the 'left' ones. They use revolutionary slogans for regime change, but after the change they move to the political center.
- 18 Politicians are such a privileged class in Nepal that in many cases they don't have even to pay the customs duty to the government and have easy access to the state funds.
- 19 Ideology and poverty are allegedly used by the political parties for exploiting the poor and the powerless people.
- 20 Bhatta 2008.
- 21 Guha 2007: 682.
- 22 Southern 1970: 54.
- 23 One reason why the Far Western and the Mid-Western regions fell behind in development could be that most of Nepal's political leaders and bureaucrats come from the central and eastern regions who had little interest in the development of those two regions.
- 24 Ibid: 462.
- 25 Acemoglu and Robinson 2013.
- 26 Olson 1982.
- 27 Dahal 3: 2013.
- 28 Sharma 2013: 78.
- 29 See Ryser 2012 for detail.
- 30 Bhatta 2008: 54-55.
- 31 Bhatta 2008.
- 32 Bhatta 2013.
- 33 The establishment of parties of various ideologies is associated with such opposition. For example, the Congress Party came into being to overthrow the Ranas, the Communists to overthrow the Congress and Monarchy.
- 34 Nepal's national flag is one of the oldest in the world.
- 35 Huntington 1996.
- 36 Dahal 2013: 4.
- 37 Baral 2000: 76.
- 38 Dahal 3: 2013.
- 39 Bhatta 2013: Bhatta 2014.

40 External agencies have created their constituency in almost all parties through various means. Some of them provide scholarships to the children of political leaders, while others provide financial support to run their NGOs. There are others who provide assistance to contest election. Some of them even provide financial assistance for developmental work in their electoral constituencies and there is often competition among the political leaders to get such favors.

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