

PARTICIPATORY DEMOCRACY

Practices and Reflections

Forum for Participatory Democracy

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CONTENTS

Abbreviation.....	i
Foreword.....	iii
<i>Bimal Kumar Phnuyal</i>	
Acknowledgment	v
Prologue.....	1
<i>Mukti Rijal</i>	
Building State for Democratic Governance	9
<i>Chandradev Bhatta</i> <i>FES Nepal</i>	
Civil Society and Democracy in Nepal	17
<i>Kalyan Bhakta Mathema</i> <i>Freelance Contributor with Special Interest on Civil Society and Democratization</i>	
Local Governance and Democratization in Nepal	31
<i>Mukti Rijal, Ph.D</i> <i>Institute for Governance and development (IGD)</i>	
State, Women and Democratization in Nepal	37
<i>Seira Tamang</i> <i>Women Rights Leader, Expert on State Building and Social Inclusion</i>	
Nepal: Transition from Cast Based to Multicultural Society	47
<i>Uddhab Pd. Pyakurel, Ph.D</i> <i>Assistant Professor, Kathmandu University</i>	
Participatory Democracy and Social Inclusion in Nepal	63
<i>Yam Bahadur Kisan, Ph.D</i> <i>Lawyer, Social Inclusion Expert</i>	
Participatory Democracy in Equator and Bolivia	77
<i>Jorge Osvaldo Romano</i> <i>Gerardo Cerdas Vega</i> <i>Fabricio Henrique Omelczuk Walter</i> <i>Ricardo Dias</i>	
Participatory Democracy Initiatives in Europe.....	109
<i>Gordon Crawford and Mirjam D. Werner</i>	

Abbreviation

AAN	ActionAid Nepal
CA	Constituent Assembly
CBS	Central Bureau of Statistics
CONAIE	Confederation of Indigenous Nationalities of Ecuador
CPN-UML	Communist Party Nepal (Unified Marxist-Leninist)
CSO	Civil Society Organization
FPTP	First Past The Post System
FWLD	Forum for Women and Legal Development
DDC	District Development Committee
GESI	Gender Equity and Social Inclusion
GoN	Government of Nepal
HLSRC	High Level State Restructuring Commission
IGD	Institute for Governance and Development
IMF	International Monetary Fund
LGCDP	Local Governance and Community Development Programme
LSGA	Local Self Governance Act
MJF	Madhesi Janaadhikar Forum
NEFIN	National Federation of Indigenous Nationalities
NGO	Non Governmental Organizations
NC	Nepali Congress
PCI	Communist Party of Italy
PD	Participatory Democracy
SAPs	Structural Adjustment Policies
SI	Social Inclusion
SUV	Sports Utility Vehicles
UCPN (Maoist)	Unified Communist Party of Nepal (Maoist)
VDC	Village Development Committee
UNFPA	United Nations Fund for Population Activities
WID	Women in Development

Foreword

'Democracy' must deliver! That means, democratic governance should facilitate a continuous process of democratization - otherwise it becomes just a formal electoral process and ritualistic parliamentary affairs. Democracy reduces itself as the unproductive and ritual exercise of the 'people's representatives' and they become alienated from and oblivious the interests of common citizens. In order to make 'democracy' work, citizens must actively engage in holding the elected representatives accountable and make them work in the interests of most marginalized sections of society – we can also call it the process of 'democratizing' a democracy. In other words, what is needed in today's world is to build robust social movements towards transforming 'elitist democracy' to a 'participatory democracy'.

'Forum for Participatory Democracy' aims at creating platforms to build and strengthen the discourse and practices of democratization, by bringing together community activists, social movements, public intellectuals, human rights campaigners, policy makers, media professionals and politicians from local to national to international level. The spirit of creating such a 'forum' is to invite diverse views and practices for critical and meaningful reflections, which can contribute to 'democratic praxis'. As we have been advocating it, democracy cannot be purchased or sold; it cannot be imported or exported; nor can it be indoctrinated. Democracy is to be built through authentic and effective social-political processes and popular mobilizations in the given society. Critical reflections and praxis are crucial for building such an authentic movement.

ActionAid has been involved in Nepal's anti-poverty campaign through its grassroots level social empowerment programmes; community organizations and transformative social mobilizations, human rights based policy research and advocacy initiatives and also engages with governmental agencies from local to national level; for promoting participatory democratic

governance. Deepening democracy is key approach to our governance works from local to national level. ActionAid together with its partners and wider civil society alliances facilitate political advancement of people living in poverty and marginalized sections of society to hold duty bearers to account, develop propositions for national development strategies. Therefore, the vision of 'participatory democracy' provides an 'umbrella perspective' for our overall governance works aimed at poverty eradication.

We, in ActionAid and IGD, feel really encouraged to see that the initiative for creating 'Forum for Participatory Democracy' has been appreciated widely in the country. Apart from the national forum, two sub-regional forums in the eastern and western region of Nepal have attracted hundreds of social activists, CSO leaders, social movements, academics, journalists and politicians to get involved in 'democracy discourse'. Some interesting and important publications have emerged through these forum reflections. I hope this particular anthology will also add an important value towards future deliberations and actions for democratization. On behalf of AAN, I would like to appreciate the efforts made by paper contributors, commentators and also the forum participants who provided their valuable insights and critiques. My special gratitude goes to Dr Mukti Rijal and the team at IGD, whose hard efforts for editing and coordinating made this publication possible. My special thanks to all ActionAid Nepal colleagues, especially Govinda Prasad Acharya, who made contributions in various forms. Finally, on behalf of ActionAid Nepal colleagues, I would like to commit that we will keep engaging with you all and do our best efforts towards deepening and widening democratization processes from local to national to the international level.

Bimal Kumar Phnuyal
Country Director
ActionAid Nepal, 2014

Acknowledgments

This publication presents, like the previous one, the outcome of the cooperation between Institute for Governance and Development (IGD) and ActionAid Nepal for a conference on Participatory Democracy held on Dec 12-13, 2013. In the meet, experts, scholars, researchers and civil society practitioners from Nepal and abroad had shared their ideas and reflections on the ways and means of deepening and widening democracy at a time when the mechanism and practice of much avowed liberal democracy has come under sharper scrutiny and criticism. In fact, discussions are going around both in the developed and developing world as to how to make democratic process and institutions more meaningful, substantive and relevant to the life of the ordinary citizens.

For taking lead and providing support in enhancing discussion and deliberation on participatory democracy in Nepal under the auspices of Forum for Participatory Democracy for some years now both at the local and national level in Nepal, a very special thanks goes to Bimal Kumar Phnuyal, ActionAid Nepal Country Director for not only helping to conceptualizing the strategy of the conference but interacting and sharing with the authors of the papers- that form the body of the book- to ensure that the contributions dwell at and examine the notion of democracy, development and participation from a multifaceted lens and perspectives.

Likewise, I put on record my gratitude to Govinda Prasad Acharya, programme coordinator, ActionAid Nepal and other ActionAid colleagues and volunteers who lent their valuable support and reliable cooperation in the process of convening conference and bringing out this publication. With all humility and gratitude, I would like to thank authors and presenters of the papers reproduced in this work, commentators and chairs whose contribution is invaluable in making the conference deliberations a success. Colleagues from IGD especially Mahendra Lamsal, Shushila Sherchan, J.S Mishra, Devi Rijal owe thanks for their hard work and support. Finally, I would like to express my gratitude to the conference participants and stakeholders whose contributions to the deliberation in the conference are an important basis for this publication.

Mukti Rijal, Ph.D
IGD

Prologue

Democracy has been affirmed broadly as a political game that has been practiced and acclaimed widely. British Prime Minister Winston Churchill had defended democracy in a very interesting but powerful way saying it may be worst system as alleged by many but no better alternative has been invented to it so far. According to Robert Dahl- globally renowned political scientist, the most common justification given for democracy is that it is essential to the protection of the general interests of the persons who are subject to the regulations of the state. The general interests of the persons include not only freedom and personal development, they also extend to a broad array of desires, wants, practices and rights that people in a specific society and historical situation may believe to be important. John Stuart Mill in his monumental work “Considerations on Representative Government” argues in favour of representative democracy saying “Nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state that is a democratic government. But since all can not, in a community exceeding a single small town, participate in any but some very minor portions of the public business, it follows that the ideal type of perfect democratic government must be representative. (Mill:1958:43). However, practices and realities that exist today indicate that the key constitutional principles, key institutional mechanism and operating procedures of representative liberal democracy are extremely constricted and limited. Representative liberal democracy constitutes a swindle not because it is undemocratic but because this specific form of democracy is inherently limited ; it systematically and necessarily excludes the majority of labouring citizens from exerting effective control over their workplaces, resource allocation and the state (Roper: 2013:238). Not only is the effectiveness of the electoral constraint on state is limited, in the institutional ensemble of the state itself power is heavily concentrated in the executive. In reality constitutional separation of powers in liberal

democratic states does not effectively constrain the power of the executive (ibid). The popular discontents of our model (liberal representative) of weak democracy have undercut confidence not just in those we elect in government itself. This has rebounded to the benefit of those who would leave everything up to the market. (Swift:2002:57)

As a result, liberal democracy today has been eventually reduced to adult franchise every five years. And the state’s role is more or less limited to creating an enabling environment for facilitating and maximizing the efficiency of market and growth. The minimalist state has been a prescription for public policy formulation. The tensions therefore exist between liberal institutions and democratic social citizenship. The liberals are generally inclined to limit and restrict spheres of social welfare and are often found reluctant to expand popular control and encourage active social citizenship. This does inhibit and retard the value of democratic citizenship and participation. John Dewey- great American philosopher remarks power today resides in control of means of production, exchange, publicity, transportation and communication. Whoever owns them rules the life of the country even if democratic forms remain. Until those institutions are in the hands of the public, politics will remain the shadow cast on society by big business.

The inherent deficits seen in representative democracy have prompted the initiatives towards promoting alternative discourse on democracy that could mitigate some of the flaws seen in the liberal representative democracy and “bring in” people and democratic politics in the center of political process. Such discourses have been in vogue in different parts of the democratic world including the US and UK. And this has been initiated in Nepal for some time now. Needless to say, the international conference on participatory democracy held under the joint collaboration of

Institute for Governance and Development (IGD) and ActionAid Nepal held during Dec 12-13, 2013 is one of such initiatives started in Nepal with a view to promote discourse on options, devices and methodologies to democratize democracy and enhance citizen ownership in the process. The papers compiled and reproduced in this book assess and examine the notion of democracy from multidimensional perspectives. The papers introduced and included in this book have made an attempt to undertake an analysis of the rationale, issues and problems of democratization, democratic control of economic development and social citizenship from different super structural and structural perspectives that is political, legal, social and economic. Nevertheless, it must be noted that participatory democracy does not imply an ardent alternative thesis to supplant the core basics and principles of representative democracy.

Gordon Crawford et al in his paper mentions the fact that the democracy has been an 'essentially contested concept' that takes substantially different forms (Held 2006; Ware 1992). One only needs to recall that most of the 20th century saw a struggle between capitalism and communism in which both used the term 'democracy' to define (and legitimise) themselves. Western countries generally consolidated a system of liberal or representative democracy, while communist countries of the Soviet bloc and elsewhere called themselves 'people's democracies', as can be seen in the case of former East Germany, the German Democratic Republic. Yet, even within the more 'established' democracies of the West, one cannot speak of simply of one form of democracy. Rather, a degree of tension between particularly liberal democracy and social democracy has been present for much of the post-1945 period. While the U.S. political system has been the emblematic liberal form of democracy with an emphasis on individual liberties, the model of social democracy, as exemplified in Scandinavian countries in the latter quarter of the 20th century, has placed a strong emphasis on state provision of public services and the welfare state. With the end of the cold war and the collapse of Soviet-style communism, Fukuyama (1992) famously talked about the 'end of history' and suggested that henceforth all societies would follow the model of a free market economy and a liberal democratic polity. Of course, such triumphalism has now been shown to have been ill-advised and the nature of democracy remains highly contested.

Nonetheless, from the latter half of the 20th century onwards, critics of representative democracy (re-) emerged and focused on the concept of participatory democracy, notably in the work of Carole Pateman (1970), C.B. Macpherson (1977) and Benjamin Barber (1984). Whereas proponents of representative democracy suggest that the main "role of the people

is to produce a government" (Schumpeter 1994 [1943]: 271) through casting votes in regular elections, and then allowing the political elite to get on with the task of governing, critics argue that politics does not just exist in formal political institutions but is also present in everyday (power) relations in the workplace, in local communities and in the home (Anderson & Rossteutscher 2007; Barber 1984; Macpherson 1977; Pateman 1970; Sartori 1987). Specifically, some of the ailments that representative democracy is argued to be suffering from are democratic deficits, voter apathy, unresponsiveness of political elites, and a lack of connection between policies and the real world (see for example: Blaug 2002; Carter 2005; Dunn 1992; Saward 2003). A further important argument put forward by participatory democrats concerns the developmental and relational qualities of participation through which citizens learn and grow, as well as form a community (Barber 1984; Budge 1993; Pateman 1970).

Advocates of participatory democracy are critical of representative democracy and see it as flawed, emphasising in particular that opportunities for participation and for voices being heard are restricted: "representative democracy is fundamentally limited in its ability to reflect the needs and desires of citizens in a contemporary western society" (Todd & Taylor 2004:1). Critics' proposed solutions for the problems associated with representative democracy can broadly be categorized in two ways: those who want representative democracy to be replaced by a more direct, participatory political system; and those who see participatory democracy as complementary to the representative institutions that exist in a representative democracy). Critics' proposed solutions for the problems associated with representative democracy can broadly be categorised in two ways: those who want representative democracy to be replaced by a more direct, participatory political system; and those who see participatory democracy as complementary to the representative institutions that exist in a representative democracy,

Similarly, Ramano et al taking into account the context in Latin America writes Latin American societies started to present not only an acute poverty but also the persistent and profound levels of inequality in the world. Thus the dominant neoliberalism project in the post-transition period that reigned in the markets, guided governments, and tried to organize society itself ended up building a low intensity and delegitimized democracy in the Latin American countries, a "simulacrum of democracy" without substantive content (Borón, 2007: 62).

But the democratization process did not put an end to neoliberalism and its attempt to consolidate this

“simulacrum” and “single model” of electoral democracy founded on the concepts of democratic elitism. The processes of democratization of State and society have deepened in different countries of the region based on the mobilization of subaltern sectors, and on the struggle of indigenous peoples with traditional social movements (such as workers unions and peasant movements) through new political movements, mass parties and political coalitions.

In this context of crisis and transformation, the region was presented - and keeps presenting - as one of the places of the international scenario where the meanings of democracy are more clearly into dispute (Bava, 2006:13). Different discourses and political projects dispute often use the same words when referring to democracy and its different concepts and practices - such as participation - but meaning different things.¹ For example, on one side, the speech focused on the right to vote in an institutional framework of “electoral democracy” has resulted in an “elite democracy” built from the top down, allowed by the neoliberal project. The “participation” of civil society in this speech is oriented to replace the role of the State in the implementation of public policies in an “efficacy, efficient and effective way”. On the other hand, a set of “alternative” or “contesting” speeches is present. They articulate keywords such as “participation”, “people”, “community”, “diversity”, “citizenship”, “rights”, among others. In many of these contesting speeches the notion of “democracy” is expanded and becomes framed as a new, fairer and equitable, social and political agenda. Such speeches aim to enhance the active participation of people in the public arena, beyond the vote. It is expressed in innovations of democratic practices - such as participatory democracy - with the questioning of traditional institutions of the “elite democracy”. All of this is part of the popular mobilizations against the effects of neoliberal policies that in many cases allowed the emergence of a people political arena with the election of a number of “progressive” or “leftist” governments and the expansion of public spaces through innovations of participatory democracy (Romano, 2007: 134).

Despite of the diversity presented by governments like Morales in Bolivia, Correa in Ecuador, Chavez - and then Maduro - in Venezuela, Lula in Brazil, Kirchner in Argentina, Mujica in Uruguay, in general, these progressive governments reintroduced a common set of elements both nationally and in Latin American: the strengthening of the role of the state in a context of defence of regional integration; neo-developmentalism, founded in extractives or primaries economies; and strong policies for social inclusion. In political terms, it opened the expansion of democratic experimentalism with the recreation of the “democratic diversity” or

“demo-diversity.” This is the peaceful or conflictive coexistence of different democratic models and practices supported by different cultural orientations and political projects (Santos, and Avritzer, L. 2002: 71), adds Ramano and others.

In the same way, Mr. C.D Bhatta in his paper maintains that state did not collapse in Nepal but there has been erosion on its legitimacy and capacity of the state institutions which are essential for realising democracy and install the notion of governance in society. Such a disintegration of state institution could not manage “post-movement” period in Nepal and has kept alive the “revolutionary political culture” in society. Such a situation has been merely used to fulfill demands of those groups/parties who advocate them in the first place. In fact, the permanent nature of movement in the country had a strategy of what Gramsci had called the movement [war] of maneuvered (Gramsci 1996: 234-38, italics added). Political movements in Nepal have frequently changed regimes but politicians have betrayed popular trust and cheated people by denying them, what Hannah Arendt (1958:296) said, their ‘right to have rights’ to belong to an effective political community. Maoists succeeded in generating political awareness in rural Nepal simply by becoming the dream merchant (Kumar 2007:315). One can argue that loktantrik [democratic] Nepal differs only superficially from earlier [Panchayat] Nepal (Brown 1996: 145, emphasis inserted). In fact Nepali state today stands between ‘order and anarchy’ and there are several factors that have contributed to this end and stand as major obstacles for democratization as well as to move the peace-process to the much talked ‘logical end’ (Bhatta 2008). The occasional convergence of ‘old class’ and ‘new class’, and ideologically opposite classes of political leaders of different ideology motivated is only for by the common personal interest. It is highly embedded in elitism is promoting clientalism in every sector of governance. This is testimony of the fact that regime that has been occurring through ‘elite settlement’ is not serving state and society.

According to CD Bhatta, we can draw two types of state-building approach – the responsive or unresponsive state-building approach. How do we want to do it and who do we want to do it for. This has to be defined clearly. If we integrate all three functions we can have responsive state-building approach which accepts the need to meet public expectations to enhance its legitimacy. The political settlement should expand beyond the traditional elites to reflect a broader cooperation between state and society and should minimize all sorts of gaps. Responsive state-building approach minimises causes of concurrent as well as latent conflicts as against unresponsive state-building wherein only elites enjoy benefits of the political

process and state-building endeavour is focused to ensure its own power and authority. The state-building agenda should be taken forward by ensuring that people should feel change. Political change should be progressive not the regressive. Any attempt to address the past and bring all societal forces on board in the present will lead to further crisis in society. We should also make an endeavour that in post-conflict situation both winners and losers should coexist. Politics should be able to make moral choice between “duty and desire” (Kant: 18). Then only politics can address conflicting interest of society. The basis of stability should be looked into the shared historical past (the state) and its cultural mixing which would alone provide long-term solution to Nepal’s multiple problems of state-building.

In addition to above, democracy can only sustain when people, at large, are involved in the decision making process. The whole ethos of participatory democracy is all about engaging people into the decision making process. In the context of Nepal – the major issues such as secularism, federalism, and republicanism were decided without people’s participation. With the passage of time, it appears that such decisions have backfired and the political process has become more complicated. Hence, Nepal’s political future and state-building endeavours, for that matter, largely relies on as how the ongoing political process strikes a balance between the dismantled old social contract and the recently floated (but largely not accepted by the people) new values – federalism, secularism and republicanism, in the days ahead.

Kalyan B. Mathema in his paper contends that any civil society groups pride themselves for their conflict mediation role during the ten years of Nepal’s conflict. One may however argue that just dealing with the conflict in face value and bringing the warring parties in the dialogue may end one particular conflict but not the seed of it. The seed of conflict is the economic injustice and inequality inherent in Nepali society and yet almost all the conflict mediation led by CSOs has managed to push this issue to the periphery. The new CSOs who want to address the very root of political and ethnic conflict may have to move deeper into the social structure of the Nepalese and identify social and economic injustices in the society. Injustice would be an extremely important issue that would help to differentiate between the CSOs who seek to use the movement to maintain the status quo and those who want to bring economic justice.

The civil society in Nepal is an important space that had in the past worked under difficult and hostile conditions and yet managed to side with the forces that fought for democracy and human rights. After 1990s this social arena came to be dominated by

influential intellectuals and powerful organizations that represented the interest of socioeconomic elites. The clash of ideas between elitist civil society who sees liberal democracy and free market as the way to development and prosperity and the ones that emphasize that the growing division between the rich and poor are unacceptable is a battle that is increasingly turning in favor of the former. The elitists are slowly and successfully replacing the ideas that seek human unity through the socioeconomic justice with the ones that see the socioeconomic inequality in society as unfortunate but unchangeable. The civil society that stands for social and economic justice must assert itself to propose to the State a better model of development that balance the benefit of market economy with the definite role of the state in some sectors of the economy.

Mukti Rijal in his paper on democratizing local governance discusses the fact that the democratic upsurge of 1990 toppled the partyless polity and introduced multiparty democracy in the country. This democratic change was instituted through the constitution of the Kingdom of Nepal promulgated in 1990. The constitution was, however, less explicit on the institutional framework of decentralization and local governance. It had enshrined two provisions which could be directly or indirectly attributed to local governance and participation. The constitutional provision enshrined in the Article 25(4) relating to participation and decentralization was framed under the directive principles of the state policy. This had rather a persuasive than the mandatory value. Another provision envisaged in Article 46 was associated with the creation of electorate for fifteen members that was 25% of total members of the Upper House of the national parliament which was named as the National Council (Rastriya Sabha). The provision envisages that the electorate for the one-fourth members of the Upper House of the Parliament shall consist of elected chiefs of village, municipal bodies and members of district bodies. Hence, creation of elected local bodies at these levels indirectly derived legitimacy from this constitutional provision. But absence of specific constitutional provision and mandate guaranteeing security of existence for local bodies was its major drawback. As a result, when the ground situation was not congenial for election and the local self governance act had left enough scope to extend, the tenure of local bodies, the government chose not to extend in mid its tenure by 2002 and allowed them to get dissolved to the detriment of local democracy and development. The elections to the local bodies-VDCs, municipalities and DDCs- has not been held for about fifteen years. As a consequence, local institutions have become totally defunct and dysfunctional. It was termed as a lapse of the constitution makers who failed to incorporate the provision with regard to local government in the

constitution to guarantee their security of existence no matter political instability at the national level (IGD: 2005).

It is said that subordinate status of local government is a severe impediment to local democracy. It leads to deterioration of democracy and degenerates citizens into a mass of disgruntled consumers. In the context of Nepal too it is proved that stronger local governments can lend impetus to democratization and development. As we are going to write the new constitution, care should be taken to warrant that the new basic law of the land incorporates local government as important tier of the government endowed with competencies and mandates. Moreover, it should be taken into account that local bodies are democratic and based on the participative ethos of the people.

In the same vein, Seira Tamang in her paper writes succinctly about the status of Women and democratization in Nepal. She contends that the status must be seen in the context of a history of an exclusionary state controlled by high-caste, hill, male elites. Since the unification of Nepal in the late 18th century, political and economic dominance has been maintained by high caste hill people (Pahadis), and their language, Nepali, is the national language of Nepal. However, it was only in the Panchayat years that the centralized nation-state building process and the active creation of “the Nepali” political community began in earnest. Along with the goal of building and legitimating the autocratic Panchayat “democracy” – “suited to the Nepali soil” – the Panchayat regime focused on constituting a national culture built on the triad of Hinduism, the Nepali language and the monarchy with a specific form of Nepali national history as one of the main tools used in the formation and dissemination of Panchayati sponsored nationalism (Onta 1996). The legal and cultural coding framework of the MulukiAin (MA) established in 1854 by the ruling Hindu Rana elite provided the Hindu ideological base for the state of Nepal. A comprehensive legal code, the MA divided and ranked the entire population into a caste hierarchy with Bahun and Chhetri castes at the top, Tibeto-Burman “tribes” in the middle and untouchable castes (today’s Dalits) at the bottom (Hofer 1979). The creation of a national caste system defined the manner by which all the heterogeneous groups related to others as well as to the state and reinforced the cultural dominance of Hindu norms. Additional shaping of ‘the Nepali citizen’ included defining only the ‘hill’ (pahadi) population as being ‘real Nepalis’. Thus, residents of the Madhes region in the south bordering India, with language, customs and cultures similar to that of North India, were, and continue to be seen, as being ‘Indians’ and not ‘real’ Nepalis.

Despite political and institutional constraints,

increased female engagement evident in Nepal’s recent past will have long-term positive consequences, transforming as it already has to some extent, political processes and also women’s identities, subjectivities and agencies. However, recent political history and the political and institutional constraints to the deepening of democracy and the strengthening of participatory governance points to several issues. One is the need look at the larger institutional and democratic frameworks in which our interventions are situated. Reflecting larger tendencies in civil society in Nepal which regiment strictly differentiated realms of actions – “human rights,” “climate change”, “janjati rights” etc, the struggle for women’s rights have been focused primarily on narrow agendas – reproductive rights, women, violence against, 33 percent quotas for women etc. While important, these initiatives appear disembedded from larger structures and strictly divided into “issues” un-connected to others. There is a history since 1990 of discrete spheres of work undertaken by activists and NGOs in Nepal. Thus for example, Maina Sunwar’s case of disappearance, rape and murder has been highlighted by human rights activists only, and not by women or Dalit activists.

A larger view to situating the relationship between the state, democratization and women is clearly needed. From the discussion above, there is need to not only ask for 33 percent quotas, but to ensure that democratic rules and regulations in the CA are established and adhered to as are more binding election rules. There must also be a concerted effort made by women for meaningful devolution of power and authority even in federal arrangements. Attention must be made to larger fundamental rights – in the draft produced by the first CA’s Fundamental Rights Committees, among other things there are restrictions made on such fundamental rights as freedom of expression, assembly and association and citizens can still be tortured, arbitrarily deprived of life and prevented from having unrestricted right to legal council. These are the bases of democratic freedoms and rights on which else is based.

There is also the need to pay attention to “intersectionality”- that women are not a monolithic group and laws, policies and programmes for women are likely to be designed in exclusive ways if excluded groups are not present. This requires a recognition of the difference and power that divides, our interdependence, opening up to difference and the building of shared interests through attention to what is significant and meaningful through an orientation to solidarity (Weir 2008).

Lastly, there is a clear need to expand data collection on women in democratic governance. This includes for example, voting patterns of women, party affiliations, participation (as volunteers, party members, campaign

contributions), political knowledge and interest, cultural and other barriers to participation, voting patterns of women in office etc. In all, there is a need to: develop more precise measures of the causes and consequences of women's participation; collect longitudinal data on women's participation and impact; gather subnational data on women's participation and representation and accumulate more extensive data on women in political parties (Paxton et al. 2007: 276). Disaggregating all this data on the basis of ethnicity, religion, region, caste etc will allow a greater understanding of how democracy can be deepened and participatory governance at all levels strengthened.

Uddhab Pyakurel in his paper on Nepal from caste society to multicultural observes "It is understood that political forces (including ruling political parties and oppositions) are lately in search of a model to overcome the disparity and affirm adequate space for each and every marginal sections of Nepal in the socio-political and cultural framework. If the political discourses of the recent past are followed affirmative action, quota based on the proportion of the population, federal structure to have access to resource and power to accommodate ethnic and other grievances are the major proposals by the political forces to address such problems. For example, Article 13 of the Interim Constitution 2007 is against discrimination on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these. Also, provision included in Article 14 of the Constitution is to overcome caste-based prejudices and discriminations as it is much against untouchability and racial discrimination. Based on the very Article, the Nepali parliament passed Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011, and made all Caste-based Discrimination and Untouchability punishable. According to one of the provisions of the Act, If anyone commits or causes to commit any act as referred to in this section on the ground of custom, tradition, religion, culture, rituals, caste, ethnicity, descent community or occupation, he/she shall be deemed to have committed caste-based discrimination and untouchability. Also political discourses of the recent past are to provide affirmative action and quota based on the proportion of the population.

If one follows the modus operandi of state apparatus in order to handle ethnic aspiration in Nepal, he/she finds that the political parties including responsible state authorities had performed in very immature way which provided quite a fertile ground for violent future of Nepali ethnic movement. For example, the UCPN-Maoist, which was initially advocating for 11 provinces, all of a sudden came up with a proposal to have 14 provinces. Similarly, the State Restructuring Committee of the CA put forward a proposal to have 14 provinces

with names and boundaries of those provinces. But, another constitutional body formed by the government in consultation with major political parties-- HLSRC-- came up with recommendation to delete some of the provinces from the list. The result was that some of the ethnic groups took to the street to oppose the recommendation of the Commission saying that it had no right to delete names of the provinces decided by the CA committee. Eventually the issue of federalism became a pretext to dissolve the CA in May 2011 without bringing a new constitution. This has ultimately prolonged the political crisis in Nepal further.

But along with the election results seen in the recent second CA election (November 19, 2013), some of the new avenues seem to have opened. There was a strong feeling within the politicians and Kathmandu elites about the possible election result before the election, according to which most of the voters belonging to ethnic community would by and large vote to the parties which popularised the very agenda of ethnicity based federalism. But the result was just opposite to this assumption, which according to a veteran Communist Leader of Nepal; Mohan Bikram Singh is a people's mandate against the ethnicism or Jatibad. These election results lead one to question whether those assertions to have single ethnicity based federalism were the demand of ethnic "groups" or ethnic "organisations" as described by Brubakar, with an assumption that the relationship between "groupness" is not something essential and fixed but rather contingent and variable. What was the mandate then? Prof. Uyangoda Jayadeya of Sri Lanka is right in saying that "ethnic problem will have no ethnic solution". Rather it will have to follow a democratic solution. He states that democracy can provide the shared language and discourse for ethnically conscious communities. But it seems not easy for a country like Nepal to follow Jayadeva's recommendations because of the political culture Nepal's political parties have developed along with the practice of democratic system.

Similarly, Yam Kissan's paper focuses on the Participatory Democracy and Social Inclusion in Nepa. Mr. Kissan makes an observation and mentions that Nepal is at a stage of applying participatory democracy and concept of social inclusion to address the existing issues of exclusion, deprivation, exploitation and state of disadvantage. There is no way to escape without applying these concepts in governance and State structures because participatory democracy and social inclusion is the best alternative of liberal democracy at present time and context. Thus, to adopt and apply these concepts it becomes necessary to formulate the laws like paired with action plan, budgetary guaranty, capacity building of human resource and institutionalization. But the existing commitments,

constitutional safeguarding, legal provisions, policies, plans, programs and implementation strategies are not enough to gear up the essence and issues of Participatory Democracy (PD) and Social Inclusion (SI). To address this issue, separate, strong and comprehensive laws on PD and SI should be formulated. A bill to this direction is laying on the table in parliamentary secretariat for a long time.

The State is starting to step towards applying PD and SI, however, lack of making adequate and similar understanding on it and lack of proper and effective implementation of existing laws, policies and plans these concepts are likely to fail. Similarly, the trend of making policies and laws without carrying out any national need assessment, research on resource capacity, outcome, regions and massive consultation is also playing negative role against its effectiveness. Incompatibility of Constitutional provisions, laws, policies, plans, action plans and negative mind-set of policy makers and implementers are the other barriers to implementing PD and SI. Additionally, the attitude as well as negative mind-set of the implementers of the existing policies and laws also needs to be addressed. It is also important to keep in mind that benefits of PD and SI should reach target groups against creamy-layer among the excluded groups.

Participatory democracy and social inclusion are the processes of integrating people for nation building that apply through the policies, programs, activities and methods of inclusiveness, affirmative action, fast-track system, compensation and proportional representation. Similarly, the PD and SI play the role in reducing or minimizing conflict, violence and disharmony among diverse groups of the country and the societies, which are the negative sides of national integration, peace and development. So this is a right time to establish Nepal as a country of participatory democracy and social inclusion in all aspects. Only through this, an inclusive and participatory democratic country becomes able to maintain national unity, sustainable peace, social harmony and development.

CONCLUSION

Building democratic state and polity is a multidimensional process. It implies not merely a representative process but also inclusive and substantive system of governance. Accepting the electoral mechanism and creating institutions alone can not establish a democratic process. The people have to be empowered and they have to be helped to gain civic competence and create political opportunity and structures so that they can share power through the democratic process and freedoms formed by democratic order. Participation should be enhanced effectively in the form of involvement of the people in the economic, social, cultural and political processes which affect their life and position in the society. Participation is the strategy by which the have-nots join in determining how information is shared, goals and policies are set, resources are allocated and plans and programs are implemented. One should take note of the fact that model of democracy with its focus on political contestation and electoral participation becomes difficult in the society like Nepal which is divided along deep social and political cleavages. Democracy in its substantive sense is likely to emerge and strengthen in a country where people nurture high sense of tolerance and accommodation, and social structures are imbued with the values of egalitarianism. Democracy works best when it proceeds not from the top down, with the central state arising out of a myriad of local governance institutions and civic associations that serve as schools for freedom, fraternity and self governance. In Nepal as we are going through for designing new democratic institutions through reorganization of the state and reforming the modality of governance. it is time we took account of the fact that democracy and civic institutions can never enter through back door. They must arise out of deliberations and discourses participated by the people as the shaper and maker of democratic process and outcome

(Contributed by Mukti Rijal, Ph.D)

Building State for Democratic Governance

Chandradev Bhatta

INTRODUCTION

In conflict ridden societies once the “formal conflict” is over the immediate need is to create effective state institutions which includes set of core functions¹ to maintain the notion of governance so that people at large can easily participate in the democratic process and realise the peace dividend. These core functions can restore authority of the state and establish Weberian legitimacy of the state. Such an approach, in recent time, has been termed as statebuilding whose objective is to create a functional state that can win loyalty of the citizens towards the state. State building essentially seeks to (re)build trust in the government, foster a sense of security among all citizens, and is often suggested as a plausible route to peace. By and large, the overarching aim of state-building is guided by three concepts (1) creating greater levels of security (2) reconciliation and (3) development which can contribute to harmonise state-society relations that is often referred to as state in society (Migdel, 2001). Majority of the literature and scholars of post-conflict studies suggest that state institutions need to be tailored by taking specific socio-economic factors into account such as resource distribution, post conflict power balances followed by the process of rebuilding a more normal pattern of economic activity within the country. These scholars also focus on the broader understanding of the state and society as how local source of power and dynamics of power structure garner legitimacy. For them, such initiatives create an environment for democratic governance which can alone upheld the very idea of participatory democracy.

Taking cue from these scholars one can come up with the idea that state building demands adequate “governance structures” consistent with democratic norms and values. Such structures must also endeavour to address grievances that led to the emergence of the conflict in the first place and also minimise the chances of a return to conflict in the future. Statebuilding thus becomes a real vehicle for democratic governance and vice-versa in the post-conflict societies like Nepal. Therefore, statebuilding for the purpose of this study should primarily understood/defined as political process that leads to the establishment of institutions that can maintain political stability and cater public services for democratic stability.

The discussion on state-building is now taking momentum at different levels including at the donors community. Seminars, conferences and publications related to state-building are coming up (see Bhatta, 2013 for detail). The major bone of contention is that there is no agreement on various actors’ involved on it (internal and external) as what is to be built and how should we go about it. What is true though is that Nepali state, to a large extent, in recent times has been unable to address major issues related to governance which created what scholars call “sovereignty gap, authority gap, and legitimacy gap”. The political process that began in 2006 has not necessarily bridged these gaps. On contrary, the gaps are widening rather than narrowing. In this paper an attempt has been made to understand theoretical nuances of statebuilding and their suitability to Nepali context. We also shed light on the critical barriers that obstruct in creating a functional state. The final section

1 The 10 functions of the state are (1) legitimate monopoly on the means of violence (2) administrative control (3) Management of public finances (4) investment in public finances (5) delineation of citizenship rights and duties (6) provision of infrastructure services (7) formation of the market (8) management of the state’s assets (including the environment, natural resources, and cultural) (9) international relations (including entering into international contracts and public borrowing) and (10) rule of law. (taken from Ghani et al 2006:111) DFID-State-building paper (2008).

deals with the issues that can restore capacity of the state and create an environment for participatory democracy.

THEORETICAL DEBATE

There are two different schools of thought concerning the state-building process, each of which reflects different sociological understandings of the state. The first one, an 'institutional approach' closely related to the Weberian conception of the state, focuses on the importance of institution building and does not necessarily place emphasis on a concomitant nation-building effort. The second one, a 'legitimacy approach' influenced by Durkheimian sociology, which recognises the need to consolidate central state institutions, but puts more emphasis on the importance of socio-political cohesion in the process (Lemay-Hebert, 2009). Nonetheless much of the recent literature on statebuilding is derived from development studies which primarily build on the works of donors. But neither is there coherent or all agreed theoretical explanations, or a focus to generate on the methods of 'ownership and legitimacy' (Marquette and Beswick, 2011: 1706) creation in the whole process of state-building. For example, many agencies on the ground perceive state-building as the transfer of Western values, institutions and norms, which is what exposes it to accusations of 'neo-imperialism' or 'neo-colonialism' (Marquette and Beswick, 2011). There are scholars (Sachs, 2005; Ghani and Lockhart, 2008; Moyo, 2009; Collier, 2009) who have come up with different thoughts such as modernization, institutional capacity, and rational choice theory while using 'aid' as an instrument of state-building. Modernisation theory suggests that donors should provide resources; analyses based on institutional capacity imply that donors should strengthen state capacity in target states. Prescriptions drawn from rational choice analyses range from eliminating aid completely because it creates perverse incentives to creating neo-trusteeship in post-conflict situations where collective goods, especially security, could not otherwise be provided (Krasner, 2011: 133). The question that one can pose here is whose state-building, who is doing the building and what is being built institutions, politics and the nature of the political settlement (Marquette and Beswick, 2011: 1706).

The first approach to state-building, an activity by external actors/countries, is perhaps the more controversial of the two strands of thinking. It is viewed as having overtones of imperialism, colonialism and

hegemony whereby local populations view the foreign power as an oppressor attempting to transplant an alien values, system and culture. The second strand of thinking (an indigenous process of state-society relations) has less interventionist overtones and makes clear that national values, leadership and vision are centrally important. It does, however, potentially leave a gap in terms of strategies for the international community to support positive state-building processes in poor, post-conflict and weak states. However in both major schools of theory state is the focus of thinking rather than the "nation" (nation conventionally refers to the population itself, as united by identity, history, culture and language). The issues debated are related to the structures of the state and its relationship to society. State-building thus appears broadly accepted term. In political science 'nation-building' usually has a quite distinct meaning, defined as the process of encouraging a sense of national identity within a given group of people, a definition that relates more to socialisation than state capacity.² However, the conflation of these two concepts has been highly controversial, and has been used by opposing ideological and political forces to attempt to justify, or reject as an illegal military occupation, like the one of the actions in Iraq and Afghanistan. Hence, regime change by outside intervention should be differentiated from state-building.

The post-2006 process of state-building (it is also about institution building) has become problematic in Nepal. Problems arise partly because the new endeavours of statebuilding has deconstructed historical identity of the state based on the old social contract³ wherein the old social contract has been portrayed as the major source that meted out historical injustices to many societal groups. But, interestingly, the artificially created new social contract based on ethnicity and regionalism have also not really been owned by the people. New social contract, indeed, has failed to provide sufficient grounds for national unity. Evidences reveal that new social contract and the new values, to a great extent, have created some sort of chaos and the statebuilding process has not been able to move ahead. In addition to this, there is also great deal of confusion in understanding the very concept of state in Nepal. This paper will not delve onto the various theories of the state, as the same would be beyond its scope, but certainly explain how state has been understood in Nepal. State, in fact, has been treated as an 'object' of social, economic, and political mobilisation to fulfill the vested interests. For example leftist treat state as "class" because of their Marxist belief and are always

2 Available at <http://www.dfid.gov.uk/pubs/files/Expert-feedback.pdf> visited on 24th December, 2008.

3 Old social contract was built-upon constitutional monarchy, Hinduism, and unitary state.

in conflict with the state no matter whether they are in the governmental power or not. Liberal democrats treat the state as a 'machine', that is, as a tool to serve their interests (partisan and personal), neo-liberals have different take on the state – who rather prefer the idea of farewell to the nation-state. The urban-based civil society and media for their part, treat the state as a 'medium' through which they can fulfill their interests. State is everything for those who are living in the far-flung and who cannot protect themselves. One can argue that the ideological interpretation of the state by various actors and subsequent adoption of new political ideals by Nepal have created further problems as to whether focus should lie on statebuilding or nationbuilding. Confusion of this degree stems primarily from the application of the Western concept of the state in a non-Western society. The Western concept of the state is built on 'legitimate monopoly of state on violence' whereas the same is not true in non-western societies like Nepal.⁴ With the arrival of new political ideals such as secularism, republicanism, and federalism after 2006 – Nepal's political process has become more complicated. Many argue that these new ideals are accentuated by Marxist – Leninist – Maoist ideology which now virtually control Nepal's broader political sphere. Such ideological battles, however, have brought direct bearing on state and the values on which it has been built upon (Bhatta, 2014).

There are predominantly two schools of thought running across various quarters of society. One school of thought argues that new values of secularism, republicanism, and federalism adopted by the post - 2006 state can and should become the foundation of the state. While the sizeable number of people (whose number is increasing in geometric progression) argue that these new values have become part of the problem as they run opposition to local values. What this ignores is that the first school of thought views nation and nationalism as largely particularising elements, that is, both are tied to a particular place, experience, people, and culture. In contrast, secularism, republicanism, and federalism are universal political ideals usually connected to the Enlightenment rationality and science freed from any specific locale or cultural identity (Shah, 2008). The ambiguity on this cultural relationship between the new values and the notion can have serious consequences as experienced by numerous countries across the world (Shah, ibidi). Many people are worried that the arrival of new values means systematic defeat of dharma as in the West the success of science has meant to defeat of its opponent religion (Anandmurti,).

Influenced by this approach many agencies/groups are even questioning the very idea of state formation in Nepal and are bent to undo the history and its cultural values and write a new one in a plane slate. For example, for many international agencies and their Nepali agents dismantling the cultural legacy of Nepali state is priority whereas the broader Nepali society believes that all these cultural values are the roots and civilisational values of Nepali state which are holding Nepali society together and maintaining the Nepaliness – the common national identity. The mismatch between local and universal values is described by some scholars as 'bifurcation of the two worlds' (Lemay-He´rbert, 2011) depicting the gap between the external approach and local realities. This certainly has strained state-society relations as well as relations between the local and universal values. The challenge here is as how to strike a balance between the two. Such factors have created a crisis in values of the state thereby obstructing the state-building process and undermine the very purpose of politics wherein the state becomes unable to fulfill its traditional and modern obligations towards citizens. Critical Barriers in Creating a Functional State

State did not collapse in Nepal but there has been erosion on its legitimacy and capacity of the state institutions which are essential for realising democracy and install the notion of governance in society. Such a disintegration of state institution could not manage "post-movement" period in Nepal and has kept alive the "revolutionary political culture" in society. Such a situation has been merely used to fulfill demands of those groups/parties who advocate them in the first place. In fact the permanent nature of movement in the country had a strategy of what Gramsci had called the movement [war] of maneuvered (Gramsci 1996: 234-38, italics added). Political movements in Nepal have frequently changed regimes but politicians have betrayed popular trust and cheated people by denying them, what Hannah Arendt (1958:296) said, their 'right to have rights' to belong to an effective political community. Maoists succeeded in generating political awareness in rural Nepal simply by becoming the dream merchant (Kumar 2007:315). One can argue that loktantrik [democratic] Nepal differs only superficially from earlier [Panchayat] Nepal (Brown 1996: 145, emphasis inserted). In fact Nepali state today stands between 'order and anarchy' and there are several factors that have contributed to this end and stand as major obstacles for democratization as well as to move the peace-process to the much talked 'logical end' (Bhatta 2008).The occasional convergence of 'old

4 In fact the overarching aim of the state is duty to main peace, order, security, and justice in society

class' and 'new class', and ideologically opposite classes of political leaders of different ideology motivated is only for by the common personal interest. It is highly embedded in elitism is promoting clientalism in every sector of governance. This is testimony of the fact that regime that has been occurring through 'elite settlement' is not serving state and society.

The successful peace and subsequent democratisation process requires high degree of pluralism and low level of ideology. In fact, the whole constitution writing process fell apart due to heavy ideological domination. And democracy has become victims of two ideological orientations: far-rightist and far-leftist. It appears that the whole political and civic sphere is divided along these two sets of ideologies in the absence of ideology rooted in nationalism and justice. The political parties, too, have become hostage of different lines of ideology which culminates their frequent breakdowns. In the absence of national perspectives, the ideological crisis has made Nepal's democracy multiverse (See Dahal and Bhatta, 2010 for details). Such a state of affairs should also be held responsible for not having common consensus on the key issues of governance. The agencies (such as civil society) that can contribute in building national perspectives on various contentious issues, otherwise, are heavily driven by their own interests. This has left many issues unresolved. The political parties, for their part, are not clear as what type of state and political system they wanted to have in place. There were forces in the erstwhile CA, who like to have drafted people's constitution while others were in favour of democratic constitution. This ideological divide invoked serious impact on other elements of democracy such as economy, federalism pluralism, and many more. The closer look reveals that right after 1990; one could see geometrical growth of political parties whose values (dialectic materialism) and actions contradict with democracy but still profess to be democratic and claim to work for the proletariat. There is a democratic deficit and the ideological balance of power as well as political culture that has been imbibed is strongly against democracy in Nepal.⁵

It appears that ideology (be it leftist, rightist or democratic) seems to have been merely used for politicking to

mobilise people in order to maintain position in society but not to create an environment which can address societal problems.⁶ The communist political parties of Nepal have suffered badly from the ideological dogmas. Many people joined their bandwagon under the impression that the communists would work to promote the notion of justice in society and blamed other political parties working for the capitalist classes, expansionist, and imperialists. But, what transpired in a real sense of the term is something disheartening. It appears that Nepali 'communists' have deviated themselves from the principle of Marxism in a real sense of the term. They use SUVs – the most expensive vehicle and leave luxurious life. This goes with Nepali popular saying that Juna Jogi Aayae Pani Kani Cherako ("whoever comes to the power, they are the same").

The emergence of identity politics with the rise of the leftists (which should not have been the case) (Hobsbawm 1996) has further brought crisis in ideology. Erosion on the ideology has gone down to such an extent that political leaders are ready to form cross-coalitions in order to remain in power with the help of factional leaders from other parties or even parties with polar opposite ideologies. It illustrates that the issue of 'class' has been completely sidelined and have taken ethnicity as next strategy to exploit the people. If this trend continues, clearly, tomorrows political parties in Nepal would subscribe 'identity' rather than ideology as their basis. Other fundamental characteristics of Nepali political forces of all sorts whether they are mass-based or cadre-based, are 'catch-all' in nature. That one should not need to conform his/her ideology to become the member of the party. Sharp decline in the politics of principles have made scholar argues that democrats are not democrat; communists are not real communist, and the royalists or not real royalist in Nepal (Baral, 2012).

Democracy building from outside has also suffered very badly primarily because the assistance that came in the name of democracy was spent to promote identity politics. Allegations are such that in the context of Nepal, right after 1990 democratic institutions (rooted in local values and culture)⁷ were constantly portrayed as conservative and were given 'pro and anti' tags whereas others were seen as more progressive and nationalistic.

5 In the dissolved CA communists had total 62 percent representation.

6 By using ideology and poverty, political parties are blamed for exploiting the poor and powerless people of this country. They have virtually made Nepal political laboratory.

7 The western model of democracy primarily emphasis on rights whereas our society is duty-bound and deeply dharmic. There is no rights given to the Kings or even God's as per the Hindu religious texts. In a duty-bound dharmic society the western model of democracy which thrives on mono culture cannot function in a society which enjoys multiple cultures.

8 I call them 'so-called' left political parties and intellectuals because they are only 'left' or 'communist' in namesake. Nepali left are found to have been working with neoliberals organizations and can also become extreme left at the same time

This prejudice has strengthened capacity of those institutions/organizations who share political ideology with communist parties. Mushrooming growth of NGOs affiliated with communist political parties is the case in point. Today, many people have realised that donors have clandestinely imposed their agendas and sowed the seed of long term conflict in Nepali society by taking so-called left political forces and intellectuals into their confidence.⁸ External forces were instrumental in declaring Nepal a federal state but remained silent when religious parties were registered.⁹ This is a clear double-standard, because when state is declared secular how can religious parties be allowed to operate. The question arises, would they adopt the same thing in their own country. Why same set of political, moral, and logical standards do not apply to other nations as well.

In a nutshell, the outside support for statebuilding and democracy building has failed to produce any tangible result. Democracy building and statebuilding from outside has failed mainly because donor's did not work in line with national priority. The fact that there may be civil society groups that are so buried away in rural hinterlands that they may not be recognised by the international and academic community or policy circles at all. Civil society groups which were created by them have caused regime instability, weakened the state institutions, and divided people along different societal lines. Still there is a tendency to lump all prominent civil society groups into one big tent, when in fact their organisational missions are so diverse and not all are dedicated to promoting better institutional performance. The liberal democracy has become victims of ideological orthodox and extreme penetration on the internal affairs by the external political forces on fault-lines, and the wide existence of political leaders and intellectuals who do not understand the importance of nationalism.

STATE BUILDING VS. DEMOCRACY BUILDING

In the absence of weak state the project of democracy building cannot be accomplished. Even in the extant political discourse there has been great deal of ranting of democracy but there is very little discussion (both from outside and inside) on its substance to diffuse the critical barrier that have become major obstacles to push the statebuilding process ahead. A well functioning state with self-sustaining economy, functional state institutions, and low level of ideology are essential for democracy building. In contrast, the

extant political discourse has complicated the situation. In the context of Nepal, state and its institutions has been portrayed as the armour coercion and that of civil society to be the torch-bearer of democratization and the agent of setting limits on state power. The myth that considers civil society as “symbol of virtue” and the state as the “incarnation of evil” seems to have prevailed here (Bhatta, 2011). Those who subscribe this school of thought point out the states weakness in a number of areas over the year squarely blamed it for not addressing problems faced by the power and powerless. This has paved the way for civil society to come forward as their messiah – the weapon of the weak. Civil society seems to have missed two things here: first, they have failed to understand the state and second, they have failed to introspect on their own roles (ibid). The numerical expansion of the CSOs have merely “privatised” politics and ‘public services’ with little room for participatory democracy. The series of political changes, over the years, have merely brought some fresh challenges thereby weakening the capacity of the state required for functional democracy. All these arguments bring forth the need to strengthen capacity of the state and its institutions as well as build a harmonious state society relations which is often referred to as “socialisation of the state (Habermas, 1989). Within this framework, the agenda of state-building hovers around three issues: political settlement, survival functions of the state-society relations and expected functions for sustainable peace in society (Ghani et al 2006). Progress in all three areas is needed to create a positive state-building process more inclusive that address conflict and contribute towards long-term peacebuilding.

POLITICAL SETTLEMENT

Political settlement is all about settling the values of the state and society also the values of the governance. This is important because all these establish “rules of the game”. The post-2006 political environment is marred in defining the values of the state as well as its governing principles. In fact, the whole current debated of writing constitution is stuck ideological spectrum - whether to have liberal constitution or the constitution based on the leftist ideology. Likewise the crisis in values as what values Nepali state should stand for apart from the universal ones. In the context of Nepal, we need to push for ideological settlements, political settlements and reformation of our political institutions in tune with popular spirit. We have to find out common ground on the national issues and develop mechanism how

9 Nepal Family Party is an extension of Korean Unification of Church in Nepal

people can govern themselves rather than developing mechanism to rule the people. In addition to this, we have to introduce major changes on the political institutions in the way they function such as political parties. Political parties play key roles in the manifestation of political settlements. They serve as vehicles for elites in their active participation in political settlements. Parties are often organized in support of specific regional, ethnic, religious and interest groups or alliances. They can be sources for mobilizing popular support, channeling power and resources to political interests. In some situations, parties provide the machinery for compromise, but in other situations they control state institutions. The dominance of informal transcript of society, economy and politics over constitutional system indicate that the realm of law is devoid of its duty to create-law abiding citizens.

In fact the inclusive political settlements are at the centre of the integrated approach to peacebuilding and state-building. It provides platform to achieve other objectives of the state. The peacebuilding “lens” highlights the need for state-building approaches to pay sufficient attention to the causes of conflict and fragility, the conditions for peace. The state-building “lens” reminds us that peace agreements and peace-building must facilitate, and not undermine, long-terms efforts to build state capacity and legitimacy. Peacebuilding and state-building are fundamentally linked to each other and their focus is to find out the root causes of the conflict and avoiding recurring such conflicts in the future. That said, both are integrated, holistic and inclusive approach. It is agreed that the greater the inclusivity and participation in the process leading to the agreement and the political process, the greater the legitimacy and sustainability of the state-building. Failing to do so might create tension between state and society. The classic example can be illustrated from the 500 or so European conflicts between the middle ages and World War I (Fukuyama: 2004). Even many groups in Nepal also blame that the state formation that took place some 240 years ago was not inclusive as it has imposed hegemony of one culture, caste, language over the other. This is the prime condition to address conflict as well as to initiate state-building process. If we look at the history of Nepali state, we have never been able to settle political issues permanently. The classic example is that we have had six constitutions in sixty years political history with equal number of political movements. These types of contradictions should be avoided.

SURVIVAL FUNCTIONS

The second element is developing survival functions which consolidate authority of the state. A basic level of functionality is required to secure the survival of the

state and the incumbent regime. The chronic political instability has never permitted sufficient ‘conditions’ for the state to carry out its survival functions. Forty-Prime Ministers in sixty-two years time is the classic case of such power struggles. Instability has become a key feature of government, not only because of endless unstable coalitions that became a rule rather than exceptions in recent years (Aditya, 2012). The specific forms of chronic instability that have become almost endemic now can be categorized as follows:

Legislative instability: not a single parliament here has lived out its full term

Executive instability: no elected Prime Minister of Nepal has ever been able to complete his tenure

Cabinet instability: no cabinet in the nation’s political history has survived long enough to oversee the implementation of its policy and planning. These three types’ of instabilities have caused systematic erosion on the capability of the Nepali state and resulted in serious political crisis. Such a situation may exert state control without protecting or responding to the population. Survival functions include security of the state (internal and external) and people. This also requires handling foreign policy which should be balanced and active. Development of self-sustaining economy is another step that can provide state survivability. In absences of the economy, public services cannot function and peace cannot be achieved. Therefore state also need to form economic policy that can engage people in the productive areas. The other important task is revenue generation to pay for key function and to create confidence in the financial viability of the state. State should attune its policies vis-à-vis economy, industrial, tax policy so that it can create job, generate fund to sustain other function of the state and guarantees human rights. Political rights can only be secured through economic prosperity. Likewise, rule of law plays an important role. The state’s expectations of the population can be set through formal or informal laws (rule by law). A regime needs to be defending itself from internal and external challenges, but it also have an obligation to protect the population, including excluded and marginalised groups in society for the harmonious relations between the state and society. Balancing strength with accountability is critical improving state legitimacy and gaining the consent of citizens.

EXPECTED FUNCTIONS

The third element is delivering expected functions which are not essential for the state’s survival but necessary to win public confidence and keep state’s promise that it has made through international human

rights or other instruments. The expected functions of the state are such that what people expect out of state. This also deals adjusting with the pace of time. How does state address challenges brought about by the post-state challenges such as environmental crisis, financial crisis, globalizations, new types of diseases and alike. State should be able to address all these issues. This further enhances the capacity of the state and wins people's loyalty.

CONCLUSION

From the above discussion, we can draw two types of state-building approach – the responsive or unresponsive state-building approach. How do we want to do it and who do we want to do it for. This has to be defined clearly. If we integrate all three functions we can have responsive state-building approach which accepts the need to meet public expectations to enhance its legitimacy. The political settlement should expand beyond the traditional elites to reflect a broader cooperation between state and society and should minimise all sorts of gaps. Responsive state-building approach minimises causes of concurrent as well as latent conflicts as against unresponsive state-building wherein only elites enjoy benefits of the political process and state-building endeavour is focused to ensure its own power and authority. The state-building agenda should be taken forward by ensuring that people should feel change. Political change should be progressive not the regressive. Any attempt to failure to address the past and bring all societal forces on board in the present will lead to further crisis in society. We should also make an endeavour that in post-conflict situation both winners and losers should coexist. Politics should be able to make moral choice between “duty and desire” (Kant: 18). Then only politics can address conflicting interest of society. The basis of stability should be looked into the shared historical past (the state) and its cultural mixing which would alone provide long-term solution to Nepal's multiple problems of sate-building.

In addition to above, democracy can only sustain when people, at large, are involved in the decision making process. The whole ethos of participatory democracy is all about engaging people into the decision making process. In the context of Nepal – the major issues such as secularism, federalism, and republicanism were decided without people's participation. With the passage of time, it appears that such decisions have backfired and the political process has become more complicated. Hence, Nepal's political future and state-building endeavours, for that matter, largely relies on as how the ongoing political process strikes a balance between the dismantled old social contract and the recently floated (but largely not accepted by the people)

new values – federalism, secularism and republicanism, in the days ahead.

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Civil Society and Democracy in Nepal

Kalyan B. Mathema

INTRODUCTION

Notwithstanding the existence of civil society in Nepal way before the springs of 2006 it was only after the success of people's movement (2006) that it found an important place in Nepali society. The growing power space that is being occupied by this movement in Nepal is correlated with the emerging importance that civil society is gaining in the international development vocabularies. In the dominant development discourses the concept is usually understood to be a realm that exists between household and the state. This space is occupied by individuals and groups who speak when the work of the state or its related agencies run counter to the interest of the people. It includes a wide range of organizations such as women's organizations, consumer rights groups, human rights activists, ethnic and cultural right organizations, groups fighting for freedom of press and many other groups that resist the action of the state that they feel is against the interest of the people. Among such

groups the Non-Governmental Organizations (NGOs) in Nepal which have strong links with international donor organizations and receive hefty fund from them to organize various activities from awareness building to advocacy to organizing agitations to put pressure on the state on various issues, are the most vocal civil society organizations in Nepal.

CIVIL SOCIETY IN THE WEST

CIVIL SOCIETY

Civil society is understood to be a domain between family¹, market and the state². It is composed of self-regulating private groups³ that have voluntary⁴ and non-coercive⁵ membership. This space is neither directly controlled by the state⁶ nor by the market and yet it is influential.⁷ Civil society is 'essential to vibrant democratic societies' (Giddens 2001: 684) and 'critical to the success of democracy' (Fukuyama

1 Fukuyama described civil society as 'the groups and associations that fall between the family and the state' (2000: 99).

2 Cohen and Arato define civil society 'as a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication' Cohen and Arato (1992:ix). Anthony Giddens too saw civil society as the 'realm of activity which lies between the state and the market, including the family, schools, community associations and non economic institutions' (Giddens 2001: 684).

3 "... the largely self-generating and self-regulating world of private groups and institutions – family, business, advocacy, sports, locality, religion, ethnicity" (Selznick, 2002: 44).

4 'Civil Society is a cluster of institutions and associations strong enough to prevent tyranny, but which are, none the less, entered and left freely, rather than imposed by birth or sustained by awesome ritual. You can join (say) the Labour Party without slaughtering a sheep, in fact you would hardly be allowed to do such a thing, and you can leave it without incurring the death penalty for apostasy. (Gellner 1994: 103)

5 "... all social groups that are or can be understood as voluntary and noncoercive, thus excepting only the family, whose members are not volunteers, and the state, which, even if its legitimacy rests on the consent of its members, wields coercive power over them" (Walzer, 2002: 35).

6 "... social institutions such as markets and voluntary associations and a public sphere which are outside the direct control, in a full or in a mitigated sense, of the state" (Pérez-Díaz, 1993: 57).

7 "... the ensemble of organized social activities, formal and informal, that are not directly grounded in family and kinship, economic production and exchange, or the state but are politically relevant" (Rueschemeyer, 1998: 18).

2000: 99). However all types of civil society 'are not always beneficial', and some are even 'detrimental to the health of the broader society' (Fukuyama 2000: 100).

Although the idea of civil society gained much prominence in the development policies in the 1980s the ethos similar to the one that is shared by this concept had existed in the eastern and western thoughts many centuries ago. The concept of civil society as we understand it today can be traced back to the mid-17th century Europe when the industrial production based urban capitalism replaced the agrarian economy. This change in economy gave rise to a sense of individualism and made some people challenge the prevalent social and political norms of Western Europe (Habermas 1989⁸; Howell and Pearce 2001). This radical shift flooded the society with powerful and often contending interest groups that sought to influence the state policy in their favor. When conflicts of different interest groups started becoming intense it made it necessary for the state to develop impartial rule of law to mediate between various interest groups and this naturally led to reforms in state apparatus.

The concept of the virtue of common good that the Europeans had borrowed from the Greeks during the enlightenment felt threatened by the growing individualistic and self-centered tilt of the capitalistic society. This led to an intensive philosophical struggle between the pro capitalistic individualist camps and more egalitarian supporters of the common good concept. The debate between them led to the transformation of the interest groups who were almost pressurized by the common interest camp to adopt activities that became a prototype of what is now called the civil society. The interest groups adapted themselves to the challenge posed by the egalitarian camps by encouraging and glorifying the philanthropic acts of the industrialists. Such concepts were used to morally counter balance and sanitize the accusation against the

unpopular exploitative practices that were common in the capitalists system.

By the mid-17th century these interest groups or civil society began to meet routinely in salons, clubs and other public places or 'public sphere' where they immersed in dialogues, and debates (Habermas 1989). Civil society's debates in the public sphere were considered as an act of consequences because they would often influence the decisions of lawmakers in those days (Habermas 2009:138-183). By the 18th century this culture of public sphere reached France and Germany.

The age of enlightenment (1700-1800) in Europe is the period when the civil society is believed to have played an important role in influencing and pressurizing the state to introduce important social reforms during that period. It was even believed then to be a conscience of society. Michael Foucault however disagrees. He sees these reforms not as being caused by the sudden outburst of empathy⁹ among civil society stalwarts but rather because the new capitalistic economy needed an urgent readjustment of legal framework.¹⁰ Foucault for example argues that the excessive uses of tortures in prisons were criticized by the reformers during this period not because they felt morally uncomfortable about it but because they saw cruelty as an ineffective instrument in reducing crime in society.¹¹

Gramsci's view of intellectuals is similar to Foucault's critical investigation of reformers during the enlightenment. For Gramsci the intellectuals who are the drivers of the civil society plays an important role in maintaining the status quo in society by participating in their professional activities and by manufacturing ideologies that justifies the existing socio political situation. They are rather a force for stability rather than that of change. This argument is based on his core understanding that the capitalistic system which he regards as unfair and unjust stands on two powerful defensive system - force and consent.

8 'Only after national and territorial power states had arisen on the basis of the early capitalist commercial economy and shattered the feudal foundations of power could this court nobility develop the framework of a sociability... into that peculiarly free-floating / but clearly demarcated sphere of 'good society' in the eighteenth century' (Habermas 1989:10-11).

9 'It was evident that the great spectacle of punishment ran the risk of being rejected by the very people to whom it was addressed...The reformers of the eighteenth and nineteenth centuries were not to forget that, in the last resort, the executions did not, in fact, frighten the people.' (Foucault 1995: 63)

10 'What was emerging no doubt was not so much a new respect for the humanity of the condemned -torture was still frequent in the execution of even minor criminals -as a tendency towards a more finely tuned justice, towards a closer penal mapping of the social body. Following a circular process, the threshold of the passage to violent crimes rises, intolerance to economic offences increases, controls become more thorough, penal interventions at once more premature and more numerous.' (Foucault 1995:78)

11 'the physical cruelty of the penalties imposed by the law: if severe penalties are required, it is because their example must be deeply inscribed in the hearts of men. Yet, in fact, what had hitherto maintained this practice of torture was not an economy of example, in the sense which it was to be understood at the time of the ideologues (that the representation of the penalty should be greater than the interest of the crime), but a policy of terror: to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign...The criticism of the reformers was directed not so much at the weakness or cruelty of those in authority, as at a bad economy of power' (Foucault 1995: 49,79)

The force according to him is used by the state or 'political society' through legal means to preserve the system while the consent is built by the 'civil society' to do the same (Gramsci 1971:12). On the surface the state and civil society appears to be poles apart as if they represent two opposing interests but deep within the structure they both represent the interest of the same class-the class that controls the economy (Gramsci 1971: 263).

Gramsci's work faced much repression and distortion after he died in 1937¹². During his imprisonment he had filled 3000 pages of 30 notebooks with his reflections on politics, economy, culture and Marxism. This enormous work however faced unexpected repression from Palmiro Togliatti, the General Secretary of the Communist Party of Italy (PCI) who had succeeded Gramsci in that position after he was imprisoned 1926. Gramsci's prison notebooks contained many passages that had criticized the way in which the USSR and Stalin had distorted Marxism. Togliatti who was subservient to Stalin and USSR delayed the publication of his work by ten years (Harman 1977). In 1947 the crippling censored prison notebook was published with the help from PCI. This work of his faced cold indifference from the mainstream political and academic communities until the issue of civil society came to dominate the mainstream development discourse after many years.

The 1970s is the period that made ground ready for the popularization of the civil society concept. The period between 1850 to 1959 all major mainstream social sciences were in fact state-centric. This approach however 'began to be questioned much more seriously in the 1970s's' (Wallenstein 1996:81) because, the state seemed to lose their promise as agents of modernization and economic well-being in popular and scholarly esteem...the basic thrust of democratization led everywhere to steadily increasing demands on the state, urgent calls for it to utilize its fiscal and budgetary powers to ameliorate and redistribute. ... as redistributions increased less fast than escalating demands for redistribution, states began to be viewed as offering less satisfaction. (Wallenstein 1996:81,82)

It was also during this period, the IMF and the World Bank started positioning the Structural Adjustment Policies (SAPs) as one of their prime conditions for granting loans to their client countries. The SAPs obliged the grant recipient governments to reduce the role of the state in economic and social sector

and let private sector fill the gap. In this context the donor organizations came to regard the NGOs as more efficient, cost effective and reliable alternative to the highly bureaucratic public sectors in the developing countries. The NGOs also started receiving important space in the international conferences such as the Stockholm Environment Conference of 1972 and World Population Conference in Bucharest in 1974. Many NGOs with extensive international network began to act like civil society.

The 1980s saw more favorable conditions for the NGOs as the ultra-capitalistic modernization theory and neo Marxist dependency theories lost their appeal (Booth 1994). In this context the logic of development shifted from infrastructure centered to 'people centered' development approaches (Korten 1990). The decade marked the shrinking of USSR and the enhancement of private sectors and NGOs in the global scale.

With the end of cold war in 1991 there was 'enormous upsurge in the number of democracies around the world' (Fukuyama 2011:3). In 1973 'only 45 of the world's 151 countries' were democratic but by the 'late 1990s, some 120 countries around the world -more than 60 percent of the world's independent states- had become electoral democracies' (Fukuyama 2011:3). The stories of how the civil societies in communist as well as in rightist military system had fought against the regime for human rights and dignity began to be emerged as a result of which the concept of civil society became almost inseparable from democracy.

It was also in the 1990s that the concept of civil society along with democracy began to be associated with economic progress. The World Bank and other influential donors began to regard civil society as an inseparable component for good governance (Archer 1994:7-34). For this reason their aid and grants began to be depended on the recipient country's openness of the civil society space and the guarantee of them to preserve it. This strong urge among the donors to promote civil society was based on their belief on a theoretical model called the 'virtuous circle'. The model argued that the state, the market and civil society were interdependent. This interdependence it was believed would create a well governed state and a well-managed economy and these two in turn would contribute to the growth of vibrant civil society. A vibrant civil society along with a well-managed state would help produce a good economy which along with a vibrant society would result in

12 In November 1926 Antonio Gramsci was arrested on charges of inciting class war, insurrection and subversion of the state. On June 4, 1928 he was sentenced to twenty years of imprisonment. Michele Isgro. Prosecuting attorney is said to have said 'For 20 years we must stop his brain from working'. Gramsci remained a prisoner of Mussolini's state until his death from brain hemorrhage on April 27, 1937.

an efficient, accountable and effective government (Archer 1994). This model fused economic growth and democracy with the concept of civil society. One serious problem in implementing this model in the aid recipient countries was the existence of weak and less vibrant civil society. This is due to the fact that a strong and influential civil society movement is not possible without active involvement of sufficient number of people who are intellectually capable enough to organize and lead people on various issues (Brown and Tandon 1994). This shortcoming made donors turn to NGOs who they found to be capable and more well organized (Diaz-Albertini 1993; Howell and Pearce 2000:75-88; Wood 1997). This shift of focus among the donors led to the split in civil society movement in developing countries as a result of which the movements were either led by NGOs or by other less organized group of intellectuals.

It was from the late 1990s onwards the scholars of social science began to scrutinize the concept of civil society. Once again the works of Antonio Gramsci began to come into prominence. The revival of Gramsci has made many civil society activists uncomfortable as they regard Gramsci's approach to be an important element in making people distrustful of civil society. Such criticisms are not however well-placed because the Gramscian approach far from discouraging people to join civil society make people aware that all civil society movements are not homogeneous and do not always work in favor of the common masses. According to Gramsci it is an important space that is often occupied by intellectuals who use it for the maintenance of the status quo. This is an important assertion and it will make people aware that this space can be transformed into a force of positive change if only more people, not just intellectuals are involved in it.

CIVIL SOCIETY IN NEPAL

If we regard civil society as that arena that belongs neither to the state nor to the market then such space have existed in Nepal for a very long time. Like much of today's civil society the pre-modern civil societies were less about social change and more about creating ideologies to maintain the social equilibrium that were erected on foundations of unequal gender and caste relations and enormous economic inequalities. From the historical point of view a type of civil society

composed of various organizations that emerged around 100 years ago in Nepal can be labeled as 'revolutionary'. These organizations sought in their own ways to bring changes in society. Civil societies in Nepal have undergone many changes since then. From the early to mid-1900s many people came together to organize various types of activities that sought to improve the lives of the people. Such activities triggered either by people's conscience or their belief in the divine rewards involved mostly philanthropic and social service-centered activities. The Ranas who were usually nervous about people being organized did show some level of tolerance to these activities but only after meticulous scrutiny of the people involved in forming such organizations.

The authoritarian nature of the state under the Ranas regarded all types of political organizations as illegal and tolerated no individuals or any form of organizations that could pose danger to the regime. Even under such regime many individuals took great risks to work in the areas of social reform so as to improve lives of the people. People like Sukraraj Sashtri, Naraydatta Jha,¹³ Krishna Prasad Koirala, Yogmaya Neupane,¹⁴ Jay Prithivi Bahadur Singh and many well-known as well as forgotten or less known individuals from different regions and cultural groups struggled in their own ways against social evils such as caste system, child marriage, gender exploitation, illiteracy harmful superstitions and occasionally also against economic inequalities. Although such movements were not for the regime change, they were nonetheless regarded by the state as dangerous as they triggered non conformity. If people start questioning the established cultural values then such questions could expand to political and economic conditions as well. For this reason the state repressed all the cultural reform movements in Nepal except the ones that served the interest of the state.

In 1950 the Ranas were overthrown and Nepal became a democratic country with ceremonial monarchy. The ambitious monarch however could not find enough space in the democratic system hence sought to dismantle it through military might. In 1960 a coup led by the king overthrew an elected government and an autocratic party less system was imposed on Nepal. This new political system unlike the Rana regime was a missionary state that sought to build a culturally homogeneous and economically vibrant nation state

13 Father of Vedananda Jha (founder of Tarai Congress) and Kulananda Jha (important leader of Tarai Congress) was a wealthy landlord. He was executed by regime for the social reform related activities he was involved in.

14 Yogmaya Neupane led a mass suicide in 1941 to protest towards State's apathy towards women's issues and for executing four anti Rana. Over sixty people were involved in this act (ekantipur, "In focus: Yogmaya, who gave her life fighting Rana atrocities." ekantipur 2 May 2011, n. pag. Web. 6 Nov. 2013. <<http://m.ekantipur.com/2011/05/02/capital/in-focus-yogmaya-who-gave-her-life-fighting-rana-atrocities/333382.html>>)

with people who would have ultimate devotion to and reverence for the monarch. To fulfill this ambitious mission of transforming all the population into a highly disciplined, non-questioning and loyal android citizens the system needed a massive social engineering projects which the state alone was not capable of accomplishing. For this reason the centralized statist Panchayat state also needed law abiding private organizations who would be involved in activities that directly or indirectly helped the state to achieve its goal.

The democratic system that the King did away with had created a favorable political environment for the flourishing of civil society and social movements. It was during this brief democratic openness that the marginalized Tharu communities¹⁵ and Janajati communities¹⁶ formed organizations for the welfare of their community. Many private organizations involved in social welfare activities were registered during this period. These organizations were allowed to operate under tight control and supervision of the state.

The Association Registration Act promulgated in 1977 opened up ways for the individuals to legally register organizations for social service activities. These organizations though were to be supervised by the state nevertheless paved way to form organizations which became the embryo for future civil society and social movements. Most of the registered organizations were involved in community service and cultural activities. Although the Society Registration Act of the 1960s had already given legal space to private sector to be involved in development and social services, the 1977 Act made it all the more easier for private organizations involvement in such services.

The civil society during the later 60s and early 70s were involved in social and community work. Most of the leaders were high profiled individuals and intellectuals who sought to improve Nepalese society through nonpolitical social service based works. The underground political parties on the other hand believed that a meaningful social change can take place only by establishing a new type of state. They however saw civil society as an important tool to mobilize people against the regime. For this reason there were some infiltrations of party cadres in civil society.

Many civil society members had sympathy for the banned political parties but due to the authoritarian nature of the regime they could not support them

openly. Secretly however they facilitated various anti-regime activities throughout Nepal. Although majority of the civil society organizations feared the state yet there were always scores of individuals who in different occasions took great risks to protest the violation of human rights by the state. The anti-regime militancy among the civil society deepened in 1979 after a protest rally organized by the student unions in Kathmandu exploded into a nationwide agitation. The state responded with violent crackdowns but through the protest the king detected the growing dissatisfactions among the people against the system. The king called for a referendum in which the people through secret vote would be able to decide on whether to continue with the Party less Panchayat system with some reforms or opt for multiparty democracy.

The referendum was held on May 2, 1980 in which the Panchayat system won with thin majority (54.8 percent). The referendum somewhat further loosened up many of the rigid legal restriction on organizations. In 1982 the government established a ministry to manage and coordinate social work related activities throughout the country. The same year the marginalized Dalit community registered Nepal National Dalit Social Welfare Organization (NNDSWO) their first registered organization in Nepal. In 1983 Gajendra Narayan Singh, a prominent Madheshi activist, formed Nepal Sadhvawana Parisad (Nepal Goodwill Organization), a cultural organization that campaigned for greater cultural rights for Madheshis (Mathema 2011). In 1986 the activists from the Janajati community formed Nepal Sarvajatiya Adhikar Manch. For many marginalized community the 1980s created a suitable legal environment to register organizations for the welfare of their community. The Newars who had already established Nepal Bhasa Manka Khalah (The Association of Newar Speakers) in 1979 became more assertive in the decade of 80s.

The 1980s was an important period for the development of civil society in Nepal as private sectors were given more space in the development activities. The involvement of private sector became more prominent in the mid-80s as the Seventh Five Year Plan (1985-1990) considered private sectors and NGOs as important components of the plan. Additionally in 1987 the concept of mobilizing the local community for forest management was introduced. The plans and acts passed by the government throughout the 80s were favorable for the private sector and subsequently for

15 In 1951 the marginalized Tharu communities of the Tarai had formed Tharu Kalyankari Sabha (Tharu People's Welfare Association)

16 The Janajati community registered Pichadieko Bargiya Sangh (Backward Class Organization) in 1956.

the civil society.

Nepal went through some form of liberalization in the 80s but the authoritarian character of the state was left untouched. The regime continued to persecute dissents and imposed its version of the world to the people. The repressed political parties who were cynical about the reforms introduced by the State argued that the reforms were neither a move towards democracy nor could it enhance the state's toleration to the political dissents. The opposition by outlawed political parties to the regime therefore continued.

On January 18, 1990 the banned Nepali Congress Party and United Leftist Front launched protest programs against the regime. The protests despite police repression kept on growing to such an extent that the army had to be mobilized to contain the uprising. As the state led violence escalated many ordinary citizens (the civil society) began to voice their disagreement with it. Civil society's opposition to government's brutality became more visible when the doctors from different hospitals began to protest against the disproportionate use of force by the state (Chitrakar 1992 69, 82). Similarly the prominent literary figures, academics, students, teachers, and even government and corporation employees, and people from various private sectors joined the movement. Civil society demonstrated great courage by opposing the regime as their act of protest violated the laws of the authoritarian state and made them the target for state retribution.

On April 8, 1990 the king realizing the mood of the people made a royal proclamation that officially ended the Partyless Panchayat system. Ten days later the government formed by the erstwhile underground political parties promulgated a new constitution which defined Nepal as a kingdom with multiparty democracy and a constitutional monarchy. The new government adopted a free market economy model. On this one issue the socialist Nepali Congress, the communist CPN (UML) and the conservative RPP were united and their decision led to radical reforms that handed out almost many public capitals to the private commercial enterprises. The new democratic establishment as well as the economic system it adopted became a friendly ground for the growth and multiplication of the civil society that till then had faced no such scale of opportunities. The Social Welfare Act was promulgated in 1992 that gave directives to the Social Welfare Council to manage, coordinate, facilitate, monitor and supervise

activities of organizations formed for the purpose of social welfare. This act made it mandatory for all the NGOs and INGOs in Nepal to register at Social Welfare Council if they wanted to have a legal status. This was however obligatory only for those civil societies that operated as NGOs¹⁷. The organizations like workers unions, students union, teachers union, chamber of commerce and bar associations, which were important civil society organizations were not registered under Social Welfare Council but under different government departments.

The 1990s can be called a golden decade for the civil society in Nepal for the state continued passing laws that made them feel more empowered. Along with the 1992 Social Welfare Act one of the friendliest gestures shown by the state to the private sectors, civil society and NGOs in this decade was the official recognition of them as an important development partners in the Ninth Five Year Plan (1997-2002). Similarly in 1998 the Local Self-Government Act was promulgated which too named civil society and NGOs as an important component for local development and good governance.

This decade was also an important period for ethnic activism. In 1990 the eight Adivasi Janajati (Indigenous Nationalities) activist organizations merged and formed a new organization called NEFEN (Nepal Federation of Nationalities) to pressurize the state to give greater rights to them (NEFEN changed its name into NEFIN (National Federation of Indigenous Nationalities in 2003). Similarly Madheshi intellectuals from different political and social backgrounds formed an organization called Madheshi Jana Adhikar Forum (Madheshi People's Right Forum) in 1997 to promote Madheshi issues. Both NEFIN and Madheshi Jana Adhikar Forum were ethnic organizations that were registered as NGOs and functioned as civil society to create pressure on the state.

The encouraging conditions that were created in 1970s and 80s for civil society began to wane in the late 1990s along with democratic environment which had sustained it. The crumbling of the democratic institutions during that period can be attributed to the internal and external factors. One of the major internal factors was the commercialization of the parastatal organizations during the early 1990s. To make matters worse most of the major political parties who were left leaning adopted policy to promote privatization and market economy. This removed the illusion of

17 The term civil society in Nepal is often thought to represent just the NGOs. The concept includes a large number of people and organizations that are spread across different sectors. NGOs are ought to be understood only as a part of civil society.

choice that people thought they had when choosing between different ideologies based political parties. The distinctions between different political parties further leveled downed as their leaders began to tolerate rampant corruptions.

The external cause for the weakening of democracy was the escalating Maoist insurrection which had evolved by then from the petty armed movement of 1996 into a powerful insurgency. As the clashes between the state security forces and the rebels increased so did the violence against the civilian population. By 2001 the atrocities that the warring sides were inflicting upon each other began to spill over on ordinary people. Situation further worsened in 2002 after the ceremonial monarch broke the constitution by deposing a democratically elected prime minister. After this monarchical intrusion the civil space in the government controlled areas began to resemble the ones in the highly dissent phobic Maoist zones. The final nail to the coffin in the democratic state came in 2005 after the king orchestrated a bloodless coup d'état.

From the beginning of the Maoist insurgency many intellectuals had left their comfortable space and took a great personal risk to criticize the human rights violation committed by the Maoists as well as the state security forces. Many such people became victims to tortures and executions from both warring sides. In this situation a new brand of civil society arose in Nepal who were neither harmed by the state nor targeted by the rebels. These were the NGO based civil societies who were affiliated to powerful international organizations and were heavily financed by international donors. By the time the king overthrew the democratic system in 2005 these NGO based civil societies had paled into insignificance almost all indigenously grown organizations. The special privilege enjoyed by them did make them the most visible but not necessarily the most trusted civil society organizations in Nepal. People appreciated the fact that many NGOs were talking in favor of their rights but they also knew that these NGOs were least willing to risk themselves fighting for their rights. The type of leaders that people were looking for began to emerge during the 2006 people's movement but they too were eclipsed by NGOs who had both the resources and the network.

Following the royal coup, the Seven Party Alliance, the alliance of seven major democratic political parties of Nepal, and the erstwhile underground CPN- Maoist party signed a 12-point agreement on November 2005 to overthrow the royal regime. In April 2006, Jana Andolan II (People's Movement II) was launched by the SPA, strongly supported by the Maoists and civil society. This movement was able to overthrow the king's regime and revive the suspended parliament. On May 28, 2006,

the revived parliament, along with curtailing the king's power also declared Nepal as a secular state. Hindu civil society organizations in the Tarai protested but their voices were too feeble to be noticed by the SPA.

On November 2006 the government and the Maoist signed Comprehensive Peace Accord which formally ended the ten years of Maoist insurgency. On January 2007 the Maoist leaders joined the temporarily revived parliament. As per the peace agreement the Maoists joined the interim government on April 2007. The Maoist emerged as the largest party after 2008 election to the Constituent Assembly. On May 2008 Nepal was declared as a republic which was one of the major demands of the rebels.

It should however be noted that the ten years of armed conflict in Nepal was not just the confrontation between the Maoist insurgents and the state of Nepal. This was also a battle between two ideologies. The Maoist had propounded an alternative program to reshape the political, cultural and economic system of Nepal. This alternative program of theirs posed a major threat to the existing system and was therefore viciously resisted by the state, political parties and the civil society groups. Notwithstanding the end of armed conflict in November 2006 but the ideological conflict initiated by the insurgency continued though not necessarily through the Maoist party itself. The civil society in Nepal has been deeply impacted by this war of ideas.

The alternative programs of the Maoists stood on three major pillars: (i) political, (ii) cultural, and (iii) economic. Their political program sought to replace the multiparty democracy with a one party communist state. This idea faced enormous criticism from civil society groups in Nepal who found their desire to construct a totalitarian state unacceptable. Even those intellectuals who had sympathy for the cultural and economic programs of the Maoist found their political doctrine rather embarrassing. This infatuation for totalitarian system was later identified by the Maoist leadership as the single biggest hindrance for them to be accepted as legitimate party. For this reason when they signed the CPA in 2006 they publically renounced their goal of establish a one party totalitarian state.

The cultural programs of the Maoists were based on attracting marginalized and oppressed communities. During the insurgency the Maoists launched various propagation programs among women, Dalits, AdivasiJanajatis, religious minorities and Madheshis. Their most successful programs however ever were with AdivashiJanajati and Madheshi communities to whom they promised not just cultural reform but also ethnic and regional autonomy. The Maoist's calculation had been that the militarily strong state could be defeated

only by turning as many people against it as possible. They were confident that once the state crumbled and they would take over they would easily contain these ethnic forces.¹⁸ In 2005 when Jaya Krishna Goit a power Madheshi leader left the CPN Maoist party to form his own secessionist group the Maoist began to realize that the policy they were adopting could spiral AdhivasiJanajati and Madheshis fronts out of their control. The clashes in 2007 between the Maoists and MJE, an erstwhile Madheshi NGO claimed the lives of almost 30 Maoist cadres. Although such events cautioned the Maoists about handling the sensitive issue of ethnic identity, the ethnic movement they initiated has now gone way beyond their control. There are now many ethnic political parties and civil societies active in various parties of Nepal.

During the peak of the insurgency the most radical ethnic organizations in Nepal were the ethnic fronts of the Maoists. After the CPA however the Maoists began to tame the ethnic radicalization among these fronts. This process of lowering the ideological temperament of their cadres could not continue steadily due to the danger of losing the ethnic issues and votes to other non-Maoist ethnic organizations that had begun to spout after 2006. The seed of the ethnic radicalization sowed by the Maoist during their underground period began to take life of its own in by the mid-2000. By 2007 the ethnic identity based politics in Nepal grew so exponentially that the Maoists no longer remained the only party to control its radical agenda.

The third pillar of the Maoist program was their plans for economic reforms. Their proposal for economic reforms had once attracted many intellectuals not because it was a novel or creative proposal but because it was the only one in Nepal that had initiated a debate to replace the so called free market economy with a new

type of system that could promote social justice. This infatuation with their economic programs however ended in 2006 after the Maoist began to embrace the neoliberal policies and gave up their search for an economic alternative.¹⁹ The jilting of these intellectuals by the Maoists has come as a blessing in disguise for them because it has delinked their quest for social justice from the parties that has a violent history. The responsibility for searching for an alternative economic system now lies on the shoulder of the intellectuals and civil society leaders who find the present economic system unjust favoring a few at the cost many.

MULTIPLE PERSONALITY DISORDER: MANY FACES OF CIVIL SOCIETY IN NEPAL

Influence of civil society movement in Nepal far surpasses the size of their supporters and its ethos and perspectives have reached deep into the various sectors of society. The ability of the civil society organizations to influence the government of Nepal and the international communities on the issue of Nepal is undeniable. Whether their role in Nepal has benefited the country or not is determined by various instruments of measurement one adopts to evaluate their activities.

CONFLICT RESOLUTION

Many civil society groups pride themselves for their conflict mediation role during the ten years of Nepal's conflict. One may however argue that just dealing with the conflict in face value and bringing the warring parties in the dialogue may end one particular conflict but not the seed of it. The seed of conflict is the

18 Saubhagya Shah had warned way back in 2004 that after 'the Maoists attain their political goals and seek to demobilize, the ethnic genie, raised on ambitions of secession and separate statehood, may not wish to go back into the bottle so quietly: ethnic chauvinism has a tendency to take on life of its own' (Shah 2004:220). He further warned that unlike Mao and Stalin, 'the Nepali Maoists would not have the wherewithal to contain the ethnic firestorm they had ignited' (Shah 2004:220).

19 The rightward shift of the Maoist party started immediately after the peace process. In 2006 BBC reported that 'Ironically, Prachanda said Mao Tsung's model for a people's republic could not fulfil modern needs and criticised Stalin for not allowing competition in society. He even said profit-making by capitalists could aid development' (Haviland 2006). The shift became more publicized after they became the largest party in the 2008 elections. The Times of India reported that 'Prachanda, who said last week that he would lead the next government in Nepal, urged the FNCCI delegation not to misunderstand the Maoists economic policies. The new government's priority will be to bring about "economic revolution" by promoting capitalism, Prachanda said speaking during an interaction with the business community last week' (The Times of India 2008). Similarly in 2013 it was reported that 'In a major policy shift, Nepal's ruling Maoists will adopt a new path to socialism through capitalism...."We will follow 'the path of capitalism' to achieve communism instead of pursuing 'New Democracy' as propounded by chairman Mao Zedong," said Narayan Kaji Shrestha, vice chairman of UCPN-Maoist and Deputy Prime Minister... "We need to maintain the communist spirit, but programmes should be social-democratic so that we can achieve socialism through capitalism," the Maoist vice-chairman said' (The Economic Times. 2013). In August 23, 2012 the Maoist chairman Prachanda was quoted as saying 'In the changed political context of the country, the production brigade has been announced as part of our party's strategy to complete the works of capitalist people's revolution and to lay the foundation for socialist revolution' (Sharma and Sharma 2013).

economic injustice and inequality inherent in Nepali society and yet almost all the conflict mediation led by CSOs has managed to push this issue to the periphery. The new CSOs who want to address the very root of political and ethnic conflict may have to move deeper into the social structure of the Nepalese and identify social and economic injustices in the society. Injustice would be an extremely important issue that would help to differentiate between the CSOs who seek to use the movement to maintain the status quo and those who want to bring economic justice.

FOREIGN PROXY OR SOVEREIGN

There exists a wide variety of civil society movements in Nepal. They can be however broadly classified into two major types - CSOs supported by the donors and those who do not enjoy any donor support. In terms of influence the civil society movement that are independent from donor funding are no match for the ones that are funded by donors because not only they do not receive financial and technical support from international donor organizations they also do not have easy access to international forums. The donor backed CSOs have no problem in carrying out surveys or research, conducting seminars and holding meetings with political actors and hosting press conferences. For the local CSOs all these become difficult due to resource and management constraints. The result of this disparity has been the clout that donor backed CSOs enjoy at the cost of homegrown organic ones.

There are quite a few Nepalese intellectuals who due to their distaste for the politics of international donors have grown very suspicious of civil society movement in Nepal. Some of them even go to the extent of criticizing the Nepalese Civil Society movement for being an instrument of foreign donors in their move to interfere and intervene in the domestic affairs of Nepal. Most of their arguments however are based on weak conspiracy theories which cannot be substantiated by evidence nor backed by sound arguments. The use of fallacious arguments have discredited not only the conspiracy theorists but also harmed the very few genuine critiques of CSOs.

ARE THEY ELITISTS

One of the often asked questions of major CSOs in Nepal is who they truly represent – the elites or the common people. Although we cannot support the argument made by some people that most CSOs represent the elites, there is a grain of truth in their assertion. When CSOs rose up against the king in

2006 they did so not only because the system the king introduced was unfavorable to the people but because it was so for the elites. It was because of this reason the many organizations that called themselves civil society came out on the streets to protest the king's actions. After 2006 majority of these organizations however failed to fight or even speak about the issues that adversely affect the lives of the people. Critics often question CSOs' silence on issues such as cartel system that operate in Nepal and which has forced majority of the Nepalese to accept a highly exploitative price on essential commodities and services. Most of these cartels are illegally organized union of goons that are controlled by big business houses or have links with some powerful leaders of political parties. The activities of the cartels harm ordinary people but the major CSOs are least concerned about it because it does not harm the elites as much as they do the common mass.

The elitist character of the CSOs can also be seen in the sheer indifference they have shown to the worsening condition of public systems in the country – public schools, public hospitals and public transportation. Such apathetic silence can be attributed to the fact that most of the prominent CSO leaders are least affected by the deteriorating condition of public services since they mostly use private facilities. They send their children to private schools, use private vehicles for transportation or use private clinics and hospitals for medical services. Most of the most expensive schools and hospitals are owned by business elites whom the CSOs can't afford to offend by speaking too much in favor of strengthening the public system. The widening gap in quality between the private and public schools should be a matter of concern for all Nepali intellectuals as it is further stratifying the already stratified Nepali society and widening the gap between the rich and the poor but this do not seem to concern the Nepali CSOs as such.

Realizing that the majority of the major CSOs in Nepal represent the interest of the tiny elites rather than that of the common people, many find political parties as a more reliable support for them. Although the resurgence of popularity of the political parties among people can be seen as a very positive development for democracy, their strategy to withdraw their interest from civil society cannot be taken as a welcome move. Civil society is not an organization or a group of organizations. It is rather an important democratic space to influence the national mood. Individuals and organizations who represent the majority of the population instead of withdrawing from this space should enter it in large numbers so that they can shift the mood of the nation to their side.

SHOULD IT BE POLITICAL

Leading civil society organizations have been able to make at times various courageous attacks against the government and major political parties. Their roles of speaking to power have given psychological relief to people who were bottling up against countless arrogant and reckless acts of the government and political parties. At times these organizations vent out anger at the government's inaction to curb corruptions, nepotism, politicization of academia and parastatal organizations, criminalization of youth wings of political parties and bring justice for the victim of human right abuses. Sometimes however this attack on the government and political parties go to the extreme with some people decrying all that has to do with the government and political parties and applauding everything that is nonpolitical and private.

People who belongs to this school of thought which favors free market, decreasing role of the government appear apolitical but in fact they are knowingly or unknowingly the follower of right leaning ideology called right-libertarianism. This ideology has been able to win support from a large number of business people, media houses, technocrats, professionals, NGO empires and middle class youths. They all feel that their right wing views are in fact apolitical. This has led to a rise of a powerful civil society that treats and propagates that anything related to the government and political parties as bad and anything to do with private sector and commerce as good.

A large numbers of CSOs who adhere to the spuriously defined apolitical views of the right-libertarian ideology have been interpreting every major event in Nepal through their jaundiced lenses which hold political parties and government responsible for all ills that Nepal suffers from. Many of them boastfully publicize that they are apolitical organizations with no links to political parties, indirectly hinting that they are morally unblemished because they affiliate themselves to no political ideologies or political parties. Many of the social network sites and media support such disclosure by stating that keeping politics and political party away from the organizations make them look "good". If civil society is to be a truly representative of the majority of the Nepalese it is important that it intellectually deconstructs this so called apolitical philosophy.

The most serious mistake that the right-libertarian CSOs make is that they see politics in its entirety as bad and corrupt but fail to see the limitation of free market economy in a country like Nepal. The civil society seeking to bring improvement in the lives of the majority would identify ways to push the state to

pursue more interventionist policy in social sectors (even if it means giving bigger role for the state) and encourage private sectors in economic sectors with the state playing the role of a guardian or mentor.

HOW HEALTHY IS STATE-CIVIL SOCIETY DICHOTOMY

Most of the discourses on civil society in Nepal have been based on the state vs. civil society dichotomy. Those CSOs who want to struggle for the people must change from state vs. civil society dichotomy to the social justice vs. injustice. Instead of attacking the democratic state and bullying it into giving in to all sorts of populist demand, the civil society must see state as partner they need to strengthen. It is true that a civil society can pressurize the state for various positive reforms in society but if their aim is to bring about betterment in the lives of the common people then they need the support of political power that is vested in the state.

Many CSOs who claim to work in order to bring social justice are mostly focused on improving the cultural, legal or political rights of the people. While one must appreciate the efforts they are making, it is advisable for them not to leave the economic issues that keep a great majority of the people in Nepal poor and deprived. CSOs and political parties in Nepal deserve much appreciation in playing positive role in the democratizing the country. It is clear that this democratization would stand on a weak foundation if the issue of economic justice is left out. The concept of social justice would be missing its very kernel if economic justice is not included in the programs related to it.

The program of economic justice is based on redistribution of wealth and a planned structural change in the ownership and control of Nepal's economic resources. The civil society without the support of political parties and the state would not be able to bring such change. Such economic change can be achieved only if the democratic state, political parties and civil society work in unison. It is therefore important that the civil society treats political parties and the state not as an enemy but as an imperative political instrument that needs to be ideologically influenced and win over.

THE TASKS OF CIVIL SOCIETY IN NEPAL

The civil society movement that presently exists in Nepal is in need of urgent change. Refusing to accept or even understand the demand for change makes civil

society prone to the influences of the forces that seek to fuse it with the interest of the elites. The most essential change it needs to make is to identify some of the tasks it needs to fulfill if it wants to remove the difference between what it is and what it should be. These tasks are listed below.

SOLIDARITY

Civil society needs to support all social and political movements that work for full equality of women, LGBT, socially marginalized communities and economically marginalized people in all domains of life and all spheres of society. They however need to communicate clearly to these movements that the marginalization, discrimination, oppression, and misery of the people they seek to emancipate cannot take root in the absence of tangible economic reform.

Civil society played in 1960, 1975, 1980, 1990 and 2006 an important role in fighting to establish people's freedom of speech, freedom of religion, right to dissent, and freedom of conscience. There is no doubt that any organizations and movements in Nepal that fight to defend these rights need to have solidarity and support of the country's civil society.

INSTILLING COURAGE

In this age of globalization it would be rather naive to argue that the civil society organizations in Nepal are free from any influences from international donor organizations. Nepali intellectuals like Saurab and Saubhagya Shah have provided very convincing arguments and correlated events that show that various prominent civil society organizations are acting as a proxy of organizations that are based outside Nepal. In order to win back the trust of Nepalese people, the influential civil society organizations need to show courage through their action and statements to indicate that they are activists due to their own conscience and convictions and not because they are being paid to do so. Such actions may cost the leaders of these movements their personal privileges and positions but they will help bring back the confidence of people on the Civil Society movement.

Participating in the movement launched against the regime during Panchayat eragave people a sense of satisfaction as they felt that they were doing something brave by opposing the powerful and autocratic system. Joining civil society movement during those times guaranteed unpredictability to people which made their activism adventurous. Civil society activism

today however seen rather as an opportunity to build network with national and global elites so as to push forward their values. This movement does not seek to question, let alone challenge the values of the national and international elites and it is for this reason that common people in Nepal do not view civil society as mover of society.

The sense of adventure can be brought back into the civil society movement in Nepal if we can make it work to address the issue of economic injustice prevalent in Nepali society. The issue such as land reform, strengthening of public education system and making health accessible to the poor and rural people will attract the right type of people to the Civil Society not only because it provides them with a sense of adventure but also because it would appeal to their sense of morality. Civil society movement can either be a consent builder for the elites by remaining indifferent to the suffering of the majority of the people of Nepal or it can become a true agent of socioeconomic change.

PROTECTION OF NATIONAL INTEREST

Civil society can be instrumental in preserving the national interest of the people of Nepal. Even when the government is inclined to make compromises on certain vital issues due to internal or external pressure, it is the Civil Society which can stop the government from making such a move. This however is possible only when the people are sufficiently awakened to rise up against the state on important issues concerning the national sovereignty and integrity. Nepal's recent history is filled with examples when Civil Society leaders have taken stance against the decision of the state and even forced it to change its course of action on the pressure of the people. During the Madheshi Uprising (2007) the Madheshi members of the parliament and ministers protested against the government's move to forcefully suppress the uprising. During the anti-ethnic federalism movement (Akhanda Sudhur Paschim Andolan (Undivided Far west region movement) (2012)) and Adivasi-Janajati movement (2012). In far west the Maoist leaders who elected from those constituencies had to speak against the ethnic federalism even through their party was the only non Madheshi party at that time to support it. Similarly during the Adivashi-Janajati movement (2012) the Adivasi-Janajati leaders of Nepali Congress, and UML from the Adivasi-Janajati majority constituencies supported the demands of the movement despite their respective parties being against it. In all three cases the members of the political parties had to go against the idea of their own party decisions because the people in their respective constituencies were fully

aware of the issues at hand and created pressure on their political leaders. If the people are made aware by Civil Society of different issues which jeopardize our national interest then the Nepali state will have to measure the national mood before making any decision that might adversely affect our national interest.

We expect the state to continue to play the role of the custodian of national interest and sovereignty. We however also hope the people to be made fully aware on the matter of sovereignty and national interest and be a watch dog should the government fail in its duty. National interest should not be the worry only of the people who run the country it should be the concern of all citizens. A national interest that is protected by a single state authority could be easily endangered by economically and politically powerful forces. A decentralized movement in favour of national interest however will be difficult to put down. A multiple and autonomous pressure groups that function differently to defend national interest will be more powerful in protecting it than a single state or single organization that is prone to various influences.

LAND REFORM

Of 30 million Nepalese 6.7 million face 'poverty incidence' (CBS 2011; United Nations Country Team Nepal 2012:23). Most of them live in rural areas. If land reform and land redistribution can be implemented then it will redistribute agriculture based economic resources to millions of landless farmers. This would reduce the potentiality of future conflict and would give them an opportunity to earn a decent living with dignity. This idea however is dangerous as it would come in conflict with the interest of many elites who stand to lose from land reform is. Any civil society movement which takes up this issue would be taking up a lot of risk but at the same time addressing one of the crucial issues confronting the wellbeing of a great majority of Nepalese.

PUBLIC EDUCATION AND HEALTH

One of the major responsibilities of civil society leaders would be to counter the argument put forward by many right leaning intellectuals and international civil servants that the days of socialism is over and that economic development is possible only by leaving everything to market. There is a growing trend in Nepal and many third world countries to make state withdraw from its earlier commitment to public health and public education. Schooling and health services in Nepal have become very expensive thanks to government's decision

to let private sector play increasing role in these sectors. Neglect of public education is also creating further stratification in already over stratified Nepalese society by producing two types of citizens, one coming from public system and other graduating from private schools. If the present system continues it is likely that it will adversely affect our social cohesion'.

Education is the most reliable instrument through which the economically poor and socially oppressed can climb out from the state of poverty, dependency and exploitation. If this instrument is commercialized then it becomes a tool only for those who can afford it thus denying any opportunity for the most needy. The excessive commercialization of education also denies majority of the Nepalese of education opportunities which in the long run damages the human capacity of Nepal to compete in the international market.

DE-ESCALATION OF ETHNIC POLARIZATION

Since the 2007 Madheshi ethnic uprising the most important debate in Nepali society have been centered around federalism. Nepal was declared as a federal country but Nepali society is still divided about what kind of federalism Nepal is to adopt. Among various models of federalism the most demanded and the most resisted are the models that want to give ethnic names to the future federal provinces. Those who demand such names claim that it would be a positive force to change the country's ethnic status quo and end ethnic inequality. Those who oppose it argue that such division of Nepal into provinces with ethnic names would lead to partisan based on ethnicity at the cost of national unity.

This debate have become so sensitive that those who oppose this proposal are accused of being anti Adhivasi Janajati and anti Madheshis and those so who support it are alleged as an anti Bahun and anti Chetri person. This debate have polarized Nepalese society and created an ideological stalemate. The major political parties and CSOs also are either divided between these two camps or have managed to remain neutral with some degree of equivocation. In such sensitive situation the civil society should be able to provide an alternative view on the issue so that the ethnic polarization in Nepal can be relaxed and reduced.

It is here the civil society can play an important in the in improving the relationship between the two edges of ethnic politics by being involved in four types of activities. First, they should act as a medium to make the both sides accept that ethnic and caste

marginalization and oppressions had existed in Nepal. Secondly, they need to try to convince both sides that the discriminatory and oppressive acts of the past states should not be used as a pretext to build philosophy that believes in delivering collective punishment to the entire community. Thirdly, they should try to make both sides agree to wash the sins of ethnic marginalization and oppression by working together so that the present stigma of that disgraceful past becomes a bad history and not a cause for present ethnic and cultural animosity. Finally, the civil society should initiate a dialogue with both sides of the spectrum on the issue of economic justice and how it is related with their identity politics. It is related with their politics because the identity politics that both sides are solidifying would strengthen their ethnic and cultural communities in Nepal but would at the same time divide the working class, peasants and the poor on the basis of their ethnicity and culture. The emancipation of these working class, peasants and economically poor Nepalese is possible only through a radical change in the economic system which is possible only if they stand in solidarity with all the working class, peasants and poor people in Nepal. If landless peasants think of their ethnicity first and class later then their fight for economic justice would be fragmented and weak. How would a working class or a peasant benefit from identity politics if the economic changes are not made. In addition, if economic changes are to be made then it must be fought for because those with privileges would not give it simply because someone is demanding it. This fight can only be successful if the underprivileged are united. People of different cultural groups should come together for the economic justice. The civil society must unite all Nepalese through class and economic justice based issues. It is the responsibility of the civil society to develop a comprehensive program for economic justice so that the ethnic and other issues could be solved in a peaceful and productive manner.

CONCLUSION

The civil society in Nepal is an important space that had in the past worked under difficult and hostile conditions and yet managed to side with the forces that fought for democracy and human rights. After 1990s this social arena came to be dominated by influential intellectuals and powerful organizations that represented the interest of socioeconomic elites. The clash of ideas between elitist civil society who sees liberal democracy and free market as the way to development and prosperity and the ones that emphasize that the growing division between the rich and poor are unacceptable is a battle that is increasingly turning in favor of the former. The elitists are slowly

and successfully replacing the ideas that seek human unity through the socioeconomic justice with the ones that see the socioeconomic inequality in society as unfortunate but unchangeable. The civil society that stands for social and economic justice must assert itself to propose to the State a better model of development that balance the benefit of market economy with the definite role of the state in some sectors of the economy.

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Local Governance and Democratization in Nepal

Mukti Rijal, Ph.D

1. MEANING OF LOCAL GOVERNANCE

Local government refers to specific institutions or entities created by national constitutions, by state constitutions, by ordinary legislation of a higher level of central government, by principal or state legislation, or by executive order to deliver a range of specified services to a relatively small geographically delineated area. But local governance is a broader concept and is defined as the formulation and execution of collective action at the local level. Thus, it encompasses the direct and indirect roles of formal institutions of local government and government hierarchies, as well as the roles of informal norms, networks, community organizations, and framework for citizen-citizen and citizen –state interactions, collective decision making, and delivery of local public services.

Local governance, therefore includes the diverse objectives of vibrant living, working and environmentally preserved self – governing communities. Good local governance is not just about providing a range of local services but also about preserving the life and liberty of residents, creating space for democratic participation and civic dialogue, supporting market-led and environmentally sustainable local development and facilitating outcomes that enrich the quality of life of residents (Shah:2006)

Needless to say, the concept of local governance is as old as the history of humanity. Local self rule is the oldest form of public rule in the history of humanity. Rural settlements, villages and even nomadic peoples found forms to organize their community life. These can be understood as forms of local or communal self-rule. There is a wide variety of types from the role of a traditional leader in an African village to an Indian Panchayat a classical Greek polis in ancient times

(which many consider as the cradle of democracy, and the management of a modern mega-city with more inhabitants than some medium -sized nations. Most local bodies are multi-purpose municipalities, while others have a specific task (eg. school districts). But what they all have in common is responsibilities for the most immediate needs of their citizens without any other body between them and the individual. As soon as modern statehood developed, local government as the organizational form of self-rule came into prominence. Local self-government at least as an idea-is universally accepted. Only city states like Singapore or Monaco are possible exceptions (Kincard and Chattopadhyaya: 2008:10). Only recently has it entered the broad discourse in the academic and practice literature. Globalization and the information revolution are forcing a reexamination of citizen-state relations and roles and the relationships of various orders of government with entities beyond government and thereby an enhanced focus on local governance. The institution of local self government is essentially meant for enriching the practice of democracy. It does so in many ways. First, it expands the scope of social and political participation, which in turn makes the system relatively more accessible to the people, more particularly the marginalized sections of society. Second, it makes the system more accountable, responsive and transparent. This happens largely by virtue of its location, as it is closest to the people, and therefore functions under the watchful eyes of its electorate. Third, it ensures efficient delivery of goods and services to the people, especially in the field of primary education, health care and local infrastructures, and facilities the judicious use and consecration of natural resources (such as water and forest resources), as well as the timely procurement and supply of food items through ration shops. Fourth, it enables people to articulate their felt needs and demand as that they be addressed, thereby focusing political attention on such issues, and in addition, helps

channelize peoples, demands to the higher authorities. Fifth, it offers a forum to people and also guarantees the free exchange of opinion and views, thereby leading to debate and discussion in order to fix their priorities in the social and economic spheres, sixth it gives an opportunity to ordinary citizens to learn how to operate in the public domain and practice the art of collective decision making without resorting to intimidation and violence. Finally it functions as a nursery for upcoming leadership, which eventually nurtures and prepares leaders for higher-level institutions (Dreze and Sen 2002, Sen 1999). In a nutshell, it impacts the day to day life of common people by ensuring more democracy at the local level. This in turn enables people to question their own behaviour and thinking, and ultimately transforms individuals into public spirited citizens. Taken together, all these accentuate the process of democratization at the local level.

2. THE CONTEXT OF NEPAL

Unlike many other contexts, Nepal has started this discourse in the true sense of the term not very long back. The country did embark upon the process of democratic innovation and modernization with change of 1950. The century long Rana family autocracy was overthrown ushering in a new era of development. Following this change of 1950s, the orientation of government started to change. The bias of the state started to incline from repression and authoritarian coercion to development and delivery of services to the people. But it was very nominal and negligible till the late Eighties (Rijal:2013).

The launching of the programs like the Tribhuvan Village Development Program during the Fifties had marked the beginning of rural development. However, it relied mainly on mobilization of contribution both in cash and kinds from the rural populace. The Royal takeover following an interregnum of unsuccessful experimentation of multi-party democracy for a decade in 1960 started a phase of guided or basic democracy in Nepal which was labeled as the party-less Panchayat democracy. The structures of local bodies from village to district were laid out through a legal framework created allegedly for entrenching the ideology of party-less Panchayat polity at the grassroots. The mobilization of the people was emphasized for technical areas of development and delivery of services. Despite this, the Decentralization Act and the Rules (1984) enacted during the latter days of the party-less regime envisaged some effective provision for creating an unified and integrated local planning process.

(Shrestha: 1999). However, the state curbs on political pluralism compounded by the denial of the civil and political rights led to delegitimization and destruction of the party-less polity. It can be said that the curbs on political liberty, fundamental civic freedoms and political agency of the citizens were among the reasons to cause the collapse of the authoritarian panchayat polity. As a centralized monocratic system, Panchayati decentralization approximated a curious mix of restrained deconcentration and delegation, for, its political economy upheld parastatal, mixed and selectively protectionist character prescribing some and proscribing others in the realm of political, economic and administrative participation. In the process, this mix empowered the elite specializing in power game rather than the people (Dahal:1996). The mass movement of 1990 was not a sudden upsurge. It was the outcome of a number of important events. There was a favourable environment for such a movement both externally and internally. The international situation had changed in favour of democratic movement around the world (Khanal:2002).

The democratic upsurge of 1990 toppled the party-less polity and introduced multi-party democracy in the country. This democratic change was instituted through the constitution of the Kingdom of Nepal promulgated in 1990. The constitution was, however, less explicit on the institutional framework of decentralization and local governance. It had enshrined two provisions which could be directly or indirectly attributed to local governance and participation. The constitutional provision enshrined in the Article 25(4) relating to participation and decentralization was framed under the directive principles of the state policy. This had rather a persuasive than the mandatory value. Another provision envisaged in Article 46 was associated with the creation of electorate for fifteen members that was 25% of total members of the Upper House of the national parliament which was named as the National Council (Rastriya Sabha). The provision envisages that the electorate for the one-fourth members of the Upper House of the Parliament shall consist of elected chiefs of village, municipal bodies and members of district bodies. Hence, creation of elected local bodies at these levels indirectly derived legitimacy from this constitutional provision. But absence of specific constitutional provision and mandate guaranteeing security of existence for local bodies was its major drawback. As a result, when the ground situation was not congenial for election and the local self governance act had left enough scope to extend, the tenure of local bodies, the government chose not to extend in mid its tenure by 2002 and allowed them to

get dissolved to the detriment of local democracy and development. The elections to the local bodies-VDCs, municipalities and DDCs- has not been held for about fifteen years. As a consequence, local institutions have become totally defunct and dysfunctional. It was termed as a lapse of the constitution makers who failed to incorporate the provision with regard to local government in the constitution to guarantee their security of existence no matter political instability at the national level (IGD: 2005).

3. LSGA PROVISIONS

In this context mention must be made of the enactment of the local self governance act (LSGA) in 1999 and its supplementary rules and regulations. The Act constitutes an important milestone in democratization of local government institutions based on pluralism and multi-party competition. It recognizes the local bodies –VDCs, municipalities and DDCs- as the institutions for self governance and endows them with an exhaustive list of functions and mandates. Moreover, the act can be credited for institutionalizing bottom up development planning strategy and process. It requires the local bodies to formulate the evidence based perspective plans for the overall progress and development within one's own geographical and functional jurisdictions (Rijal:2013).

The LSGA has such features as the local revenue assignment, separation of power between the deliberative and executive organ of the local government, provision for representation of women and disadvantaged groups in deliberative and executive organs of the local bodies, recognition to the associations of local bodies and civil society as stakeholders in the process of local governance and development. Moreover, the concept of participatory justice through mediation can be counted as some of the major institutional contributions of LSGA.

However, one of the very important features of LSGA has been the space it provides for collectives and citizen groups to organize, operate and engage with the local institutions. And growth and proliferation of non-state associations and civic groups at the local level should be attributed to its enabling provisions. It is important to note that citizen initiatives to organize and demand accountability and responsiveness of public institutions are not independent and exclusive of the political system. In other words, democracy requires as precondition a space where various groups-the women, the disadvantaged and discriminated groups- to permit them to express their ideas about how society and politics should be organized, where they can articulate both the content and the boundaries of what is desirable in a democratic society. In fostering civic initiatives and

lending impetus to their activities, LSGA framework is not definitely sufficient but it has opened up some space for local democracy and citizen participation. This space should be claimed and used effectively to engage with governance and quasi governance institutions for strengthening values of self-governance, participation and good governance. This calls for an enhanced democratic capacity and competence of the citizens as well (IGD:2009). However, the underfunded mandates, an absence of concrete implementation strategy, weak institutional mechanism for coordination and conflict resolution, uncoordinated and overlapping flow of resources through conflicting channels and mechanism to the local level, weak civic competence for participation, vigilance and deliberation and on top of that the non existence of the elected representatives in the local bodies for ensuring accountable relationships have undermined and jeopardized these institutional provisions provided in LSGA. The contemporary local governance situation is better captured in the Local Governance and Community Development Programme (LGCDP) Document (2008). The document mentions that the absence of elected representatives, since 2002, in the local bodies has created leadership vacuum and affected the local government system over the last decade in the country. Violent conflict resulted in the demobilization of the vast majority of VDCs and narrowed down the development space within which DDCs could operate. In some of the VDCs the VDC secretary is still providing services from outside the VDC. This has greatly constrained the scope for interaction between the local government and the communities, and as a consequence there has been a supporting vacuum resulting in a low level of participation by local people in development activities(GON: 2008). Without further elaboration, the adverse effects of the absence of the elected local government have been noted as follows:

- I. Widening of Democratic deficits/accountability gaps
- II. Weakening of the rule based formal procedures
- III. Informalization of legal rational system
- IV. Undermining political and social citizenship
- V. Growing fiduciary risks

4. INTERIM CONSTITUTION 2007

The ten year long armed conflict mounted by the Maoists labeled as the protracted people's war came to a halt in 2006. It paved the way for comprehensive peace accord and promulgation of the interim constitution. The Interim constitution in its third amendment declared Nepal as federal democratic republic. The constitution has recognized the local bodies as entities of the basic law of the land and envisions them as the autonomous self-governing institutions. To be precise, the interim constitution has enshrined the provisions in regard to local governance as mentioned below:

- 1.0 The political vacuum at the local level shall be ended and the Interim local bodies will be installed as per consensus made by the political parties at district, village and municipality level
- 2.0 Roles and responsibilities of the local bodies will be clearly mandated to make them more accountable in planning and implementation of the local level services including revenue mobilization and allocation. In this regard, local bodies shall accord priority to uplift the socially and economically backward classes and communities.
- 3.0 Judicious and balanced approach will be taken in resource mobilization, allocation and equitable distribution of resources and development outcomes.
- 4.0 Congenial and supportive environment will be created to enhance people's participation at the grassroots. Moreover, self reliant institutional mechanism will be created to provide services to the people at the local level.

The constitutional stipulation in regard to building of the interim local governance institutions through political consensus could not be implemented and the proposals initiated from one political quarters were spurned and rejected by the others. However, the recognition given to local bodies in the constitutional framework establishes a positive precedent for the prospective constitution writing exercises. In this context legal enactments like Right to Information Act and Governance (Management and Operation) Guideline 2008, Gender Equity and Social Inclusion (GESI) Policy and so on can be listed as some of the key enabling legal instruments for accountability, transparency and citizen participation, inclusion and engagement at decision making process. However, implementation and enforcement of these legal instruments is far from desired. Moreover, the civic structures like Ward Citizens Forum and citizen awareness centres are some of the created at the local level to systematize local development planning process and citizen participation though they are yet to be strengthened in institutional and functional terms.

5. CONSTITUTIONALIZING LOCAL GOVERNANCE

In line with the provision of the interim constitution, elections for the constituent assembly was held in 2008 and 601 member constituent assembly was formed. The 2008 CA was the first of its kind for Nepal. It was truly historic, given the context of an war torn nation that was not only able to bring the fighting guerrillas into mainstream politics but also dethrone the century old monarchy paving way for a republican Nepal. No other means and methodology than the constitution assembly

elected by the adult Nepali citizens could be appropriate to frame the constitution in resolving conflicts, reorganizing the state and devising suitable model of participatory democratic governance for the country. Of the ten thematic committees, the panel relating to the reorganization of the state worked out various proposals in crafting the modality of the power sharing among the tiers of the government under federalism. From the perspective of multilevel governance in a federal structure local governments are seen as an important sphere of governance. Local governments provide foundation for strengthening local democracy and bringing state closer to the people. Local government, in other words, is educative in perhaps at higher degree than any other tier of the government. And it must be understood that there is no other way of bringing the mass of citizens into intimate contact with the persons responsible for decisions. (Laski : 2007).

The most obvious and frequently cited advantage of local governance is that it is the only strategy that addresses the issue of exclusion or subordination of mobilized minority or sub national groups. It does so by offering some possibility of autonomous sphere of political power within which diversity can flourish and the premium put on central power can be reduced. Needless to say, the constituent assembly could not deliver the constitution even as it pretended to work for about four years due to the incessant bickering among the political parties. The issues appertained to state restructuring and federalism had been at the centre of controversy. And the parties were divided over the basis and criteria of the delimitation of the provinces or federating units. A the Constituent Assembly elected in 2008 AD failed to write the constitution consuming around four years, election for the new Constituent Assembly was held in Nov 2013.

The Constituent Assembly is currently bugged down in the task of writing new constitution. Even as the parties claim to engage in serous negotiations they refuse to budge from their positions. Federalism remains the major bone of contention as parties are divided over the principles of federating the country. By all accounts, it appears that Constituent Assembly (CA) this time has not spread proper attention to discuss the issues pertaining to local governance though there has been a tentative agreement on having three tier of government of Nepal under the prospective federation. In order to strengthen local democracy and institutionalize decentralize government, the new constitution need to take the following aspect into account.

5.1 Constitutional Security of Local Government

A place given to local government in the constitution is important in the sense that it provides constitutional

status to it. Moreover, providing constitutional status to local government as the basic and essential constituents of the state is very significant in the sense that this tends to make the position of the local government inviolable and beyond the petty maneuvering of the politics. As the constitution cannot be changed or tampered with at the whims and dictates of the parochial interests of the party, local government enjoys the security of their existence. The central government cannot interfere with the sanctity and competence of the local government and put its existence in jeopardy if the security is guaranteed by the constitution.

5.2 Stronger Foundation of Democracy

A constitutional recognition to local government is, according to Walter Kalin (UNDP: 2002), the stronger version of decentralized governance. Local government receives stronger and resilient legal basis only when it is provisioned in the constitution. The local government defined on the basis of constitutional strength and competencies provides space for the people to participate in the governance process and responds to their needs and interests.

5.3 Limits on Arbitrary Use of Power

The constitutional recognition to local government places checks on the arbitrary exercise of authority by the higher level of governments. Since the authority is allocated according to the provision of the constitution, arbitrary use of authority is countervailed. There is limit on central control, dominance and supervision of local bodies. Granting constitutional recognition to local bodies provides a place of importance to the process of democratization at the grass roots. It substantiates the fact that local democracy is equally as important as building and strengthening democratic institutions at the national level. It provides an impetus to local democracy.

5.4 Power Sharing

A constitutional provision for local government implies that the central government is ready to share power and resources with local bodies, working in proximity with local people. A local government having constitutional back up and recognition has to be endowed with financial resources, functionaries and freedom to execute projects for local development.

5.5 Citizen participation

A stronger local government is not possible to be instituted without sufficient space for participation of the citizens in the decision making process. Citizens choices, preferences and priorities receive focused and legitimate attention by the government that has constitutional protection and builds ownership on decisions. Generally according to Thomas Villarín (2000:18) the constitutional protection to local

government with guarantee of is very significant in the sense that it opens up multiple lanes of participation for citizens in affairs of local governance and participates in democratization of state and society. Participation is a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them.

The ideas of participation as a right also invoke a move from participation of beneficiaries or stakeholders to the more political idea of participation of citizens who themselves bear both rights and responsibilities. The concept of participation can be redefined, as it moves from only being concerned with beneficiaries or the excluded to that with broad forms of engagement by citizens in policy formulation and decision making in key arenas, which affect their lives.

6. SOME DEVICES FOR PARTICIPATORY LOCAL DEMOCRACY

It is said that the cure for the problems of democracy is more democracy. Elections are the principal means by which people have a say in government policy in representative system. But election is not only means as the eighteenth century political theorist Rousseau argues that people are only free once every few years at election time. This is also true in the case of local government as well. A representative system involves inequality as it gives a small number of populations the right to take political decisions on behalf of the rest. In order to minimize democratic deficit inherent in the system, there should be institutional space provided to citizens to exercise direct influence over local affairs. Moreover, in order that the local control, participation and oversight of the citizens over local government is established and instituted, the following mechanism and devices should be provisioned through either constitutional or legislative provision. These devices are important in strengthening participatory democracy and safeguarding the sovereign right of the citizens to hold the local government to account for their performance or failure to perform.

Recall: It provides for immediate accountability of elective local officials whose tenure may be terminated by popular vote under a special recall election. It must be initiated either by direct recall composed for a verified petition of certain per cent of the electorate or by preparatory recall assembly composed of elected officials.

People's Initiative and Referendum: People should be given the right to legislate through "initiative

and referendum". Initiatives and referendums institutionalize people's power. They provide a means for people to pass key legislations directly rather than through local legislators or members of congress. In many democratic nations direct referenda have been used to decide major national and local issues. The number of such votes have increased dramatically in the last quarter of the 20th century. The Scots and Welsh have decided to have their own parliaments. The Quebecois decided not to leave Canada. The Chileans decided not to leave Canada. The Swiss have used referenda and initiatives to decide the national level issues. They have voted on such crucial issues as budget allocations, military spending, immigration policy, their relationship to Europe and countless other matters. Hundreds of other referenda and initiatives have taken place at the Swiss Cantons.

Mandatory Consultations and Public hearings: Public consultations and public hearings should be made mandatory in the planning and implementation of any project or programme by local government or in vital decisions undertaken by local bodies. Consultation with local populace and constituents has been envisaged in the Local self Governance act especially for local development planning. But this should be mandatory not only for development issues but also other governance subjects as well.

Active Partnerships: Local bodies should promote and facilitate partnerships with civil society and private sector in pursuit of joint undertakings and ventures such as delivery of basic services, developing active citizenship, livelihood projects, local enterprises. This is provided in LSGA but this has not been pursued and implemented effectively.

7. CITIZEN AS SHAPER AND MAKER

It is said that weaker status of local government is a severe impediment to local democracy. It leads to deterioration of democracy and degenerates citizens into a mass of disgruntled consumers. In the context of Nepal too it is proved that stronger local governments can lend impetus to democratization and development at the grassroots. As we are going to write the new constitution, care should be taken to warrant that the new basic law of the land incorporates local

government as the third sphere of the government. The local government institutions should be endowed with adequate funds, competencies and mandates. The local governments should be structured as part of state restructuring process and be given executive and legislative authority. Moreover, care should be taken to ensure that the local bodies are democratic and based on an unhindered participation of the people. More avenues and spaces should be provided where citizen can participate freely to shape local policies and programmes. This is the only way to really widen and deepen democracy in Nepal. This implies a radical devolution of power to the grassroots based on the principle of subsidiarity so that all decisions are to be taken by those most affected and directly concerned with them. A policy of maximum citizen participation and making them shaper and maker of local goods and services, not users and beneficiaries. This can enrich, enliven, educate and animate democratic institutions politics and practice and local democracy would no longer be like something remote monopolized by a few elites and far removed from the ordinary people.

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State, Women and Democratization in Nepal

Seira Tamang

INTRODUCTION

The holding of the second Constituent Assembly (CA) elections in November 2013 has brought an end to the political impasse following the abrupt end to the first CA in May 2012. It importantly also brings to an end the democratic vacuum in which Nepal was functioning, with an Interim Election Council headed by Chief Justice Khil Raj Regmi brought forth by a political agreement made by the four main political parties. What the new CA and the constitution to be written will mean for women and democratization in Nepal remains to be seen. However, there are key lessons that can be drawn from recent history on deepening democracy and strengthening participatory governance.

By focusing on the post-1990 period - ie the period following the end of the thirty years of autocratic monarchical rule – this paper attempts to draw out key issues related to the state, democratization and women in Nepal. More specifically, this paper will cover the turbulent period of multi-party democracy up to 2002, the takeover by the king from 2002 to 2006 and the post democratic movement period of after 2006 including the functioning of CA. Key issues relevant during this time include: the opportunities provided in the immediate aftermath of democratic movements; the “patriarchal clawback” (Puechguirbal 2010: 180) that is evident as men seek to limit gains made by women and reassert patriarchal privilege; the importance of quotas, meaningful representation and processes; the significance of non-governmental organizations working for women’s rights and the need

to situate women’s gains in larger institutional and political environments. As can be seen from the above, this paper will be focus on what are generally known to be “demand-side” related factors in women’s level of political representation, covering democratic openings and institutions, electoral systems and quotas etc. “Supply side” issues such as interest and ambition in politics, financial and human capital and cultural and religious factors are not discussed.¹

For purposes of clarification, I have taken the state to be a distinct set of centralized institutions which monopolize the use of legitimate force over a given territory. For a simple definition, I have taken democracy to mean government by the people, exercised either directly or through elected representatives. Patriarchy is defined as the struggle between women and men to control women’s labor power (Boris and Bardaglio 1983: 7). I use the words “woman” and “women” tentatively as a political strategy, but it is not my intention to state that biological signs are essences which give rise to a homogeneous category of women, as will be made clear in the article. I begin with a framing of the nature of the state and the consequences this has for women’s participation in democratic governance in Nepal.

CONTEXTUALIZING THE STATE AND “WOMEN” IN NEPAL

Women and democracy/democratization in Nepal must be seen in the context of a history of an exclusionary state controlled by high-caste, hill, male elites. Since the

¹ For an overview of such factors see Paxton et al. 2007.

unification of Nepal in the late 18th century, political and economic dominance has been maintained by high caste hill people (Pahadis), and their language, Nepali, is the national language of Nepal. However, it was only in the Panchayat years that the centralized nation-state building process and the active creation of “the Nepali” political community began in earnest. Along with the goal of building and legitimating the autocratic Panchayat “democracy” – “suited to the Nepali soil” – the Panchayat regime focused on constituting a national culture built on the triad of Hinduism, the Nepali language and the monarchy with a specific form of Nepali national history as one of the main tools used in the formation and dissemination of Panchayati sponsored nationalism (Onta 1996). The legal and cultural coding framework of the Muluki Ain (MA) established in 1854 by the ruling Hindu Rana elite provided the Hindu ideological base for the state of Nepal. A comprehensive legal code, the MA divided and ranked the entire population into a caste hierarchy with Bahun and Chhetri² castes at the top, Tibeto-Burman “tribes”³ in the middle and untouchable castes (today’s Dalits) at the bottom (Hofer 1979). The creation of a national caste system defined the manner by which all the heterogeneous groups related to others as well as to the state and reinforced the cultural dominance of Hindu norms. Additional shaping of ‘the Nepali citizen’ included defining only the ‘hill’ (pahadi) population as being ‘real Nepalis’. Thus, residents of the Madhes region in the south bordering India, with language, customs and cultures similar to that of North India, were, and continue to be seen, as being ‘Indians’ and not ‘real’ Nepalis.

Importantly, the efforts to create a national story and identity required the deleting of the heterogeneous nature of Nepal’s population. For example, the 1956 National Education Planning Commissions’ plan to encourage the growth of nationalism within the education system was predicated on the extinction of other languages (Onta 1996: 218). The Panchayat promulgated 1962 Constitution, apart from declaring Nepal as a “Hindu” state, nowhere explicitly recognised the Nepali society as multi-ethnic, multi-lingual and multi-religious in nature. Despite the removal of official clauses of discrimination, any “claim to ethnic identity was reduced to political subversion [...] Th us, although equality was claimed, it could apparently only be achieved by suppressing differences” (Pfaff-Czarnecka

1999: 56). Importantly, while the 1962 Constitution included the “right to equality” and provisions that stated “no discrimination shall be made against any citizen in the application of general law on grounds of religion, race, sex, caste, tribe or any of them”, laws upholding traditional practices effectively permitted caste-based discrimination (Vasily 2009: 218-219). Despite the erasure of the language of caste from the laws, in a state that has been historically ruled and dominated by Nepali speaking male high caste Hindus from the hills, it is their norms, values and priorities which continue to be hegemonic.

Effacement of ethnic and religious differences had obvious gendered implications. Nepal’s heterogeneous population structures gendered relations in multiple ways. From Hindu high-caste women (including Madhesi women) sequestered in the private sphere, to Thakali women renowned for their business acumen and skills, to Limbu women who are free to divorce and remarry as widows, women and men in various communities in Nepal have historically structured their relations very differently. The official erasure of these gendered differences among heterogeneous communities legitimized the creation of a single national culture based on Hindu norms extolled by the Panchayat regime. The latter was greatly assisted in this project by foreign donors. Catalyzed by the 1975 UN International Women’s Year, foreign donors channelled funds into ‘developing’ an essentialized ‘Nepali woman’ in accordance with Women in Development (WID) doctrine dominant in the global development sphere. This served to validate the creation of women in Nepal stripped of all class, caste, ethnic and religious differences – central to the Panchayat nation-building enterprise.

The legacy of the Panchayat state continues in two very important ways. One, the Nepali state continues to rely on portrayals of backwards, illiterate Nepali women without agency, in need of development and upliftment. Furthermore, it is the image of the illiterate, backward, Hindu, hill, woman kept at home which dominates. That women in Nepal come from different ethnic, caste, class and other groups is erased, unless used as tourist slogans and on brochures of training manuals of various ministeries. For example, the consequences of state policies, and laws for women for Limbu women who have always been able to divorce and remarry after

2 Otherwise known as Brahman and Ksatriya, these groups are of hill (Pahadi) origin and usually referred to in Nepali as being Bahun and Chhetri.

3 Included in this category are such groups as Gurung, Tamang, Limbu, Rai and Sherpa, now self-defined as Adivasi Janajatis. For some of the debates surrounding the complex distinctions between caste and tribe see D. N. Gellner, ‘Hinduism, Tribalism and the Position of Women: the Problem of Newar Identity’, 26 *Man* (N.S.) (1991) pp. 105–125 and P. R. Sharma, ‘Nepal: Hindu- Tribal Interface’, 6 *Contributions to Nepalese Studies* (1978) pp. 1–14.

being widowed, has never really been thought through. This is because it is the image of “Nepali woman” based on high caste, Hindu women’s lives, that has formed the basis on which to advocate change for all women in Nepal. For example, while many legal rights were made during the Panchayat age, as noted by Gilbert, the legal code promulgated by King Mahendra introduced “the concept of a single system of family law, and by implication, a single family form, for the whole country” (Gilbert 1992: 737). This standard family form, takes the Brahman-Chettri as the model and makes that the template for dealings with the family such as marriage, joint-family property management, property transmission (Gilbert 1993: 67). Furthermore Kuba and Thapaliya point out that the law of divorce specified under the mahal, “On Husbands and Wives” [logne svasni ko] has the objective of not only delineating the grounds for divorce but also “to abolish the various existing customary divorce practices and to bring all citizens of the country under one unified code equally” (Kuba and Thapaliya 1985: 107). This has the same effect of discriminating against women from communities with much different and less stringent divorce norms. And this is the base model on which advocacy for change in laws continues – ie increasing rights within Hindu laws (Tamang 2000).

Secondly, it is not only the Nepali state that has continued these representations despite claims of undertaking the “rights-based” approach. Since 1990, this depiction of “helpless” women in need of being developed has been continued by elite, high caste men in state power and various actors that have been important in furthering women’s rights in Nepal – NGOs for women, women in political parties and the Maoist party and its women (Tamang 2009). Elite women resent being depicted as backward, lacking knowledge, consciousness and ability to think through issues by men, foreign donors and international development and women’s rights specialists. Yet they do not hesitate to label and treat other women in Nepal in that very same manner. This orientation is, of course, given support by our Nepali culture of hierarchy and culture of development: the town is modern, and those from villages are therefore not modern, not developed, not knowing; the knowledge of “experts” count, but not those who are local; ‘big’ people are to be given respect – ‘big’ defined with caste, class, ethnicity, age, sex, political power, fame etc. However, what this approach does is to systematically deny various women agency – key in deepening democracy and strengthening participatory governance.

Further, understanding the nature of the state in Nepal and its consequences is essential to situating the relationships (note the plural) between the state and women in Nepal. For women from excluded groups that

are not Hindu - Janajatis, Madhesi and Muslims - with different gendered norms based on non-Hindu social, cultural and religious norms, the relationships with the state will necessarily be different. To understand this, what needs to be clear is that the problem is not one just of adding – that there are women, who face discrimination as women, and then as Dalits, or Janajatis etc. As one African American feminist has noted “The additive analysis also suggests that a woman’s racial identity can be ‘subtracted’ from her combined sexual and racial identity: ‘We are all women.’ (Spelman, 1988: 125). There are important differences between the contexts in which for example high-caste Hindu women and Janajati women experience discrimination. For example, some Janajati women have stated that as Janajati women, they are more vulnerable to rape. For, while men may hesitate in raping ‘high caste’ women, the fact that Janajati women are ‘known’ to be more ‘sexually free’ within their societies, make them more ‘touchable’ and ‘available’ (Tamang 1999). Further, recent study on citizens’ trust in local government which took Lalitpur municipality as a case study revealed that Janajatis were significantly less likely (50% less) to trust the municipality than the non-Janajati population (Pande 2010: 46). Clearly how Janajati women access goods and services from the state will be likely to be different from that of a high-caste Hindu woman.

It is in this context of problematizing what we mean by “the Nepali woman” and “Nepali women” that I now progress to “democratization” in Nepal and the intersection with the state and “women.”

DEMOCRATIC OPENINGS AND LIMITS

At the national level, the struggle for democratization to ensure women along with all other Nepalis transform from subject to citizens, has been continuous. During democratic movements women played prominent roles alongside men. In the 1990 street movements against the Panchayat state, the 2002 and 2005 seizure of power by the then king and in the Maoist movement, women were on the front-line as well as in various other roles. Analysts have noted that transitions allow for a reassessment of gendered roles because of the political moment in which rules of the games are being questioned and redefined (Alvarez 1990; Waylen 2000). In Nepal, the aftermath of large democratic movements have seen major gains for women. However, experience has shown that clear limits are put on such advances as former male colleagues – importantly high-caste Hindu men as a function of relative historical privilege – become the new guardians of the Hindu state and hold onto patriarchal norms.

For example, the 1990 democratic movement – now commonly termed the First Peoples’ Movement - caused the downfall of the Panchayat autocratic state that had ruled from 1960-1990. This initially opened up political space for women and other excluded groups, especially during the constitution drafting process. Much pressure was put on the constitution drafters by women as well as other marginalized groups to guarantee equality. The 1990 Constitution that was completed stated that “Nepal is a multi-ethnic, multi-lingual, democratic, independent, sovereign, Hindu, constitutional, monarchical kingdom” and guaranteed fundamental rights to all citizens without discrimination on the basis of ethnicity, caste, religion or sex. The constitution resulted in major democratic gains for citizens, including important fundamental rights such as the freedom of speech and association key for rights-based participatory works.

However, there were clear limits put on the gains made for equality. The new elite of high-caste Hindu men who had taken over the recently opened political sphere declared the 1990 Constitution to be “the best constitution in the world.” But centered on making the king concede power, the Constitution failed to incorporate many of the demands raised by activists on gender, ethnic, linguistic and religious issues. The Chair of the Constitution Recommendation Committee Supreme Court Justice Bishwanath Upadhaya is said to have been dismayed that the vast majority of submitted suggestions for the Constitution at that time concerned the above issues. Stating that it was “unfortunate” that most suggestions had focused on these “peripheral” issues, Upadhaya suggested that political parties educate the people on basic constitutional subjects (Hutt 1993: 35-36). More specifically for women, the 1990 constitution did not enable Nepali women to pass on citizenship to their children. A 2000 review of discriminatory laws against women by the Forum for Women and Legal Development (FWLD) revealed over 100 such clauses and rules in 54 different pieces of legislation, including the Constitution (FWLD 2000).

Further, women’s demand for political equality was limited to the reservation of five percent of the contested Lower House seats for women and a minimum of three of the 60 nominated Upper House seats. None of the major political parties reserved more than the minimum five percent of the seats required by the 1990 Constitution (Shrestha and Hachhethu 2002:66). Unsurprisingly, overall, in 1991/1992 and 2000, women constituted just 3.8 and 6.4 per cent of parliament, respectively, with two women in cabinet in both periods (UNFPA, 2007: 61). Furthermore, analysts have stated that most of these female politicians “like their male counterparts, belong[ed] to the small upper strata

of urban, middle class, upper caste (primarily, Bahun, Chhetri and Newars) and educated elite background” (Shrestha 2001: 55)

The aftermath of what is known as the Second People’s Movement in April 2006 is also instructive. The movement for democracy against the seizure of power by an autocratic monarch capped the end of a decade of what was popularly termed the “Maoist conflict.” The Comprehensive Peace Agreement between the then named Communist Party of Nepal–Maoist (CPN-Maoist) and the government in 2006 laid the grounds for both the end of the conflict and the structuring of a “New Nepal” through the holding of Constituent Assembly (CA) elections. Immediately following the movement, there were a host of commitments from the restored parliament in 2006 on women’s rights including a new citizenship bill which among other things gave equal citizenship rights for mothers as well as fathers and a resolution for 33 per cent reservations for women in all state bodies. The dual elections system for the CA, furthermore, provided a women’s quota of 50 per cent of seats through the proportional representation (PR) system, although not in the First Past The Post (FPTP) system (Tamang 2009: 76). This led to 197 out of 601 seats in the CA being occupied by women. The Interim Constitution encapsulated many of the progressive changes made in this period including allowing women to pass citizenship to children.

As in the 1990 experience, “patriarchal clawback” is evident post the 2006 movement. While a historic 33 per cent women were elected into the CA, it is important to note that all of the parties refused to commit to the 33 per cent reservation for women in the CA as guaranteed by the resolution on state bodies and as demanded by women politicians and activists. None of the parties, including the CPN-M who had the highest number of candidates and elected CA members who were women or who were from other excluded groups, put forward 33 per cent female candidates from their parties in the FPTP system. The Constituent Assembly member Act 2007 states one third of the women fielded under FPTP and PR have to be women. Under the PR system, there has to be 50 percent representation of women. However, there are loopholes that allow party members to adjust figures, such as if the party win an odd number of seats and an allowance for diversion from inclusion by 10 percent. Both these clauses were used by the male political party leaders to put more men, and not women, into the CA. It is clear that without binding specifications, women have not been included in governance positions. Revealing is the fact that all post-CA election cabinets formed by political parties (hence excluding the Khil Raj Regmi led bureaucratic government) have averaged only 15.5 percent representation of women (Martin Chautari 2013).

QUOTAS, REPRESENTATION AND PROCESSES

Despite the limitations of quotas, the recent history of Nepal has shown their importance for women's participation in governance. From the 5 percent quotas at the national level in the 1990s and the post 2006 election quotas and in state bodies, these have been crucial initiatives in increasing women's representation. This has been made most stark at the local level. The Local Self Governance Act (1999) had made provisions for the reservation of a seat for women in each ward of the Village Development Committee (VDC). As a result of this provision, in the 1999 local elections, around 40,000 women were elected a key political achievement for women. The absence of local government since 2002 has deleted these forms of political gains for women.

However, the Local Self Governance Act, 1999 paved the way for more locally accountable planning and programme implementation. The Interim Constitution 2007 is the first Nepali constitution to have a separate section for local government with explicit provisions for elected local bodies of self-governance "thereby ensuring maximum peoples' participation in the country's governance, to provide services to the people at the local level and for the institutional development of democracy." The 2008 Good Governance Act emphasized "pro-people, accountable, transparent, inclusive and participatory" public administration and elected local bodies of self-governance as essential to "ensuring peoples' participation." The government's thirteenth periodic plan (Thirteenth Plan (2013/14-2015/1) includes women's empowerment, minimum 33 representation in state structures and institutionalizing of gender budgeting.

The goal of the important national level development intervention the Local Governance and Community Development Programme (LGCDP) by the Government of Nepal, aided by 13 development partners, was to contribute to poverty reduction through inclusive, responsible and accountable local governance and participatory community led development. Initially designed as a four year programme (15 July 2008- 14 July 2012) it was extended by a year and ended in July 2013. Apart from economic allocations,⁴ there are political provisions for reservations for 33 percent representation of women in all committees formed by Local Bodies. Other inclusive forums for participation in governance include monitoring committees and a Gender and Social

Inclusion Mainstreaming Coordination Committee (Asian Development Bank 2010: 18).

The importance of quotas is also seen in the other branches of government – the bureaucracy and judiciary. These sectors remained largely untouched by the demands for inclusion during the 1990s due to a lack of initiative from post-1990 governments to bring into law the provisions made in the 1990 constitution to encourage excluded groups to participate in the other institutions of the state. The Interim Constitution 2007 and its commitments to inclusion resulted in the second amendment of the Civil Service Act of 1993 which reserved 45 percent of vacant posts for marginalized groups. Of the 45 percent of vacant seats, 33 percent is reserved for women, 27 percent to Adivasi Janajati, 22 percent to Madhesi, 9 percent to Dalits, 5 percent to disable/differently able person and 4 percent to people from backward region. Among other incentives, women also benefit from different age limits for entry (40 years compared to 35 for men) and shorted probation periods (six months compared to one year for men). These reservations were also made for the Nepal Police, Armed Police Force and the Nepal Army in 2011 (Awasthi and Adhikari 2012).

The consequences of the lack of initiatives for increasing women's representation in these sectors before 2007 are clear in the statistics. According to the Nijamati Kitabkhana (Archive of the Civil Service 2013), the representation of women officers in civil service is less than eight percent (with most of them in non-officer level positions) and of that total, Bahun/Chhetri women and Newar women constitute 88.4 percent. Taking the judiciary, 97 percent of judges, 92.9 percent of gazetted officers and 90.6 percent of lawyers are men. Of the six women judges (the three percent), five are Hill Brahmin/Chhetri (B/C) and one is Hill Janajati (National Judicial Academy 2013). Importantly, a 2012 study on the changes in the civil service following the implementation of the inclusive policy reforms stated that positive discrimination measures have not benefited the marginalized and highly deprived communities within Janajatisi, Madhesis and women (Awasthi and Adhikari 2012).

The importance of quotas, however, does need to be qualified. One of the biggest lessons to be gained from recent history in Nepal emanates from the fact that despite the 33 percent representation of women in the first CA, the draft agreement produced by the

⁴ District Development must allocate 15% of the total annual block grant for the benefit of women, and another 15% for disadvantaged groups. The block grants for VDCs also earmark a minimum of 15% for the benefit of women, Dalits, Adivasi Janajatis, people with disabilities, Madhesi, Muslim, backward caste groups, elderly, children, and youth.

most inclusive body in Nepal's history regressed from the gains of the Interim Constitution 2007 to state that only children of Nepali fathers and mothers will be able to attain citizenship. As well as denying equal citizenship rights to women, this increases the likelihood of statelessness.

The puzzle of having an unprecedented 33 percent women in the CA and the inability to write into the constitution equal citizenship rights for women points to the importance of representation in meaningful ways and the importance of democratic processes in considering participatory democracy. Even with the LSGA, analysts noted that the 20 percent reservations did nothing to increase presence of women in higher posts of local elected bodies. No reservations were made for posts from ward Chairperson to DDC President and no women attained those positions (Shrestha and Hachhethu 2002:68).

Similar dynamics can be seen at play within the first CA. Analyses have revealed non-democratic and exclusionary practices in the CA (Martin Chautari 2009a and 2009b). These include: large parties allocated the largest amount of discussion time as talk-time is distributed according to political party member-strength; excluded groups speaking less than their member-strength and political hierarchy, the party whip and silence in the official CA rules and regulations on the vote of conscience ensuring conformity to party lines. Further, the High Level Task Force appointed to resolve remaining contested constitutional issues emanating from the drafts written by the various committees consisted of senior political party leaders who by default were all high-caste men, including the head of the task Force, Maoist leader Puspha Kamal Dahal. Thus that the head of the Fundamental Rights and Directive Principles was a woman (Binda Panday) and that women constituted 33 percent of the CA was rendered irrelevant by the manner in which key decisions related to the constitution was given to this task force and most importantly later removed from the CA body to male, high-caste political party leaders, some of whom had been rejected by citizens in the CA polls (Martin Chautari 2013).

NON-STATE ACTORS

In the struggle for women's representation and participation in governance in Nepal, non-governmental actors have played a key role. Nepal has a long and rich experience of community level associational life. The 1990 democratic freedoms and legislative frameworks for civil society and NGOs in local self-government as well as the broader development process enabled the rapid growth of non-governmental organizations

(NGOs) in Nepal. Mostly funded by international donors seeking to build "civil society," they were initially development-oriented in terms of the delivery of services. However, especially after the increase in conflict between the Maoists and the state, NGOs began to take on more 'political' responsibilities, including delivery of 'democracy' and 'civil society.' In this context, NGOs for women have also flourished. From the delivery of development programs fulfilling basic needs such as increasing access to health, education and literacy, to economic savings and credit activities, and more political group organization, voter education and national level lobbying for women's rights, women's NGOs have played a key role since 1990.

One of the most successful recent examples of citizen mobilization and collective action was one for women's rights - the passing in 2002 of amendments to the Muluki Ain (the National Country Code) which gave women various rights including the right to property and abortion. The multi-layered (community and national level) networking and of advocacy involved in this campaign was historic. The latter was made possible due to a number of factors including: sustained advocacy for reform; adoption of the reform agenda by the public sector and its leadership in involving other stakeholders; the existence of work for safe motherhood as the context in which the initiative could gain support; an active women's rights movement and support from international and multilateral organizations; sustained involvement of local NGOs, civil society and professional organizations and an enabling democratic political system (Thapa 2004: 85).

To give another example, not a week had passed since the announcement of 33 per cent reservations for women in all state bodies following the 2006 peoples' movement, when a six member interim constitution-making team was formed under the leadership of a former Supreme Court Judge. The committee did not include any women, Janajatis or Dalits. Following massive criticisms and sit-down protest programmes from women's and other organizations, the number of committee members was raised to fifteen to be more inclusive, albeit selected by political parties according to party affiliations. At the local level, many organizations working for women's rights have worked to deepen democracy and enhancing participatory governance. Women Welfare Association (WWA) (Mahila Kalyan Sangh), Tansen Palpa supported by ActionAid is one of many examples. Originating as a savings and credit organization, it has an inclusive body and works in participatory planning processes with an emphasis on building an understanding of the basics of democracy and raising awareness of both the rights and duties of citizens. Even critics of mainstream NGOs working for women such as feminist Renu Rajbhandari have noted

that despite the different orientations of programmes undertaken in the 1990s, at the grassroots level, women have become organized and demands have begun to emanate from communities. In her 2007 article on 'The Potential of the Women's Movement' Rajbhandari points to the massive participation of women during the April 2006 movement as one such indication.

However, as noted before, at many if not most of these programmes for women continue to function on 'welfare' approaches despite rights-based rhetoric, continuing Panchayat portrayals of backwards, illiterate Nepali women in need of development and uplifting. This can be seen especially in the discourse on trafficking of the 1990s, which highlighted Nepali victims at the same time as it embedded solutions of rescue and protection in discourses of national honour and family values (Fujikura, 2003). The welfare approach is also evident in the manner in which Kathmandu based women's groups and the conflict industry were quick to depict women in the Maoists as helpless village women at the mercy of both the Maoists and the state (Pettigrew and Shneiderman, 2004).

The continuation of such portrayals is unsurprising given that historical and intertwined privileges of caste, education and opportunity have resulted in Bahun, Chettri and to some extent Newar women dominating leadership positions in NGOs. In a non-colonized country where English as a medium of communication is marginal yet powerful, the development elite with their language skills (written and oral) and stature as 'authentic Nepalis' serve as gatekeepers of information to their non-Nepali speaking donors of all hues. Indeed, the effect of high-caste Nepali elite 'gate-keeping' on the way in which Janajati and Dalit and more recently, Madhesi voices have been heard in the development world has only become widely critiqued in the last few years or so; up until two to three years ago, these women were unquestioned in their authority – being Nepali and being female – to produce information about 'Nepali women'.

The change is linked to the conflict and the 'causes of conflict', which burgeoning conflict reports have mapped out as poverty, caste, ethnicity, class and gender. With this new attention to the issues of excluded groups, Dalit and Janajati women have been able to highlight their own specificities as women in Nepal. They have also begun to get more organized. For example, Janajati women successfully established a separate Nepal Indigenous Women's Federation in 2001, parallel to the male dominated Nepal Federation of Indigenous Nationalities, the major federation-style Janajati NGO organization consisting of representatives of many Janajati groups. According to Lucky Sherpa, not only are Janajati women critiquing the patriarchy that exists within their communities, they are vocal

about their resentment towards Bahun and Chettri women claiming to speak for them as 'Nepali women'. Dalit women's rights activist Durga Sob paints a similar picture in terms of a greater willingness by Dalit women to challenge established women's rights activists. Tellingly, Sob states that even today it is harder to convince mainstream women's rights leaders of the problems of being Dalit women, than it is to tell Dalit men about patriarchy. Like Sherpa, Sob also sees the shift towards social inclusion as being in rhetoric and show alone. Much of Sob's (1997) 'Dalit women within oppression' essay focused on the role of women's rights activists in discriminating against Dalit women and men. That this has not been acknowledged by national level feminists and women's rights activists, including Janajati women, is revealing. Compared to Janajati and Dalit women, Madhesi women have not been as successful in pushing their agendas via NGOs. The sphere and activities of NGOs and civil society in the Madhes is comparatively smaller because of the historical neglect by the state and foreign aid-giving agencies. Challenges to high-caste, Hindu women speaking and seeking to represent all women in Nepal was further buttressed by the rise of identity politics, especially following the Madhes Movement of 2007.

Fears have since been expressed by women leaders that the women's movement has been "eaten" by the identity movements – with women from the excluded groups more likely to identify with their men-folk and their communities, then with "women's" rights broadly defined. Different women have been able to unite for political struggles during this time – the women's caucus in the first CA is a prime example. But it is clear that the issue of difference and the fact that 'speaking for' and 'representing' is both philosophically and politically problematic whether it be men on behalf of women, or elite women on behalf of non-elite women (including for example high-caste Madhesi women speaking for Dalit Madhesi women or educated Limbu women speaking for Tharu women) is an issue that needs to be constantly confronted if deepening democracy and strengthening participatory governance are key goals. The insistence that all women have common experiences regardless of real caste, ethnic, regional, class and religious lines etc, and regardless of our relative positions in power relations is no longer tenable. If the NGO sectors and the women's movement as a whole is not to become debilitatingly essentialist.

EMBEDDING IN INSTITUTIONAL AND POLITICAL ENVIRONMENTS

There is a paradox in understanding the post-1990 period and the relationship between the state, women and democracy. Overall, there has been large

improvements in the constitutional and legislative frameworks that guarantee women's participation in democratic governance and – including that of women. There has also been an overall massive increase in women's participation in public life. However, the increased political participation of women has taken place in an overall political climate in which women's participation in democratic governance and women's ability to influence policy making has decreased. The paradox is a result of institutional and political challenges in which positive changes for women (and all other citizens) are embedded.

In terms of the institutional, as noted above the Local Self-Governance Act requires local bodies to employ a participatory, bottom-up planning process. The detailed 14-step process starts at grassroots community level and includes: participatory needs identification, prioritization, resources estimation, feasibility study, etc. Participatory planning begins at the level of the village council (or at the ward level in the case of municipalities). The participation of women, Dalits and Janajatis is mandatory. At the district level, there are provisions for varying degrees of involvement of associational groups in the various committees convened by the DDC to scrutinize sectoral proposals and in the Integrated Planning Committee.

However, while the participatory development planning process is an important platform for citizen engagement, it is limited by a number of important constraints and obstacles. Principal obstacles to meaningful participatory governance include: the control extended by line ministries, the detailed guidelines imposed by the center, the “upwards” accountability of government staff to their line agencies and the lack of “downwards” accountability mechanisms. A 2009 review of social mobilization processes in Nepal found that “line agencies were not interested in the [participatory] plans or guided by it in terms of their activities” (Jha et al. 2009: 90). While VDC plans presume that there will be coordination with line agencies, the same review found that there is significant resistance to being ‘told what to do’ by a village level plan and incentives for line agencies are not bottom up or oriented to people using their services⁵ (Jha et al 2009: 91). The different planning and budget cycles for line agencies and local bodies result in line agencies having sent in their programs and

budgets while local body planning processes are still underway. There is thus no integrated planning process and DDC councils rubber-stamp line-agency programs and projects. The result is often not an articulated local development vision, but “a compilation of micro-projects, with little coordination and integration between DDC/VDC projects and line ministry programs” (World Bank 2007: 94). In all participatory governance at the local level is circumscribed by the unfinished process of decentralization.

In terms of political challenges, the post 1990 state has had systemic weaknesses in governance and accountability, made worse in the post-conflict period. Overall, the lack of political leadership at the center has resulted in weak governance, little accountability and poor government capacity on the ground. The lack of elected local government since 2002, and the absence of a legislature at the national level since 2012 has limited the building of transparent and accountable institutions able to respond to the public interest in an effective, efficient and fair way. At the local and national level, the absence of elective representatives who would be accountable to citizens has resulted in a high level of corruption (especially in terms of contractors and tenders), the spread of clientelism and nepotism, the overall capture of the planning process by political parties, and the distribution of projects according to political party patronage purposes. Accountability mechanisms at the national level such as the Public Accounts Committee of the Legislature and the village, municipal and district level councils, committee system and audit committees at the local level, either do not exist or do not currently function as intended in the absence of elected officials. As a whole, upward accountability has dominated relative to downward accountability to citizens, a result of the central control of local level officials. In this context, increased political participation by women has not led to increased political power of women or more egalitarian notions of citizenship.

CONCLUSION

Despite political and institutional constraints, increased female engagement evident in Nepal's recent past will have long-term positive consequences, transforming as it already has to some extent, political processes and

5 In the education sector, for example, while a bottom-up planning process has been conceptualized through the participatory formulation and implementation of school implementation plans (SIPs), the SIPs are not consolidated in village and district level plans and the contribution of DDC and VDCs to the school level is low and often unaccounted for (UNESCO n.d. 51). Similarly in the forestry sector, bottom-up planning involving CFUGS conflict with the centralized nature of the forest bureaucracy regimented with set activities and targets. This leaves little room for customization according to local realities. Further, the focus of DFOs, due to accountability lines, is on meeting set targets from the center and not responding to the plans made at the local level (Thoms 2004: 155-156).

also women's identities, subjectivities and agencies. However, recent political history and the political and institutional constraints to the deepening of democracy and the strengthening of participatory governance points to several issues.

One is the need look at the larger institutional and democratic frameworks in which our interventions are situated. Reflecting larger tendencies in civil society in Nepal which regiment strictly differentiated realms of actions – “human rights,” “climate change,” “janjati rights” etc, the struggle for women's rights have been focused primarily on narrow agendas – reproductive rights, women, violence against, 33 percent quotas for women etc. While important, these initiatives appear disembedded from larger structures and strictly divided into “issues” un-connected to others. There is a history since 1990 of discrete spheres of work undertaken by activists and NGOs in Nepal. Thus for example, Maina Sunwar's case of disappearance, rape and murder has been highlighted by human rights activists only, and not by women or Dalit activists.

A larger view to situating the relationship between the state, democratization and women is clearly needed. From the discussion above, there is need to not only ask for 33 percent quotas, but to ensure that democratic rules and regulations in the CA are established and adhered to as are more binding election rules. There must also be a concerted effort made by women for meaningful devolution of power and authority even in federal arrangements. Attention must be made to larger fundamental rights – in the draft produced by the first CA's Fundamental Rights Committees, among other things there are restrictions made on such fundamental rights as freedom of expression, assembly and association and citizens can still be tortured, arbitrarily deprived of life and prevented from having unrestricted right to legal council. These are the bases of democratic freedoms and rights on which else is based.

There is also the need to pay attention to “intersectionality”- that women are not a monolithic group and laws, policies and programmes for women are likely to be designed in exclusive ways if excluded groups are not present. This requires a recognition of the difference and power that divides, our interdependence, opening up to difference and the building of shared interests through attention to what is significant and meaningful through an orientation to solidarity (Weir 2008).

Lastly, there is a clear need to expand data collection on women in democratic governance. This includes for example, voting patterns of women, party affiliations, participation (as volunteers, party members, campaign contributions), political knowledge and interest, cultural

and other barriers to participation, voting patterns of women in office etc. In all, there is a need to: develop more precise measures of the causes and consequences of women's participation; collect longitudinal data on women's participation and impact; gather subnational data on women's participation and representation and accumulate more extensive data on women in political parties (Paxton et al. 2007: 276). Disaggregating all this data on the basis of ethnicity, religion, region, caste etc will allow a greater understanding of how democracy can be deepened and participatory governance at all levels strengthened.

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Nepal: Transition from Caste Based to Multicultural Society

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BACKGROUND

Multiculturalism is a concept, which helps the society with various groups to peacefully co-exist with each other. A multi-cultural society is “at ease with the rich tapestry of human life and the desire amongst people to express their own identity in the manner they see fit¹.” Such a society advocates equal respect to the various cultures in a society, promoting the maintenance of cultural diversity, in which people of various ethnic and religious groups are addressed by the authorities or state as defined by the group they belong to. Bhikhu Parekh argues that multiculturalism is about the proper terms of relationship between different cultural communities, which means that the standards by which the communities resolve their differences. For example “the principles of justice” must not come from only one of the cultures but through an open and equal dialogue between them². This paper tries to explain the historical nature of Nepali society that is having predominant characteristic of a caste society, and sees the changing nature of it towards a multicultural or diverse one.

UNDERSTANDING NEPALESE SOCIETY

Nepal, as we know, is located between two Asian countries: China on the north and India on the other three directions -the east, west and south. Historically, Nepal

has been influenced by the Global North and the Global South in terms of racial as well as socio-political and cultural make-up. Consequently, Nepal today consists of various communities and religions like shastric Hinduism, Buddhism, shamanic form of Hinduism (mainly shaiva-sakti cult as practiced by Janajatis and hill Dalits), Muslims, and Sikhs. Recently, owing to Christian missionaries and evangelists, Christian population is also growing in Nepal³. Thus Nepal is considered as consisting of multi-lingual, multi-caste or ethnically diverse groups. As Nepal has embraced liberal democracy at present as its political system, the concepts of inclusion and secularism have generated the issue of multiculturalism at least among the educated people of Nepal. At the first glance, the principal cause for this appears to be the fact that ‘multiculturalism’ usually refers to cultural diversity especially to the demographic make-up of a specific place. It is also applied at the organizational level, for instance, schools, businesses, neighborhoods, and towns, and cities, etc. Since Nepali population has different groups known as jaats or jatis, regional identities: Madhesis (Tarai people with their own language and culture) and Bhotes (of Himalayan region), and follows different religions; Buddhists, Muslims, Christians and Sikhs; the main concern of the Nepalese democrats⁴ is how to ensure that peace prevails among these different groups so that identity politics does not harm the well being of the country. And lastly, democrats also have to ensure that democratic norms and values become dominant narratives in Nepali society.

1 Kevin Bloor (February 2010). The Definitive Guide to Political Ideologies. http://books.google.com.np/books?id=R-cRCD-QBVYC&pg=PA272&redir_esc=y#v=onepage&q&f=false

2 see, Bhikhu Parekh (2005), Unity and Diversity in Multicultural societies. available online in <http://red.pucp.edu.pe/ridei/files/2011/08/02.pdf>, accessed by the author on November 30, 2013.

3 In the last ten years, Christian population went from 0.4 per cent to 1.4 per cent in Nepal. According to Census 2011 reports, Hindus grew from 80 to 81 per cent whereas Muslims remained the same at 4.4 per cent, and Buddhists declined instead from 10.7 per cent to 9 per cent (for details, see <http://www.asianews.it/news-en/In-Nepal's-first-census-since-the-end-of-the-monarchy,-Christians-up-by-1-per-cent-26470.html>)

4 Those who believe democracy as the best political system to be followed are put under the category.

If one goes further to understand the socio-cultural framework of Nepal, by the 19th century, a socio-political framework was created in the Himalayan region, under the ceremonial or nominal leadership of the Shaha rulers, centralized in Kathmandu. This political formation was ruled by the influential nobles with the aid of local landlords in the countryside. This was the Gorkha Muluk, which was defined as Nepal⁵ by the British, and it gradually evolved as Nepal in the psyche of people as the time passed. The basis of governance and law was defined in terms of ceremonial purity derived from the shastric Hinduism and the rituals of the so-called upper castes (Bahun-Chhetri castes). The reading of Muluki Ain introduced by Prime minister Jang Bahadur Rana in 1853-54 AD, and the legal codes issued earlier during the times of Bhimsen Thapa in the first half of 19th century provide ample archives to the understanding of how discriminatory was the political establishment in terms of caste and religion. This also made the women as subordinate to men. The caste divisions and its system of high and low castes were made possible by controlling the bodies of women- to be exact by making laws regarding sexual relations and marriage. As intermixing of blood could not be stopped, the rulers and their advisers ensured that children born out of inter-caste marriages be assigned lower status usually the caste of their mothers, where the father belonged to higher caste, in the social hierarchy. As the Nepalese found themselves headed towards modernity, the concept patronized and enforced by the western countries through colonialism and production of knowledge all over the world; Nepalese still had broad divisions in the society. Just like the khola-nala (rivers and streams) used to divide the political formations in the Himalayan region before the Gorkha Raj, water was dividing the society into pani chalni (water acceptable castes) and pani nachalni (water unacceptable castes). Within the water acceptable castes, the Bahun-Chhetri castes were dominant, and had easier access to the political life of Nepal. The Matwalis or Janajatis were deprived from holding positions of power and decision making; whereas the pani nachalni or Dalits were considered most impure and were not allowed to enter into the socio-political and cultural discourse of the country.

At present, issues of marginalized community including Dalit, Janajati, women and Madhesis seem to be major aspects to be discussed while talking about the state of multiculturalism in Nepal. In fact, these are major social categories which have long-pending grievances

of not having been able to affirm their adequate space in the socio-political and cultural framework of Nepal. If we link up their complaints with the socio-cultural construct of Nepal in the past, it is primarily due to the fact that social hierarchy based on caste still exists in Nepal despite the adoption of democracy as a political system. Here, it seems very difficult to subscribe the concepts developed outside the country, and suggest the countries like Nepal to follow it in order to have peace and democracy. Even some models India introduced to manage democracy in itself seem unsuitable to Nepal as India and Nepal were having different socio-cultural reality in the past. If we take example of the Muluki Ain 1853-84 (which was the first written version of the social code that had long been in practice in parts of Hinduized Nepal), its caste categories diverged from the four Varna of the classical Vedic model and instead had three basic divisions to accommodate the tribal peoples between so called the pure and impure castes. These were further classified into five hierarchies with the following order of precedence⁶ unlike in India.

- Wearers of holy cord (Tagadhari)
- Non-enslavable alcohol-drinkers (Namahsine Matwali)
- Enslavable alcohol-drinkers (Mahsine Matwali)
- Impure but touchable castes (Chhoi chhito halnya napanne)
- Impure and untouchable castes (Chhoi chhito halnya parne or Ma ju pim)

Though the scheme was biased in favour of dominant hill castes- Bahuns, Thakuris and Chhetris, it tried its best to incorporate other non-Hindus especially the ethnic communities on the caste fold. According to this category, hill Brahmin, Thakuri and Chhetri castes were placed at the top of the hierarchy- in the 'hierarchy A'. The Newar Brahman was in turn placed below the Chhetri. The second hierarchy (B) included the Magars and Gurungs, long associated with the Gorkha regime, and also the Sunuwar who received the lal mohar (royal seal) to use Bahun priests in 1825. There was no reference to the Rai and the Limbu, the last tribals to succumb to the Gorkhali rule. The third hierarchy (C) included peripheral Bhote, Tharu, and some smaller tribes and descendants of freed slaves (Gharti). The fourth (D) and fifth (E) hierarchies were considered impure castes with the distinction that the former were 'touchable' (no water sprinkling needed after contact) and the later 'untouchable' (purification necessary after contact). Of the six included in hierarchical category

5 In the past, only Kathmandu valley was called Nepal.

6 for details, see Höfer, András. 1979. *The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1954*. Innsbruck: Universitätsverlag Wagner. also see, Harka Gurung. 2003. *Trident and Thunderbolt: Cultural dynamics in Nepali Politics*. Lalitpur: Social Science Baha..

'D', four were Newar sub-groups, Muslim and Mlechh (European). The lowest hierarchy (E) had six artisan castes of the hills and two Newar scavenger sub-groups. Also, the upward mobility and downward mobility of the caste system based on one's socio-cultural act had been another unique feature of Nepali caste system.

HISTORICAL OVERVIEW OF NEPALI SOCIETY

The section focuses on the Nepal government's attempt towards multiculturalism in different political era of Nepal. How the unification process took place, and what sorts of programs were continued, in the name of integration or unification, by the 'unified' Nepali state are the other focal points of this section. The chapter discusses the issues mentioned above under six different periods.

PRE-UNIFICATION

Nepal's present international boundaries are of recent origin. In its present form, the boundaries were fixed after the Sugauli Treaty of 1816, which the government of Nepal and British East India Company had signed. Prior to that, Nepal's territory was unstable and unclear. In fact, it covered the whole of the sub-Himalayan hill area; its boundary covered from the border of Bhutan in the east to Kangara in the west⁷. Before 1769, only the Kathmandu valley with three Malla rulers was known as Nepal. At least 56 small princely states, which were outside the valley, were not referred to as Nepal.

As Jayasthiti Malla has played an instrumental role in formally introducing caste system in Nepal, he and his attempts will be the beginning point of analysis. Jayasthiti Malla of Kathmandu (1382-95), Ram Shah of Gorkha (1606-33) were the orthodox Hindus who before unification attempted to codify the structure of Nepali society—both Hindu and non-Hindu—within an orthodox Hindu framework. The first imposed the social code on the Newars of Kathmandu valley. For this task, he received guidance or advice from the Indian Bramans. The latter did the same thing to the non-Hindu tribal community of Gorkha. Jayasthiti Malla divided the Newars of Kathmandu valley into 64 sub -groups and imposed on them the essential characteristics of Jatis (caste) applicable in the context of the Hindu

caste system. These two incidents were considered as a setback to religious and linguistic freedom so far enjoyed in Nepal. The impact of the process was that the low-caste or non-Hindu communities gradually adopted the rituals and ideology of high-caste Hindus.

When Jayasthiti Malla came to the power, he restored order and stability, and managed a century-long anarchy of Kathmandu valley. He brought many Karnat priests from Mithila, and started social reforms by initiating many social rules and regulations⁸. Although Jayasthiti Malla's reformist activities aimed at consolidating the Nepali society within the orthodox Hindu religious framework, he is considered 'liberal' in the matter of religion because of his belief in polytheism and especially his devotion to Shiva and Vishnu⁹. In the Malla period, it is said that the two religions—Buddhism and Hinduism—were developed harmoniously and simultaneously. Others said that there was a massacre of 770 Bramans at a time during the Malla period. The mass murder, according to a popular legend, led to resistance by the Buddhists when Sankaracharya conducted Brahmanic revival movement. Except this incident, there was no hostile feeling seen between the two religions. It was probably because of the Hinduism, which itself has accepted Buddha as one of the ten incarnations of its god.

SHAH REGIME (1769-1846)

The credit of unification goes to Prithvi Narayan Shah, who brought about the 'Central Himalayas' into a single state. Apart from his personal contribution, he used many strategies to make unification process easy. He strategically maintained marital relation with powerful Sen Dynasty of Palpa, and had Miteri relation (ritual friendship within the same gender) with other principalities. Because of such affection based on relation, religion, culture and traditions with Gorkha principality, several other neighboring principalities accepted Prithvi Narayan Shah's request to help him in his dream to make a unified and great Nepal. Some weak neighbors helped Shah by submitting their states into Gorkha states. There was an open declaration by the Gorkha regime that if a state accepted the offer to submit its sovereignty into the Gorkha regime, the rulers of the state could enjoy a broad degree of autonomous control over their 'subjects' on internal matters. Those local rulers and elites who surrendered

7 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.P3.

8 ISRSC, *District Development Profile of Nepal*, Kathmandu: Informal Sector Research and Study Center. 2004.

9 Rishikesh Shaha, *Ancient and Medieval Nepal*, New Delhi: Manohar.1192p.57.

to Gorkha continued to enjoy 'a fully autonomous status with a tenuous political authority'¹⁰.

In terms of strategies enforced by the Gorkha ruler to unify Nepal, there are many stories. The ruler used religion, relation etc. as weapons to unify other principality states. Before unification, most of the rulers were the Hindus in those small states. In the central parts of Nepal, there were some autonomous indigenous tribal areas under the Rajput-ruled principalities; however, it was under the domination of the high-caste Hindu elites. They started establishing socio-cultural relations among the neighboring kingdoms through marriage and Miteri relation as they belong to the same religion and culture. This helped to promote the concept of 'we feeling', and led to the psychological nearness. Ultimately, this nearness helped for 'integration into a unified nation-state system.' Ram Shah's 'first written legal code in the hill area' also brought the hill principalities closer to each other as the 'legal code evoked positive responses from other hill principalities.' The legal code was based upon the orthodox Hindu religion but 'suitably modified to accommodate the social and political traditions of the non-Hindu subject of the principality in the 17th century'¹¹. There is a proverb, 'if one doesn't find the justice, then, go to the Gorkha.' It is imagined that The proverb might come after Ram Shah's legal code applied to Gorkha.

Prithvi Narayan Shah could not capture Kathmandu valley easily. He was successful only after his third attempt because of powerful presence of Malla rulers and Newars who defied the 'unification' process. However, when he captured the valley, he ordered that the ears and noses of the people of Kirtipur (the gateway to Kathmandu valley), should be slashed, which weighted 18 dharnies (equivalent to 42 kg) when collected¹². People of different region were considered not as the citizen but the 'subject' of unified Nepal by the regime. With the unification of the country, it was

hoped that the people could do trade at the place of their liking, but the government imposed religion, caste, and social code on the people and wanted that the people should adhere to the regime and their traditional professions and their places. Royal order of 1846 banning Jumli to visit for trade¹³ was an example of such an imposition, which made people frustrated in the so-called unified Nepal and became the major cause of the marginalization of the region.

There are several sayings about Gorkha states and its rulers' flexibility or liberality towards the policy related to ethnic and tribal community. Bista presents Prithvi Narayan Shah as an egalitarian who regarded Brahmans, Khas and Magars simply as different ethnic groups with none of them superior or inferior to the others¹⁴. Sharma agrees with Bista's argument and writes that Prithvi Narayan Shah 'was able to rally a broad cross-section of Gorkhali society, including the Brahmans, the Khas, the Gurungs, the Magars and others to his cause.' His argument was that there was social harmony among the different caste groups, which led the migration of the people from other places to Gorkha. To justify the argument, he writes, 'even the Newar of Gorkha who originally went to settle there from Patan'¹⁵. Whelpton writes that the two ethnic groups, Magar and Gurung were found among the ruling elite of Gorkha house¹⁶ when there was a practice of Chha Thar Ghar (six family lineage) system to support the king for policymaking. Even, one can assume such a feeling when one reads the famous quotation by Prithvi Narayan Shah. The quotation says, 'Nepal is a garden of four Varnas and thirty-six Jatis or caste.' There are many evidences that prove such quotations. Prithvi Narayan Shah himself says, 'I (Prithvi Narayan Shah) am king of Magars'¹⁷. Being the then king of Gorkha, Shah's expression should be considered as radical expression in the society. It is because the Magars were/are considered as a lower caste people by the society and high-caste-dominated society still behaves the Magars not as citizen but as subject.

10 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.Pp.6-7.

11 Leo E. Rose and John T. Scholz, *Nepal: Profile of a Himalayan Kingdom*. New Delhi: Selectbook Service Syndicate. 1980.p.15.

12 Krishna Bahadur Bhattachan, "Possible Ethnic Revolution or Insurgency in a Predatory Unitary Hindu State, Nepal" in Dhruva Kumar (ed.), *Domestic Conflict and Crisis of Governmentability in Nepal*, Kathmandu: CNAS. 2000.p.140.

13 R.S. Chauhan, *Society and State Building in Nepal: From Ancient Times to Mid-Twentieth Century*, New Delhi: Sterling. 1989.pp.112-113.

14 Dor Bahadur Bista, *Fatalism and Development: Nepal's Struggle for Modernization*, Calcutta: Orient Longman. 1991.p.45.

15 Prayag Raj Sharma, "Nation-Building, Multi-Ethnicity, and the Hindu State" in David N.Gellner, Joanna Pfaff-Czarnecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.477.

16 John Whelpton "Political Identity in Nepal: State, Nation and Community" in David N.Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.49.

17 Harka Gurung, "State and Society in Nepal." in David N. Gellner, Joanna Pfaff-Czarnecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*. Amsterdam: Harwood Academic Publishers. 1997.p. 501.

Yogi and Acharya elaborated other argument to support the quotation. According to them, prior to unification, king of Gorkha used to hear the voice of people before the action. Kings' hearing would base on 'the local populace with its composition and function.' 'When the king had to choose the minister, he obtained a consensus of his court and subject'¹⁸. Shah rulers, in the name of hearing from 'local populace' before the action, used to ask the consensus of six elite families (Chha Thar Ghar). These families, belonging to different caste and ethnic groups were prominent in the social and political life of Gorkha¹⁹. However, after having a look at Prithvi Narayan Shah's long-term policy of Hinduisation, one is inclined to conclude that his quotation was more of a slogan to draw the different groups for the 'unification process.' Repeatedly after the above-mentioned quotations, there is another quotation said by Prithvi Narayan Shah, which had just an opposite meaning. The quotation says, 'Yo Asali Hindustan ho (this is the pure land of Hindus)²⁰. This statement helped us be clear about his actual position on the religion. After this quotation, one can easily argue that his earlier mentioned statements were only the strategy for getting support from the non-Hindu and lower caste people. In addition, his real position reflects in his latter statement. To Gellner, his role was neither as a wisher 'of becoming a garden of every sort of people' nor 'really a nationalist,' but he was 'very far from being a multiculturalists celebrating cultural diversity for his own sake'²¹.

After he had successfully conquered the Kathmandu valley, he reduced the Chha Thar Ghar, his consultative body, into Char Thar Ghar (four family lineage) by excluding the two ethnic groups, Magar and Gurung. This exclusion also indicates his actual position on non-Hindus and lower caste people. The position was later converted into state policy. The policy was the process of Hinduization (concept of Asali Hindusthan) and Gorkhaization. The state tried to establish the Gorkhali peoples' hegemony over all the Gorkha defeated states.

Prithvi Narayan Shah launched such a policy when he declared that the Nepal was an ideal garden for the flourishing of Hinduism along with its four Varna and 36 caste systems. For fulfillment of these objectives, the state began the process of granting new Guthis (the land donated to priests for performing daily Pooja to deities and for managing food, shelters and so on of the pilgrims during there is religious festivals) to the Brahmins. Most of the fertile lands were granted as Guthi. Such a practice was accelerated 'particularly in those areas where the Hinduism was nominal, i.e. towards the eastern region.' The settling of 28 Brahman families once at a time in July 1811 in the Hattigisa of Morang, a part of eastern Nepal²² was an example of such a policy initiated by the state.

Upon the emergence of Nepal as a nation state in 1768 under the leadership of Prithvi Narayan Shah, the participation of two high-caste Hindu groups—Brahmins who were considered as the intellectual elite and spiritual preceptors and Kshatriyas who were considered warrior caste—started ruling the state where 'participation in the political process became the virtually their exclusive prerogative'²³. The state enforced the ancient Hindu scriptural requirement where 'the ruler of the state should always be recruited from the Kshatriyas and that they should exercise their political function with the advice and consent of the Brahmins.' Brahmins were given the role of priests, lawgivers, astrologers, and diplomatic emissaries. Other governing and administrating post were given to the Kshatriyas. Among the Kshatriyas, especially the members of four prominent families—the Shah, Pandes, Thapas and Basnyats, enjoyed such privileges. This system continued until the emergence of the Rana Family in 1846²⁴. For making Brahmins as a respectable group, the then government referred after references of royal order wherein the people were urged 'to respect Brahmins and not to take the flesh of dead cattle.' The government further ordered that 'only the Brahman could perform religious ceremonies in

18 Narahari Nath Yogi and Baburam Acharya, "Rastrapita Shri 5 Bada Maharaja Prithvi Narayan Shah Ko Divyopadesh (Devine Counsel of the Great His Majesty the King Prithvi Narayan Shah)," Prithvi Jayanti Samaroha Samiti (Prithvi Birthday Celebration Committee) 2nd edition, rev, Kathmandu: Bageswari Press. 1953.pp. 5-9.

19 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.P26.

20 Harka Gurung, "State and Society in Nepal." in David N. Gellner, Joanna Pfaff-Czarnecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*. Amsterdam: Harwood Academic Publishers. 1997.p. 501.

21 David N. Gellner, "Ethnicity and Nationalism in the World's only Hindu State" in David N.Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.25.

22 R.S. Chauhan, *Society and State Building in Nepal: From Ancient Times to Mid-Twentieth Century*, New Delhi: Sterling, 1989.p. 89.

23 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.P23.

24 Ibid p. 11-12.

the house of individuals and none else,' and 'Brahman would not be put to death throughout the kingdom howsoever heinous his crime might be.' Although there was exercise of the death penalty system, Brahman were free from such a penalty; 'he could be degraded from his caste and imprisoned, but he could never be executed'²⁵. There was also the caste discrimination in practice. For example, the government employed 65 postmen during the year of 1825-26 and each one was allotted rice land on adhiya tenure as a repayment for their service. However, the high-caste postmen were allotted lands measuring from 95 to 105 Murris, (one Muri is equivalent to 45kg. paddy and 50kg. corn), and the low-caste who were doing same job were allotted only from 35 to 45 Muris²⁶ as a emoluments for the same work.

In the later Shah Dynasty, the state policy became more rigid. The dynasty started recruiting the military and civil stalwarts only from Gorkha, the name of 'the trusted' people, and they were exclusively from the high-caste Brahman and Kshatrias families²⁷. Chauhan²⁸ mentioned seven imbibed characters as basic criteria to be considered as Gorkha people by the ruler. These were: a) they had contempt against the elite of other religions; b) they abhorred religion except Hinduism, c) they did not hold high opinion about the low castes, d) they had no respect for the vanquished, e) they did not regard trade, commerce and other business activities as respectable professions, f) they had no esteem for art, literature and architecture; and g) possession of land and military post was their prize holding. Examining the 'Gorkha' culture, Chauhan writes, 'in Gorkha there was no Gorkha in the sense that it was populated by the Matwalis'. The Khas Magars, who had not accepted Hindu religion and its dietary restrictions, were not known as a Gorkha by the criteria. For general information, there is a trend in Nepal to classify people into Tagadhari and Matwali group on the basis of wearing the sacred thread. Those who wear the sacred are called Tagadharis and the others Matwali. Taking note of those seven characters, one can conclude that such a policy was introduced to ban other native and indigenous groups to be state elites to preserve the posts only for high-caste Hindus. There were Newars of Kathmandu valley, the Tamangs in surrounding area of Kathmandu with good knowledge as entrepreneurs, skillful in arts, architecture and trader, but they got fewer chances to be in state mechanism.

Literature is not available about Shah Dynasty's policy towards other religions like Christian and Muslim. An example of Gorkhas policy towards other religion could be described from the fact that 'as soon as Gorkha conquered the Kathmandu valley in 1768-69, Catholic missionaries and their local converts were expelled by new ruler.' The regime even used derogative terms to address other religions. The term 'Ulto Dharma (opposite religion)' was used to characterize Islam and Christianity by the regime²⁹. It can be considered as an example of the regime's attitude towards other religion.

RANA REGIME (1846-1951)

In the history of Nepal, the Rana hereditary system came to the power in 1846 as a result of 'intrigues, counter-intrigues and conspiracies' within the members of four prominent Kshatriya families. When Janga Bahadur came to the power, a seven-decade long rule of four Kshatriya nobles disintegrated. However, the change did not move towards inclusive and democratic system of government. Indeed, the Rana system had been more repressive towards the people. The regime sought to perpetuate backwardness and ignorance among the people by discouraging opening up of the education institutions. The system imposed orthodox and discretionary social rule. The regime not only tried to ban people from getting education but also banned travel abroad. Further, it controlled the people by intensifying communal disputes and rivalries through the social controls exercised by the royal priests. In the name of religion or dharmashastra, the priest were vested the authority to punish any attempt on the part of the people to modify social, ethnic, and caste inequalities. As a political system, it was observed:

'The Rana political system was an undisguised military despotism of the ruling faction within the Rana family over the king and the people of the country. The government functioned as and instrument of carry out the personal wishes and interests of the ruling Rana prime minister; its main domestic preoccupation was the exploitation of the country's resources in order to enhance the personal wealth of Rana ruler and his family. No distinction was made between the personal treasury of the Rana ruler and the treasury of the government; the Rana ruler as private income pocketed any government revenue in excess of administrative

25 R.S. Chauhan, *Society and State Building in Nepal: From Ancient Times to Mid-Twentieth Century*, New Delhi: Sterling. 1989.

26 Ibid.

27 Uddhab Pd. Pyakurel, *Maoist Movement in Nepal: A Sociological Perspectives*. Adroit, New Delhi 2007.

28 R.S. Chauhan, *Society and State Building in Nepal: From Ancient Times to Mid-Twentieth Century*, New Delhi: Sterling. 1989.

29 Marc Gaborieau, "Muslims in the Hindu Kingdom of Nepal," *Contribution to Indian Sociology*, New Series, No. VI, December, 1972. pp. 84-89.

expenses. No budget of the government's expenditures and revenues were ever made public. As a system accountable neither to the king nor to the people, the Rana regime functioned as an autochthonous system, divorced from the needs of the people and even from the historical traditions of the country, and served only the interests of a handful of Ranas and their ubiquitous non-Rana adherents (Joshi and Rose 1966:38-39)³⁰.

Rana regime, initially, promoted the process of 'Ranaization' or their hegemony over the society where, for assuming power and getting privilege, one must be from Rana family. For other people there was no opportunity; they were even banned from getting education. In army, which was the key to the survival of the system, generals and colonels were appointed from Rana families soon after their birth, and sometimes even before the birth. Ordinary people were restricted from wearing cloths, ornaments, making houses etc. For such a societal sanction, they used the orthodox Hinduism as a weapon. For middle and lower level's opportunities in military and bureaucratic post, Braman and the earlier explained noble family were selected. The selection itself was the strategy to win the support of those families³¹.

Rana regime introduced the first Muluki Ain (Civil Code) in 1854. It was not new in the strict sense, because it was practiced earlier as a 'legal code' during the period of Jayasthiti Malla (1382-95) from late 14th century in Kathmandu valley, and in the period of Ram Shah (1603-36) in Gorkha from first half of 17th century. What was new was that the regime put it in a nationwide legal framework. Before being declared as a law, it was practiced as a tradition. By promulgating it as a civil code, Rana regime compelled all the 'subject' to obey it. It was a part of their strategic policy to continue their regime for a long time. They were aware that they could control the people only by such religious code of conduct, which had already gained legitimacy as a tradition. The orthodox Hindus accepted it and even claimed it as a vital step for promoting the Hinduism as a national religion. The code had revised caste categories from the four Varna classical Vedic models into six categories. It had provisioned different punishment system on the basis of caste; to the higher caste, there was one punishment and another to the lower caste people in the same crime. In other words, the system did not break the continuation of discrimination between the people

of higher and lower castes. Another characteristic of the code was that it tried to accommodate all the ethnic identities into Hindu Varna system, which 'translated diversity into inequality.'

Comparing the Shah Dynasty and Rana oligarchy in Nepal, Chauhan termed Rana administration as 'less cruel and not that exploitative'³². However, no substantial example is there to support his view "the system was not exploitative". Rather, the classification of Rana family into 'A', 'B' and 'C' classes on the basis of their purity of blood itself was a saleable example of the regime's exploitive nature. Later on, the classification was also made on the basis of caste of their mothers and kind of marriage (whether she was concubine or formally married). It was that classification which led the Ranas to divide themselves into three groups and start fighting each other for power and position. In fact, the struggle within the Rana family became the most important cause for disintegration of their 104 years of long rule.

The Hinduism was practiced in a very orthodox mode in this period. Traveling abroad was termed as a 'violation of religious and social tradition' by conservative Ranas. Even Janga Bahadur, the initiator of the Rana regime, was accused as a violator of the code. He was told that he had lost his caste by dining and socializing with Europeans when he visited Europe in 1950-51. After his return to Nepal, he visited important Hindu pilgrimage centers of India to be purified. Another intention of his visit of pilgrim centers might have been to close the mouth of conservative people. Another example of the Rana's religious orthodoxy was that they were not even ready to reform the Hinduism and when some Nepalese started reforming movement of Hinduism in the name of Arya Samaj, they were socially disgraced, paraded through the street, beaten and sentenced to jail.

As discussed earlier, Ranas were more concerned about the impact of education and exposure. They knew that education and exposure would have helped on people's freedom and awareness. On this context, they seriously observed the returnees of 'Gorkha' army and western education holders. One of the fears to Rana Regime from those people was that they might bring modern ideas of freedom into their villages and society. Therefore, the Ranas requested British authorities not to promote Gorkha recruits beyond the rank of sergeant and upon

30 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.Pp.38-39.

31 Ibid. P.40.

32 R.S. Chauhan, *Society and State Building in Nepal: From Ancient Times to Mid-Twentieth Century*, New Delhi: Sterling, 1989.p.119.

their return rigidly enforced on them the rules of caste purification³³. Although the other religions were allowed 'except for doing acts prohibited in the code, including the slaughtering the cows', conversion of people from Hindu religion to others was prohibited. The permission to enjoy other religion was only for those who 'were already Muslim or Christian when they entered Nepal, and were born there from Muslim or Christian parents'³⁴.

Linguistically speaking, Rana regime continued the process of Nepalization of the Shah regime but also accelerated the process. For the first time in the history, Khas Kura or Gorkhali Bhasa was declared as the official Nepali language in 1930 when Chandra Shamsher was the Prime Minister. The regime in the process gave rise to the idea of a 'nation'. Prior to that, Nepal was referred only to the Kathmandu valley and rest of the parts were known by their own names. The job of Ranas during their period was in the pretext of the 'nationalist objectives'³⁵. In aspect of other religions and languages, Ranas again followed the path of Shah Regime. The late Dharmaditya Dharmacharya, a brilliant Buddhist scholar, was expelled from Kathmandu³⁶ Valley in the 1920s for the 'crime' of publishing and circulating Buddhist and other books in the Nepal Bhasa (Newari language). Buddhist monks Mahaprajna and Amritananda were imprisoned, and Tsering Narbu Lama was expelled in 1937. In 1925, another four monks, and in 1944, eight more monks were expelled from Kathmandu. The state sponsored rampant migration of people from the west hill to east hill in this period. The main objective of such migration was to scatter Nepali speaking and Hindu people with a view to promote and expand their cultural hegemony to all the territory especially in the eastern hill where Rais and Limbus—the non Hindu indigenous group—inhabited.

In regard to the ethnic issue, both the Shah and Rana regime played the same role of suppressing the indigenous people. Earlier the regime wooed the indigenous people by distributing land as kipt

(land given to indigenous community for enjoying as common land of the community) to encourage them to support the unification process, but later the regime abolished the Kipt system. Many indigenous groups including Bhote, Chepang, Danuwar, Garung, Pahari, Majhi, Rai, Limbus Thakali had customary occupation of land. All except the Limbus got alienated by the land under the regime. In case of the Limbus, the land got alienated only after 1964. The regime faced several revolts like Gurung revolt against Ranas 1857 because of such policy³⁷.

INITIAL PHASE OF DEMOCRATIC PERIOD (1951-60)

During the period, Nepal became free from 'isolation' from the world, and people's movement in 1951 brought out even constitutional and social changes. One of the significant changes was abolition of 104 years old Rana oligarchy. An interim government with the people's choice was constituted to change the existing system into a democratic system. Election of the Constituent Assembly was one of the promised things by the state. The 1951 interim government made some important decisions in favor of democracy and people. Later in 1959, the first general election was held; people's government got constituted and began to work. These were some sort of democratic exercises during the period. It however lasted for a period of only two years out of ten years. The king captured the power and ruled the country for the remaining eight years.

The first elected government (May 27, 1959 to December 15, 1960) under the premiership of B. P. Koirala, who himself was reported to have 'antagonized orthodox Hindus and the conservatives'³⁸, resumed the goal of strengthening democracy and to make Nepal prosperous. He had set this goal when he held the post of home minister in the interim government in 1951. He started implementing the programs promised in the election manifesto. The main slogan of the party was to

33 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.P52.

34 Marc Gaborieau, "Muslims in the Hindu Kingdom of Nepal," *Contribution to Indian Sociology*, New Series, No. VI, December, 1972. pp. 84-105.

35 John Whelpton "Political Identity in Nepal: State, Nation and Community" in David N.Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.49.

36 Bajracharya Ranjana and Prem Kumar Khatri, 'Inter-Religious Dialogue: An Unbreakable Thread to Unite the Diverse Cultures of Nepal' in R.D.Bajracharya, K.B.Bhattachan, D.R. Dahal and P.K. Khatri *Cultural and Religious Diversity: Dialogue and Development (Monographs and Working Papers: No 6) Kathmandu: UNESCO. 2005.pp.73-74.*

37 Bhuwan Lal Joshi and Leo E. Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, Berkeley and Los Angeles: University of California Press. 1966.P. 43.

38 Ibid.P308.

'end the very roots of the traditional social and economic inequalities.' The highlights of the Nepali Congress (NC) manifesto included: abolition of the proprietor system, abolition of Rajyas (small principalities which enjoyed the semi-autonomy), a ceiling on landholding and redistribution of the excess landholdings, forests' nationalization, promotion of co-operative farming etc. Respect for religion and a guarantee of the right of any citizen to practice the religion of his/her choice and encouraging the development of regional and local languages were other important highlights of election manifesto of NC in 1958. The government started functioning on the basis of its commitment to the people in election. It designed and declared a 25 years plan to achieve socialism in Nepal. The aim of plan was to fulfill basic needs of people in the name of socialism. 'A cow for milk and some land for cultivation of grain for every family' was the target of the plan. To reach in the target, the government initiated the land reform program that gained much popular support. It is to be noted that in 1959 the elected government of B P Koirala had given the status to other languages like Newari, Hindi and Maithali as national languages.

Some other positive aspects of the period were that the state, for the first time in the history, recognized the people as 'citizen' with civil and political rights. Another aspect was the concern shown by the state for the welfare of the people by securing all sorts of justices. The interim constitution dealt the social security and said, '...a social order in which social, economic, and political justice will infuse all the institutions of national life' (article 4 of the Interim Government of Nepal Act 1951). It also guaranteed the freedom of speech and freedom of expression, assembly, association, and movement throughout the country. Right to property and practice of any profession or business was also guaranteed. Moreso, The monopoly of Ranas in the high position of the army was brought to end by the government. Further, those positions were made accessible to other caste/ethnic communities. All government schools were directed to open the gate of the school for children of untouchable castes. Prior to that, only the 'male children of elite families' were permitted to go to the school and 'mainly Braman boys were taught in the classical Sanskrit Pathsalas or school'³⁹. Again, for the first time in 1959, news was broadcast in languages

other than the Nepali. The motive forced underlying such a decision was the promotion and appreciation of other languages⁴⁰. Hindi was accepted for use in Parliament discussions in 1959.

Likewise, the ethnic activism was first noticed with the dawn of democracy in 1951. NGOs and other organizations like Pichadieka-Barga Sangathan (the backward class organization) including Gurung Kalyan Sangh, Tharu Kalyankari Sabha, Kirat League and Dalit Sangh were established during this period. The Tarai Congress, the first regional party in Nepal, was established in 1951. The first parliamentary election was held in 1959. Such developments brought out the hill ethnic and Tarai community to the mainstream parliamentary process from complete exclusion. The first general election gave the excluded group the chance for exposure. The share of the hill ethnic and Tarai community in the first elected government was 26.3 percent and 15.5 percent and in the parliament 15.6 percent and 22.0 percent, respectively⁴¹. Although there was Chhetri-Braman-Newar domination, such a space for the marginalized groups was the good beginning. All these new developments had its roots in the 1950's revolution organized by the Nepali Congress. Such an attempt to bring excluded groups into the main stream became success because it was the Nepali Congress (Which mobilised) 'mostly ex-service man from ethnic minorities' as the Mukti Sena (Liberation Army) insurgents in the 1951 revolution. After the participation in the revolution, the excluded themselves became assertive to search space for them.

However, due to the intervention of the king, the elected government could not continue its popular and progressive programs. It is said that the king got jealousy over the program and policies of B.P.Koirala-led government. Ultimately, the king took action against the government. He dismissed the 19 months of old government and imprisoned all the political leaders in December 15, 1960. This led to stop of the entire reformist program. The king resumed the policy launched by the Shah dynasty after 'unification' of Nepal. There was resumption of state policy for Nepalization. The king nominated government constituted a committee called Nepal National Education Planning Commission, 1955 which recommended the use of Nepali language in a manner that other languages

39 Martin Hoftun, William Raeper and John Whelpton, *People Politics and Ideology: Democracy and Social Change in Nepala*, Kathmandu: Mandala Book Point. 1999. P.4.

40 David N. Gellner, "Ethnicity and Nationalism in the World's only Hindu State" in David N.Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers.1997. p.29.

41 DREFDEN, Report on the Study and Research on the Local Election in Nepal 1992, Kathmandu : DREFDEN. 1992.p.7.

gradually disappeared. This was expected to provide greater national strength and unity⁴². This idea was accommodated in Panchayat system. The slogan under the Panchayat system was *ek bhasa, ek bhesh, ek desh* (one language, one dress, one country).

PANCHAYAT REGIME (1960-1990)

As hinted earlier, this period could be seen as a resumption of early Shah Dynasty. Shah Family ruled over the people as an 'absolute monarch'. The only difference during the period was that the king started his rule by deploying a system called 'Panchyat'. It was a party-less system which was termed as 'suitable system to soil' by the King Mahendra. The system was innovated by the king after the dismissal of the elected prime minister and the democratic system. The king charged the elected government as 'incapable of maintaining law and order.' Other charges he made were that the government 'produced a disturbed and vitiated atmosphere by pursuing impractical measures, and encouraged anti-national elements etc.'

Panchayati slogan—*ek bhasa, ek bhesh, ek desh* (one language, one dress, and one country) was a perfect example for examining policies and programs of the period in respect of the plural identity of the country. The regime continued the Hinduization process as it enjoyed all the power in the name of god's incarnation. The king continued the process because he knew that only in the name of religion he could continue his hegemony over the society. Imposing such a religious feelings, the regime tried to legitimize the throne. The weapon of the King seemed somehow possible, because the then society was more traditional to believe the god and so on due to lack of education and awareness. For the first time in the history, Nepal was constitutionally recognized as a Hindu state by the king made Panchayat constitution, 1962. It was written in accordance with the King's Interest Panchayat resumed Nepalization process also. For maintaining the hegemony of Nepali languages in society, the regime stopped the news broadcasting service in Newari and Hindi from Radio Nepal in 1964 which started by the first elected government in 1951. The state accelerated both the process of Hinduisation

and Nepalization through internal migration. In the name of cultural assimilation, and to avoid the demand for autonomy raised by Tarai people since 1950, the regime supported the migration of hilly Nepali speaking people (who were culturally Hindus) to the Tarai, which is/was considered the homeland of tribal and Indian origin people. Such a program showed that the regime was keen to change Nepal's character into the 'homogenous, monolithic unitary state ignoring the reality of diversified and pluralistic character of the Nepali society.' The people lost their 'fundamental rights to speak and to organize against its ideology and value system' in the Panchayat system where all the opposition activism including ethnic and other cultural issues were banned⁴³.

As Prithvi Narayan Shah did earlier, King Mahendra followed his ancestral role for wooing the support of indigenous community to the regime though Hinduization and Nepalization process were their primary motto. The differences among the role played by two kings were the strategy of Prithvi Narayan Shah was based on community but King Mahendra tried on individual basis. He took some elites individually from the indigenous community and vested power in them. The elites got privileges and power in the name of ethnic and regional representation. For such opportunity, the elite had to support the Panchayat and surrender activism based on his/her community. Bedananda Jha, president of the Tarai Congress was appointed a minister after he dissolved his party in 1963. In the name of accommodation to diverse groups, some middle and higher class elite from indigenous communities were given state power and facility by the king, but the groups, as such, remained excluded. Panchayat policies towards other religion and ethnicity can be illustrated through some examples. To make Hinduism influential into other community and to achieve its primary goal of Nepalization, Panchayat officially declared Buddhism as a branch of Hinduism⁴⁴. Gopal Gurung's book, the first blueprint for ethnic resentment was banned by the regime for 'its allegedly communal overtones and for inciting mutual hatred between different cultural groups'⁴⁵. Likewise, Limbu's traditional customary rights over the land, which was called Kipat system was abolished by the Panchayat regime. It is said that,

42 John Whelpton "Political Identity in Nepal: State, Nation and Community" in David N.Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.49.

43 Krishna Hachhethu, "Democracy and Nationalism Interface between State and Ethnicity in Nepal." *Contributions to Nepalese Studies* 30(2) July. 2003.P225.

44 William Raeper and Martin Hoftun, *Spring Awakening: An Account of the 1990 Revolution in Nepal*, New Delhi: Viking. 1992.pp. 154-63.

45 Prayag Raj Sharma, "Nation-Building, Multi-Ethnicity, and the Hindu State" in David N.Gellner, Joanna Pfaff-Czarnecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997.p.487.

because of the abolition of this customary right, the Limbus now faces severe problems. In fact, 71percent among them live below the poverty line.

National symbols and National anthem are other examples which exposed the their regime's desire. In respect of a set of national symbols—the crown, scepter, royal crest, royal standard, coat-of-arms, cow, national flag, pheasant, rhododendron, and the red blob- invented by the Panchayat system, seven out of ten were related to 'monarchy and Hinduism'⁴⁶. The National Anthem of the country was written by using only the buttering words to the monarchy.

Although the Panchayat constitution made provision for the freedom of profess and practice of one's own religion, it was only de jure provision. The actual practice was an autocratic because it had neither 'accepted the westernized concepts of liberty, freedom and equality'⁴⁷ nor sovereignty was vested in the people. The system was that 'the King was everything (executive, legislative and judiciary)'. The constitution itself was made by king without people's participation and it could be amended, rewrote, rewrote, or removed if he alone was convinced. Analyzing the situation, one can conclude that it was the rule, which was regulated largely by the 'hukum' (order) of the king rather than the constitutional norms and values. It means all the constitutional provisions and traditionally accepted norms and values had no place before the will of king. Nobody was allowed to preach Islam and Christianity and destroy the dharma practiced by the Hindu people though the procision for religious freedom was mentioned in the constitution. If anybody attempted to convert people, he could be imprisoned upto the period of three years. On that ground, 'non-Hindus were imprisoned many times for their anti-Hindu views'⁴⁸. It was not because that such activities were unconstitutional or illegal but because it was against the king's real motto—Nepalisation and Hinduisation. All the Constitution and laws of the Panchayat system seemed as shield of the regime to accelerate the Hindu religion at the cost of other religions in the country.

Although King Birendra was considered a more democratic king than others, he also followed his father's

path in the process of Nepalisation and Hinduization. He tried to reform the Panchayat system after the referendum in 1980 but was not willing to change his father's policies. Indicating his belief in 'ethical code,' Birendra once said, 'the king cannot change the value system' of Hinduism. He further said, 'the monarch and his subjects have been governed by Dharma, a system drawn from Hindu religion'⁴⁹. This statement is pointed to the fact that he was also in favor of the orthodox Hinduism to legitimize his rule. No fundamental change had occurred on ethnic, gender, regional and religious issues during his two decades long rule in Nepal.

DEMOCRATIC SYSTEM 1990-2002

After 30 years of imposed autocratic Panchayat system, Nepal again entered in the democratic system. It was possible after the success of 1990s' peoples' movement. With the restoration of democratic system in 1990, ethnic, lingual, and cultural issues have once again surfaced in the public sphere as a debate. This was obvious because the dominant issue in the pre-1990 was to restore the 'multiparty democracy' rather than the caste, ethnic, religious, linguistic and gender question. Everyone knows that the liberal kinds of social character cannot be imagined in any kinds of autocratic system. Such feature is possible only in democracy. Democratic system could accommodate the identity issues only by making state mechanism inclusive. But on the other hand, 'all types of non-democratic regime—whatever names and forms—by nature were exclusionary as they generally prohibited and discourage people's participation'⁵⁰. Keeping the fact in mind, all the then opposition political parties including all caste/ethnic, lingual and religious groups reached in a consensus for ending the autocratic Panchayat and establishing the democracy in the country, and joined hand to launch a peaceful movement against the system in 1990.

After the end of the Panchayat, different groups started to raise their own slogan and demand on the state. When new constitution making process began, the issues of language, religion and ethnic conflict came to the public attention. During the six month's transitional

46 Harka Gurung, "State and Society in Nepal." in David N. Gellner, Joanna Pfaff-Czarnecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*. Amsterdam: Harwood Academic Publishers. 1997. P505.

47 R.S. Chauhan, *The Political Development in Nepal 1950-70: Conflict between Tradition and Modernity*, New Delhi: Associate Publishing House. 1971.p. 199.

48 Bajracharya Ranjana and Prem Kumar Khatri, 'Inter-Religious Dialogue: An Unbreakable Thread to Unite the Diverse Cultures of Nepal' in R.D.Bajracharya, K.B.Bhattachan, D.R. Dahal and P.K. Khatri *Cultural and Religious Diversity: Dialogue and Development (Monographs and Working Papers: No 6)* Kathmandu: UNESCO. 2005.pp.73-74.

49 Newsweek, September 10, 1973

50 Krishna Hachhethu, "Democracy and Nationalism Interface between State and Ethnicity in Nepal." *Contributions to Nepalese Studies* 30(2) July. 2003.P228.

period those agenda were very much influential than that of power game. In the debate on secularism vs. Hinduism, not only the minority religious groups—Buddhists, Muslims and Christians—but also the Hindu fundamentalist became visible in public life and started to articulate their ideology. Although all the indigenous groups including the civil society were in favor of secular state, the constitution came out with the status quo provision of its earlier version of 1962 as the ‘Hindu kingdom’. Several rallies and even demonstration were organized for making a secular status of Nepali state. The largest one with 150,000 protestors was held in Kathmandu. Gellner mentioned that such largest protest ‘ever held in Kathmandu’⁵¹. Their demand to declare Nepal as secular state was sidelined because of the neutral position of two main political parties viz. NC and CPN (UML), and ‘the influential intervention’ of king backed by in-service and ex-service army officers, Hindu fundamentalist groups of Nepal and India⁵². It is said that king Birendra had a desire to remain Nepal as a Hindu state. It was proved when the king recommended the then cabinet minister Achut Raj Regmi went to the hunger strike until the death for not changing the religious status of Nepal.

Although the phrase ‘Hindu kingdom’ remained unchanged, the constitution of the kingdom of Nepal 1990 accepted Nepal’s ‘multi-ethnic, multilingual’ character. It recognized orphans, women, the aged, the disables and incapacitated persons as well as socially and economically backward groups and communities as marginalized groups, were deserved special treatment from the state in education, health, employment, and social security. The constitution says, ‘the social objective of the state shall be to establish and develop, on the foundation of justice and morality, a healthy social life, by eliminating all types of economic and social inequalities and by establishing harmony amongst the various caste, tribes, religions, languages, races and communities’ (Directive principles and policies of the state, the constitution of the kingdom of Nepal, 1990). In the state policy, the constitution provisioned that ‘the state shall, while maintaining the cultural diversity of the country, pursue a policy of strengthening the national unity by promoting healthy and cordial social relations amongst the various religions, caste, tribes, communities and linguistic groups, and by helping in the promotion of their languages, literatures, scripts, arts and cultures’ (Directive principles and policies of

the state, the constitution of the kingdom of Nepal, 1990). Freedom of press, organization and expression, which the constitution guaranteed were also better provisions provided to the people. It helped them to organize and to raise their common voices against the state. Many caste/ethnic and religious organizations sprang up in this era. The government identified 59 caste/ethnic groups and announced some affirmative programs for them. On the language issue, although Nepali was declared as an official language, all languages spoken as mother tongues in Nepal were also declared as ‘national languages’. In addition, government committed itself to provide education in languages of mother tongue till primary level following the recommendation of the Rastriya Sanskritik Samiti, 1992.

In 1992, the government formed a committee called Rastriya Sanskritik Samiti to formulate programs for a national cultural policy. The committee recommended the formation of a national coordination committee. Recognizing the multilingual character of the state, Nepal for the first time started news broadcasting in eight minority languages. These were Rai, Gurung, Magar, Limbu, Bhojpuri, Awadhi, Tharu, and Tamang. Earlier news was being broadcasted only in three languages—Hindi, Newari and Maithali. The government offered thousands of scholarship for schoolgoing girl and boys from deprived and unprivileged groups. For promotion of girl enrolment in school the government began ‘two liters oil program’; according to which a family would get two-liter oil per month if a girl was admitted in Primary school. There was ‘free textbook program’ for girls whereas boys were to buy school textbooks. Other affirmative action programs like scholarship for higher education for backward community students, reservation in scholarship and in admission in educational institutes, quota for foreign employment were also provided during the period.

Although a lot was done by several democratically elected governments in Nepal from 1990-2002 towards multiculturalism, the governments also showed some shortcomings, especially in regard to enforcing the spirit of the constitution that is abolition of all kinds of gender, religion, region, caste and ethnicity related disparities and discriminations. Among the glaring shortcomings was the continuation of the status of the Hindu state rather than secular one. Inclusion of Sanskrit as compulsory part in lower-secondary and

51 David N. Gellner, ‘Caste, Communalism, and Communism: Newars and the Nepalese State’ in David N. Gellner, Joanna Pfaff-Czarniecka, and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers. 1997, p.178.

52 Uddhab Prasad Pyakurel, *Social Origin of Maoist Movement in Nepal*, a M.Phil. Thesis Submitted to Department of Sociology, University of Delhi. 2006, p.110.

secondary level curriculum, as well as the decision of broadcasting news in the Sanskrit from Radio Nepal are, according to the ethnic elites, other negative aspects of the democratic government. Both the decisions are criticized as ploy 'to create government jobs for unemployed Brahman boys'.⁵³

The Supreme Court's verdict of 1 June 1999 against the use of local language as official language along with Nepali language has been criticized as a continuation of Nepalization process in the recent democratic period. The Court invalidated the announcement of Kathmandu Metropolitan city, Dhanusa District Development Committee and Rajbiraj Municipality to use their respective dominant language as additional official language. Most of the people under these three local bodies speak their own language (Nepal Bhasa in Kathmandu and Maithili in Dhanusa district and Rajbiraj municipality) rather than the Nepali language. The court's decision has been criticized as 'a clear case of linguistic discriminatory' by the state.

INTERIM CONSTITUTION 2007 AND AFTER

It is understood that political forces (including ruling political parties and oppositions) are lately in search of a model to overcome the disparity and affirm adequate space for each and every marginal sections of Nepal in the socio-political and cultural framework. If the political discourses of the recent past are followed affirmative action, quota based on the proportion of the population, federal structure to have access to resource and power to accommodate ethnic and other grievances are the major proposals by the political forces to address such problems. For example, Article 13 of the Interim Constitution 2007 is against discrimination on grounds of religion, race, sex, caste, tribe, origin, language or ideological conviction or any of these. Also, provision included in Article 14 of the Constitution is to overcome caste-based prejudices and discriminations as it is much against untouchability and racial discrimination. Based on the very Article, the Nepali parliament passed Caste-based Discrimination and Untouchability⁵⁴ (Offence and Punishment) Act, 2011, and made all Caste-based Discrimination and Untouchability punishable. According to one of the provisions of the Act, If anyone commits or causes to commit any act as referred to in

this section on the ground of custom, tradition, religion, culture, rituals, caste, ethnicity, descent community or occupation, he/she shall be deemed to have committed caste-based discrimination and untouchability. Also political discourses of the recent past are to provide affirmative action and quota based on the proportion of the population.

WAY FORWARD

If one follows the modus operandi of state apparatus in order to handle ethnic aspiration in Nepal, he/she finds that the political parties including responsible state authorities had performed in very immature way which provided quite a fertile ground for violent future of Nepali ethnic movement. For example, the UCPN-Maoist, which was initially advocating for 11 provinces, all of a sudden came up with a proposal to have 14 provinces. Similarly, the State Restructuring Committee of the CA put forward a proposal to have 14 provinces with names and boundaries of those provinces. But, another constitutional body formed by the government in consultation with major political parties-- HLSRC-- came up with recommendation to delete some of the provinces from the list. The result was that some of the ethnic groups took to the street to oppose the recommendation of the Commission saying that it had no right to delete names of the provinces decided by the CA committee. Eventually the issue of federalism became a pretext to dissolve the CA in May 2011 without bringing a new constitution. This has ultimately prolonged the political crisis in Nepal further.

But along with the election results seen in the recent second CA election (November 19, 2013), some of the new avenues seem to have opened. There was a strong feeling within the politicians and Kathmandu elites about the possible election result before the election, according to which most of the voters belonging to ethnic community would by and large vote to the parties which popularised the very agenda of ethnicity based federalism. But the result was just opposite to this assumption, which according to a veteran Communist Leader of Nepal; Mohan Bikram Singh is a people's mandate against the ethnicism or Jatibad⁵⁵. These election results lead one to question whether those assertions to have single ethnicity based federalism were the demand of ethnic "groups" or ethnic

53 David N. Gellner, "Ethnicity and Nationalism in the World's only Hindu State" in David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds.), *Nationalism and Ethnicity in a Hindu Kingdom: The politics of Culture in Contemporary Nepal*, Amsterdam: Harwood Academic Publishers, 1997, p.9.

54 Clause 4 (1) of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2011.

55 Mohan Bikram Singh, "Jatibad Birudda ko Janamat", Kantipur December 2, 2013.

"organisations" as described by Brubakar⁵⁶, with an assumption that the relationship between "groupness" is not something essential and fixed but rather contingent and variable⁵⁷. What was the mandate then? Prof. Uyangoda Jayadeva of Sri Lanka is right in saying that "ethnic problem will have no ethnic solution". Rather it will have to follow a democratic solution. He states that democracy can provide the shared language and discourse for ethnically conscious communities⁵⁸. But it seems not easy for a country like Nepal to follow Jayadeva's recommendations because of the political culture Nepal's political parties have developed along with the practice of democratic system.

Here, a question arises: is it sure that political representation and affirmative action like reservations to Janajatis and Dalits would help remove social hierarchy created by caste system? India with more than 60 years of democracy has been practicing the theory of political representation and reservation to backward castes (Shudras or touchables), tribals, and Dalits. But the caste system and discrimination have been exerting strong influence in the society even today. Indian Dalits say that the cases of atrocities and rape of Dalit women have not stopped rather rape cases of Dalit women have increased in India⁵⁹. Reservations and political representations have benefitted the ritually impure lower caste people with education and money but it has not changed the society in terms of caste system. When talking about society it concerns the majority of the people, and we find that in India majority of Dalits, tribes and other Backward Castes are still trapped in the caste hierarchies of rituals and ceremonies.

Dr BR Ambedkar initially used to believe that political representation of Dalits would improve their status as Dalits would have political power. But later on, he came to realize that without social sanctions, the social status of Dalits would not improve. Social sanction means when the non-Dalits who are in majority consider and treat the Dalits as fellow human beings like themselves and not as untouchables. He stressed that a change in attitude in human beings is important for social change. This was the reason why Jawaharlal Nehru (in his book *Discovery of India*) feared that democracy in India would not function well as he said that Democracy with concept of liberty, equality and fraternity is in direct contradiction with caste system. He said that a real democracy and caste system cannot go hand in hand. Nehru's view seems very much relevant to present day Nepal. Since Nepal has been suffering from caste system and caste based hierarchy even today, it is difficult to ensure that democratic norms and values would find their place in the hearts of Nepali people. It is for this reason that highly educated Nepali people find the western concept of multiculturalism as attractive.

We learn from the Indian experience with democracy and federalism that even when a community or a jati is given a statehood like Nagaland, or autonomous councils like that of Bodo in the north-east, still such a community has not been able to affirm its space in the socio-cultural set-up of India. The tribal are still considered as peripheral people or ritually impure by the mainstream Indian society (read upper castes and middle castes or OBCs). In Nepal's context, even if the janajatis get jatiya rajya, they would not get out of "matwali" status in the traditional caste system of Nepali

56 According to Rogers Brubakar, relationship between organizations and the groups one claims to represent is "often deeply ambiguous" (for details, see Rogers Brubakar, *Ethnicity without Groups*, Cambridge: Harvard University Press 2004.p.12.

57 Farhan Hanif Siddiqi, "Old Pakistan, New Pakistan: Pakistan's Experience with Ethnicity and Ethnonationalism", a paper presented in a seminar "managing Democracy in South Asia: Representation, Ethnicity and Political Parties" organised by SPCBN/UNDP from December 5-6, 2013, in Kathmandu, Nepal.

58 Uyangoda Jayadeva "Democracy, Ethnicity and Political Parties Trends and Issues in Sri Lanka", a paper presented in a seminar "managing Democracy in South Asia: Representation, Ethnicity and Political Parties" organized by SPCBN/UNDP from December 5-6, 2013, in Kathmandu, Nepal.

59 For details, see National Tribunal – Violence against Dalit Women.

http://roundtableindia.co.in/index.php?option=com_content&view=article&id=6940:preliminary-report-national-tribunal-violence-against-dalit-women&catid=122:atrocities&Itemid=138. The number of reported cases of SC women being raped by the non-SC men increased from 604 in 1981 to 727 in 1986, 784 in 1991, 949 in 1996 and 1316 in 2001. The number came down to 1089 in 2003, but once again increased, though gradually, to 1157 in 2004, 1172 in 2005, 1217 in 2006, 1349 in 2007, 1457 in 2008 and 1346 in 2009. From the 2009 data, it may be understood that in India on an average every day 2 Dalits are murdered and 4 Dalit women are raped by the non-Dalits. The data for the 1981to 2009 period for India as a whole indicate that not only the overall number of incidence of caste discrimination and violence but also the brutal crimes such as rape and murder 'are on the increase. Recent data seem to confirm increasing trends on discriminations; in 2007 there were 1,349 reported rape cases, whereas in 2008 there were 1,457 cases; hence, the increase in 2008 was 8.0 percent. See Cynthia Stephen, *Violence against women in India – A review of the popular mythologies and their implications for VAW*.

http://roundtableindia.co.in/index.php?option=com_content&view=article&id=7000:popular-mythologies-and-their-implications-for-violence-against-women&catid=120:gender&Itemid=133

society. Similar case is there if we talk about Dalits; even if they get benefited from affirmative action policy and political representation, their status as "low" caste remains the same in traditional society which invites atrocities and dominations for them. Also, though federalism can help implement decentralization and delegation of power, society like Nepal has to search for an additional remedy as how to destroy the caste system. It is because the very concept of federalism was not created and developed in society like Nepal where caste-based hierarchy in the major factor to divide the society into many social groups. It is for this reason that even if the Madhesi parties raise the issue of Madhesh as a separate rajya or land within Nepal, they fail to address the issue of marginalised communities - women and Dalits in their own Madhesi community.

In summary, it is South Asian phenomenon where democracy neither shows much promise for being successful, nor has it found its potential rivals to displace it⁶⁰. From the above discussion, we can see that political representation and affirmative action policy may not necessarily bring radical social change, as we expect today in context of its socio-cultural framework. Indian experience says that it will be very slow process of social change if there is only focus on political representation. It seems that the creation of a multi-cultural society in Nepal is the way out to go for an egalitarian society, and only way to convert Nepali society towards that direction by encouraging and organizing socio-cultural programs that would give platforms for various communities to come and interact with each other. Dramas, shows, beauty contests, music concerts, and through media like movies, songs, interactions among people of different castes can be increased and promoted. Together with the remedies to do away with the caste system, the political representation will have role to play in bringing the Madhesis, Janajatis and Dalits to the mainstream society in a positive way of creation and development of the country. In the past, socio-cultural interactions between various communities were controlled by the Ranas who ruled Nepal for 104 years, by making laws and use of espionage. But now as Nepal has become a democracy with the adoption of concepts of inclusion and secularism, one can

safely say that Nepal would see social changes if only people would think in a positive and creative way in order to make Nepal a home for all its people to live peacefully without destroying it through communal tensions and fear of domination by one group over the other. To address the problem faced by Nepali Dalits today, Nepal needs to follow Ambedkar, Ram Manohar Lohia and Indian experiences, and go for the programme to annihilate the caste from the society, as it is the root cause of caste-based prejudices and marginality. Both-Ambedkar and Lohia-had suggested that inter-caste marriage and inter-dinning would be the first and foremost step for the purpose of annihilating the caste system. It was Lohia who proposed to enhance the trend of out-caste marriage by providing government jobs "only to those who marry out of caste" along with the Jati-*Todo*⁶¹ (break caste barriers) campaign, whereas Ambedkar's initial idea was to dismantle the hereditary priesthood along with popularization of the trend of inter-caste marriage and inter-dinning. Only after the early 1930s, Ambedkar gave up any hope of reforming Hinduism once he felt that those suggestions would not be acceptable to Hindus. Budhanilkantha School model may be taken as a model of Surname Avoid Abhiyan and proceed further in defying the caste order as it discourages the students from disclosing and mentioning their surname after their first name. That, ultimately, helps in the process of inter-caste marriage and inter-dinning together as one knows nothing about his/her own, and friend's caste. Then only, the caste-based taken- for-granted prejudices, along with the marginalization based on caste, would be wiped out and a complete cultural change can be ushered in by building good relationships, giving recognition and identity to Dalit by 'we the people'. Once Nepalese help implement the above mentioned programs in a serious manner, a situation will be there to celebrate diversity which is the basic characteristic of a multicultural society. All the concerned authorities including the government, political parties or education department of local resources and even NGOs should join to address all these issues. For these endeavors, it is very urgent to ensure that democratic norms and values gain acceptance in the people's hearts and minds. It is rightly said "where there is a will, there is a way."

60 Lok Raj Baral, "Managing Democracy: The Trinity of Representation, Ethnicity and Parties," a paper presented in a seminar "managing Democracy in South Asia: Representation, Ethnicity and Political Parties" organized by SPCBN/UNDP from December 5-6, 2013, in Kathmandu, Nepal.

61 Lohia's main message was jati-todo (break caste barriers) which included not wearing the sacred thread and dropping caste names.

Participatory Democracy and Social Inclusion in Nepal

Yam Bahadur Kisan Ph.D

INTRODUCTION

We can find several terms used for 'democracy' in the discourse of contemporary politics and governance. They may be cited as liberal democracy, social democracy, new democracy, direct democracy, representative democracy, inclusive democracy, delegated democracy, people's democracy and so on. Whatever may be the terms, every kind of democracy, in either one or the other way, is a means of controlling people, power and resources of the state. It is applied in different models for controlling development, syndicalism, commune, delegate, corporatist, consensus, pluralist or individualist. Among all the democracies 'participatory democracy' is very close to the concept of delegated democracy as it constitutes a genuine model of participatory democracy. Although the concept of 'social inclusion' itself is not the magical means to bring lasting solution, it is expected only to reduce the negative consequences of exclusion. Hence, 'social inclusion' and 'social exclusion' are understood as two sides of a coin. Jackson (1999:133-34) says, "...there can be simultaneous exclusion and inclusion, that is individuals and groups can be excluded in one domain while including in the other. It shows the central relationship between social exclusion and inclusion." Woodward and Kohli (2001, cited in Silver, 2010:193-195) have tried to distinguish between social exclusion and inclusion that one dealing with social problems, the other with social membership. The social inclusion literature is consistent with the promotion of nondiscrimination and inclusion in laws, policies and programs for the promotion of full and effective participation in decision making (Hunter, 2008:11). The Centre for Economic and Social Inclusion-2002

elaborates that 'Social inclusion is the process in which efforts are made to ensure that everyone, regardless of their experiences and circumstances, can achieve their potential in life'. Provisions of income and employment are necessary but cannot be sufficient to achieve inclusion. An inclusive society is also characterized by striving to reduce inequality, to maintain a balance between the rights and duties of individuals and to increase social cohesion.'

All the discussions conclude with social inclusion where the elements of non-discrimination, equality, equal rights and duties, inclusion in laws, policies, programs, income, employment, process, etc are well founded because they are the essential elements of participatory democracy.

The concept of 'Participatory Democracy' was developed through the well known New Social Movements (NSM) during the period from 1965 to 1985. They are the anti-globalization movement, the anti apartheid movement, the anti nuclear power movement, the green movement, the squatters' movement, the peace movement, and movements for gay rights, women's rights, and human rights. Generally, their objective is to influence governments in 'sub political' and 'post parliamentary' ways: from the bottom to up and from the outside to in (Hendriks, 2010). At the same time, the concept of 'social exclusion' and 'social inclusion' was developed in 1970s in France to respond to the crisis of the welfare-state and for fear of social disintegration. Later on, it was recognized as a theoretical basis that can be used to understand society and act accordingly. The act of social exclusion always takes place through different formal

and informal processes, institutions, agencies, hegemony, compliance, resistance and rule of game by associating with wide ranges of social, political, and economic issues in different variables and paradigms. This fact has been comprehensively studied and analyzed by De Haan and Maxwell (1998:2), Beall and Piron (2004), Stewart (2006:4), Kabeer (n.d.:20-24), Jackson (1999:136), Pradhan (2006:11-12), Stewart (2006:4), Merry (1994), Sen (2000), Yong (2000), Siver (2010:193-195) and Hunter (2008:11). As both the concepts seem to bring the same thing in general, participatory democracy focuses more on governance with its bottom-up approach whereas social inclusion opens the door for all aspects of participation in political, economic and socio-cultural life and even in the state of material and non-material inclusiveness.

Nepal is at the stage of adopting and applying the principles of participatory democracy and social inclusion. These concepts emerged simultaneously and were recognized during and after the people's movement of 2006 AD, which was backed by Maoist People's war with these agendas and supporting forces. This changed the traditional meaning of 'Prajatantra (democracy)'. In the Nepalese context after 1990 AD, its advanced meaning is 'Loktantra' substantially participatory/inclusive democracy. Social inclusion was introduced by Human Development Report-1998, which was advocated by UN agencies as well as multi/bilateral donor agencies. It was also recognized and popularized by the movement. In context and content, this article has been written focusing on critical analysis of Nepal's national policies towards participatory democracy and social inclusion.

NEPAL: A TRANSITION FROM AUTOCRACY TO PARTICIPATORY AND INCLUSIVE DEMOCRACY

The traditional as well as formal 'democracy' was introduced for the first in Nepal on February 18th, 1951. It subsisted in one or the other way till December 13th, 1960. In fact, it was used as a playground by defeated Ranas, rising Monarchy, Nepali Congress and Communist parties including different interests of neighboring countries. During the long period (from 14th December 1960 to 7th April 1990) of autocratic partyless 'Panchayat System, there was no option given to the people except casting vote for partyless Panchayat system. There would be independent candidates of Panchayati State structures (Rastriyat Panchayat, District Panchayat and Village and Municipal Panchayat) in the name of Panchayat democracy. In fact, it was not a participatory nor an inclusive democracy. All the political parties established on the basis of any political ideology were banned. Their leaders could either file their candidacy on individual basis or boycott Panchayat elections. Thus the Panchayat was

an autocratic and anti-inclusive governing system. On April 8, 1990, democracy was restored after the 49 days long popular movement of Nepalese people launched under the joint leadership of Nepali Congress and United Left Front. Unfortunately, the restored democracy could not get institutionalized even during a decade's time due to conflict within and among the major political parties and unscrupulous competition among them. This induced King Gyanendra to take-over the power in November 2002. He seized the democracy, at first loosely and on February 1st, 2005 tightly and absolutely. In this way, the period of the second democratic system (1990-2002 AD) was also neither a participatory nor an inclusive democratic system.

The regime of King Gyanendra (November, 2002-April 2006) was the climax of extreme autocratic rule where the government chaired by the King was functioning with the help of Army by declaring emergency in the country, suspending the fundamental rights of citizens and mobilizing all security forces against the people in the excuse of Maoist insurgency. It was only after the second people's movement in April 2006 and establishment of the third generation of democracy (Loktantra) in Nepal that the dawn of participatory as well as inclusive democracy took place in Nepal with the introduction of the Interim Constitution of Nepal- 2007AD.

During the popular movement of April 2006, the Nepalese people raised their voices for participatory and inclusive democracy (Samavesi Loktantra). It was the first time in Nepal that the Interim Constitution -2007 adopted the essence of participatory democracy and social inclusion. Later on, the Madhes movement and the movements of Tharu, indigenous people, Dalits, women, Muslims and other excluded groups added the values to enrich the concept of participatory democracy and social inclusion. So they were included in the Interim Constitution through several amendment processes at different times and contexts. The Interim Constitution of Nepal was further amended. More policies, laws, plans, programmes, regulations, etc were made in favor of participatory democracy and social inclusion. However, all these policies, laws, regulations, plans, programmes, mechanisms, directives, procedures and provisions are not enough for meaningful inclusion of excluded groups, for their participation in decision making process, implementation and for their benefits in both material and nonmaterial aspects.

FEATURES AND CHARACTERISTICS OF PD AND SI

In General, social inclusion is understood as a process away from exclusion. It is a process for dealing with social exclusion and integrating individuals into society. But it

has been used and understood differently in different places and contexts. Similarly, participatory democracy is a process of participation of the people of diverse racial groups, castes, ethnicity, gender, religion, region, age, etc

in policy making, budget allocating, implementing and getting benefits. So the participatory democracy and social inclusion can have the same kind of features and characteristics in some extent as stated below.

Participatory Democracy	Social Inclusion
<ul style="list-style-type: none"> • Participatory Democracy, going beyond a formal structure of equal representation and political rights, is a power relation shaped by commitments to ultimate values of equality, reciprocity, and autonomy, because, formal procedures do not guarantee any particular democratic power relation. • Participatory Democracy rejects the limits of a formal, procedural definition and strives for a substantive conception of democracy and promotes the value-rationality and value-autonomy of the actors and on the mechanisms of control in effective decision-making. • Participatory Democracy conceptualizes the community autonomy of the participants in terms not only of the substance but the sources of interest formation. For participatory democracy, the importance of the analysis of interest formation lies in the theoretical and empirical inadequacy of the so-called educative functions of participation. • Participatory Democracy identifies a mode of participatory control that recognizes the reality of large-scale organization and the need for representation and accountability. To counteract these tendencies it identifies how citizen-members are able to utilize the instrumentalities of formal representation to advance their autonomously formed interests enlarged member representative systems. • Participatory Democracy does this by focusing on a mode of participatory control that involves an exchange between delegators and delegates in which leaders act on their members' self-determined interests in return of their support. • Finally, the theory and practice of Participatory Democracy is conscious of its own political intention as a radical alternative to liberal democracy. <p>(Hendriks, 2010; Wolfe, 1985; Paley, 2004; Winthrop, 1978; & Rios& Rios, 2008)</p>	<ul style="list-style-type: none"> • Social inclusion is achieved when individuals or areas do not suffer from the negative effects of unemployment, poor skills, low income, poor housing, crime, bad health, family problems and limited access to services, remoteness, scarcity, isolation and high costs. • Social inclusion is the term used to describe the process in which efforts are made to ensure that everyone, regardless of their background, experiences and circumstances, can gain access to the services and facilities they need to achieve their own potential in life. • Social inclusion is to be achieved by involving the poorest of the citizens so that they can experience a rise in living standards, from which they are excluded due to a host of interrelated problems. • The development of capacity and opportunity to play a full role, not only in economic terms but also in social, psychological and political aspects. • An inclusive society must be based on respect for all human rights and fundamental freedoms, cultural and religious diversity, social justice and the special needs of vulnerable and disadvantaged groups, democratic participation and the rule of law. • Social inclusion is not only reflected in the material living condition (for example, income and housing conditions) but also, and moreover, as a subjective element: self-esteem and the feeling of belonging to a community are the important elements of this subjective dimension. • Social inclusion is grounded in the real life experiences of people and can therefore create a bond of association among people with different identities and circumstances. It is a user-friendly term and does not stigmatize people like the term poverty. • Social inclusion creates expectations for fundamental change at multiple levels of society, from public attitudes to policies to service delivery practices. • Social inclusion promotes a multi-dimensional analysis of the causes of inequities. • Social Inclusion validates individuals' or groups' choices about how and on whose terms to be included. • There are three models and approaches of inclusion such as RED, or the redistributionist discourse, has an emphasis on income inequality, poverty reduction or what has been recently described as 'progressive universalism'; MUD, or the moral underclass discourse, claims that poverty and exclusion are caused by the behavior of individuals and their 'subcultures'; and SID, or the social integrationist discourse, is about equal participation and equal access to opportunities, with an emphasis on labour market participation. <p>(Atkinson, 2010; Hunter, 2008; Jackson 1999; de Haan& Maxwell 1998; O'Reilly, 2005; Loury, 1999; &Sen, 2000)</p>

EXISTING NEPALESE POLICIES ON PARTICIPATORY DEMOCRACY AND SOCIAL INCLUSION

Overview of International Commitments

Nepal has expressed its commitment before the international community and UN agencies by ratifying several international human rights treaties, the ICERD, ESCR, ICCPR, CEDAW, CRC, CAT, CRPD, ILO 169 including the optional protocols of some other conventions. The Treaty Act, 1991 has adopted the monolithic as well as dualistic principle for the domestication of all international treaties/conventions through the section 9(1) and 9(2) of this Act. Though adopting both the principles for domestication of international treaties has been criticised on nationalist and power relation perspectives. Similarly, the State has reiterated its commitments by submitting the periodic reports of all above mentioned treaties, reports on UPR (universal periodic review), world conferences, international platforms and other UN mechanisms. However, there are lots of criticisms found against Nepal that it has not yet applied all the commitments made so far.

Overview of Constitutional Provisions

The joint people's movement of 1990 as well as the Constitution of the Kingdom of Nepal- 1990 was the initial point of adopting the concept of social inclusion and participatory democracy. Article 11(3) of the Constitution introduced symbolic participation and inclusiveness. Later on, the Government decided to provide scholarship and enrollment quota to Dalits, women, ethnic groups and physically disabled persons to study engineering and medical science in the academic institutions under Tribhuvan University. But the Supreme Court dismissed this policy based on the same article; that means it was substantially weak.

The people's movement of 2006 and the Interim Constitution of Nepal- 2007 were the other main steps towards participatory democracy and social inclusion. For instance, Article 3(3) of the Interim Constitution has categorized women, Dalits, indigenous peoples, Madhesi or farmers, workers, economically, socially or culturally backward classes, children, the aged and people with disability as excluded groups. It also for the first recognized the concept of affirmative action as fundamental rights of these groups by incorporating them in the Constitution. Acts related to civil services, security forces and other sectors have been amended or revised to make them consistent with Article 3(3) of the constitution.

Similarly, Article 21 of the Constitution has adopted the principle of proportionate representation of groups of people based on the population ratio. Thus the article

has provided the rights to the people defined as excluded groups to proportionately participate in state structures as per their population. This is the advanced concept of inclusiveness incorporated in the constitution in the history of Nepalese constitutionalism. Article 33 (d1) states about the 'Responsibilities of the State' to encourage all the disadvantaged groups, disadvantaged classes and disadvantaged regions to participate in all the organs of the state on the basis of proportional inclusion. There are some legal provisions which have been made and amended in harmony with this article. But, for the "proportional representation" neither the legal provisions have been made nor applied anywhere.

Article 63(4) of the constitution has affirmed the liability of political parties to select their candidates for 'Constituent Assembly' strictly applying the principle of inclusiveness. They must apply inclusive principle to select their candidates for the election of first past the post [FPTP] system. In the same way, they must select the names from excluded groups in lists of the candidates to be submitted to the Election Commission for the election of proportional representation [PR] system. Article 141(c) states that liability of the political parties that there should be a provision for the inclusion of members from Dalits and women in the executive committees at various levels. The both provisions have partially applied in the candidacy of general election and executive committees of political parties as well. Basically, the provision related to FPTP is almost a position of non implementation.

Article 154 of the constitution provides liability to the Government of Nepal to formation of women, Dalit, indigenous peoples, Madhesi, disabled, labors or farmers Commission as institutional inclusion. The concept of institutional inclusion is excellent, however, there were not established the commission of indigenous people, Madhesi, person with disabilities and labors or farmers as well even today.

The discourse of participatory democracy and social inclusion got lifted up during the first Constituent Assembly (2008). It led the second Constituent Assembly (2013) forward. The issues of participatory democracy and social inclusion seem rising in progressive way. However, the part of making and amending laws and their application in daily life is consistently poor.

Overview of Legal Provisions

The first separate Human Development Report-1998 published by UNDP indorsed the concept of participatory democracy and social inclusion. It was derived to formulate the Local Self-governance Act, 1999 (LSGA) incorporating the provisions of political inclusion (representation) in socio-economic plans and programmes for traditionally

excluded groups like women, indigenous people, Dalits and marginalized people.

For instance, Sections 7(b), 80(2)(c) and 12(2)(d) of Local Self-governance Act, 1999 (LSGA) has included the provisions of representation in Ward member, board member and council member of Village Development Committee from women, indigenous people, Dalits and other marginalized people. Similarly, section 75(b), 76(2)(c) and 80(2)(c) has included the provisions of representation in Ward member, board member and council member of Municipality. In addition, section 172(2)(e) and 176 (2)(d) has made the arrangement of the provision of representation to board member and council member from excluded groups in District Development Committee. However, the obligatory provision of inclusion was only for women. But for others there were just symbolic provisions. These provisions were the first steps to the State mechanism of people's representatives. Furthermore, the Act categorized only women, indigenous people and Dalits as excluded groups but others were included as a backward castes and races.

Section 5(3) of Constituent Assembly Member Election Act 2007 has incorporated provision that the political parties must apply the principle of inclusiveness during the candidacy of First Past the Post (FPTP) election process. Similarly, section 7(3) of the Act affirms that the political parties must include Women, Dalits, indigenous people, Madhesi, KhasAryan³, backward region and other groups of people as per their national population ratios in the list of the candidacy for proportional election system (PR). But in practice, section 7(9), 7(12) and 7(15) this Act seem to have been declined the real essence of section 7(3). The provisions open the door for the political parties to exclude the marginalized groups from the Constituent Assembly. In fact, the terms of "principle of inclusiveness" has not yet been defined well either by the Act itself or by the court. As a result, the provision of Section 5(3) has been

violated by the political parties both in the first and second CA elections.

Some Laws have been amended to make a nominal inclusiveness of public services, security forces, other governmental employments and educational opportunities. There are around ten laws (Acts and Regulations) that have been amended for this purpose so far. The section 7(7) of Civil Service Act 2007, which comprises ten services,⁴ has allocated altogether 45 percent of seats to be fulfilled by competition among the marginalized groups as per the affirmative action policy. The total allocated 45 percent⁵ of the seats have been further divided among six groups of beneficiaries such as women (14.85%), indigenous people (13.15%), Madhesi⁶ (9.05%), Dalit (4.05%), persons with disabilities (2.25%) and backward regions (1.8%) which is below the half of their respective ratios of their population. The remaining 55 percent of the seats are allocated for open competition among general candidates including the marginalized groups. This provision has ultimately provided benefits to advanced castes, especially to the males.

The same provision of Civil Service Act is applied to Development Committee Service, Local Self-Governance Service, Education Service, Nepal Special Service, Health Service, Legislative Parliament Secretariat Service and Scholarships distribution etc.

Establishing Civil Service Act, 2007 as a leading Act on affirmative action, further amendments were made to nine other laws (Acts and Regulations)⁷ with the same provisions excluding the security forces. Persons with disabilities have been withdrawn from the beneficiaries' list in the service of security forces (Army, Police, and Armed-Police) and the percentage of reserved seats for women have been further reduced as compared to the Civil Service Act and supplemented to other groups⁸. For instance, in the security forces women got 9 (reduced 5.85%) percent, indigenous people 14.4 (added 1.25%) percent, Madhesi 12.6 (added 3.33%) percent, Dalit

3 This group comprises hills Bahun, Chhetri, Thakuri and Sannyasi which is included by the Constituent Assembly Members Election Ordinance, 2070.

4 As per this Act, financial plan and statistics service, engineering service, agriculture service, judicial service, foreign/diplomatic service, administrative service, auditor service, jungle service, educational service and miscellaneous service are known as Civil Services (Section 3).

5 As per the Act women (33%), indigenous people (27%), Madhesi including Muslims and OBC (22%), Dalit (9%), persons with disabilities (9%) and backward regions (4%) by supposing 45% as 100%.

6 Including Madhesi origin Dalit, indigenous people, Muslims and other backward caste (OBC) amended by the 'Amendment bill for some Nepali laws to make public service inclusive, 2067'.

7 Scholarship (fourth amendment) Regulation, 2010; Local Self-governance (fourth amendment) Regulation, 2010; Legislative-Parliament Secretariat Service Act, 1993 (amended on 2007); Army Act, 2001 (amended on 2009); Police Act, 1955 (amended on 2009); Armed-Police Act, 2006 (amended on 2009); Nepal Special (intelligence) Service Act, 1985 (amended on 2009); Development Committee Act, 1956 (amended on 2009); Education Act, 1971 (amended on 2009); and Nepal Health Service Act, 1997 (amended on 2009). The Constituent Assembly Members Election Act, 2007 formulated to make the Constituent Assembly inclusive.

8 Some Nepal Acts amendment Act (ordinance) 2009 and Police (twelfth amendment) Regulation 2008 and Armed-Police (fourth amendment) Regulation 2008

6.75 (added 2.45%) percent and backward regions 2.25 (added 0.45%) percent respectively (Kisan, 2012:24)⁹. The allocated quotas in public service and security forces are contradictory to the spirit of Article 21 of Interim Constitution, 2007.

As per the latest study of Nepalese laws (Acts and Regulations) on participatory democracy, gender and social inclusion perspectives, there are 103 Acts found which need to be amended to make them compatible with Article 13/3, Article 21, Article 33d1, Article 35/10 and 35/14 of the Interim Constitution and section 7(7) of Civil Service Act as well (Kisan, 2012: 26-146). Despite the efforts for making all the legal provisions inclusive and compatible with Article 21 of the Constitution, there remains more to be done towards this direction.

Rebuilding the system of governance based on the principle of participatory democracy in the real sense, restructuring the State and making the society proportionally inclusive seems a long way away.

Overview of Policies, Plans, Programmes, Budgetary Schemes and Courts Decisions

The government of Nepal started to make policy, plans, programs and budgetary schemes with the concept of participatory democracy and social inclusion from the Ninth Five Year Plans (1996-2001). Since then the Tenth Five Year Plans and all the Three Year Interim Plans are also following the same type of inclusive policies, plans and programmes.

From 2006 onward, the Ministry of Local Development (MoLD) started gender responsive and social inclusive budgeting in one or the other way, which is adopted as policy from May 2012¹⁰. Nowadays the Ministry of Federal Affairs and Local Development (MoFALD) has formulated 'gender equity and social inclusion (GESI) policy'¹¹. It has categorized the six dimensions of inclusion such as gender, caste/community, ethnicity, age, disability and geography. In addition, MoFALD has released the 'GESI Information booklet, 2013'¹²

and 'GESI Training Resource Booklet, 2013'¹³ for better implementation of GESI policy from national to local level. Furthermore, all these plans, programmes and budgetary schemes usually seem compatible with GESI policy along with its dimensions.

Interestingly, all the inclusive policies, plans, schemes and programs made and the institutions established by focusing on women, indigenous people and Dalits were not a self-generated independent ideas of the rulers or castes, class, parties or government, but, in fact, they were driven by the international actors (UN and multi-bilateral donor agencies) from the top down and the Maoist factors from the bottom up because the source of knowledge is physical circumstances, at first, that was created by both actors at that time.

Supreme Court is the highest judicial institution of Nepal. It has been providing rights to the citizens by its proactive decisions. For instance, the Court has ordered to formulate laws on affirmative action and reservation policy¹⁴. It has also ordered to formulate laws making compatible with ICERD provisions¹⁵. These are some of the positive decisions made by the Supreme Court. However, the decisions made by the Supreme Court regarding application of Nepal (Newari) language as official language in Kathmandu Municipality and Maithili language as official language of Rajbiraj Municipality and Dhanusha District Development Committee may be taken as a sign of negative attitude towards linguistic inclusion.¹⁶

Overview of Institutional Participation and Inclusion

Seven years after the restoration of democracy in 1990AD and two years after the start of Maoist 'people's war', the government of Nepal established the 'Dalit Development Committee' and 'National Academy for Indigenous Nationalities' at the central level in 1997AD. Later on it was expanded to all 75 districts. Similarly, the government established 'National Dalits Commission' and 'National Women Commission' in 2002 twelve

9 As per the Acts women (20%), indigenous people (32%), Madhesi including Muslims and OBC (28%), Dalit (15%) and backward regions (5%) by supposing 45% as 100%.

10 Directives on gender responsive and social inclusive budgeting in local bodies and experiment, 2012. Kathmandu: Government of Nepal, Ministry of Federal Affairs and Local Development

11 Gender Equity and Social Inclusion Policy, 2009. Kathmandu: Government of Nepal; Ministry of Local Development

12 Gender Equity and Social Inclusion Information Booklet, 2013. Kathmandu: Government of Nepal; Ministry of Federal Affairs and Local Development.

13 Gender Equity and Social Inclusion District Level Training Booklet, 2013. Kathmandu: Government of Nepal; Ministry of Federal Affairs and Local Development

14 RatnaBagchand vs. Government of Nepal, writ no.3378 of 2004 AD and PradhoshChhetri vs. His Majesties' Government of Nepal, writ no.3059 of 2004 AD

15 RatnaBagchand vs. Government of Nepal, writ no.46 of 2005 AD

16 Advocate LalBahadurThapavs HMG/Nepal, Ministry of Local Development, writ no.2932 of 2054 BS

years after the restoration of democracy. It was the time that the Maoist ‘people’s war’ was reaching the peak.

Interestingly enough, all these institutions were formed during the critical period of Maoist peoples’ war. So there is no doubt that all such efforts were made to respond the dissatisfaction of women, indigenous people and Dalits with the State and also to divert their flow towards Maoist.

Inclusion of excluded groups and regions in the existing institutions and their participation in decision making process and implementation is one aspect of social inclusion. But establishing new, separate and specific institutions for them is the other aspect. Both types of inclusion should be applied to fulfill the essence of participatory democracy and social inclusion. To this end, the Government has taken initiative towards establishing institutions to uplift Dalits, women, indigenous people, Muslims, Buddhists, physically disables and inaccessible regions.

For example, the government has established Dalit Uplift and Development Committee¹⁷ in 1997. It was extended to all 75 Districts as ‘Dalit Development District Coordination Committee’¹⁸; in 2006 National Dalits Commission¹⁹ in 2002 and Badi Development Committee²⁰ in 2012. These steps were taken for the institutional inclusion of Dalits. Similarly, the State established National Women Commission²¹ in 2002, Women Districts Coordination Committee²² in all 75 Districts and Women Municipal

Coordination Committees²³ were formed in 2013 in all Municipalities of Nepal for the institutional inclusion of women. In addition, the State established National Academy for Indigenous Nationalities²⁴ in 2001 through an Act and ‘Indigenous Nationalities District Coordination Committees’²⁵ in all 75 Districts were formed in 2006 for the institutional inclusion of indigenous people. Similarly, the State established Other Backward Community (OBC) Uplift and Development Committee²⁶ in 2009 for the institutional inclusion of OBCs of Nepal. This has been extended as OBC District Coordination Committee²⁷ in 26 Districts where they live. Furthermore, the State established Buddhist Philosophy Promotion and Monastery Development Committee²⁸ in 2010 and National Muslim Commission²⁹ in 2012 for the institutional inclusion of Buddhists and Muslims religious minorities of Nepal. The State also established Inaccessible Region Development Committee³⁰ in 2006 for institutional inclusion of the regions that categorized by the State as inaccessible or remote regions or areas.³¹ Moreover, the government has established Person with Disabilities District Coordination Committee³² in all 75 Districts and Person with Disabilities Municipal Coordination Committee³³ in all Municipalities of Nepal for the institutional inclusion of persons with disabilities.

Such initiatives taken by the State to establish institutional mechanism paving the way towards participation of excluded groups through their own separate institutions is highly appreciable. However, most of these institutions are not functioning effectively

17 Dalit Uplift and Development Committee (Formation) Direction, 1997 (2054), HMG Nepal, Ministry of Local Development

18 Dalit Development District Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

19 National Dalit Commission Formation and Execution Provision, 2002 (2058), HMG of Nepal, Council of Ministers, Decision on March 2002.

20 Badi Development Committee (Formation) Direction, 2012 (2068), Government of Nepal, Ministry of Local Development

21 National Women Commission Act, 2006 which was initially established by National Women Commission (Formation) Direction in 2002

22 Women District Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

23 Women Municipal Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

24 National Academy for the Upliftment of Indigenous Nationalities Act, 2002 which was initially established as Indigenous Nationalities Uplift and Development Committee by Formation Direction in 1997

25 Indigenous People District Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

26 Other Back Ward Community Uplift and Development Committee (Formation) Direction, 2009(2065), Government of Nepal Ministry of Local Development. Nepal Gazette, Vol. 58 (2 February, 2009) (Edition No. 42A)

27 OBC Uplift District Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

28 Buddhist Philosophy Promotion and Monastery Development Committee (Formation) Direction, 2010(2066), Government of Nepal Ministry of Local Development. Nepal Gazette, Vol. 59 (9 October, 2009) (Additional Edition No. 32A)

29 National Muslim Commission Formation and Execution Provision, 2012 (2068), Government of Nepal, Council of Ministers, Decision on 5 April 2012.

30 Inaccessible Region Development Committee (Formation) (First Amendment) Direction, 2006, Government of Nepal Ministry of Local Development

31 The Civil Service Act, defined Achham, Kalikot, Jajarkot, Jumla, Humla, Dolpa, Bajhang, Bajur and Mugu Districts as backward areas of Nepal

32 Person with Disabilities District Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

33 Person with Disabilities Municipal Coordination Committee Formation and Execution Procedure, 2013(2070); Government of Nepal, Ministry of Federal Affairs and Local Development

due to the lack of separate legal entity, insufficient budget allocation, fragile institutional structure, weak human resource development and state of dependency. So, in some way, it looks like face-saving instrument of the State before the international community though initiative itself is a first step through which the target groups can get better in the future.

Overview of Constitution Drafting Process of CA-I

During the Constitution drafting process of Constituent Assembly (CA-I), all the 10 thematic committees' reports and report of draft reports review committee had categorized excluded groups. They were Women, Dalits, indigenous people, Madhesi, persons with disability, people from excluded regions, minorities and marginalized communities, Muslims, children, youth, elderly people, single women, sexual minorities, under privileged class, farmers, martyrs' families and disappeared people. To some extent, this is a widened category of excluded groups compared to the Interim Constitution, 2007. Furthermore, it also adopted the principle of proportional representation and inclusiveness on the basis of population size of all castes, ethnic, gender and religious groups to all the structures of the state. It made arrangement of compensatory rights for Dalits by providing additional 3 percent representation to federal and 5 percent to provincial political structure. The CA (I) also aimed to institutionally include women, Dalits, indigenous people, Madhesi, Muslim, person with disabilities, minority groups and marginalized community by constituting separate rights commissions of all these groups. The drafting processes of thematic committees' report were quite inclusive and participatory which was a kind of good practices. However, the final drafting and releasing processes of Constitution could not be participatory and inclusive at all. All the power to release the first draft of Constitution was hijacked by four leaders of major four political parties which was completely negation to participatory democracy, even to a liberal democracy and social inclusion. So the CA (I) was unable to release the Constitution.

IDENTIFICATION OF GROUPS WHO SHOULD BE INCLUDED

Identifying and making schedule of excluded groups always becomes problematic and challenging. However, it is necessary to make it to solve the problems of exclusion. The Interim Constitution of Nepal, 2007 and CA (I) has made a list of excluded groups like Women, Dalits, indigenous people, Madhesi, persons with disability, people from excluded regions, minorities and marginalized communities, Muslims, children, youth, elderly people, single women, sexual minorities,

under privileged class, farmers, martyrs' families and disappeared people. The list is quite long mixing all type of groups into a basket and thus many groups overlapping each other in several aspects which would be problematic at the time of distribution of rights and opportunities. It needs to be further categorized to make easy distribution of rights and opportunities in inclusion processes. Hence, such list should be made as per the exclusion indicators and other human development indicators.

For the inclusion purpose, the scholars of social exclusion and inclusion are trying to make social exclusion and inclusion indicators for measuring social inclusion and inclusion which itself is debatable. According to Silver (2007), the debates over 'basic needs' versus 'deprivation', 'absolute' versus 'relative' poverty, and 'current' versus 'lifetime' poverty have all been enlisted in clarifying exclusion indicators. Barnes's (2005; cited in Silver, 2007) has identified indicators that cover seven dimensions of social exclusion: financial situation, ownership of durable goods, the quality of housing, neighborhood perception, personal social relationships (operational social support), physical health and psychological wellbeing. Similarly, Burchardt, Le Grand and Piachaud (2002; cited in Silver, 2007) work with four interrelated sets of indicators of 'participation in 'normal' activities of society': (i) consumption (less than half the means of net household income) and savings; (ii) production (those still economically active who are not engaged in socially valued activity); (iii) political engagement (those who do not vote or belong to political organizations); and most important for our purposes, (iv) social interaction (lacking someone who will offer support (listen, comfort, or help in a crisis) or having someone to relax with or who really appreciates you). Whereas Gordon (2000; cited in Silver, 2007) examined four 'themes' of social exclusion: (i) income poverty and material deprivation; (ii) exclusion from the labor market; (iii) exclusion from public services; and (iv) exclusion from social relations.

In the light of above discussed exclusion indicators, women, Dalits, indigenous people, Madhesi, Muslims, third gender, single women and persons with disability seem to be excluded groups of Nepal. It is also necessary to make further division such as highly excluded, excluded and less-excluded groups to make easier of limited resources and opportunities. The people of excluded regions, children, youth, elderly people, minorities, under privileged class, farmers, labors, martyrs' families and disappeared people should be given priority at the time of distributing rights and opportunities as the affirmative action policy. These groups who overlap other large caste, ethnic, gender and religious groups, they should be prioritized within the groups.

AREAS OF INCLUSION AND PARTICIPATION

The agenda 'where to be included or not' is incredibly crucial and challenging. Usually questions are raised such as inclusion in which sectors, services, organs, levels, positions of the State and non-State sectors. Identifying such areas depends on the situation, context of exclusion and inclusion in different countries, societies and demands of excluded groups. In Nepal there are around 90 percent people are excluded in many ways and aspects. In the Nepalese context every sector, service, organ, level and position is found as the area of inclusion of the excluded. For instance, executive structure of federal, provincial and local level governments; legislative-parliament of federal, provincial and local levels; constitutional bodies and commissions at all levels; judiciaries, security forces, civil services, educational institutions and services, all kinds of academies, committees, Boards, Councils, funds; semi governmental institutions; nongovernmental organizations, commercial institutions/companies, political parties and professional organizations, etc are the major areas of inclusion of the excluded. In addition, major executive positions like Chief District Officer, chief and vice-chief of authorities, corporation, academic institutions, local government, etc also should be included as the areas of inclusion.³⁴ Non-State sectors also should recognize as the areas of inclusion such as private companies, industries and educational institutions, national and international nongovernmental organization etc.

AGENDAS OF PARTICIPATORY DEMOCRACY AND SOCIAL INCLUSION

There are various dimensions and aspects of social inclusion. Unfortunately, the understanding of social inclusion in Nepal is wavering around only a physical tokenism. However, social inclusion starts from the Constitutional protection of the benefits of excluded groups. It applies to both horizontal and vertical aspects. It applies from top to bottom and vice versa.

Constitutional Safeguarding

Constitution is the foundation of all rights and laws of the Nation. So the rights of excluded groups should be included in the constitution as their fundamental rights. For instance, 'right to equality', 'right of Dalit community', 'rights of women', 'rights of minorities',

'rights to religion' and 'rights against discrimination' are the agendas which should be included in the chapter of fundamental rights of the Constitution. Similarly, the principle or concept of social inclusion should also be adopted by the constitution. For example, principle of affirmative action, proportional representation and special compensation should be adopted under the Article of 'right to equality' and separate rights sections of excluded groups. Such provisions can open the door, in every aspect, to make policies, laws, regulations, plans, schemes, programmes and their implementation facilitating the courts to make a right decision. The Constitution should recognize the affirmative action policy, proportional representation, compensatory participation and fast tracking system as inclusive concept that have been applied around the world as methods to include the excluded in State and non-State agencies and make them participate in all processes.

Participatory and Inclusive Laws, Policies, Plans and Programmes

Required policies, laws, regulations and even for the executive decisions on restructuring the State mechanism should be formulated to include the excluded as their Constitutional rights of excluded groups. Without inclusive legal provisions, policies and programs the aim of social inclusion cannot be applicable. At present, there are around a dozen of laws (Acts and Regulations) made or amended for social inclusion of the people already enlisted as excluded groups (women, Dalit, indigenous people, Madhesi, person with disability and people of backward region). In the same way, more than 100 Acts and regulations, almost in the same number, need to be amended for gender and social inclusion perspective (Kisan, 2012: 26-146) and various new laws also should be enacted in this regards in the future.

Material and non-Material Aspects of PD and SI

The concept of social inclusion comprises both 'material [physical]' and 'non-material' aspects of representation/inclusion which is a core essence of participatory democracy. This means physical representation and participation of an individual or a group of excluded. Doing this is the first and the most essential for participation of the excluded in decision making and in implementing processes, integration, and recognition, acceptance of the capacity and leadership of excluded groups. Inclusion at the level of benefits is the second and indivisible non-material aspects of inclusion. Unfortunately, the existing perception as well as

34 For instance, in India, chair and vice-chair of Gram Panchayats and Municipalities are reserved for Dalit, women and indigenous people as per their population ratios.

understanding of the State, ruling class, class, gender, political parties and policy makers is limited up to physical symbolic representation.

Method, Criteria and Ratio of PD and SI

Simply the constitutional safeguard and laws have not been sufficient to meaningfully include the excluded groups. There should be a clear and well prepared method, process, criteria and ratio inclusion to meet up the spirit of Constitution and laws. For instance, to make the inclusive parliament at all levels there should be inclusive electoral method (system). If the State wants to include excluded groups in parliament just at nominal level, then Mixed Electoral System may be practised that has been already applied to CA election. However, if the State wants proportional representation of all groups to the Parliament (federal, provincial and local bodies)³⁵ or any kind of public representatives based State bodies/structures, the 'Mixed-Member Proportional Representation [MMPR] Electoral System' should be adopted for the time being (Kisan, 2010:119) which comprises the norms of FPTP and PR (Proportional Representation) system including compensation of imbalance of parallel system. Even though, 'Party Block-Vote System' and or 'Block-Vote System' are also other Dalits' favorable electoral systems that can be considered in place of MMPR (UNDP/SPCBN, 2011:10-12).

The inclusive methods and processes are the most essential to be applied to every organ, sector, level of the State and non-State sectors. Criteria are another agenda of inclusion that determine age bar, educational requirement, class status, regional identity, minority and marginalized status etc.

Ratio is the other agenda of inclusion which is highly debatable in every country of the world. Existing Nepalese laws are providing a nominal type of inclusion whereas during the Constitution drafting process of CA (I) the agenda of proportional representation of all sectors, levels and organs as per the national population ratio of respective excluded groups has been raised and established. It is only of the best, scientific and non-discriminatory ratio. It will be helpful to distribute resources and opportunities to all groups without any communal conflicts and feeling inferiority as well as superiority complex. It can be applied to distributing resources and opportunities to all groups (not only excluded). Thus it plays the role to maintain the social and communal harmony.

Participatory and Inclusive Action-Plans and Fast-Tracking System

Inclusive action plan is most essential to substantially apply inclusive policies, schemes and programs and to fulfill the demands of certain time limit or deadline of inclusiveness. Otherwise, it would be just a show-piece, to show for international community and donors to fulfill their interest. But the demands and interests of the people and real stakeholders cannot be fulfilled. In the Nepalese context, the period of 10 to 20 years cannot be a practical deadline to make all the State and non-State structures proportionally inclusive of all groups. To attain the goal of 'proportional inclusiveness' within 10-20 years of all State organs, sectors, structures and agencies, there should be a realistic and periodic action plan and 'fast-tracking' method should be applied. South Africa is a role model of these ideas that can be replicated in Nepal (Kisan, 2012:17-22).

For instance, in South Africa, after the liberation from white colonial regime on 27 April 1994, the Parliament pronounced a 'White Paper' that provisioned to review and reform of existing policies and legal provisions related to the underrepresentation of excluded groups in public services (White Paper, 1994:33-34). Another 'White Paper' reformed the traditional recruitment, selection and promotion processes changing 'procedures' and 'attitudes' of the management level. It also aimed at increasing Black's representation to public services raising their percent to 50 and women's representation raising their percent to 30 within 4 years (White Paper, 1995: Chapter 10). The paper introduced the concept of "fast-tracking" in recruitment and promotion. The White Paper (1998:12-17) contributed to reducing the barriers to enter the public service of Blacks and 'Public Service Laws Amendment Act, 1997' provisioned a new way of evaluation to make public service inclusive (Act no. 47, 1997:15-16). These initiatives resulted in the black race's representation to public services increased from 15 (1995) to 61 (1999) percent within five years and 40 percent black race and 27 percent women held high managerial positions all of which were occupied by 'white men' before such initiative was taken (SSAAR, 1998:10).

The method of 'fast-tracking system' that was applied by the democratic government of South Africa to mitigate the post-conflict situation and to fulfill the interest of proportional representation in all structures of the State can be the role model for the country, like Nepal. If Nepal wants to make the State structures participatory and proportionally inclusive within 10 or 20 years, fast-tracking system should be extensively applied.

35 The Indian Constitution (see Articles: 330, 332, 343T and 243D) has provided 15 percent seat reservation (proportional) for Scheduled Caste (Dalits) and 7.5 percent seat reservation (proportional) for Scheduled Tribe which is proportional as per their respective national population ratios.

Participatory Budgeting (PB)

According to Adalmeire Marquetti and others (2012), a broad definition of PB is relatively straight forward. PB is a form of participatory democracy in which citizens and civil society organizations have the right to participate directly in determining fiscal policy...First, it supports the ideal of democracy not only in economic matters but also in the social aspects. Second, it has a pedagogical effect from which participants learn about rights and responsibilities. Third, it improves the fiscal performance of governments. Finally, it has distributive effects on the expenditure of public resources. Particularly, it tends to improve the quality of life of the poor (Marquetti, 2012, p. 63). They are arguing about the ideal democracy where the resource allocation and distribution is determined by participatory way of people. Furthermore, “participatory budgeting is an institutional innovation from both the democratic and fiscal perspectives. From the fiscal perspective participatory budgeting has promoted a more efficient, transparent and accountable administration of public resources, which is an outstanding achievement in itself. By using fairness criteria in budget allocations and bottom-up processes, it has also improved the living conditions of poor and marginalized communities by reversing priorities that were used to favour higher income areas (Marquetti, 2012, p. 80).” They further elaborated the concept of PB with the bench mark of efficiency, transparency and accountability, bottom-up processes and improvement of living condition of poor and marginalised communities.

In the Nepalese context, the formation of VDC, Municipality and DDC Councils itself seems a platform of participatory budgeting system. In addition, the government of Nepal released “Directives on Local Body Gender Budget Experiment, 2007” which was later extended as “Directives on Local Body Gender Sensitive and Social Inclusion Budget Arrangement and Experiment, 2012”. This annually allocates 35 percent budget for women, children and other excluded groups (10+10+15%) in all local bodies. However, the implementation of these schemes at ground level depends on the strengths of these groups and attitude of local body’s authorities and other local circumstances. In such cases, there are lots of chances of misuse the GESI budgets by other groups for other purposes. Such cases have been already found on this issue in the country.

Institutional and Socio-cultural participation and inclusion

Institutional inclusion is an integral part of social inclusion. Institutional inclusion of individual or groups in both material and non-material aspects is also essential to make a State inclusive. Making all type of existing institutions of the state inclusive and participatory is the

one aspect. It is a kind of adjustment process. However, institutional inclusion is the other aspect which demands creation of new type of institutions to institutionally include the excluded. Though, it should be kept in mind that all type of inclusion processes should be dignified. The institutions that have been already formed by the State are mentioned and discussed above. Establishing institutions for excluded groups is a kind of ‘material inclusion’ and making such institutions independent, autonomous, resourceful and statutory body is a kind of ‘non-material inclusion’. Agenda of recognizing such institutions as a constitutional body is a kind of high placed demand for institutional inclusion that was raised during the CA-I processes. It is continuously going on even today. In order to make the State institutionally inclusive, the door should be left wide open in the institutions like a ministry, department, corporation, commission, committee and academy with sufficient authority and funds (Kisan, 2010:120-134). Doing so is needed for the inclusion of excluded at the institution level. Only establishing any institutions is not enough. It also becomes necessary to make them independent, autonomous along with adequate budget allocation, human resource development and strong monitoring mechanism.

Intra-group Inclusion and participation

Nepal is a country of diversity of caste, ethnicity, community, culture, language, religion and geographical region. Most importantly, there exists intra-diversity in all excluded groups for example indigenous nationalities comprise around 100 castes and cultural groups; Dalit comprises 26 castes from Hills, Terai and Newar. Newar itself is a community of several castes. Women comprise the women of different castes, class, religion, region and cultures. Persons with disabilities comprise several castes, genders, regions and religions. Backward regions also comprise the same groups. This is not only a picture of egalitarian type of diversity but, in fact, it is the picture of the excluded among the excluded.

Hence, an agenda of intra-groups inclusion becomes a crucial issue to be maintained and addressed to fulfill the motto of social inclusion and for substantive inclusion of the excluded. For instance, intra-group inclusion of Dalits, women, indigenous peoples, Madhesi, Muslims and other excluded groups is most the essential. This may address the issues of intra-groups conflict, social harmony and all round development of equal footing.

EFFECTS AND CONSEQUENCES OF PARTICIPATORY DEMOCRACY AND INCLUSION

Generally, there are two types of effects and consequences that will simultaneously appear after the implementation

of the concept of participatory democracy and social inclusion; they are both negative and positive. The traditionally advanced, included and ruling castes, classes and groups of people will be dissatisfied to some extent and may try to distract the social and inter-community group's harmony and widen and deepen the intra-inter-groups conflict. However, it should be considered as a kind of their false consciousness and harmony and discriminatory as well as exploitative mind-set. This must be negotiated and corrected in one or another way. The negative attitude and behavior also will be seen in terms of accepting leaderships, knowledge, capacities and skills of marginalized groups, which is, in fact, a general tradition of Nepal. The issues of merit also will emerge during the application of PD and SI concept in Nepalese society. This is not a big deal as global phenomena that have already risen during the long debate on PD and SI. So there is no need to worry about the negative effects of PD and SI. However, economic, socio-cultural and behavioral aspects of participatory democracy and social inclusion, which affect different groups in different ways, are the most crucial and need to be broadly discussed.

CONCLUSION AND WAY FORWARD

Nepal is at a stage of applying participatory democracy and concept of social inclusion to address the existing issues of exclusion, deprivation, exploitation and state of disadvantage. There is no way to escape without applying these concepts in governance and State structures because participatory democracy and social inclusion is the best alternative of liberal democracy at present time and context. Thus, to adopt and apply these concepts it becomes necessary to formulate the laws like paired with action plan, budgetary guaranty, capacity building of human resource and institutionalization. But the existing commitments, constitutional safeguarding, legal provisions, policies,

plans, programs and implementation strategies are not enough to gear up the essence and issues of PD and SI. To address this issue, separate, strong and comprehensive laws on PD and SI should be formulated. A bill to this direction is laying on the table in parliamentary secretariat for a long time.

The State is starting to step towards applying PD and SI, however, lack of making adequate and similar understanding on it and lack of proper and effective implementation of existing laws, policies and plans these concepts are likely to fail. Similarly, the trend of making policies and laws without carrying out any national need assessment, research on resource capacity, outcome, regions and massive consultation is also playing negative role against its effectiveness. Incompatibility of Constitutional provisions, laws, policies, plans, action plans and negative mind-set of policy makers and implementers are the other barriers to implementing PD and SI. Additionally, the attitude as well as negative mind-set of the implementers of the existing policies and laws also needs to be addressed. It is also important to keep in mind that benefits of PD and SI should reach target groups against creamy-layer among the excluded groups.

Participatory democracy and social inclusion are the processes of integrating people for nation building that apply through the policies, programs, activities and methods of inclusiveness, affirmative action, fast-track system, compensation and proportional representation. Similarly, the PD and SI play the role in reducing or minimizing conflict, violence and disharmony among diverse groups of the country and the societies, which are the negative sides of national integration, peace and development. So this is a right time to establish Nepal as a country of participatory democracy and social inclusion in all aspects. Only through this, an inclusive and participatory democratic country becomes able to maintain national unity, sustainable peace, social harmony and development.

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Participatory Democracy in Equator and Bolivia

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INTRODUCTION

This paper synthesizes the second round of the research about participatory democracy experiences in Latin America. This research is an attempt to recover the diverse and rich experience of the people's struggles and their social movements in deepening democracy through innovations in participatory democracy in Latin America in the last decades. We also seek to contribute for the debate promoted by the Forum for Participatory Democracy in Nepal. In our previous paper we recovered the Brazilian and Venezuelan experiences (Romano et alii, 2013). In this paper we are focusing on two other significant experiences: the Bolivian and the Ecuadorian ones.

Over the past four decades, after a long period of authoritarian regimes, the transitions in the region promoted democratic regimes, especially in its political and electoral dimension. Therefore in a large number of countries in South America advances have been seen in both "electoral democracy" as in the promotion of the basic freedoms (Romano et alii, 2013).

In addition to these transitions, the popular sectors had mobilized aiming the radicalization of democracy by expanding participatory democracy experiences. Thus, processes took place in region in which social mobilization and political rights are used as levers to achieve other rights (civil, economic, social, environmental and cultural) and the building of new and more inclusive institutional formats.

But the reality again presented challenges. Although the transitions in Latin America have initially created the political conditions for electoral democracy, they occurred concomitantly with the depletion of Keynesianism - which both populism and developmentalism had been tributaries to - and the debt crisis in the context of the rise of neoliberal model and its structural adjustment measures. The "old" rights to health, education, housing and social security were converted into "commodities" inaccessible to the vast majority of sectors of the populations (Borón, 2007: 61).

Latin American societies started to present not only an acute poverty but also the persistent and profound levels of inequality in the world. Thus the dominant neoliberalism project in the post-transition period that reigned in the markets, guided governments, and tried to organize society itself ended up building a low intensity and delegitimized democracy in the Latin American countries, a "simulacrum of democracy" without substantive content (Borón, 2007: 62).

But the democratization process did not put an end to neoliberalism and its attempt to consolidate this "simulacrum" and "single model" of electoral democracy founded on the concepts of democratic elitism. The processes of democratization of State and society have deepened in different countries of the region based on the mobilization of subaltern sectors, and on the struggle of indigenous peoples with traditional social movements (such as workers unions and peasant movements) through new political movements, mass parties and political coalitions.

In this context of crisis and transformation, the region was presented - and keeps presenting - as one of the places of the international scenario where the meanings of democracy are more clearly into dispute (Bava, 2006:13). Different discourses and political projects dispute often use the same words when referring to democracy and its different concepts and practices - such as participation - but meaning different things.¹ For example, on one side, the speech focused on the right to vote in an institutional framework of "electoral democracy" has resulted in an "elite democracy" built from the top down, allowed by the neoliberal project. The "participation" of civil society in this speech is oriented to replace the role of the State in the implementation of public policies in an "efficacy, efficient and effective way". On the other hand, a set of "alternative" or "contesting" speeches is present. They articulate keywords such as "participation", "people", "community", "diversity", "citizenship", "rights", among others. In many of these contesting speeches the notion of "democracy" is expanded and becomes framed as a new, fairer and equitable, social and political agenda. Such speeches aim to enhance the active participation of people in the public arena, beyond the vote. It is expressed in innovations of democratic practices - such as participatory democracy - with the questioning of traditional institutions of the "elite democracy". All of this is part of the popular mobilizations against the effects of neoliberal policies that in many cases allowed the emergence of a people political arena with the election of a number of "progressive" or "leftist" governments and the expansion of public spaces through innovations of participatory democracy (Romano, 2007: 134).

Despite of the diversity presented by governments like Morales in Bolivia, Correa in Ecuador, Chavez - and then Maduro - in Venezuela, Lula in Brazil, Kirchner in Argentina, Mujica in Uruguay, in general, these progressive governments reintroduced

a common set of elements both nationally and in Latin American: the strengthening of the role of the state in a context of defence of regional integration; neo-developmentalism, founded in extractives or primaries economies; and strong policies for social inclusion. In political terms, it opened the expansion of democratic experimentalism with the recreation of the "democratic diversity" or "demo-diversity." This is the peaceful or conflictive coexistence of different democratic models and practices supported by different cultural orientations and political projects (Santos, and Avritzer, L. 2002: 71).

So, there was and there continues to be a clash between hegemonic and non-hegemonic projects of democracy. These shocks present tensions and synergies between the establishment of procedures, regulations and formal institutions of electoral democracy, and the creation of new practices and experiments of participatory democracy. These new standards and principles enabled by the active participation of social movements and based on social justice, active citizenship and the expansion of the public sphere would express democracy as a new "grammar" for both organizing society and the relationship between State and society (Lechner, 1988: 32). This grammar should take into account the changing relations of gender, race, ethnicity, and the private appropriation of public resources.² It also either introduced or expanded the democratic experimentalism in the State itself (Santos, and Avritzer, L, 2002: 54).

In counter-hegemonic conception of democracy the political participation is no longer the simple act of voting. It becomes a link between representative democracy and participatory democracy. The most promising forms of democracy would be those who were able to relativize representation, linking it with the participation. To do this, it is needed a "global re-

¹ It is worth reminding the analysis by Dagnino (2004) regarding the introduction of forms of popular participation in Brazil and Latin America in the last two decades. For this author, during the 1990s, two very different political grammars adopted identical concepts in regard to the expansion of public space in Latin American societies. Which implies in a "perverse confluence" about participation from two opposing projects: the neoliberal project and the participatory democratic project (Dagnino uses the notion of political project from a Gramscian perspective, to denote the sets of beliefs, interests, worldviews, representations of what should be life in society, that guide the political action of different subjects). From the side of the elites who ruled during the "neoliberal era," the appeal to popular participation masked their main political orientation based on the idea of a minimal State. This orientation would transfer increasingly the State's responsibilities to the society and the market, thus justifying the complete dismantling of the previous institutions and the privatization of large public companies. While it created spaces for a type of "participation", it will not put at risk the implementation of hard-core conservative reforms (Dagnino, 2004). In turn, from the side of social movements and the new instruments of political struggle that emerged from the 1970s and 1980s from the heat of the struggle against military dictatorship and for democracy, we find the demand for a broadening of democracy. This demand finds its expression in the creation of public spaces and in the increasing participation of civil society in the processes of discussion and decision-making related to public issues and policies (Dagnino, 2004: 95). In both cases there is a strong call for popular participation. In fact both project demand a strong and organized civil society, but the alleged identity of purpose is only apparent, not real.

² Key element of this new political grammar is the "claimed space" (Cornwall and Coelho, 2006). It allows the individuals to make public an unequal condition of the private life. The "claimed spaces" enable people to questioning their exclusion of the political arrangements by coming together for deliberating and deciding about all types of policy issues. The "claimed space" opposes the "invited spaces" created by governments to deliberate on policy issues. While in the 'invited spaces' normally the "invited people" mainly deliberate, in the "claimed spaces" the participants demand not only deliberation but also power sharing in the decision-making (Cornwall, 2006).

politicization of social practice", opening up the political arena in order to allow "awareness about oppression and domination". Participatory democracy would thus be one of the major fields where social emancipation could be reinvented in the early twenty-first century (Santos, 2002: 75-76).

As we have pointed out, Latin America is one of the regions that have manifested more clearly the dispute between the meanings of democracy, and have been most innovative in terms of experiences of participatory democracy. So it is worth trying to recover and mapping these experiences, contextualizing them, trying to identify their practices and point either to its potential and limits, knowing that the diversity and richness of these experiences is vast. As we mentioned at the beginning of this Introduction, following our first analysis of the cases of Brazil and Venezuela (Romano et alii, 2013) this article seek to recover the experiences of Ecuador and Bolivia, which, despite their specificities, have common elements and issues such as: the novelty of indigenous peoples presence as political actor through movements and even parties; the challenges of building broad parties and coalitions that incorporate diverse actors (indigenous, peasants, workers, middle class, left-wing intellectuals, etc); constitutional processes that led one of the most advanced Constitutions in terms of recognition of rights; the construction of new utopias that combine different matrices that either recover indigenous world views and guide new development conceptions; the perverse confluence about the participation of civil society, translated by both neoliberal and participatory democratic political projects into dispute; and a construction of radicalization of democracy process where conflict prevails over consensus building, among other features.

Finally it is worth explaining that the survey was carried out by a team of four researchers from the analysis of the existing literature on the topic, as well as interviews with civil society leaders and academics from both countries. In terms of structure, after this Introduction the text analyses the case of Ecuador, followed by the case of Bolivia, ending with some questions and learning seeking prompt the debate on participatory democratic innovations.

THE ECUADORIAN CASE

The context: mobilization and democratization

Democracy in Ecuador is an example of such democracy described by Boaventura dos Santos (Santos, 2005). It means a sui generis type that exceeds the expectations of those who observe it through the lens of the contemporary liberal democracy. It is also a democracy under transformation, whose changes in

speed and directions though surpass the very inner unfinished nature of this kind of political regime. In recent years, the State of Ecuador was re-founded over new basis brought up at the costs of a democratizing impetus present in the struggles of different historically marginalized sectors – an example being the ones taken by rural communities in the inlands that deepened the roles of citizens in politics beyond the voting and other representation expedients.

The first experiences of participatory democracy were a result of intense mobilizations of indigenous-peasants social movements for a political regime that reflected people's will. Such experiences were placed precisely as a counterpoint to the predominant succession of governments committed with either military or neoliberal authoritarianism. The core of such movement lied on a plurinational project that encompassed not only the recognition of both the difference and the autonomy of the native people but also an ancestral vision about a particular type of "good society" based on the *sumak kawsay* (i.e. good living).

Ultimately, democracy in its different variants should work as a bridge to reach a civilizational pattern founded in "a harmonious and balanced relationship among nature, the community and the individual". With growing participation and mobilization, the indigenous movement - under the patronage of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) - chose to validate its claims both through an institutional path by creating a party (Pachakutik) and disputing elections, as well as through demonstrations in the streets (blocking roads, sieging oil-wells). In both ways it has been a pioneer. On the institutional side it has achieved the first city hall run by an indigenous leadership from all Latin America. On the protesting side it has been managed to advance its claims even if it were at the expenses of putting down presidents who were against the movement's causes.

Political participation repressed under a legacy of exclusion enhanced by the neoliberalism

Although indigenous people do not represent the majority of the population in Ecuador – where most people self-declare as mestizos and white – the native people have always been the social class more subjected to be excluded from the country's political and economic processes since the colonial days. Since the semi feudal *fazendas* (plantations) system of the colonial period the indigenous people have been at the margin of the formal political system and hindered from exercising citizenship. This situation of exclusion remains until the republican days characterized by the very existence of a republic for the white and another one, a different one, for the indigenous (Chávez, 2008).

In fact, the continued distance of the native people from the Ecuadorian political community business would only be faintly attenuated when the right to vote was extended to illiterate people by the Constitution of 1978 (Cordero, 2008), which ends up contributing too for preparing new forms of organization and representation of interests increasingly characterized by an ethnic interest.

Gradually there has been a consolidating a model of organization based on territorial entities and associations - on the Hills, on the Coast, on the Amazonian region - which networked along the 1980s to set up a broader agenda of indigenous people's struggles against the marginalization historically imposed to them. The Confederation of Indigenous Nationalities of Ecuador (CONAIE) emerges from that effort in 1986. It soon became the main leadership of social movements in the country and managed to catalyse the diffuse claims for acknowledgement through a clear political long term aim: the plurinational State (Cordero, 2008; Rodríguez, 2012). CONAIE lead role would become more evident in the 1990s particularly in the big demonstrations such as "O levantamiento Indígena" ("The Indigenous Upheavals") that paralyzed the country with indigenous people's marches that blocked roads and sieged oil-wells.

The problem of access to land was again the trigger for the upheaval, which opposed the changes proposed by the Agrarian Development Law in 1994. However, the content of such proposals had a different logic once compared with previous attempts. That project was part of liberal reforms guided by the Washington Consensus prescription and by the neoliberal doctrine. With this background, the Law foresaw the deregulation of land market, the division of communal land and also water privatization projects (Fernandez and Puente, 2012). Thus the political platform of CONAIE is raised to the condition of main antagonist to neoliberalism, giving rise to the articulation of a national struggle involving also sectors of urban middle class, the Church, trade unions and workers organizations and with the support of national and international non-government organizations (Martí I. Puig and Bastidas, 2012).

The hinder of that particular proposal was not enough to stop the advance of the neoliberal project. Soon after, a people's consultation was organized in 1995 to include additional measures for the State reform, particularly the privatization of public companies and the 'sanitation' of social security. In this occasion, CONAIE

and the oil trade union sponsored a big campaign for 'NO' for the majority of the items of the consultation, which determined the rejection by wide margin of votes. However, measures of economic austerity kept the rhythm dictated by multilateral agencies, mainly the International Monetary Fund (IMF), which gave way to radicalization of positions by both sides that marked the period that goes from 1996 until the election of Rafael Correa in 2006 as the decade of most political instability from the Ecuadorian history.

Ecuador experienced the Latin Americas' faster impoverishment process in the 1990s:

"...between 1995 and 2000 the number of poor people increased from 3,9 million people to 9,1 million people, and in percentage terms it grew from 34% to 71% of the population. Extreme poverty also doubled from 2,1 to 4,5 million, and in percentage terms the leap was from 12% to 35%" (Lillo, 2012: 196)

Given this scenario, the refuting and combative strategy of CONAIE was counterbalanced by fractions of its own basis which chose the way of negotiation with the central government - the Confederation of Ecuadorian Amazon Indigenous Nationalities (CONFENAIE) above all. Besides, the indigenous organizations of that region neither aligned to the plurinational conceptions advocated by CONAIE nor showed disposition to engage in a political project that was going much beyond its stricto sensu ethnical claims (Rodríguez, 2012: 38). Despite not being enough to disjoint the indigenous movement, such internal disagreements were felt during the neoliberal reform period in which CONFENAIE was an interlocutor acknowledged by the federal government for the design and implementation of policies for territorial decentralization and re-organization (Fernández and Puente, 2012: 55-56).

In fact, be it for the path of negotiation or by means of confrontation, the issue of indigenous rights ruled the discussions in the various political institutional arenas at that time. In response, the governments of neoliberal conception translated such demands in "policies of acknowledgment", which impregnated the conception of the electoral reform of 1996, and mainly the works of the Constituent Assembly of 1997 and 1998. In the first case, epidermal changes were made in the rules of electoral game to allow a greater incidence of indigenous and people's actors in elections³ without tackling, however, the roots of the problem: exacerbated presidential regime, weak legislative body, and political

³ The 1996 electoral reform's main measure was to authorize people without party affiliation to run for posts elected by people thus giving rise to the formation of the Plurinational United Movement Pachakutik - New Country (MUPP-NP), which would soon become a political party (Rodríguez, 2012: 42).

parties involved in crises of representativeness and credibility (Ortiz Crespo, 2004).

Nevertheless, the political opportunity opened by the electoral reform provided the rising of a political party committed with the indigenous peasants' causes and tuned with the CONAIE discourse: the Pachakutik. Since its origins, Pachakutik occupied a prominent place among the progressive forces of Ecuador once it succeeded in articulating in a single political project the demands of class struggle in classic Marxist model with identity and ethnics claims. In the first elections campaign it has disputed soon after its foundation, the party elected 75 representatives, mainly at province and municipal levels. Likewise it gained 21 per cent of the national votes for its candidate for presidency of the Republic, coming in third place in the end of the campaign (Cordero, 2008).

Since then, Pachakutik had the provinces with big number of indigenous population as its main stronghold and also attracted supporters from middle class sector in medium and big cities such as Quito, Cuenca and Riobamba. On these bases the first local level experiences of participatory democracy will come out, precisely in these localities under the command of Pachakutik members or those colligated with it – an exception being the experience of Guamonte, which is previous to the foundation of the party. Due to all of that, the scenario of confrontation with the neoliberal State and its agenda opened a conflux channel through which various types of claims - such as, for instance, the environment and gender ones - joined the peasants and indigenous struggles led by the Pachakutik party (Martí I. Puig and Bastidas, 2012). This created alternative spaces of resistance and of participatory and democratic innovations.

The counterpoint of local participatory democracy in face of neoliberal hegemony

The pioneering experience of creating a new governance paradigm based on people's political project in Ecuador was held in Guamonte during the administrations of mayor Mariano Curicama (1992-1996; 1996-2000) – the first indigenous mayor in all Latin America (Landeta, 2010: 50). For such it was created the Indigenous and People's Parliament with similar assignments to a legislation body whose main attributions were (a) be a space for the population's direct participation in political decisions in the municipality, and also (b) execute actions of control and supervision of the municipal administration activities.

The Indigenous and People's Parliament in the canton of Guamonte is part of an initiative called Public Space for Local Consultation (PSLC). Within the scope of this system, there is also a Local Development

Committee, which is made up of twelve representatives of associations and unions, as well as a permanent technical team who give support to the Committee's main task, i.e., build up plans and strategies for local development as well as publicize@debate specific projects implemented by companies and NGOs.

However, it is the municipality that coordinates all the activities involved, and holds both the financial resources and legitimacy to set up partnerships and cooperation agreements with other organizations, since it is the only body at local political level that is recognized by the central government.

In this context, the indigenous Parliament's duties and tasks take on a legislative power status (counting on representatives chosen by each community following a customary tradition), which put it on equal footing with the Governing Council and the municipality (though such set of rules has not been recognized by national laws).

The Indigenous Parliament's (IP) main task is serves as the most important space for the population's direct participation in the making of municipal legislation. Thus, it also plays the role of monitoring and supervising the actions implemented by the municipality's administration. All members (so-called presidents) of each of the one hundred and thirty-three rural and urban communities in the Canton have a seat in the IP, and, as such, they represent both the interests of the indigenous people, who are predominantly located in the countryside, and the mestizos, who are mainly located in the city.

Among its main accomplishments and limitations, it successfully strengthens democratic participation by means of periodical meetings in each one of the nineteen sectors into which the Canton was split so as to identify the communities' demands and thus channel them to legislation and the municipality administration. It was in this context that Guamonte Canton's Participatory Development Plan (GCPDP) was designed and, as such, it takes on the character of a strategic plan for the region that is put in practice by the Local Development Committee and sets up actions throughout twelve years up to the threshold of 2013.

The evaluation of this plan, from the indigenous communities' perspective, reveals the opportunity to effectively participate in the process of public policy making and, especially, in the monitoring of the government's actions so as to prevent them from being diverted from what had been planned in a participatory way and also guarantee that the public money invested meets the social demands. Such process has been crucial for extending citizenship to historically marginalized peoples (Landeta, 2010). Despite this, it is not possible

to see the contribution of participatory processes for local development, since poverty persists even in the face of important amounts of resources being invested in infrastructure and modernization of production throughout 1990's and 2000's.

Electoral cycles also have an impact on the initiative. In 2004, after a series of three consecutive terms, Juan de Dios Roldán, who comes from an internal clash in the indigenous movement, is elected mayor of the city by the Pachakutik party. After that, the Indigenous Parliament (IP) is gradually taken over by opportunistic interests, which led to its discontinuity in 2009. In this scenario, a "pork-barreling" logic determines the relations between local public power and the communities, based on a vote-catching practice of providing people with first need items. This trend was reinforced by Roldán's re-election as mayor for one more term until 2013, since his term of office was extended to five years according to the New Ecuador's Constitution.

Another initiative of participatory democracy in the Ecuadorian hills region was the Cotacachi Cantonal Unit Assembly. Similarly to the previous case, it was also promoted under the auspices of a municipal administration linked to CONAIE when Auki Tituaña came in on power in 1996 (Ortiz Crespo, 2004).

The Cotacachi Cantonal Unit Assembly is a deliberative general assembly of the inhabitants of the canton that although takes place once a year, it counts on permanent work committees who set up the annual plenary meetings and deliver the decisions made at the Assembly.

It was implemented with a view to becoming the highest-level instance of political decision-making in the Canton and aims at setting up plans to develop the region, as well as modernize the local State apparatus. The six permanent committees (health, food cropping and livestock production, tourism, environment, education and municipality structure modernization) develop sector projects with a view to allocating budget to actions deemed as priority areas by the Assembly.

Theoretically, all Canton's inhabitants are equally invited to participate. However, internal rules privilege collective actors, such as transport cooperatives, associations of producers and, especially, groups linked to indigenous peoples.

In the early years of its implementation (1996-2000), it focused on the making of a local development plan. Since then, it has dealt mainly with the destination of the municipality's investments. It succeeded in setting up the guidelines for the structuring of health care; ecological zoning in Canton region; a tourism sector plan, as well as the creation of a mixed company to

coordinate actions in this area; mobilization actions of weak social sectors by means of the setting up of specific institutional spaces for issues involving women, children and the youth (Ortiz Crespo, 2004). In the scenario of the crisis that has affected the country after 1988, Canton's tourism, craft, food cropping and livestock productions decrease significantly due to the economy's dollarization. In spite of this, a strengthening of the process occurs, which culminates in seven hundred Assembly delegates in 2002 with the development of a plan for culture and the improvement of an accountability system of the institution itself. This reveals as much as 80 per cent of the decisions being put in practice or in process of implementation by the Executive Power.

Throughout its existence, the Assembly has set up closer relations with the municipality's Executive Power, which ultimately led it to be seen as "more dynamic and active than the Municipality Council" (Ortiz Crespo, 2004). This is partly due to the very *modus operandi* established within the Assembly: consensus seeking and ample decision-making practices in the setting up of public policies, followed by accountability being adopted as a common practice. This set of factors led Cotacachi to become, within a few years, a significant receptor of resources from international cooperation projects, mainly after the recognition obtained by UNESCO as "an example of good governance practices". From 2001 and 2006, an average of just fifteen per cent of the financial resources managed by the municipality public power came from the municipality's coffers (Chávez, 2008).

However, such trend has caused a certain dependence on these resources for the implementation of public policies by the Assembly, who thus became a hostage to the contingencies of international resource flow. In addition, the reviewing of this initiative reveals that, despite the self-declared intention of extrapolating the usual sector community public policies, little effective progress has been made with respect to long-term planning and a more accurate coordination of the different proposals set up by the Assembly (except for the local development plan).

The very Pachakutik party put efforts for providing more dynamism and reach to participatory democracy initiatives led by the city halls it ran. As part of this impetuous in 2001 it was created the Coordination Body of Alternative Local Governments within the structure of the national Political Council of Pachakutik. The main attribution of the Body was to promote the exchange of information and the shared learning of successful experiences among the various participatory initiatives, and hence to deepen the political project of the peasant indigenous movement. All authorities elected by people's vote in local governments had seat in the Coordination Body works.

In terms of results achieved by such efforts there was the elaboration of a series of manuals about “participatory management in local governments” that were distributed throughout the country and that also fostered the dialogue about this kind of experience with other parts of Latin America (Cháves, 2008). Local experiences gained bone with the adoption of new participatory mechanisms, especially with the import of the participatory budget from Porto Alegre city, in Brazil. To do so, the people of the Brazilian city and municipality representatives of social movements involved in the process travelled to Ecuador and worked both in the training of local staff and in the preparation of manuals of social participation (Cháves, 2008). It is worth mentioning that this exchange was most prolific precisely in localities longer committed with participatory mechanisms - Guamonte and Cotacachi - and additionally in local government Saquisilí.⁴

Finally it is also worth mentioning the establishment of some national councils of sectorial reach, usually in the collegiate advisory body shape, which were contemporary to the democratization of the country in the 1980s. The case of the National Health Council is illustrative because it was conceived as the highest court of the National Health System in Ecuador and responsible for promoting participation, social control and to ensure the full exercise of the right to health. However, his major achievements are restricted to technical regulations relating to medicines and health procedures, except the advances achieved in the guidelines on sexual and reproductive rights.

The National Health Council is a collegiate body that is part of the Ecuador National Health System and was created in 1980 and structured in the present terms by the National Health System Organic Law and respective legal provisions of 2002.

Its goals are promoting participation and social control as well as guaranteeing full exercise of the right to health. Another focus area involves concerted actions to implement health procedural rules and policies with other actors of the National Health Service. As such, it constitutes a public arena for dialogue and discussion

among several government and civil society institutions linked to the health sector.

It is made up by delegates who represent the institutions and groups who have a seat on the Council. From the government side, we can quote the Ministry of Health and several organs linked to social security (those within the Armed Forces, the Police). The other components make up a myriad of civil society representatives: the Red Cross and other NGOs; private health groups; work unions and health professionals associations; universities; and also the subnational health councils.

The National Health Council has been implementing a series of actions focused on technical regulations relating medicine and health procedures. Its various internal commissions has dealt with themes such as bioethics; science; technology and innovation; reproductive and sexual rights, among others. Besides, within its hierarchical structure, it counts on a commission specially tailored for social organization and participation, which was recently reactivated, in 2012, after years of inactivity, with a view to “strengthening citizen participation in the health sector” (Conasa, 2013). In this respect, it is evident that there is poor participation by the health system users. The same can be said about private health insurance clients who are not represented on the council.

The accumulated expertise with these experiments in participatory democracy, especially those of municipal@regional reach, also served to strengthen the political project of the plurinational State itself insofar as both compete for the extension of rights and privileges of citizenship to social groups that until then were priced out of the ability to decide on the course of political community in which they operate. Moreover, the progressive empowerment of the indigenous-peasant movement also determined the use of a particular form of social accountability: the dismissal of heads of State (Martí Puig and Bastidas, 2012). During the “decade of instability” in politics (1996-2006), protests and upheavals that erupted repeatedly against the austerity measures of the neoliberal regime eventually prevented such measures, and by extension, the very government that sponsored them. So, without need to recur to any formal recall mechanism of elected

⁴ The political project of the Workers Party (PT) of Brazil was a major inspiration in the trajectory of Pachakutic. By then, several Brazilian subnational governments headed by PT developed initiatives similar to the Ecuadorian case of participatory democracy, based on the construction of a new pattern of State-civil society relations. Despite the replication of same sequential array of discussion and elaboration of participatory budgeting in Porto Alegre, the limitations of this type of instrument contributed to the subsidiary role it was assigned in Ecuador, as reported by the mayor of Saquisilí in Cháves work (2008): “We were trained in participatory budgeting model as applied in Porto Alegre [but] our participatory budgets should be our own. We want, at some point, the mayors to advance in our own model. We believe that community meetings should be developed not only to say how much we have and how it should be allocated but that the budget should be addressed to urgent needs and major projects” (Cháves, 2008: 213).

terms, three Ecuadorian presidents were deposed in short time: Abdala Bucaram (1997), Jamil Mahuad (2000) and Lucio Gutiérrez (2005).

The “citizen revolution”: *sumak kawsay* (good living), plurinational State and participatory democracy

From this point on a scenario of a more autonomous political and social mobilization begins to set up. A scenario in which the place of parties and movements was occupied by a plurality of actors and individuals with no ties to these organizations, amalgamated by anti-party agendas (under the motto "All of them must leave") and anti-neoliberal. And under this background emerges a new political actor: the Alianza Pais (AP) movement. In fact, this broad political coalition gathered dozens of organizations and social movements under the narrative of promoting a citizen revolution in Ecuador under the auspices of a history of struggles along the neoliberal era against an element symbol of that misfortune: the foreign debt (Lillo, 2012).

In this sense, the work of Rafael Correa was decisive in articulating the myriad of diffuse claims, especially settled over the previous decade, around a more or less concise political agenda. Provided finance minister in the interim government post-Gutiérrez, Correa stood for the defence of an extensive audit of the country's external debt, classified by him as odious debt, i.e., taken by previous governments in default of the interest and benefit of the people. Besides, he got even more notoriety when he stood against the dictates of the IMF and World Bank during his tenure, which resulted in his resignation after four months in office back in 2005. Therefore, elections of the following year were marked by both a context of heterogeneous social mobilization, as well as the emergence of new social movements (such as Alianza Pais) in tune with the demands of middle-class segments, who like the indigenous people, were historically neglected during the populist and neo-liberal governments. In this direction, the repositioning of the State at the centre of public debate as part of the "solution" rather than "problem" - reversing the neoliberal logic - gave the keynote pulled by Correa. Effectively:

“Among his main proposals (which soon became decisions) we have: convene a Constituent Assembly, to refuse to sign the Free Trade Agreement [with the USA], demanding the end of the concession agreement of the Manta Base to American military, exit of neoliberalism, and prioritize social spending to debt payments, among other demands

that had been part of the historical claims of the indigenous movement and other grassroots organizations, as well as some small leftist forces” (Lillo, 2012: 75).

One of the inaugural acts of the Correa government was the launch of the National Development Plan for the 2007-2010 quadrennial, outlining the achievement of *sumak kawsay* (or good living) as overarching goal. This premise of normative order has become a sort of "mantra" that becomes most present in the political rhetoric and the social imaginary in Ecuador. According to Humberto Cholango, leader of ECUARUNARI (indigenous federation in the Hills region) in an interview given to Chávez (2008), the good living "is an indigenous view that the development not only implies an improvement on generating economic returns but that above all, is supposed to achieve a relationship of balance and harmony with nature, community and the individual"(Cháves, 2008: 215).

Under this assumption, the main way to realize *sumak kawsay* was the local and/or regional development plans. As a rule, local participatory bodies channelled their early efforts to develop this type of document, choosing priorities in terms of investment and public management and even establishing criteria for the implementation of plans in the medium and long term (Rodríguez, 2012). This is an explanatory figure, for example, to the limited reach that participatory budgeting in Ecuador had in light of their limitations in this temporal aspect. By way of illustration, here is the reproduction of Mayor Cesar Umaginga speech containing various discursive elements also incorporated by Correa:

“The physical construction sites are indispensable but are not the underlying problem. They are the long-term vision and how to sustain the political project. At the end, we won something that has no economic value but a conquest of space as an indigenous movement with great pride and enabled progressing, discussing issues and generating a joint work. Here the key issue among others is education and the progress that we have had in health and access to basic services to break the chain of poverty” (Umaginga apud Cháves, 2008: 215).

Nevertheless, the implementation of local alternative experiences takes place at the beginning of the term at the expense of an acute alienation of both the indigenous movement and Pachakutic during the process (Cordero, 2008). Aside from that, the democratic scrutiny and social control in the preparation of the national plan were still shy. Another point of replication of local participatory experiences refers to the approach under Correa, with Latin American countries. From

the beginning of that decade the National Council of Pachakutic established cooperative ties with countries like Cuba for implementing educational projects in 12 localities. After 2006 those places had already introduced the bilingual intercultural education and were declared territories free from illiteracy (Cháves, 2008).

This articulation also entails, in July 2006, the creation of the Andean Coordination of Indigenous Organizations, bringing together people from Peru, Ecuador, Bolivia, Chile, Colombia and Argentina (Boanada, 2008). However, despite the reduced incidence of indigenous organizations, it is certain that the political agenda of the Correa government had the sympathy and endorsement of the native peoples, who mostly saw them represented in the president who "spoke their language"⁵ and defended their historical demands, notably the plurinational State. Incidentally, the concept of plurinationality that is brought to the Constituent Assembly of 2008, under the auspices of the President, is quite comprehensive and would not have succeeded only by the performance of five deputies elected by Pachakutic (Cordero, 2008).

"Among the various themes discussed and approved in the Constituent the most interesting ones due to their complexity and reach were those related to the: sumak

kawsay (good living); the rights of the nature (Art. 71); the right to water (Art. 396); the previous consultation (Art. 398); the territories' plurinationality, decentralization and autonomy; the recognition that environmental crime does not prescribe (Art. 397); as well as the principle of prevalence, which states that in case of doubt between two rights, the one which prevails is the one which protects nature" (Lillo, 2012: 75).

In fact, the Ecuadorian Constitution of 2008 is ahead by incorporating in its text internationally recognized rights (such as Convention 169 of the International Labour Organization (ILO) in 1989 and the Declaration of Rights of Indigenous Peoples adopted by the General Assembly of the United Nations [UN] in 2007) and also the right to prior consultation and recognition of plurinationalities - all of this under the sign of rupture with the dominant paradigm of anthropocentric development harmful to nature and to culture and identity of traditional peoples, and gearing towards a model where fraternal relationship between the men and the Pachamama⁶ excels. Compared to other South American constitutional letters, the Ecuadorian text is matched only by the Constitution of Bolivia (2009) and, to a lesser extent, Venezuela (1999) but still is incorporating the widest range of rights for the indigenous (Martí Puig and Bastidas, 2012).

The new Constitution establishes several mechanisms of democracy, i.e representative, direct and community-based:

MECHANISMS OF DEMOCRACY		
Representative	Direct	Community-based
Participation of citizens in different functions of the State through voting	Normative faculty to propose, create, reform juridical norms before whatever body of normative competence.	Society's forms of organization to advocate for its rights, activities and social services.
Citizens elected for representation posts in the functions of the State.	Normative people's initiative, referendum, people's consultation, term recall.	Social organizations, volunteering and through participation arenas: audits, assemblies, people's councils and watches.
Citizens		

Source: SENPLADES, 2011.

⁵ Correa knows Quichua, the main indigenous language of Ecuador, which he learned during a year of voluntary work for teaching indigenous people how to read and write in the Cotapaxi rural area in the 1990s.

⁶ Pachamama or Mother Earth derives from the cosmology of the Andean peoples in which it was identified as a creator deity and therefore is often regarded as the equivalent of nature or the planet Earth itself.

Cultural autonomy, and also land management were recognized, in congruence with the advances of the mechanisms of democracy and community leadership. Although the conformation of the unitary State - by territory, active citizenship, etc. - this can be governed in a decentralized way as stated by the Article 6 of the Constitution: "[...] the Ecuadorian nationality is the legal-political connection between people and the State, without prejudice to any of their belonging to indigenous nationalities that coexist in plurinational Ecuador". From this, prior consultation with the indigenous about infrastructure and mining projects that take place in demarcated lands became mandatory.

Thanks to the statement of plurinationality a perspective

of democratization of power was also encouraged, based in this peculiar state-society relationship. In this sense, the plurinational state stood as a synonym for participatory democracy and which entails political dialogue among members of the political community and the construction of public policies consistent with the respect for diversity (Cordero, 2008: 202). Classical instruments of direct democracy listed in the literature were present in previous Letters to 2008: i) popular consultation (1978), ii) legislative initiative (1978) (which became normative popular initiative) and iii) term recall (1998). However, it is under Correa that these mechanisms were discussed and passed by procedural modifications that made them more accessible (Gallegos; Quang and Bastidas, 2013).

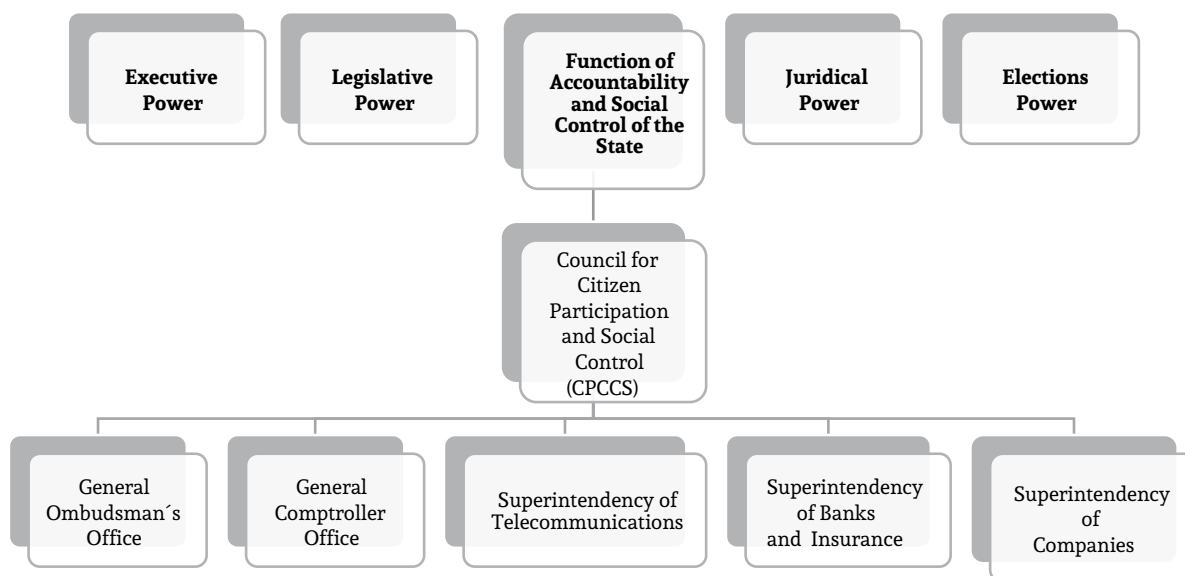
Tools of direct democracy improved in Constitution of 2008 of the Republic of Ecuador	
Tool	Improvements in Constitution
People´s consultation	Inclusion of more political actors able to make it happen, and reduction in the minimum quantity of signatures required for a query. Besides the Presidency of subnational governments and citizens, this right extends to the National Assembly and to the Ecuadorians living abroad; the minimum numbers of signatures fall from 8% to 5% (national), and from 20% to 10% (locations).
Normative People´s Initiative	Prerogative of presentation of bills by citizens before the National Assembly is extended to subnational legislative and includes the proposition of constitutional reforms. A normative people´s initiative can be formulated by a social group that meets at least 0.25% (zero twenty five per cent) of people enrolled on the electoral register of the relevant jurisdiction. The lawmakers have a period of 180 (one hundred eighty) days to begin the analysis of the initiative; breached this term, the proposal goes into effect automatically.
Term Recall	Shall be directed to all elective positions and the minimum quantity of signatures is reduced. Before it was confined to local authorities and MPs and required 30% of signatures for activation; plus get universal coverage, it began to demand 10% of signatures to the local level and 15% for the national.

Source: Adapted from Gallegos; Quang and Bastidas, 2013: 14

As the Charter of 2008 established the people as "the first and principal oversight of public power" (Asamblea Constituyente, 2008, art. 204), the so called Citizen Power was created within the powers of the Republic. In reality, it is the Function of Accountability and Social Control of the State apart from the other four powers (Executive, Legislative, Judicial and Electoral) and governing the Council of Citizen Participation

and Social Control (CPCCS), responsible for promoting and coordinating the various participatory bodies recognized by the constitution, besides indicating the holders of the organs that, with it, comprise the fifth power: General Ombudsman's Office; Comptroller General of the State; Superintendence of Telecommunications, Banking and Insurance, and finally, the Companies (Pernasetti, 2010).

DIVISION OF POWERS WITHIN THE ECUADORIAN STATE



Source: Pernasetti, 2010: 3

The Ecuadorian Constitution in Article 208 enumerates that the Council of Citizen Participation and Social Control (CPCCS) aims to promote citizen participation, stimulate public deliberation processes and encourage the formation of public values like accountability and engagement against corruption by organizational support to participatory mechanisms. The body is composed of seven members and seven alternates chosen for a term of five years through public tender in which they are able to enrol all common citizens (residing abroad included) and members of compliant social organizations disconnected from public constructions. The Organic Law on CPCCS in its Article 21, item 8 is even more severe and vetoes the postulation of citizens who "in the last two years have been part of management or registered political movements in the National Electoral Council and/or have played a role elected by people in the same period" (Pernasetti, 2010: 6).

The current members were approved in event held in late 2009 that in addition to proof of related content (general culture, civic participation, social control and public ethics) were evaluated on the merits of participation in civic initiatives and community service, work experience on issues of social control and participation, and academic education and training in related issues. Since the inauguration of the first class of the Board, the selection process of the members of the Electoral Power and the Council of the Judiciary (Judiciary administrator) passed to the list of duties of CPCCS in an effort to increase citizen control over the other branches of the state apparatus.

Another device derived from the Constitution of 2008 and also became notable is the Empty Chair. Regulated by the Organic Law of Citizen Participation (LOPC) of 2010, such mechanism involves - with voice and vote - citizens in the decision making process in all local assemblies, popular councils and public hearings of the decentralized autonomous governments (GAD). The citizen or social organization occupying the empty chair is forbidden to participate in more than one event per year and the choice (s) of occupant (s) of the empty chair is made in accordance with rules established by GAD itself, mainly by sortition.

Finally, it is also worth highlighting the creation of National Councils for Equality, "agencies responsible for ensuring the full and effective exercise of the rights enshrined in the Constitution and in international human rights instruments" (Asamblea Constituyente, 2008). In the wake of pre-existing Social Councils of Rights, the Charter reaffirms this form of control of civil society under the public policy cycle (agenda setting, policy design, monitoring implementation, evaluation and feedback) in coordination with agencies and entities responsible for the implementation of these policies within all levels of government. This collegiate have equal representation, where social actors are chosen by CPCCS and the State ones are appointed by the Executive (among them the president of the body).

However, these Councils are targets of intense criticism either due to the state primacy in the presidency of all of them, or by the exacerbated generalization that they represent when compared to their predecessors. The

chosen nomenclature itself is seen as being too vague and therefore lacking in content. Soon, two cases stand out in this regard: the first refers to the Council for Childhood and Adolescence (CONNA) transformed into the Intergenerational Council that, in the perception of members of the current board represents a setback in the institutionalism created to protect this vulnerable population. The second case in point comes from the National Council of Women (CONAMU) that gave way to the Council of Gender, encompassed other issues like the LGBTI rights (lesbian, gay, bisexual, transgender and intersex), a fact that is rejected by both the feminist movement as by associations related to LGBTI population.

Despite the progress achieved in most participatory tools, the predominant perception of social movements is that the new democratic institutions fell short of what was discussed in the Constituent Assembly. More than that, it is said that is even retrogression in "participatory impetus" of yore. To some extent, this picture dates from a recurring dynamic arrival to power of a progressive political project: the incorporation of popular leaders to government bureaucracy. In this passage from opposition to the situation, the social force participation has not achieved a proper articulation within the state apparatus and, in a sense, was "hamstrung" by a slow and incomplete implementation (interview with Vanessa Bolaños, held in October 24th 2013).

It does not sound strange, therefore, the finding of Sánchez (2011) that in Ecuador, mirroring Latin America, it is observed a process of naturalization of protest. That is, around the beginning of the second term of Correa 22 per cent of the people thought more effectively to participate in the protest movement and demand changes directly instead of voting, for example. The fact is that for all the changes that the Citizen Revolution proposed, including mechanisms for participation, "the street" has never left the scene.

Challenges of the process: erosion of the progressive alliance in view of the incomplete democratization

As only occurs in contexts of reforms, some items of the progressive agenda advanced much more than others. As discussed above, the claims by plurinationality were answered to the satisfaction, *pari passu* with a strong presence of the State in the provision of collective goods and services. Thus, the Correa government promoted a reduction in external debt burdens weighing on the budget and renegotiated the amounts of taxes paid by mining and oil companies to the State. But as the initiatives aimed at more general interest progressed, some authors as Martí i Puig and Bastidas (2012) note that there was a deficit in the routing of demands of a

more particular type. Although the institution of public policies for income distribution has led Ecuador to present one of the highest rates of inequality reduction among all Latin American countries during the first Correa government, the gains in "redistributive justice" not contented claims for the political recognition of difference, given that the empowerment of marginalized groups has itself contributed to a greater difficulty in providing answers to multiple organized interests within an increasingly diverse and complex society (Martí Puig and Bastidas, 2012). After all, the neodevelopmentism platform embraced by the Citizen Revolution did not match the fullness of plurinationality project gestated by the indigenous movement, since the progress of the Constitution on the protection of the environment and the achievement of good living - mainly but not exclusively - were not enough to substantially alter macroeconomic policy (although more proud and nationalist) and the route of development.

"To various social movements the government of president Correa - in carrying on extractive projects to achieve 'development' - was no longer representing an alternative of change or resistance to the neoliberal model. The maintenance of extractivism (as a development option) ended up greatly eroding the hegemony reached by such sectors (government and social movements) at the moment of the Constituent Assembly" (Lillo, 2012: 77).

In view of holistic political project born in street protests led by indigenous movement, which radicalized democracy not only due to an increasingly direct and amplify people's impact on political decisions, but also by the inclusion of nature as well as cultural and spiritual heritage as inalienable items, it is possible to understand the current political framework of Ecuador. Therefore, it is plausible that the way to trim the edges within the progressive side is to strengthen representative democracy in order to form coalitions that give support to public universalist policies and to encourage participatory democracy "opening channels of dialogue with minorities in order to integrate them and respond to the demands of diversity and recognition" (Martí Puig and Bastidas, 2012: 30).

Admittedly, Ecuador became and continues being transformed under the Correa government. But despite not being "more of the same", it also not fully realized the proposals of citizen revolution. For this, it is necessary to establish common agendas where particularism renounce not being treated from the generality of social and macro processes, and that generic intentions so far given for the advancement of the recognition of the issues are translated into concrete actions and public policies (interview with Vanessa Bolaños, held in October 24th 2013).

THE BOLIVIAN CASE

The context: the emergence of the “plebeian power” in a Plurinational State

Bolivia is a South-American nation, which was founded in 1825 by Simón Bolívar (the country was named after the Liberator of America), whose complex and kaleidoscopic history is marked by a long list of internal and external conflicts for establishing sovereignties, limits and governments, not to mention the historical indigenous upheavals that occurred during the colonial period against Spanish power and twentieth century nationalist movements.⁷ Like other countries in the region, independence neither put an end to colonial practices of exploitation and exclusion of the majoritarian indigenous population nor even on the plundering of their territories. Such practices were based on a liberal ideology marked by the social Darwinism that justified the economic exploitation as well as the symbolic and political exclusion@marginalization of the “indian” from the basis of the new nation (Do Halto, 2007:24).

Nowadays, as a result of the processes of change that have been taking place in the country since the beginning of the twenty-first century, which have revealed the influence of social movements (and more specifically the indigenous movement), the official name of the country as “The Plurinational State of Bolivia” has become crucial. Such change is an expression of the new aspirations of a project of a nation that shall finally give recognition and inclusion to the value of ancestral native cultures which have long been put aside and marginalized by the governing elites in the country before and after its independence.

Bolivia is a country of many faces. According to official data, the country has a population of just over 10 million people; the new Political Constitution (2009) defines the nation as plurinational. In fact, it is fundamentally an indigenous country: UN’s data indicate 62 per cent of the total population in this condition. However, other researchers speak of a number closer to 80 per cent of indigenous people (Deledicque and Contartese, 2008: 2). Altogether, there are 37 different nations living in the country’s territory, in which the Quechua and the Aymara are dominant in percentage terms (30% and 25%, respectively). Other nations are the Araona,

the Baure, the Besiro, the Guarani, the Yuracaré, among many others. Some, it should be mentioned, live in extremely vulnerable conditions as a result of the historical (and ever growing) plundering of their territory as well as external cultural threat. It is what occurs with the Yuqui and the Ayoreo peoples, who, not long ago, lived in voluntary isolation in the Amazon region. Between 20 and 38 per cent of the population is made up by mestizos, depending on the calculation basis. It is worth mentioning, however, that the indigenous population is mainly distributed in certain regions. They make up the majority of the population of the Andean regions, the country’s occidental valleys and the main urban areas, but are the minority in the low lands (ONU, 2009: 2-6).

Accurately interpreting and understanding the Bolivian reality is a time-consuming task that requires a methodological approach for objectively systematizing the myriad of data and facts so as to detect the main framework of the society’s trends. According to Svampa (2007), present-day Bolivia can be understood as the result of the crossing and juxtaposition of elements that derive from three historical moments: the elements deriving from the so-called “long memory” (the Spanish conquest and colonization of the country), the “middle memory” (The national-popular State in the fifties) and the “short memory” (the anti-neoliberal struggles, which began in 2000). According to the author, the interweaving of these three moments reveal to be of crucial importance for an approach to the true significance of the political events of the last years, especially those that have been taking place since Evo Morales’ election as the first indigenous president, not only in Bolivia’s history, but in the whole Latin America and the Caribbean. This fact stands as one of extraordinary political relevance (Svampa, 2007:6).

The scope of the present study however will focus on the more recent events relating to the history of the country, particularly on the 1982-2000 period marked as “the neoliberal age”, and the 2000-2013 period known as “the age of the rebellion and emergence of alternatives.” Though in a more simplified approach, the Bolivian reality in recent years has oscillated between these two extremes. However, from a more objective perspective, it presents itself, in the short run, as a combination or juxtaposition of the two aforementioned trends. The current institutional and political order, still in a

⁷ The Pacific War (1879-1883) waged against Chile is one of the most widely known borderline conflicts in the history of Bolivia, as it meant the loss of the country’s access to the ocean. Equally important was the conflict against Brazil, which culminated in the loss of 191.000 km² (corresponding to the current Brazilian state of Acre), known as Acre War (1899-1903). With respect to indigenous conflicts, the most widely known, led by Túpac Katari and Bartolina Sisa dates from 1781. It was one of the greatest acts of rebellion against Spanish dominance during colonial times. On the other hand, by nationalist movements we mean the so-called “1952 Revolution”, by means of which a government of nationalistic and developmental tendency made some important reforms, such as the nationalization of mines, universal vote and an incipient agrarian reform, for which it counted on popular-unionist support.

process of change, presents peculiarities which derive from a previous period; thus, it is neither possible to assert that “the new” has just emerged and consolidated itself, nor is it accurate to defend that “the old” has been overcome and cannot be restored.

Social participation during the "neoliberal era"

To Bolivia, like other Latin American countries, the 1980-1990 decades meant the implementation of an economic policy based on the Washington Consensus general guidelines. All governments that had been elected since 1985, with varying emphasis given to one or another aspect of politics, went on implementing the structural adjustment and followed closely the series of “recommendations” on the matter set forth by the World Bank (WB), the International Monetary Fund (IMF) and the Inter-American Development Bank (IDB) and the Andean Development Corporation (ADC).

In August 1985, amidst a serious political, economic and social crisis, Víctor Paz Estenssoro’s administration (1985-1989) issued Supreme Decree 21.060, whose declared goal was to control hyperinflation. However, in reality, it was the most daring reform program inspired by neoliberal ideals that had been formulated up to that time by a Latin American government. The measures included in the Decree were named the “New Economic Policy” (NEP) and were based on the binomial stabilization and liberalization and encompassed market liberalization policies, external opening, interest rates liberalization, free negotiation of work contracts in the private sector and fiscal adjustment (Morales, 1992: 134-135; Jemio, 1999: 7).

However, Paz Estenssoro’s administration in reality led to a mixed economic policy, with hints of “neoliberalism” and “Keynesianism”, for it introduced at the same time some measures for reactivating the economy and some for social growth (both financed by the State) so as to make up for the crisis impact.

The government of Jaime Paz Zamora (1989-1993) continued the reforms introduced by his predecessor, but without any doubt, the "neoliberal era" reached its peak in Bolivia during the first government of Gonzalo Sánchez de Lozada (1993-1997), one of the richest mining’s businessmen in the country and architect of the economic reforms of the government of Paz Estenssoro between 1985 and 1989, as Minister of Planning. So it is up to Sanchez de Lozada the title of being the main orchestrator of neoliberalism in Bolivia. During the first year, it was implemented the privatization of the State’s most important companies - such as Bolivian Fiscal Oilfields (YPFB), the National Railways Company

(NURS), the National Telecommunications Company (ENTEL), the Bolivia Mining Corporation (COMIBOL) and the aviation company Bolivian Air Lloyd. Together they accounted for over 90 per cent of the State's business operations (Antelo, 2000: 46).

It is worth remembering that, since the Revolution of 1952, strong workers' organizations have settled in Bolivia. During the early revolutionary years, these organizations - highlighting the Federation of Mine Workers of Bolivia (FSTMB) and Bolivian Central Workers Union (COB) - became influential actors in the country's politics. During the military dictatorship, these organizations have faced open hostility and persecution, but still managed to keep being a reference to the social struggle. This became very clear in the period 1978-1982, when the people’s pressure and struggle contributed decisively to end dictatorship.

However, what the military regime did not achieved, the "neoliberal era" did: the systematic weakening of workers' organizations. The privatization of public companies withdrew the social base that once made very strong organizations such as the Federation of Mine Workers of Bolivia (FSTMB) and Bolivian Central Workers Union (COB). This was followed by a profound liberalization of the labour market and the suppression of labour rights hard-won by the working class in the course of several decades. For example, the dismissal of 27,000 miners workers from the Bolivia Mining Corporation (COMIBOL) in the late 1980s was a mortal blow to the labour movement as a whole (Crabtree and Chaplin, 2013: 14). Later, it will be shown how these facts ended up strengthening new political people’s actors who came back with full strength at the beginning of the Twenty-First century.

During Sánchez de Lozada’s first term (1993-1997), other reforms were implemented in addition to the economic ones. Such reforms took place within the scope of public administration, like the People’s Participation Law and the Administrative Decentralization Law, dating respectively from 1994 and 1995. These legal instruments municipalized the Bolivian territory by giving new powers to over 300 local governments and creating the Grassroots Territorial Organizations and the Monitoring Committees, which involved several grassroots social groups. These initiatives recognized some of their powers for managing their territories and redefined their relation with the local public authority.

But these laws were imposed from above. They did not exactly emerge as a social demand, as an organic result of the public claim. They reflected the need to adopt "best governance practices" according to the logic of international bodies like the IMF and the World

Bank, which conditioned the transfer of resources to the adoption of “transparent”, “democratic” and decentralized forms of managing public resources, introducing participation and social control. If from one perspective the Law of Popular Participation was a step forward in the sense of formatting more democratically the concentrated and highly centralized Bolivian State apparatus, its neoliberal conception limited the participation to issues and topics related to the local management of public resources, aspects that ultimately would be insufficient to truly democratize the State. Other critics point out that, in fact, that the Law of Popular Participation was an attempt to fragment and weaken communities on a territorial basis, undermining the spirit of struggle and awareness of class that had prevailed under the hegemony of nationwide trade union organizations (Crabtree and Chaplin, 2013: 71).

In the Bolivian case the People’s Participation Law established a transfer of power and responsibility in relation to the infrastructure involving health, education, culture, sport, tourism, public roads construction and water supply@irrigation to municipalities’ administrations, who took charge of the management of these sectors and services by obliging them to make the necessary maintenance, refurbishments and improvements. In order to enable such transfer of responsibilities to the municipalities’ governments, there was an increase of the resources invested by the Bolivian State, which began to share 20 per cent of the national treasury’s revenues among

over 300 municipalities in the country. By so doing, a per capita logic was adopted so as to share resources proportionately with each location’s population. The local collection and management of taxes over rural and urban properties, vehicles and transactions of such goods were also transferred to the municipalities (Antelo, 2000 and Deledicque and Contartese, 2009).

The People’s Participation Law also defined a new territorial jurisdiction for the municipalities and extended it to all sections of the province, enabling greater participation by indigenous, peasants and urban communities in the country’s juridical, political and economic affairs. It also recognized Grassroots Territorial Organizations (OTBs) as legal entities and established that a representative for each district was elected to set up a Monitoring Committee within the scope of the municipality with the responsibility to monitor the use of resources and the execution of constructions. These measures pioneered new forms of social participation, enabling a relative broadening of spaces for citizen participation (Deledicque and Contartese, 2009). However this happened during the context of the privatizing anti-people neoliberal State built by successive governments since the mid-1980s. The political events that took place from the 2000s on highlighted the serious limitations of an elitist, controlled democracy, in summary, tutored from above. In brief terms, the following table shows the main characteristics of the two most important laws in 1990s that dealt with popular participation and administrative decentralization in Bolivia:

Table 1. Summary of the main Bolivian laws on social participation and administrative decentralization prior to 2006

Law	Main characteristics
<p>Popular Participation Law number 1551, 04/1994.</p>	<ul style="list-style-type: none"> • Defines transfer of power related to the management of infrastructure in health, education, culture, sports, tourism, roads and micro-irrigation to local governments, so that they can be in charge of the management, maintenance and supply of materials, equipment and medicine to the population. • The Law established the distribution of 20% of internal and external tax revenue collections (fiscal co-participation) among the country's 311 municipalities in line with the per capita distribution principle (in other words, in proportion to each municipality's population). • It transferred to the municipality exclusive power on taxes such as: rural property tax, urban estate tax and tax on automotive vehicles, buy and sell taxes on these goods and several other taxes and permits. • It created the Grassroots Territorial Organizations (OTBs) and the Monitoring Committees.
<p>Administrative Decentralization Law number 1654, 07/1995.</p>	<ul style="list-style-type: none"> • The Law creates the Executive Power organizational structure at Departmental level by establishing a series of departmental economic and financial resources to allow effective service delivery and the improvement of public administration. • The Law transferred to the city halls (departmental) powers relating to the building and maintenance of national and secondary roads, rural electrification projects, infrastructure and irrigation, support to production, environmental conservation, tourism, social care programs, municipalities' improvement programs, as well as activities involving the management, overseeing and control of money transfer by the Central Government for investment in education, health and social assistance. • The city halls can count on resources that were previously allocated in the "Regional Development Corporations" and were generated by exploitation of hydrocarbons, ores and forests (royalties), on the Departmental Compensatory Fund's resources, which benefit the Departments that are below the national average of royalties per inhabitant and on transfers by the National Treasury and others, including loans (external and internal), as well as taxes on public service delivery.

Source: Antelo, 2000.

Elected by the Grassroots Territorial Organizations, the Monitoring Committees were defined as new social control mechanisms. The Committees acted as mediators-connectors between civil society and municipal authorities and, as such, were in charge of monitoring decision-making processes that established where the municipalities' resources were to be invested. By so doing, they ensured that a balanced distribution of resources be made among the districts

involved and, thus, should publicly take a position opposing irregularities involving implementation of resources. If the resource allocation procedures adopted by municipal authorities were delegitimized by the Monitoring Committees the economic resource transfers made by the Central Government could be suspended (De la Fuente, 2011).

This new political institutional design installed by the

Monitoring Committees - which is certainly not free from contradictions and limits – allowed indigenous, native and peasants populations to participate and act upon Bolivian society for the first time in the history of the country. It also enabled them to have direct representatives from the social movements at the municipality's administration level, which worked as a "local power schools", mainly in the municipalities and districts where there was greater political participation by indigenous peoples, peasants and workers. The Coca Farmers Federations (Federaciones Coccaleras), for instance, succeeded in controlling all municipalities where they had participation, which was a preview of the organization capacity of Movement to Socialism (MAS), the political party led by Evo Morales.

Still within the "neoliberal era" in 2000, amidst the debates over foreign debt forgiveness and the Bolivian Strategy to Overcome Poverty (EBSP), the National Dialogue Law was approved, which guaranteed civil society's right to audit the State's actions, and defined social control as "...the action of monitoring and evaluation carried out by the civil society in governance. It can lead to a complaint to a public body for analysis and, if appropriate for further legal action... ". Still in 2000, there was a consultation on the amount of resources that would be available with the foreign debt forgiveness, so that it could be allocated in social sectors that had been historically excluded. A Social Control Mechanism was created for the auditing of these resources. This scenario generated a great deal of expectation among the population. However, the governments then did not succeed in developing and improving the Social Control Mechanism, which gradually lost impetus in a chaotic political-social scenario marked by the water and gas wars. This series of events ultimately led to the downfall of the president at the time (Rimassa, 2011).

Social participation during the "era of rebellion and the emergence of alternatives": new Constitution, reconfiguration of the State and contradictions of the process

The period from 2000 to 2013 could be called, in general terms, as the "era of rebellion and the emergence of alternatives" given the depth and breadth of uprisings that happened, its projections to the present, and certainly, for the future of Bolivia. This is neither to say that the Bolivian people has been living in a permanent state of rebellion against the established power nor that the alternatives tested in the process have managed to fully establish the institutional, political and social arenas. The events though clearly show that there were not only massive protests or social dissatisfaction on specific points in

this period, but also a real break with the institutional order until 2003.

It is what Alvaro Garcia Linera, vice-president of the Plurinational State of Bolivia, called "plebeian emergent power" (Garcia, 2009). To Lucila Shock Guarin, a professor at the Public University of El Alto (UPEA), in 2003 there was a deep "epistemological break" on the way communities and various subaltern groups understood themselves: they found out that demanding for "change" was not enough, but that they themselves could, and should, take power and carry forward the expected transformations, even at the cost of great personal and material sacrifices (interview with Lucila Shock Guarin held on 11th August 2013).

The "neoliberal era" legacy was of acute poverty and exclusion in a country where the working class was already extremely poor. This created the conditions for a general social, political and institutional crisis, which was growing in intensity since the late 1990s. Along the 2000s it exploded with all its power and scope. Several conflicts (strikes and other kinds of protests and demonstrations) increasingly involved a series of diverse and at times opposing social actors. The main actors were the numerous indigenous and peasant nations who experienced the worst part of the impact caused by the structural adjustment. This crisis had some emblematic aspects represented by two conflicts that together sped up the processes of social change that took place in the country as from 2005, when Evo Morales won the elections for Presidency, thus becoming the first indigenous President in the country. It is worth reminding that such event took place at the peak of the intensive and evolving popular mobilizations that shook the "neoliberal nation's" institutional structure. We are alluding to the "water and gas wars" (2000 and 2003, respectively), which is how each one of these telluric moments of the history of the country came to be known.

Very broadly, it may be said that the most significant results of these mobilizations in recent years are condensed in the promulgation of a new Constitution, and in the institutional reconfiguration of the Bolivian State. In this sense, the issue of social participation have risen as a central theme, and this time, as a widespread popular demand. Notwithstanding it is worth assessing the most significant constitutional and legal changes of the period, as well as some of the contradictions that took place along the process.

The new Political Constitution is the result of complex Constituent Assembly proceedings convened by Evo Morales' administration, since it was one of his main electoral campaign promises, together with nationalization of gas and strategic resources. Convened

in 2006, and after a series of difficulties and setbacks, the Constituent Assembly's term ended in 2008 with the delivery of a new draft Constitution to be validated in a popular referendum in January 2009, with 61.43 per cent of voters favouring it. As mentioned in section 1.3 of this paper, the new Political Constitution has meant an effort to refound the Bolivian State, including new rules as regards participation and social control, which are granted constitutional status as citizenship rights and duty of the Plurinational State.

In addition to the Political Constitution, other normative texts have been passed in the last years with a view to improving democratic practices in the country. Two of these texts are given special emphasis in relation to social participation, namely the Participation and Social Control Law⁹ and the Framework Law of Autonomies and Decentralization¹⁰. Both redefine the central aspects pertaining to public administration, review powers of the distinct levels of government, as well as the role played by civil society. They derogate the laws from the “neoliberal era”: the Popular Participation and Administrative Municipalities’ Decentralization laws, briefly commented before. Therefore, it is important to see what the regulations bring as novelty.

However, even with new regulations approved, if analyzed in more detail its implementation and full enforcement was slow due to a series of converging elements: traditional economic power groups that opposed it; the slow elaboration process of autonomic norms; the ambiguity and vagueness of key-concepts, such as “control” and “participation”; the diverse shapes these might take on, which vary depending on the political context (local, regional, national, etc); and corporative participation forms that really function as mediators between the MAS government and several civil society bodies, which did not necessarily emerge and develop in accordance with the new legal standards.

Firstly, it should be noted that the new Political Constitution establishes the Plurinational State form of government as being a three level democracy: participatory, representative and community-based, with equivalent conditions for both men and women (Article 11.I). The exercises of each of these forms of democracy have their own instruments or mechanisms, as shown in the following table:

Besides recognizing these levels of democratic practice, the new Political Constitution expressively

Table 2. Democratic forms introduced by the Political Constitution of the Plurinational State of Bolivia

Democratic forms	Mechanisms for implementation
Representative	Through the elections of representatives by universal, direct and secret vote.
Participatory	Referendum, citizen legislative initiative, mandate recall, assembly, collegiate (cabildo) ¹¹ and previous consultation with decision-making power.
Community-based	Through election, appointment and nomination of authorities and representatives by means of norms and procedures typical of nations and indigenous-native-peasant peoples.

Source: PCE, 2009: 14.

establishes the State's obligation to transfer financial and political powers to decentralized and autonomous territorial bodies. Bolivia currently recognizes the decentralized character of its State, unlike the previous Unitary State. The Framework Law of Autonomies and Decentralization played a pivotal role in this process, which, according to the new Constitution, must establish the procedures for the making of

“Autonomic Statutes and Organic Letters”, as well as the transferring and delegation of powers from the central to the regional@departmental@municipal government levels, etc. Article 272 of the new Political Constitution defines autonomy in the following terms:

“Autonomy involves the direct election of their authorities for citizens and citizens, the administration of their

⁹ Law number 341 from February 5th 2013.

¹⁰ Law number 031 from July 19th 2010.

¹¹ The “council” (cabildo) is an open assembly at the respective municipality corporation.

financial resources, and the exercise of legislative powers, regulations, and executive powers for their self-government bodies in the field of their jurisdiction and powers and duties”. (Asamblea Constituyente, 2009: 100)

Undoubtedly, it should be highlighted that the diversity of participatory and community-based democratic instruments incorporated and/or recognized in the new Bolivian Constitution go beyond the type of representative democracy that prevailed before the new Political Constitution¹². Thus, for example, article 240 includes mandate recalls, which apply to any public offices held by means of popular election, through a recall referendum (Asamblea Constituyente, 2009:88). In a country where power had been traditionally exercised in an authoritarian and elitist way since colonial times, giving the population the right to recall their representatives' mandates is a fact of tremendous importance.

In addition to this important mechanism, two new types of referendums were established: Article 411 defines the referendum for constitutional ratification. In other words, it establishes that a complete – or even partial – reform of the Constitution whenever it affects its fundamental bases will only be possible by means of a Plenipotentiary Original Constituent Assembly convened by a popular referendum (Asamblea Constituyente, 2009: 153). The Constitution is thus protected against “top-down” reforms, which gives society a pivotal role in any accidental change. Moreover, it is striking that the Plurinational State of Bolivia is obliged to call a popular consultation (Article 257) by means of a referendum for ratification of international treaties that deal with issues involving borders, monetary integration, structural economic integration and power transfer to supranational entities (Asamblea Constituyente, 2009: 93). However, additionally (Article 259), citizens can call a referendum to approve international treaties and covenants. Thus, citizens do not have to depend solely on referendums convened by the government. There can be a citizen initiative for that.

This set of instruments give the population a significant share of decision-making power relating to State affairs, which used to be decided upon without any sort of prior popular consultation, but rather to favour the interests of powerful groups (we shall remind the elitist and authoritarian way in which Sánchez de Lozada's administration privatized the gas in 2003, which ultimately led to the outbreak of the “Gas War” in the country). This does not necessarily mean that all decision-making processes in the country will be made via referendum, but there is now a real possibility of

calling it, which in turn depends on mutual and concrete arrangements and correlations that can ultimately imply the materialization of the laws currently in force. As mentioned before, the new Political Constitution grants constitutional status to social participation and control, which previously were only recognized by law. According to the Political Constitution (Article 241 and 242), sovereign people, through organized civil society, has the right to participate in the planning of public policies, in addition to controlling the activities of government companies and institutions, of mixed capital and private companies which use public resources, as well as the quality of public services. All institutions are obliged to design and implement forms of participation and social control at all government levels and in autonomous, autarchic, decentralized and de-concentrated territorial organizations.

Additionally, participation and control also foresee roles are played in making laws at legislative bodies, as well as in holding government accountable on issues of generation and use of information and public resources. It also includes the possibility of knowing and issuing criteria on management reports made by State organs and officers, and even denouncing, whenever verified, irregularities so that it can follow its due legal proceedings. Other roles that are subject to participation and social control are collaboration in the appointment of public offices and nomination of candidates for popular election.

Additionally, the new Popular Constitution makes significant progress in the recognition of community-based democracy. As such, it recognizes indigenous territories as government instances in which usages and customs are applied as indigenous justice in the nomination of public administrators and conflict resolution (issues that are dealt with from Articles 289 to 296). Moreover, Article 190 and 191 fully establish the constitutionality of indigenous-native-peasant's jurisdiction. These rights were only nominally recognized before the new Constitution, since the previous Constitution only incorporated them in a generalized and superficial manner. Currently, when a law affects indigenous-native-peasant peoples' territories or resources, it must be approved by an approval referendum.

As we have seen, the new Political Constitution is very broad and open in terms of the recognition of government forms, levels of democratic practices, forms of participation and social control, and on matters involving special jurisdictions. Although this is not a comparative study of the new and previous

¹² In the previous Constitution of 1967, which had been reformed in 1994, 1995, 2002, 2004 and 2005, the State defined itself as a democratic, representative and participatory government. See at: <<http://pdba.georgetown.edu/constitutions/bolivia/consboliv2005.html>>

Constitution, it is possible to infer the several changes established by the new order by simply observing both normative bodies, which has meant a deepening of democracy and possibilities of civic exercise in the country, at least, to the letter of the law.

In order to establish the new constitutional principles, both the Autonomy and Decentralization Law and the Participation and Social Control Law were passed and promulgated, respectively in 2010 and 2013. The first of these laws already defines the nature of the State of Bolivia as a complement to what had been established by the Political Constitution. Firstly, it is important to note that Bolivia preserves its territorial unity and, in this sense, it constitutes a “unitary” State (just like in the previous Constitution), but also a Community-based, Plurinational Social Rule of Law, which is free, independent, sovereign, democratic, intercultural, decentralized and with autonomies that guarantee free determination of indigenous-native-peasants peoples, and preserves the country’s unit. According to the law, the aim of the autonomous regime has to do with broadening democracy and, as such, social participation. Thus:

“Article 7: The regime of autonomies aims to distribute

political-administrative functions of the state in a balanced and sustainable way across the territory for the effective participation of citizens in decision-making, the deepening of democracy and the satisfaction of collective needs and comprehensive socio-economic development of the country”. (Ley Marco de Autonomías y Descentralización, 2010).

In fact, the Framework Law of Autonomies and Decentralization expressively recognizes under the Constitution’s principles, the existence of these pre-colonial nations and, thus, their ancestral dominance over their territories by securing their self-determination, autonomy, self-government and definition of their own institutions and territorial bodies. It is certainly a very important thing in a country with over 60 per cent of its population made up of indigenous-native-peasant groups.

In turn, the Participation and Social Control Law is an attempt to define in more concrete terms the principles approved in the new State Constitution. This law re-states that Participation and Social Control are legitimate rights and form the basis on which lies the country’s institutional order. Thus, both rights are defined as follows:

Table 3. Participation and Social Control Law Key-Concepts

Concept	Definition according to the Participation and Social Control Law No. 341/2013.
Social participation	It is defined as a collective right, a condition and basis for democracy, which is exercised individually or collectively, directly or indirectly (by means of representatives). It operates in the formative processes of State bodies, and in the design, planning and making of public policies and laws for decision making.
Social control	It is defined as a constitutional right of participatory nature and which can be demanded, by means of which every social actor can monitor and evaluate State management actions, the use of economic, material, human and natural resources, as well as the quality of public services to enable self-regulation of the social order.

Source: Participation and Social Control Law, Article 5

But, who participates and control? How? Where, and with what resources? The law defines the “types” of actors who are entitled to these rights. Three types are established: a) the “organic” ones, who correspond to social sectors, neighbourhood councils and/or organized and legally recognized trade unions; b) the community-based ones, that is, those corresponding to the nations and indigenous-native-peasant peoples,

intercultural and Afro-Bolivian communities, which are recognized by the Political Constitution and have an organization of their own; d) the “circumstantial”, that is, those who get organized in order to achieve a specific goal and, once that goal is achieved, cease to exist.

In its turn, the law defines the actors’ powers and the scope of participation and control, as well as

limits and prohibitions. However, it is important to note that the law is extremely general, for virtually everything within the State is subject to participation and control. Notwithstanding this, the concrete arenas in which both rights can be exercised are not made clear, which leaves room for interpretation or simply for non-implementation of the concrete mechanisms to materialize them. Still, one should bear in mind that participation and control are conceived rather as “instruments” than “mechanisms”. In other words, it is a flexible and open-ended principle, which, once there is a correlation of popular forces capable of demanding their fulfilment, it can open up new possibilities for exercise of democracy in Bolivia that can ultimately redesign and intermediate the relation between the State and civil society.

A number of issues emerge from what has been discussed so far. Significant normative progress has been made, but still of a very ambivalent and generalist nature. It is still unclear to what extent social participation and control can actually improve social actors' capacity to influence on decision-making processes. Even worse, it is also unclear if decisions will continue being made in a traditional, top-down fashion. Thus, a still deeper analysis of the concrete reality pertaining to participation and social control is requested, so as to know whether they are resulting into more and better access to the political system by groups that had been previously excluded or if these trends reveal that little significant progress has been made, despite the normative improvements.

On the other hand, it should be asked whether this participation format really meets the society's expectations and demands, or if the scenario is of which participation and control are restricted to a technical exercise, void of its political content. In this sense, it should also be questioned as to the sensitive theme of capacity-building among civil society organizations, which, for not being used to dealing with bureaucracy, can really be at a disadvantage vis-à-vis government officers and organizations with greater influencing power, be it because of their technical qualifications, be it for their corporate connections with the government party.

Herbert Iraola, sociologist and analyst of Participation and Social Control from Jubilee Foundation, considers that with regard to participation and inclusion, it has produced significant advances with respect to majority sectors - indigenous, peasant and native people - which today form part of the state apparatus and have much more visibility and influence than in the past, both at the local level, as in the Ministries and in the Plurinational Assembly (Congress). However, Iraola also identifies some fundamental problems. Despite the

normative advances, the country keeps "tied" by public management models inherited from the "neoliberal era". An example would be called "SAFCO law", still in force, and that defines how to program, how to plan and how public resources are used. Iraola points out that similarly the implementation of the Framework Law of Autonomy demonstrates little progress: despite having been approved for more than three years, until today, no Department and/or Municipality prepared and adopted its “autonomy statutes”. Regarding this point, for Humberto Rosso, emeritus professor at the Institute for Research and Training in Administrative Sciences from the Universidad Mayor de San Andrés, Bolivia is paradoxically undergoing a process of re-centralization because the absence of autonomic statutes has led to a vacuum of power which has been filled increasingly by the Executive. To Rosso:

"I think what Bolivia has experienced in recent times is some recentralization, although this seems ironic because it is supposed that we live an autonomous process. The structure of the State is different than it used to be before 2010. We are talking about an autonomous structure that incorporates the departments through the development of their autonomy statutes. But here we have a sword of Damocles that is not allowing us to consolidate the Bolivian state as we had thought in this regard, as an autonomous state. In the meantime I see that we are living a process of recentralization where the central government is to decide almost everything, even though autonomy law already provides exclusive and shared competences, etc. I think it will be a while, about three or four years inclusive, so that this process will be consolidated gradually". (Humberto Rosso, interview held on November 27th 2013).

The criticisms raised by Rosso point to a State that would become increasingly "authoritarian", favouring organizations and sectors close to its project, which makes it very difficult for civil society in a broader sense to get organized effectively to exert control and social participation. On this regard, Herbert Iraola considers that the physiognomy of participation shows certain ambiguities, because it was once possible to distinguish clearly where the State was and where civil society was. The scenario, however, today is quite different. For him:

"Another factor that has changed the face of our participation as Bolivia is that before you could see very clearly where civil society was and where state institutions were. However now you see a State. A State with active presence of social organizations; not all social organizations, but the movements most related to the ruling party. It is more difficult to distinguish where is civil society and how far is state institutions, and that brings a lot more complications when you analyse the issue of participation". (Herbert Iraola, interview held on October 28th 2013).

The same is expressed by Norah Quispe Chipana, responsible for Citizen Management at the Woman Promotion Center Gregoria Apaza (CPMGA), from the city of El Alto. Evaluating the implementation of participation mechanisms established by the new Political Constitution, she recognizes the value of normative advances and the importance that the new laws have created unprecedented conditions for the Bolivian people to have access to decision-making mechanisms and greater influence in shaping public policy. However, she indicates that there is a tendency to occupy hegemonic spaces by the organizations nearest of the national government. Which leaves out multiple organizations (as committees, assemblies, neighbourhood councils, etc) that work at the grassroots and/or territorial level, but do not easily find the ways to exercise the rights conferred by the new Constitution.

Thus, the government's agenda does not necessarily reflect the interests and needs of the most impoverished groups. Women, for example, despite having recognized the same rights as men, find in practice a great deal of difficulty to access the decision spaces. It would be like a reproduction, in a new context, of mechanisms for participation that characterized the Bolivian State after the Revolution of 1952, which gave priority to large workers' organizations at the national level, disregarding the diversity of actors at the base of society. As one of the interviewees says:

"The Political Constitution establishes that should be a participatory planning. However, in practice, this is not happening. There is leadership elite hogging all, and the bases do not participate. While there is some progress, it is not being really deepening and we are still under a model of multiculturalism without respect for plurinationality and without respect for the demands of our bases, our people, the ordinary people who still have debts, without jobs: all those people for whom the situation has not changed. Right now in Bolivia at the macro level there are changes, but these changes are not being felt by the people" (Lucila Choque Guarín interview held on November 8th 2013).

Finally, another interesting criticism concerns the fact that, of the three forms of democracy defined by the new Political Constitution, only the representative and participatory have been strengthened, not just the community-based democracy, whose effective recognition has not walked hand in hand with the government priorities. Lucila Shock, University professor from El Alto, points to the existence of traditional forms of community democracy as the

ayllu, used by the communities to define their needs and priorities, but which are not recognized by public authorities and managers. The national State continues to set the legal framework of what is understood or not as participation and social control, but at the base of the society continues to be the claim for an expansion of political horizons beyond crystallized and centralized participation formats.

All interviewees in this paper agree that there are normative achievements of extraordinary importance, but at the same time, recognize the impasse that the change process would have fallen in by practices such as centralism, corporatism, hegemony and patronage, which would have decreased the ability of society at the grassroots level to meet the challenges opened by the new laws and the new Political Constitution. Added to this, there is the slowness in the setting of autonomic systems and the ambiguity and breadth of legal devices favouring the return of forms of participation consolidated in the previous State from the "neoliberal era" and even earlier, inherited from the Revolution 1952. Moreover, it points out the difficulty derived of the fact that public administration remains guided by the principles of neoliberal governance, because not all public servants (including all levels of government) are willing to move towards a participatory model (and community model even less), giving up their specific plots of power to confer it increasingly to the society.

The Neighbourhood Councils (Juntas Vecinales) from El Alto: social participation in the new context

The Neighbourhood Councils are spaces of community self-government present throughout the Bolivian territory, especially in their urban areas. They are grassroots organizations articulated in a hierarchical pyramid, from the set of Neighbourhood Councils in each area and district, to the Federation of Councils of each city and the Confederation at national level.

The Neighbourhood Councils have long and rich tradition. These associations emerged for the first time in 1950s. They gradually developed in the poorest neighbourhoods, which concentrated indigenous peoples who came to urban centres from rural areas, in addition to people affected by the economic crises caused by the neoliberal restructuring measures in vogue since 1980s, which eventually reduced employment and eroded wages' real value. It was in these contexts of

¹³ "Following the traditions of the indigenous movement there is a low division of labour in the Neighbourhood Councils. Ancestral forms of the community such as the shift or rotation, reciprocity and assembly become part of the arsenal of forms of struggle". (Deledicque e Contartese, 2009: 143).

higher concentration of poor and indigenous-peasant populations¹³ that the Neighbourhood Councils operated and are still operating as a collective empowering instance that aims at pressing the government to solve problems relating to urban infrastructure and basic services, such as health and education. Very often, the Councils take the State's place, for they are called to act upon an urgent need (as water supply, for instance). Thus, they fill a power vacuum by becoming a real form of social security in these spaces (Deledicque and Contartese, 2009).

The Neighbourhood Councils operate all over the country. Each Department has a federated expression of Neighbourhood Councils which, in turn, are grouped together at national level at the National Confederation of Neighbourhood Councils (CONALJUVE), founded in 1979. Currently, there are in Bolivia over 7,200 Neighbourhood Councils organized around usages, costumes and statute dispositions. In El Alto's case, the Committees are grouped together at the Federation of Neighbourhood Councils from El Alto (FEJUVE), which is the main civil organization in the city, counting on over 600 Neighbourhood Councils (Deledicque and Contartese, 2008: 9-20). However, political dynamics are neither linear nor simple to understand. As a matter of fact, though there is a certain degree of organization and representation at the highest level of FEJUVE and El Alto Regional Workers' Union (COR)¹⁴, the Councils keep a great deal of their autonomy and, in moments of political tension, tend to extrapolate the merely representative framework and transform themselves into direct instruments for action and participation.

With their structure, logic, territorial nature and internal organization system, the Neighbourhood Councils bear great similarity with the rural ayllus, which are extensive family communities in the Andean region that organize work in a collective fashion. For instance, in order to create a Neighbourhood Councils and to have it affiliated with the respective Neighbourhood Councils' Federation, it must aggregate at least 200 families. Moreover, internal representation is not made by individuals, but rather by families. Thus, each family must guarantee the presence of at least one of their members so that the Councils can make the respective decisions (Deledicque and Contartese,

2008: 9-20). This internal logic is much closer to the community paradigm than to the representative one, of western tradition.

The Neighbourhood Councils are the main urban territorial organizations in the city of El Alto¹⁵. Their organization is based on a Commission or Directive Board who are elected by the same community members every two years. The existence of a Council means there is a socially and politically constituted territory, though the number of Councils varies across each neighbourhood. On the other hand, they are self-sustainable and, as such do not receive any public resources to afford their activities.

According to recent research on the topic in the city of El Alto:

"The Neighbourhood Councils are grouped according to the fourteen districts to which they belong and in which the city is divided. The district organizations in turn elect the leaders of the Federation of Neighbourhood Councils. This entity has become the main actor representing the interests of El Alto, apparently more than the mayor and elected councillors". (Crabtree and Chaplin, 2013: 69)

Another important aspect related to the Councils is their assembly structure, whose occurrence might vary and depend on conjuncture aspects. As mentioned, representation within these assemblies occurs in a familiar, rather than an individual fashion. Often, it is the head of the family – independently of their sex – who takes over, though it has a flexible structure that allows another member of the family to participate. A great deal of the Council's activities is focused on the satisfaction of local peoples' basic needs. It should be noted that the city of El Alto concentrates high levels of poverty and indigence as a result of social exclusion structures that have been around for centuries. However, there is also a crucial political trend, which functions as mechanisms for mobilization and social struggle, as well as for mediations with public authorities.

For a better understanding of the functioning of the Council, it is necessary to identify the several levels and moments at which these arenas are articulated.

¹⁴ The COR, founded in 1980, groups together a diverse set of workers' associations with presence in El Alto city. It is a very interesting phenomenon, as it gathers together informal workers, shoe shiners, high-school students, women, shop owners, car-washers, university workers, air company workers, as well as a vast array of identities, struggle and organization trajectories, which reshaped a traditional trade-unionist form to produce new and unexpected couplings.

¹⁵ However, the Neighbourhood Council emerges against the background of an organizational density that extrapolates them. El Alto city has an impressive set of organizations of the most diverse types, which makes it even harder to grasp the way in which aggregation and representation of interests operate.

Deledicque and Contartese (2008) identify four levels, of which three are permanent, and one is extraordinary:

- a) The first level of articulation is related to grassroots organizations, as the Councils themselves. These operate in the various city zones, in which concrete local needs are discussed, as well as the actions to meet them. It has to do with the more direct and immediate level of action and, as such, meets on a monthly basis.
- b) The second level is the so-called “extended district”, which aggregates the several Councils of the same city district and deals with specific themes, thus bridging the gap to FEJUVE’s Executive Coordination. It is convened in accordance with the required actions.
- c) Still at the second level, the “extraordinary extensions” are arenas in which representatives of all zones and districts are called upon. The meetings do not take place at fixed periods of time, and depend more on specific demands. In these arenas, grassroots’ demands are transformed into demands that need be negotiated at FEJUVE Coordinator Committee before public authorities’ institutions, such as municipalities, town halls, superintendence, ministries, and, occasionally, companies related to urban public service delivery.
- d) The third articulation level involves the Ordinary Congress, which meets every two years. It gives rise to the new FEJUVE Coordinator Committee, as well as the main points in the agenda to be dealt with. This is also the level with the highest visibility rating in the country and of greatest political content.
- e) Another articulation level mentioned by the authors is the so-called “collegiate” (cabildo), which are less frequent, though of great relevance. They are wider instances of participation, with individual rather than family participation, which allows everybody to directly participate with voice and vote in the debates. They are instances in which leaders are given a voice to set up the political agenda (Deledicque and Contartese, 2008: 26).

From 1994 and beginning of 2013, the Councils’ relation with local governments was mediated through Monitoring Committees controlled by the Councils, on which the approval of each municipality’s Annual Operative Project depended. This gave them a great deal of control over municipal resources. When the time came for these Councils to be eliminated by the Participation and Social Control Law, there was an impasse, due to the lack of specific mechanisms to replace the monitoring committees. However, this relationship with local public authorities and the legal recognition brought by the 1994 Law did not result in the Councils being informally controlled by them. Much to the contrary, the Councils continued exercising (though with some contradictions) their autonomy before

public authorities. Thus, the Councils functioned as a kind of “neighbourhood micro-governments”, which State authorities tried to channel to their own benefit by approving the 1994 Popular Participation Law. However, such “conflict normalization” (Deledicque and Contartese, 2009: 144) did not succeed in reducing them into functional tentacles of municipal power, as made clear by 2003 rebellions. As pointed out by the authors, though authorities tried to neutralize political action by relinquishing power instances restricted to the local level, the Councils’ actions were highly politicized and directly related to a generalized rejection to the neoliberal order, focused on the plundering and privatization of the country’s riches. This reveals how far popular organizations can go in terms of articulation of their autonomy and propagation of their own society’s projects. This is not restricted to a merely formal “participation”. Thus:

“The Neighbourhood Councils passed from the institutionalization imposed by policies trying to co-opt and weaken their participation, to resistance struggles, and to finally end up as “social movements for breaking and reforming the model from below” that slowed and changed government decisions. In this sense we refer to them as conflicting standards for that the relationship established by the Neighbourhood Councils with the State is in permanent tension. On the one hand, the Councils gain in decision power regarding resource management and municipal state, and somehow are normalized and integrated. On the other hand, however, they are not completely absorbed by the state structure and maintain their power and autonomy of confrontation, which is manifested most visibly in times of ‘war’.” (Deledicque e Contartese, 2009: 146)

Within this new context, however, it is crucial to understand the functioning of the Neighbourhood Councils. Such state of affairs was marked by MAS arrival in power in 2005, as well as by several autonomies, social control and participation laws, which replaced previous legislation and opened up new scenarios where struggle for strategic resources take place towards government and State that were supposed to be allies, but with which conflicts do not cease to exist. This occurs because the relationship between the government, social movements and local organizations is not isomorphic or conflict-free, simply because the government is ultimately the result of actions and initiatives taken by the masses.

To Crabtree and Chaplin (2013) the Neighbourhood Councils were highly participatory institutions, aimed to satisfy the interests and demands of its members. But while building their autonomy, the Councils faced from the start the intention of the various political parties and governments to control them. Such situation can be still observed nowadays, especially in the city of El

Alto, because the triumph of Evo Morales in 2005 had one of its main bases in this very city and the control over the Councils would be something important to ensure a base of support for the new government.

For these analysts, a turning point in the MAS government's attempt to transform the Councils in allies was the appointment of Abel Mamani, who was president of FEJUVE-El Alto between 2004 and 2005, as Minister of Water and Environment. From that time, leaders have begun to be co-opted (both in the municipality level as the central state apparatus), and would have weakened the links between the grassroots and the leadership, leading to a progressive fragmentation of the demands and a loss of political weight of the Councils and its federal agencies. Practices that avenged the relationship between state and Councils during the "neoliberal era" such as clientelism have returned in new ways. This all has an effect on the real possibilities of exercising control and social participation as established by law, because the structure of relationships and alliances between the Councils and the local and national governments tends to be corporative, besides leading to loss of legitimacy of FEJUVE-El Alto. For example, there is the emergence of other entities that compete with FEJUVE for the political lead such as the Federation of Family Fathers and associations of street traders operating in the city (Crabtree and Chaplin, 2013: 70-73).

Differently, for Fany Nina, former president of FEJUVE-El Alto, the relationship between Councils (through their representative bodies) and the local and/or national government is on the basis of respect, demanding the fulfilment of programs and works for the benefit of communities, but without favouring a particular party affiliation. For her, even though MAS government is an ally of the social movements, the FEJUVE's role is permanently to monitor the quality of constructions and the fulfilment of the agreements, without submission to the government and without forgetting the political agenda. However, with regard to the advancement in the field of social participation and control, she also recognizes the mismatch between the normative and the advance in the implementation of the new rules. In particular, she points out that even with new laws on these items, the lack of resources for civil society to engage effectively in the social control and participation, weigh heavily in ensuring the constitutional rights. By that she does not mean paying wages for exercising social control, but rather to provide budget to the law for the instances of control and participation may actually work. According to her, under current conditions, grassroots organizations have difficulties even to ensure its internal work, how much more so to be able to monitor the performance of government at all levels, from local to national

and departmental. On the other hand, for this community leadership, which was the first woman to hold the presidency of FEJUVE-El Alto since its founding in 1979, one of the major contradictions of the current process of change in Bolivia is the obstacles that women still face for guaranteeing their rights of citizenship, especially with regard to participation. Although the new Political Constitution and laws on social control and participation establish parity between genders, there are many obstacles – including violence against women for political reasons - that, in practice, prevent that parity is even materialized. Despite advances in this topic in recent years, the political harassment against women is indeed a serious problem in Bolivian society, to the point of having required the approval of a specific law on the issue in 2012.

However, the current political scene in El Alto is complex and fragmented. The Councils seem to have lost some of its capacity for action and its legitimacy, due to a still very high social reality of poverty, exclusion and labour informality. In a recent research on the topic, it was pointed out:

"The ability of authorities to respond to the needs and demands of the citizens of El Alto is severely limited by the extent of the problems and the lack of resources needed to address them [...] The lack of appropriate employment and the informality create a social environment with immense problems. The lack of appropriate channels of representation and the personal desires of local politicians, whose main interest is often to gain advantages and personal promotion, have compounded the problems". (Crabtree and Chaplin, 2013: 84)

The above does not mean that the Councils have diminished in importance or are disappearing. It reflects the contradictions of the process as a whole, as well as the fact that the new government is the result of people's action led by those same Councils in the recent past, giving specificity and a distinct complexity to this relationship in comparison to those between other popular organizations and the neoliberal era's governments. Evo Morales as political figure and the MAS political project still have high legitimacy and in these conditions, movements and popular organizations must recreate their forms of internal organization and representation of interests even through a way with mishaps, advances and setbacks.

Trends and potential conflicts of process

The consensus among many analysts and representatives of civil society is that Bolivia has experienced major changes in recent years as a result of popular mobilizations against established power and the emergence of new political actors. Specially the indigenous movement and a new party – the MAS

– that was able to galvanize a set of social forces that embodied the aspiration for a new model of the country, far more democratic and inclusive, whose expression is condensed in the name of the Plurinational State of Bolivia, on the new Constitution and in the changes in the institutional arrangements of the country.

From the “neoliberal era” to the “era of rebellion and the emergence of alternatives” there are advances in recognizing participation and social control as constitutional rights of the Bolivian population, not just limited to the scope of local government but extensive at all levels of government and all public powers. And not only with respect to the use of public resources, but in general, such as the right to participate democratically in making decisions in the public arena. To this end, different levels of democracy is instituted and recognized in terms of concrete instruments, while the country has advanced in the definition of a new autonomic system that gives more power to the departmental and municipal governments. At the same time there is the wide recognition of the uses and customs of the indigenous and peasants people concerning their own jurisdictions, administration and justice systems. And also it was promoted the most effective participation of indigenous peoples in the state apparatus, as the Plurinational Legislative Assembly (Congress) and the Government, something unprecedented in a country until a few years ago that was ruled by white and economically powerful elite. These changes should not be underestimated and express very important potential of transformation. However, it does not mean that its implementation is free of contradictions, which makes more difficult to predict trends in process.

Thus, despite the widespread recognition of rights to participation and social control, it appears that real progress is little. The generality of the law hinders the implementation of mechanisms to enable participation in decision-making and social control with respect to the progress of programs, plans and specific projects, either at local or national level. Each public authority - municipality, ministry or autonomous institution - is required to establish mechanisms for participation and control, but there seems to be no real progress in the matter, unless in the local authority where popular organizations tend to be based on the dynamics of the previous Monitoring Committees.

Several observers point to the trend towards corporatization of participation and social control, because only large national organizations have real access to the political system, given its support for the MAS project. Added to corporatization, the resurgence of clientelistic and/or political patronage practices, as well as delays in the implementation of autonomic

systems would have favoured the emergence of a trend towards recentralization of the system as a whole.

On the other hand, some interviewees pointed to the fact that there is still long way to go to promote more radical democracy in Bolivia. In terms of the new Political Constitution, the representative democracy and the participatory democracy would have been more consolidated, but not a communitarian democracy, yet so much of the decisions and the agenda are set by the government and it does not emanate from all the diverse society.

In this context, forms of pre-existing and very popular grounded organization, as it is the case of the Neighbourhood Councils in the city of El Alto, face the challenge of reconfiguring and reinventing forms of intermediation with the government, while not losing their ability of autonomous action, as in the recent past. Nevertheless, recent studies on the subject seem to indicate that the Councils would not be able to maintain their primacy. Other forms of popular organization, either thematic or sectorial, would be taking its place.

Some critics point to the existence of an “authoritarian” style of the MAS government in exercising its power. Other critics denounce the emergence of clientelist practices that the MAS and the social movements always criticized in the neoliberalism governments. But we must take into consideration, before falling in superficial assessments, that the election of Evo Morales in 2005 established a government that, unlike its predecessors, has involved a wide range of social movements in the structures of decision-making, triggering significant changes in politics. Likewise in the past, when the Revolution of 1952 led to the emergence of strong union actors in alliance with the Nationalist government, the changes that occurred since 2005 have led to divisions among the movements involved in the action of masses. Thus, some among them have sought to engage actively with the new government, especially those closest to the MAS. Others, in turn, sought to maintain a certain distance with respect to the ruling party, concerned that the involvement could lead them to co-optation and loss of autonomy as social actors. During the first MAS government and during the drafting and ratification of the new Political Constitution these tensions diminished, and the new Constitution was a priority for the whole of social forces. But during the second government of Morales, tensions re-emerged and a certain “politicization” of the process has characterized the recent phase. That is, a division between those close to the government and who share its political project, along with the claims of those who feel excluded by not accepting what they perceive as an imposition of the government especially with regard

to public policy. Also it is important not to diminish the role of other political forces from both the left and the right spectrum, which oppose the government and its project of socialism plurinational.

Moreover, the MAS government has staked by a extractive project that has changed little the foundations of capital accumulation and little has solved for the masses of workers in large cities and in rural areas, although in general terms the per capita income increased its value in recent years. In addition to the above, the prevalence of styles of public management closer to the neoliberal technicality of the 1990s did not favour the adoption of more democratic and inclusive forms of management, in which the political dimension is more relevant than the technical dimension.

However, many things have changed positively in recent years in terms of democratic enlargement in Bolivia. Several studies and interviews showed that there have been important advances for the inclusion of historically excluded sectors of the political system, although they were majority in percentage terms in comparison to the total population of the country. The Bolivian society has achieved considerable progress in terms of using their organizational resources to address challenging problems, and some things have started to change, such as the improvement of social infrastructure, health and education in particular. Not to mention the significant indigenous and peasant participation in the state decision-making, which are the best evidence of progressive wear of racial and gender discrimination systems that prevailed until very recently.

The Bolivian civil society has today new and unprecedented conditions for participation and social control. We could say that the deepening of the constitutional and legislative changes of recent years will result from the degree to which this civil society push the government and forces it to leave the comfort zone of corporate alliances, to open to new democratic experiments that are able to broadly include all social actors - with its complex demands and forms of organization - in the management of the public arena. The MAS government cannot be appointed as the sole responsible for the slowness of reforms needed to materialize the new Constitution. Therefore, it is also to the civil society, as in the past, regain its prominence and boost the changes needed to deepen the democratization process. This is an open challenge, and the Bolivian civil society has a starting point qualitatively higher than ten years ago, when the neoliberal order was still in force, and many rights had not yet been conquered.

FINAL QUESTIONS AND LEARNING

Our recovering of participatory democracy experiences in Ecuador and Bolivia was not a comparative analyse. Therefore more than conclusions, we would like to point out a few questions and learning in order to encourage the debate.

Firstly, as commented in the previous paper about Brazil and Venezuela (Romano et alii, 2013) the democratization process in Ecuador and Bolivia shows that the people demands much more than the right to vote, much more than the traditional “electoral democracy”. The people’s mobilization “claimed spaces” (Cornwall, 2006) for active participation in order to build new ways of participatory democracies. The people fight for their own democracy, creating and promoting democratic diversity (Santos, 2002).

Secondly, the building of participatory democracy, as a new political grammar, is happening in a tensional context that opposes actors and projects in the society, in the market and in the State. As commented in the Introduction, participatory democracy instruments are not only the result of the people’s struggles. Along the struggle for building hegemony in Latin America in the last decades, the neoliberalism promoted also “participatory” instruments through institutional reforms (decentralization and participatory laws) in order to build “good governance” and to weaken the State. The adoption and diffusion of participatory instruments by the neoliberalism in the region that created a “perverse confluence about participation” (Dagnino, 2004) is a challenge for the social movements and the people’s fights. And is also a challenge for the political analyses: to put together all these instruments as part of the same formal set of mechanisms and institutions without considering their politics objectives and political implications in the process of dispute between antagonistic political projects is to reduce the political analysis to a formal dimension. The analysis needs to regain its political perspective pointing out the different implications of participatory democracy instruments for changing power relations in the construction of new hegemonies. Therefore we need to contextualize the participatory democracy mechanisms in each of the countries’ struggles for hegemony.

Third, in Ecuador and Bolivia, as in other Latin American countries, movements and leftist organizations (from indigenous, farmers, workers and middle class basis) have mobilized again, occupying the streets facing the neoliberal proposals and their impacts in reproducing poverty and increasing inequality. But they also built national movements, parties and coalitions taking the power by electoral means, which implies a very new

experience: the transit from resistance processes to constitutional processes. Although new Constitutions were not built in all these countries, those who have ventured into this area - such as Ecuador and Bolivia - have given to the world the most radical examples of neo-constitutionalism with the inclusion of plurinational frameworks and multiculturalism, the concept of expanded democracy - "radical democracy" to use the expression coined by Mouffe and Laclau (Laclau and Mouffe, 1989) - expressed on different principles and tools of participatory democracy, and a range of new rights (including the rights of Nature embodied in the Ecuadorian Constitution). At the same time, in all cases, along with the new juridical devices there has been the promotion of participatory mechanisms as well as renewed public policy proposals to ensure compliance with the political, economic, social and cultural rights. It has also emerged a broad spectrum of new utopias, with new development concepts, such as those relating to Good Living, combining pre-Hispanic, Republican and even Aristotelian matrices (Long, 2014: 17-18).

Fourthly- as pointed out in the previous paper about Brazil and Venezuela (Romano et alii, 2013), the experiences analysed demand to consider more precisely the dialectic between State, political parties and civil society. The democratization of democracy, with the construction of a new political grammar, brings a more or less veiled way of confrontation between social actors and divergent projects within society. When the popular sectors and civil society organizations engage and participate in order to take an active role on public policy decision-making the traditional elites offer strong resistance. The results of these tensions and conflicts are neither defined in the State - such as "arena" or "new social movement" like Boaventura de Souza Santos (Santos, 2006) says - nor within the political society (with the crisis of traditional parties and the emergence of new mass parties), neither within social movements (with oscillations in its mobilization capacity) nor in civil society in general (with the heterogeneity that characterized it as well as the differences in terms of political initiative capacity of their diverse organizations). The outcome of this confrontational dialectic is under construction in each country, depending largely on the power of key actors and their alliances, of the arenas defined in the confrontation and the correlation of forces at stake.

So, fifthly it is necessary to update our analysis and

intellectual debates about coalitions and correlations of forces. Without exception, leftist governments in Latin America have been made possible by complex coalitions (Long 2014: 18). The rise of indigenous movements and indigenous parties - as Pachakutik in Ecuador - and their relationships with other social and political forces that represent the demands of peasantry, workers sectors and middle class - as the MAS in Bolivia - have forged heterogeneous coalitions that present major challenges. These coalitions are the limits and the potential for radicalization of those governments. It is not possible to understand the construction process of participatory democracy while ignoring the specific contexts shaped by different correlation of forces¹⁶ (Long, 2014: 18).

Sixthly, and regardless of the outcome of this confrontational dialectic with its tensions and conflicts, we believe that democratic innovations called "participatory" in Ecuador and Bolivia as well as in other Latin American countries, have influenced and have been part of the political culture in each country and in the region as a whole. But the introduction of new institutions and cultural practices does not eliminate previous political cultures. The challenge for our countries is not the existence of different political cultures, with meanings and practices under tension and dispute. It is the attempts to consolidate also by sectors of progressive governments in Latin America, as is the case of Brazil (Romano et alii, 2013), a "hybrid political culture" - what might be called "the absolutism of consensus" - in which the meanings of the participatory democracy innovations are reframed and their practices lack their transformative character by the weight of components from political cultures based on authoritarianism, clientelism and neo-liberalism (Romano et alii, 2013). Instead of providing the linkage between representation (overcoming exclusion) and participation (surpassing abstention), this "hybrid political culture" provides a reframing of practices of participatory democracy, reducing them to give legitimacy to the government decisions and not to increase the democratization of decision-making policy process. But overall the conformation of this "hybrid political culture of the absolutism of consensus" - with its impacts of reframing meanings and lack of the transformative character of the participatory democracy practices - leads us to the overvalue of consensus in the public sphere diminishing or obscuring the role of conflict.

¹⁶ Importantly, the process of political transformation in the region occurs in a context where the global neoliberal hegemony remains unquestioned. This results in a series of economic, political and military constraints, which constitute the greatest resistance to the dynamics of political, social and economic transformation unfolded from within national States. Thus, in Latin America, it is necessary to move forward in the construction of radical democracy, a strong South American integration process, which is outlined, for beyond the MERCOSUR, with the creation of UNASUR (Union of South American Nations) ALBA (Bolivarian Alliance for the Peoples of Our America) and the CELAC (Community of Latin American and Caribbean States) (Long, 2014: 19). Its success will, undoubtedly, be the success of the struggle for emancipation, equality, and social justice for Latin American peoples.

Thus, seventhly, it is appropriate to ask about the role of consensus and conflict in the struggle for hegemony that hangs in the public sphere. As García Linera points in recent years several Latin American countries presents a hegemonic struggle - which takes the form of a war of positions in the Gramscian perspective - in which the State assumes a central importance as the space race of all areas of life, and as the location for consolidation of redistributive processes of social wealth (García Linera, 2008: 10). In its political-institutional dimension this dispute by building a new hegemony also refers to how governments have sought to strengthen its legitimacy after the crisis of political representation caused by neoliberalism. In the cases that we examined - as in most countries of Latin America - one of the paths for increasing the governmental legitimacy had been through institutional reforms and innovations that had led democratic citizen participation beyond the moment of the vote as a way to meet the demands of instituting citizenship through instituted citizenship. These processes has been a cycle of re-politicization of democracy, with differences among the countries, with the highest expression and manifestation of conflict in Ecuador, Bolivia and Venezuela - as demonstrates the previous study (Romano et alii, 2013) - or trying to attenuate or hide the conflict, promoting the over-valuation of the consensus, as in the Brazilian case (Romano et alii, 2013). These processes have thus putting into debate the issue of recognition of the relationship between democracy, conflict and social change, pointing out the conflict - and not only the consensus - as both, condition and path for deepening democracy.

It is worth recalling the criticism of Chantal de Mouffe to the disproportionate weight of the consensus in the public sphere, "... rather than seeking to design institutions, that through supposedly impartial procedures, reconciled all conflicting interests and values, the task of the theoretical and democratic politicians should be to promote the creation of a vibrant public sphere of "agonist" struggle where different political projects aimed hegemony can oppose each other. This is the sine qua non for effective exercise of democracy" (Mouffe, 2007: 11). A "hybrid political culture", which aims to over value the consensus built from the top down and the blackout of the conflict, by neutralizing or de-politicizing practices and meanings of democratic innovations - including participatory democracy - would not be contributing to the construction of this vibrant public sphere of "agonist" struggle, which is the condition for "participatory democracy" to be a field where it can reinvent social emancipation (Santos, 2002).

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INTERVIEWS

Vanessa Bolaños, director of the NGO Terra Nova, former advisor to the popular indigenous-peasant movement. Interview held on 24.10.2013, via Skype.

Herbert Iraola, analyst Participation and Social Control Jubilee Foundation, held on 28.10.2013, via Skype.

Norah Quispe Chipana, responsible Citizen Management Centre Promotion of Women Gregoria Apaza - CPMGA held on day 07 / 11 de 2013, via Skype.

Lucila Shock Guarín, professor at the Public University of El Alto, held on 11.08.2013 day via Skype.

Fany Nina, former president of the Federation Neighbourhood Councils City of El Alto, FEJUVE-El Alto, held on 12.13.2013, via Skype.

Humberto Rosso, emeritus professor of the Institute for Research and Training in Administrative Sciences from the Universidad Mayor de San Andrés, IICCA-UMSA (La Paz), held on 27.11.2013, via Skype.

Participatory Democracy Initiatives in Europe

Gordon Crawford and Mirjam D. Werner¹

INTRODUCTION

Four decades after her original work on *Participation and Democratic Theory* (1970), Carole Pateman has noted that currently “we seem to be in a favorable time for participatory democracy” (2012: 7). Indeed, given the increased attention to participatory governance, including deliberative democracy impulses and participatory budgeting initiatives both in developing and developed regions, participation now seems more accepted and institutionalised than ever before (Cabannes 2004; Davidson & Elstub 2013; Dryzek 2007; Goodhart et al. 2012; Pateman 2012, 1970; Schneider 1999; Sintomer et al. 2008). Discussions about tools for direct democracy, such as referendums and popular initiatives, have also become more widespread, particularly in Europe and the USA (Bengtsson & Mattila 2009; Eder et al. 2009; Hobolt 2006; Papadopoulos 2001). In the context of these developments, this chapter aims to add to the debate on participatory democracy by providing the findings of a mapping exercise on the variety of participatory democracy (PD) initiatives to be found throughout Europe.

While many contemporary PD initiatives have emerged in the Global South, especially in Latin America, we argue that the concept of participatory democracy is also very relevant in Europe, and thus were interested in mapping its recent expansion there. Although Europe contains many established liberal democracies, this form of democracy is itself somewhat in crisis, as indicated by low voter turnout and growing disaffection from mainstream political parties. For many citizens, especially younger people, democracy should be more

meaningful than a vote every four or five years for parties that offer little policy choice and are increasingly under the sway of big business and pro-market neo-liberal ideology. In this respect, participatory democracy can be as relevant for older, established democracies as it is for newer ones. Thus we wish to examine the extent to which alternative approaches to democracy have emerged in Europe, perhaps at times transmitted from the Global South, ones which seek to go beyond liberal or representative democracy and which introduce innovative forms of political participation at various levels of government and society.

On the one hand, the goal of the study has been a descriptive one, to describe and compare the different PD initiatives within a particular timeline (2003-2013) across different European countries. On the other hand, our aim has been to take a modest first step towards theory development by using our comparison to assess different types of PD initiatives. In particular we wish to analyse the extent to which such initiatives aim at ‘democratizing democracy’ and creating a more ‘democratic society’ through structural change (Pateman 2012), or, alternatively, whether they merely amount to various forms of public consultation and minimalist participation that offer little or no challenge to the liberal democratic status quo.

The chapter is divided into five sections. After this brief introduction, there is a short outline of what participatory democracy entails and its relationship to representative democracy. The third section then examines the methodology employed for our mapping exercise, and includes the typology of

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participatory democracy initiatives that we devised in order to categorise the range of initiatives and activities that were found. The fourth section is the most substantial and provides the main findings and analysis from the mapping exercise. This is divided into a number of sub-sections. Finally, we provide some concluding comments.

WHAT IS PARTICIPATORY DEMOCRACY?

Throughout history, democracy has been an ‘essentially contested concept’ that takes substantially different forms (Held 2006; Ware 1992). One only needs to recall that most of the 20th century saw a struggle between capitalism and communism in which both used the term ‘democracy’ to define (and legitimise) themselves. Western countries generally consolidated a system of liberal or representative democracy, while communist countries of the Soviet bloc and elsewhere called themselves ‘people’s democracies’, as can be seen in the case of former East Germany, the German Democratic Republic. Yet, even within the more ‘established’ democracies of the West, one cannot speak of simply one form of democracy. Rather, a degree of tension between particularly liberal democracy and social democracy has been present for much of the post-1945 period. While the U.S. political system has been the emblematic liberal form of democracy with an emphasis on individual liberties, the model of social democracy, as exemplified in Scandinavian countries in the latter quarter of the 20th century, has placed a strong emphasis on state provision of public services and the welfare state. With the end of the cold war and the collapse of Soviet-style communism, Fukuyama (1992) famously talked about the ‘end of history’ and suggested that henceforth all societies would follow the model of a free market economy and a liberal democratic polity. Of course, such triumphalism has now been shown to have been ill-advised and the nature of democracy remains highly contested.

Historically, there has long been a challenge to the perceived limitations of liberal or representative democracy, especially by advocates of a more substantive form of democracy, variously called radical democracy, substantive democracy, deep democracy, deliberative democracy, direct democracy or participatory democracy (cf. Barber 1984; Held 2006; Macpherson 1977; Pateman 1970; Sartori 1987). Although these variants can each be defined somewhat differently, a common element is that they all encourage greater participation not only in decision-making at various levels of government, but also in society more generally, such as in the workplace, in local communities and in the home. This challenge can trace its heritage back to the original

Athenian democracy that involved deliberation and self-government in what was a city-state. It needs to be kept in mind, of course, that the Athenian *demos* was very elitist, with citizenship limited and the People’s Assembly open only to so-called ‘free men’. Theoretically, advocates of substantive forms of democracy can refer back to Jean Jacques Rousseau, the 18th century political philosopher who influenced the French Revolution. Rousseau wrote about the ‘general will’ of the people and how the people should be sovereign, with the ability to make laws, ideally through direct democracy in a local assembly (Rousseau 1968 [1762]). In Rousseau’s view, the role of government was simply to implement the will of the people. However, if Rousseau’s ideas of direct democracy were feasible in 18th century city states like Geneva (where Rousseau originated), they seem much less so in contemporary large, complex and predominantly urban societies.

Nonetheless, from the latter half of the 20th century onwards, critics of representative democracy (re-) emerged and focused on the concept of participatory democracy, notably in the work of Carole Pateman (1970), C.B. Macpherson (1977) and Benjamin Barber (1984). Whereas proponents of representative democracy suggest that the main “role of the people is to produce a government” (Schumpeter 1994 [1943]: 271) through casting votes in regular elections, and then allowing the political elite to get on with the task of governing, critics argue that politics does not just exist in formal political institutions but is also present in everyday (power) relations in the workplace, in local communities and in the home (Anderson & Rossteutscher 2007; Barber 1984; Macpherson 1977; Pateman 1970; Sartori 1987). Specifically, some of the ailments that representative democracy is argued to be suffering from are democratic deficits, voter apathy, unresponsiveness of political elites, and a lack of connection between policies and the real world (see for example: Blaug 2002; Carter 2005; Dunn 1992; Saward 2003). A further important argument put forward by participatory democrats concerns the developmental and relational qualities of participation through which citizens learn and grow, as well as form a community (Barber 1984; Budge 1993; Pateman 1970).

Advocates of participatory democracy are critical of representative democracy and see it as flawed, emphasising in particular that opportunities for participation and for voices being heard are restricted: “representative democracy is fundamentally limited in its ability to reflect the needs and desires of citizens in a contemporary western society” (Todd & Taylor 2004:1). Critics’ proposed solutions for the problems associated with representative democracy can broadly be categorised in two ways: those who want representative democracy to be replaced by a more direct, participatory political system; and those who see participatory democracy as complementary to the representative institutions that exist in a representative democracy,

(Altman 2013; Eder et al. 2009; Mitlin 2004; Pateman 2012). Generally the latter perspective is predominant, especially in the context of the size of current day nation states (or taken further, supranational political entities such as the EU) (Carter 2005). Accordingly, this research looks at participatory democracy less as an alternative to liberal democracy, with acknowledgement of the role of representation in large, modern societies, and more as a means of deepening and broadening democracy. Democracy, thus, can be deepened through, for instance, the extension of democratic decision-making to other spheres (e.g. workers' control of workplaces, community control of neighbourhoods), and it can be broadened through democratisation of governance between elections (e.g. greater participation in public policy-making; increased transparency and accountability of government to its citizens). Another important characteristic of PD and how it differs from liberal democracy is the emphasis on equality and egalitarianism. During the decades of economic neo-liberalism, liberal democracy has demonstrated its compatibility with huge and rising inequalities between rich and poor, clearly seen in the cases of both the US and the UK. In contrast, participatory democracy places an emphasis on equality and egalitarianism and is concerned to extend the democratic principle of political equality to the economic and social spheres. One consequence of this different emphasis is that 'policy content matters' for advocates of PD. In other words, democracy is no longer simply a means of political decision-making where the nature of the decisions taken and the policies choices are irrelevant. On the contrary, within PD, there is a focus on the economic and social content of democratic decision-making, with policies aimed at reducing levels of inequality in various spheres. The democratic rationale for this is that formal political equality is undermined by economic and social inequalities, while a more egalitarian society is also more democratic.

Nevertheless, participatory democracy has often been regarded as a theory without a practice. Despite its advocates putting forward both a strong critique of the limitations of representative democracy and a powerful argument for more participatory forms of democracy, it has to be acknowledged that liberal, representative democracy remains the standard form of democracy that is aspired to, and, as Hendriks (2010: 7) notes, "[n]owhere in the world is participatory democracy the encompassing model of national or local democracy". This was indeed the case, at least until the arrival of participatory budgeting in Brazil in 1989, initially introduced by the Workers' Party at city government level in Porto Alegre and other major cities (Abers 2000; Avritzer 2005, 2009; Baiocchi 2005; Gret & Sintomer 2005; Santos 2005; Sintomer et al. 2008). Participatory budgeting, and its relative success in

improving living conditions for people living in poverty (Pateman 2012; Sintomer et al. 2008), has been very important in highlighting the feasibility and significance of participatory democracy more broadly. One consequence is that not only has participatory budgeting been introduced widely in Brazil, in Latin America and in Europe, but also other forms of participatory democracy have been given a practical boost (Cabannes 2004; Pateman 2012; Sintomer et al. 2008), including some relatively mainstream initiatives. For example, the political system of Switzerland (Papadopoulos 2001), which has been copied to a certain extent in a number of German Bundesländer, demonstrates the possibility of an institutionalised accommodation of direct democratic principles in a larger representative democratic system (Eder et al. 2009). The cultural and political acceptance of referendums and citizen initiatives as recognised channels of direct political engagement by the general population demonstrates an alternative, less radical interpretation of participatory forms as an extension of representative democracy.

METHODOLOGY AND TYPOLOGY: DATA COLLECTION AND ANALYSIS

In order to add to the conceptual debate set out in the previous section, our study aimed to map the range of participatory democracy initiatives, both government-led and citizen-led, that have been adopted in European countries. In terms of government-led cases, we were interested in examples at the level of local government, but also in wider sectors such as health [e.g. health councils] and education, as well as in other public agencies where participatory governance and citizen control has been enhanced. In terms of 'citizen-led initiatives', these include innovatory practices of social movements and civil society organisations that are committed to structures of democratic participation in society generally and within their own organisations. We continue by outlining the methodology and then the findings of our mapping exercise in Europe.

Although Europe may be a relatively small continent in terms of the geographical area it encompasses, the fact that it consists of so many different countries and cultures makes it difficult to implement a large comparative research study, such as this one. As such, we encountered important methodological issues which we had to overcome. Firstly, we did not have a large research group at our disposal to cover the different European regions simultaneously, and we had to conduct all of the data collection and analysis ourselves. Secondly, and as a consequence of the first point, we were limited in how we could spend our time and energy. Thirdly, we had to operate

within a small financial budget which also impacted our methodological decision making. After careful consideration of our options, we concluded that a viable, cheap and quick solution to our methodological conundrum was offered by the Internet. As Metzger (2007: 1078) notes, over the last 20 years ‘the Internet has become integrated into our lives as an important, if not indispensable, tool for information and communication’. Researchers in particular are offered a new instrument for doing research (Baltar & Brunet 2012; Berry 2004; Brickman-Bhutta 2012; Jones 1999). In her study on the methodological use of Facebook, Brickman-Bhutta (2012) stresses several advantages of using online social networking sites as a data source: they are quick and affordable and data may be collected by a single researcher. Others too, remark on the low cost and ease of access of the Internet in providing researchers with new methodological avenues (Jones 1999 ; Metzger 2007; Robson 2011). It also allows researchers to conduct cross-national research without the cost, both in terms of time and money, of travel (Robson 2011). Furthermore, the trans- and international interconnectedness intrinsic to and facilitated by the nature of the Internet means that the exchange of knowledge and ideas has transformed the Internet into a virtual forum for academic collaboration with relatively low time and spatial thresholds (Berry 2004; Castells 2000; Costigan 1999; Jones 1999; Metzger 2007; Robson 2011). This latter observation particularly strengthened us in our choice to start our exploration of participatory democracy initiatives in Europe via the Internet.

Using the Internet, we were able to perform a quick first inventory of what ‘was out there’ in terms of European participatory democracy initiatives. We made use of both the traditional search engine www.google.co.uk, as well as the academically specialised search engine <http://scholar.google.com/>. Our initial browse led us immediately to the website of participedia.net. (<http://participedia.net/>) (cf. Fung & Warren 2011). This website describes itself as ‘an open global knowledge community for researchers and practitioners in the field of democratic innovation and public engagement’, and opens with the slogan: ‘strengthen democracy through shared knowledge’ (<http://participedia.net>). As two of its founders assert:

“Participedia is a methodological innovation in the social sciences that utilizes a structured participatory (crowd-sourced) strategy to gather data about a wide array of participatory governance innovations in the world. (...) [it is] first and foremost, a knowledge tool, one designed to combine the knowledge, insight, and energy of the many people who know something about these new institutions” (Fung & Warren 2011: 342).

After a quick exploration of the site, it became clear that it would provide us with a very good starting point for finding relevant cases. The website provides a basis for, among others, researchers, practitioners, government officials, and journalists, to catalogue and compare different cases of participatory democracy all over the world. Users are invited to submit cases and organisations which may then be viewed by all other users. The website allows users to select the available cases on the database according to their interests, for instance by country or whether or not the initiative is still ongoing. With the stated purpose “to be useful to scholars (and practitioners) as an open-source, real-time, cumulative qualitative and quantitative data repository about participatory and deliberative governance experiences” (Fung & Warren 2011: 342), the website is the initiative of prominent academics and practitioners in the field of democracy such as Prof. Archon Fung, Prof. John Gastil, Prof. Patrizia Nanz, Prof. Mark E. Warren, and Matt Leighninger who is the Executive Director of the Deliberative Democracy Consortium (DDC). [Participedia.net](http://participedia.net), then, is a perfect example of the way in which the Internet facilitates knowledge exchange and creation through its “technologically flexible, dialogical and fluid nature” (Berry 2004:324). In light of [Participedia](http://participedia.net)’s aim to “produce relatively high quality, comparative information” (Fung & Warren 2011: 342), we decided to use the [Participedia](http://participedia.net) website as a basis to find relevant cases for our own PD initiatives in Europe database that we sought to construct. Accordingly, we selected all the cases that have been uploaded on the website which fell in our regional scope, i.e., Europe. This gave us 166 cases of participatory democracy, without distinguishing between whether the initiatives were finished or still ongoing. Table 1 demonstrates how the cases were distributed by country.

Table 1. Number of PD cases in Europe

Belgium	4
Bulgaria	1
Czech Republic	1
Denmark	1
Estonia	1
Europe-wide	3
Finland	1
France	6
Germany	14
Greece	1
Iceland	4
Ireland	3

Italy	50
Latvia	1
Moldova	1
Netherlands	2
Romania	1
Russia	1
Spain	5
UK	51
TOTAL	166

Source: *Participedia.net* database, accessed October 2013

For our research, we decided to limit our scope to ongoing cases in the European context within a time frame of 10 years, i.e., between the years 2003-2013. This resulted in a list of 36 relevant cases, which are shown in Table 2.

Table 2. Ongoing PD cases in Europe

Belgium	1
Bulgaria	1
Czech Republic	1
Denmark	1
Estonia	1
Europe-wide	2
Finland	1
France	2
Germany	4
Iceland	1
Italy	6
Moldova	1
Netherlands	1
Romania	1
Russia	1
Spain	4
UK	7
TOTAL	36

Source: *Participedia.net* database, accessed October 2013

Using this initial list of ongoing European PD cases from the *Participedia* website, we then set out to

build our own database in Excel. We commenced with the 36 ongoing cases from the *Participedia* website which fell within the scope of our research project, describing the details of each case, the actors involved, and the regional scope. We also noted whether cases were government-led or citizen-led. Perhaps most importantly we categorised our cases according to our 'Participatory Democracy typology', which will be described in a later section.

While we felt the *Participedia* website was a thorough and trustworthy primary source for examples of participatory democracy in Europe, we decided it would be important to complement the website information via two additional data collection channels. The first approach was by making use of our personal networks of international colleagues. Personal networks have traditionally been used methodologically to reach 'hard-to-reach', 'hidden' or 'invisible' populations (Biernacki & Waldorf 1981; Spreen & Zwaanstra 1994; Watters & Biernacki 1989). The underlying assumption here is that formal means of reaching individuals in these 'hidden' groups are inadequate and as such point to the need of a more informal approach. Biernacki and Waldorf (1981:144) noted, for example, '[O]ther possible study populations, because of the moral, legal, or social sensitivities surrounding the behavior in question, have a very low visibility and, as a result, pose some serious problems for locating and contacting potential respondents'. Arguably, this argument may be extended to geographically widely dispersed populations (and information) as is increasingly common in a global and networked context. In terms of hidden populations, a solution to finding respondents is often found in the use of the personal networks through snowball and/or purposive sampling (Biernacki & Waldorf 1981; Spreen & Zwaanstra 1994). How researchers may use their own personal networks for data collection and getting access to information and/or people is not generally explored, even though it is not clear why this should not be considered and used as a relevant channel for collecting data.

Given the time and financial constraints of our project, and in light of our own personal international networks, we decided to explore our own European interconnectedness and approach a variety of colleagues and/or acquaintances through purposive and snowball sampling (Biernacki & Waldorf 1981; Brickman-Bhutta 2012; Noy 2008; Robson 2011; Spreen & Zwaanstra 1994). We made sure these colleagues and/or acquaintances were from and/or live in a European country, and sent them an email explaining our project and asking for our help. This sample included individuals living in or originally from Belgium, Bulgaria, Croatia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, the Netherlands, Portugal, Slovenia, Spain,

Sweden, Switzerland, Turkey, and the UK. We also asked them to forward the message in snowball fashion to others who may have relevant information. The responses we received varied, but in general were very positive. At the same time, we recognise that we did not receive responses from everyone we approached, nor did we get examples for our database from all of these countries. Nevertheless, we deem this complementary data collection method as valuable, as it allowed us to become aware of local and regional initiatives that were less widely (i.e., nationally or internationally) documented yet were clear examples of participatory democracy.

Our second complementary approach was to do targeted internet browses, using key words such as participation and democracy in a number of different languages to try and find more examples. As a result, of our two complementary data collection methods, we were able to add 24 additional cases to our database (Table 3), bringing the final number to a total of 60 ongoing cases of participatory democracy in Europe.

Table 3. Number of additional ongoing PD cases in Europe

Europe-wide	2
Finland	1
France	4
Germany	3
Iceland	2
Italy	1
Portugal	1
Spain	3
Switzerland	1
UK	6
TOTAL	24

Source: authors' database

LIMITATIONS

While the database with 60 ongoing examples of participatory democracy in Europe provided us with a good basis to make a first attempt at mapping and categorising different types, as well as making initial observations about these cases, we are also aware of the limitations of our methodology and data. First of all, we base our observations and findings on the patterns we have been able to discern across the cases in our database. Accordingly, although we are able to provide interesting and relevant observations and may draw

tentative theoretical conclusions, we do so based on the 60 cases we found. It is important to realise that our research exercise is aimed primarily as a first empirical overview, and that our findings are not, nor do we claim they are, exhaustive.

Secondly, and closely related to this first point is the fact that our database is limited by how the Participedia website works as well as the somewhat arbitrary response we received from our own network. The Participedia website, on the one hand, is dependent on its members to add cases. Consequently, it only contains cases that have actually been added. This means Participedia is biased in terms of which member users have been actively adding cases. There is no structured way to determine which cases or initiatives are not covered by the Participedia website. In terms of the number of cases we found on the website in general (i.e., ongoing or finished), there is a large bias towards examples from Italy and the UK (see Table 1). This is in all likelihood explained by a particular interest of Participedia users, rather than an accurate reflection of reality. The limitations of our own network, on the other hand, are similar. Clearly, we need to recognise a bias to the cases that have been brought to our attention. We did not receive reactions from everyone who we included in our email list, and some reactions have proven more useful than others. We are aware of these limitations and recognise the possible resulting overrepresentation of, for example, Germany and the UK. It is also difficult to make claims about the extent to which our database can be said to be representative of the number of absolute cases that may be found in the European context. At the same time, we believe that despite the methodological limitations of our research and the possible biases that these have brought, it does not mean we are unable to draw relevant conclusions from the observations made. This is so as we have a sufficient number of observations (cases) spread out across a typology of direct democracy initiatives. The next section will elaborate on this typology that we developed to categorise and differentiate between the different forms of participatory democracy that we encountered.

TYPOLGY

In order to be able to categorise and classify the different types of participatory democracy, we needed to be clear on the various forms of PD which we thought we would encounter. Accordingly, we provisionally constructed a typology of different kinds of participatory democracy based on different works in the existing literature (Kaufmann et al. 2010; Kelly & Cumming 2010; Koryakov & Sisk 2003; Macintosh 2004; Pateman 2012). It became clear, however, that there is a lack of consensus in the academic literature as to what are considered distinct

participatory democracy initiatives and what are seen as sub-types. Secondly, we also realised that as we constructed the database, we had to adapt our typology which was based on the PD literature to reflect our empirical reality. We felt it was important to add PD type 'Social Movements and Protest Action' (type 11) after a careful review of our cases. We also decided to keep 'Community Planning Processes' (type 8) separate from 'Participatory Budgeting' (type 3) as they have different goals in the participatory democracy spectrum. It is likely that this lack of conformity in terms of a

comprehensive participatory democracy typology is a reflection of the fact that, to our knowledge, there have been no comparative studies exploring which different types of participatory democracy may be found at different levels of government, across a large group of different countries, such as the comparative project we are presenting here. Consequently, we developed a descriptive typology that we were able to use for our analytical and theorising purposes which reflects both the academic literature and the empirical reality. This typology is presented in table 4.

Table 4. Participatory Democracy: a Typology

S.No.	Type	Description
1	Citizen Initiative	Allows citizens to propose issues through a petition which may then be voted on, either directly or indirectly. In the direct process, the initiative goes directly to the ballot (if criteria are met). In an indirect system, the legislature may reject or amend the proposal. Eligible voters have the right to participate directly in legislation, regardless of whether the government or parliament likes it or not, which makes it more dynamic than referendums.
2	Referendum	Gives entire electorate a direct vote (accept or reject) on a particular issue or proposal. There are different forms: the legislative referendum, in which the legislature calls a referendum on a certain topic, and the popular referendum which allows citizens to approve or repeal an act by the legislature. There is also the advisory referendum the outcome of which is not binding. This form is not used very often.
3	Participatory Budgeting	Residents of a particular area are allowed to co-decide on the allocation of local government spending. Participatory budgets do more than just reconcile revenue with expenditures. Budgets set priorities and help clarify, define and even quantify a community's priorities. Community budgeting methods involve consultations on both the fiduciary details of a municipality's life and the priorities that budget allocations reflect.
4	(Civil) Dialogue & Deliberation	The goal of this PD type is to inform, to exchange ideas, and to deepening understanding. Deliberation should be understood as a problem-solving form of discourse, involving a problem, setting priorities, making evaluations and considering alternative solutions. Its goal is to reach a reasoned consensus. Dialogue, in contrast, is about a discussion in which participants are not looking to solve a problem, but aim to gain a deeper understanding of one's own and each other's experiences, ideas and thinking. Dialogue is about an open-ended discussion, whereas deliberation is more geared toward problem-solving, and according may or may not be linked to actual decision-making processes.
5	Citizen Conferences, Consultations, Councils and Forums	All of these PD forms involve structured dialogues on specific problems for the community. They are often on an ad hoc and occasional basis in which key participants are systematically consulted on policy options. Issue forums can be held singly or in a series; they may involve the same set of participants or participation may vary. The purpose of the consultation is to learn more about the sources of problems, to engage interested parties on potential policies and to develop recommendations. Generally, these PD forms have no executive power, but an advisory role to officials. At the same time, this PD form is more interactive than 'Dialogue and Deliberation'.
6	Citizen Advisory Councils/ Boards/Panels	This type of PD involves the establishment of a representative panel of citizens with knowledge of or interest in a particular issue to provide advice and recommendations to (local) authorities. The advantage of standing consultation panels over ad hoc mechanisms is that over time citizens can acquire a great deal of collective memory, expertise and awareness of the issue.

S.No.	Type	Description
7	Joint committees, Commissions and Task Forces	This type of PD focuses on policy-formulation and decision-making. Here, authority over a final definition of and resolution for the issue at hand lies with participants around the table. The policy-formulation process often involves regulatory bodies at the local level (e.g. local councils) and decision making is generally in the domain of an administrative institution and its chief executive (e.g. a municipality and mayor or city manager).
8	Community Planning Processes (Urban Planning)	Community planning processes involve collaborative approaches to strategic planning for a community and to the policies, programmes and resources that will be required for a community to reach its goals. It goes deeper than Participatory Budgeting, as it aims at building a community with residents being empowered to take responsibility for their own living environment.
9	Citizen Juries and Citizen Workshops	This is kind PD involves a select group of citizens (usually broadly representative) who for a specified time period are engaged in dialogue on an issue. During several days they receive evidence, may question experts and discuss possible policy responses. The process finishes with a report that outlines the decision, describes areas of consensus and disagreement, and provides the overall findings of the jury investigation.
10	E-participation and Collaborative Governance (= Open Source Democracy/e-Democracy)	This generally refers to ICT-supported participation in processes involved in government and governance. Processes may concern administration, service delivery, decision making and policy making. E-participation is hence closely related to e-government and (e-) governance participation. E-participation is about the use of information and communication technologies to broaden and deepen political participation by enabling citizens to connect with one another and with their elected representatives. This includes citizen to citizen communication and connection as well as citizen/government interaction.
11	Social Movement/ Protest Action	Uninstitutionalised collective challenges by people with common purposes and solidarity in sustained interactions with elites, opponents and authorities with the aim to alter, deepen, influence, or adapt democratic practices.

PARTICIPATORY DEMOCRACY IN EUROPE: FINDINGS AND ANALYSIS

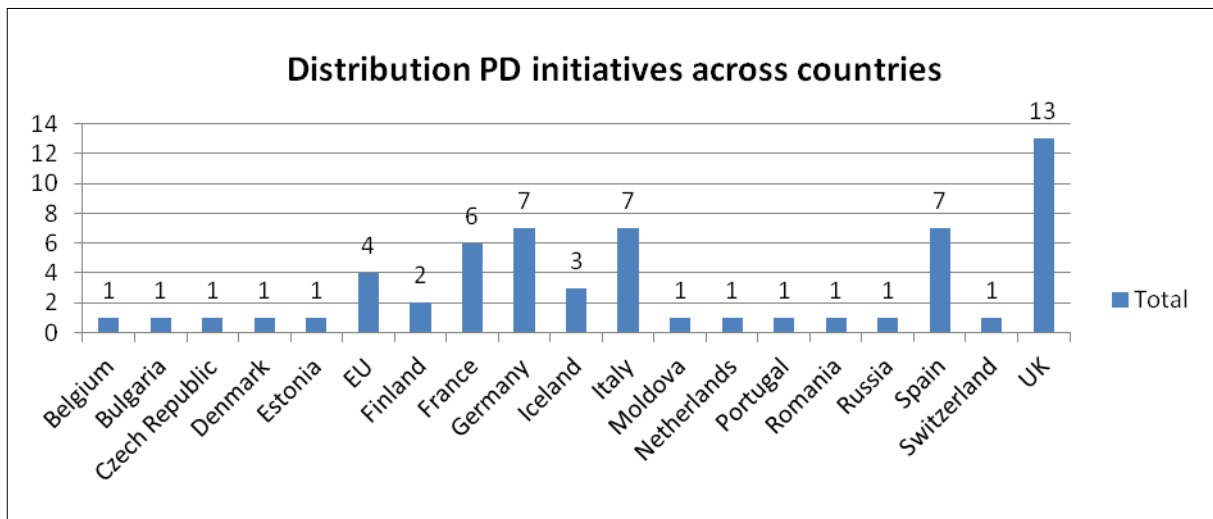
As explained in the previous section, while our search was limited by time and resources and makes no claim at comprehensiveness, we found 166 examples of participatory democracy initiatives in Europe, of which 60 were ongoing, as of late 2013. We concentrate here on the ongoing cases. Instances of participatory democracy have been found in 18 European countries, as well as in the European Union itself as an intergovernmental institution. The examples differ considerably from los indignados (the outraged), the Spanish political and social movement that advocates for Democracia Real Ya! (real democracy now) as a revolutionary challenge

to the current system of representative democracy, to highly localised instances of participatory budgeting in local communities in the UK. Each example has been classified using our 11-fold typology of categories.

GENERAL FINDINGS

Table 5 shows the distribution of the 60 current examples by country. It is evident that examples of participatory democracy can be found across Europe, including initiatives in the former communist countries of Central and Eastern European and former republics of the Soviet Union, although the greater prevalence is in the larger Western European countries, Germany, France, Italy, Spain and the UK.

Table 5: Distribution of participatory democracy initiatives across countries

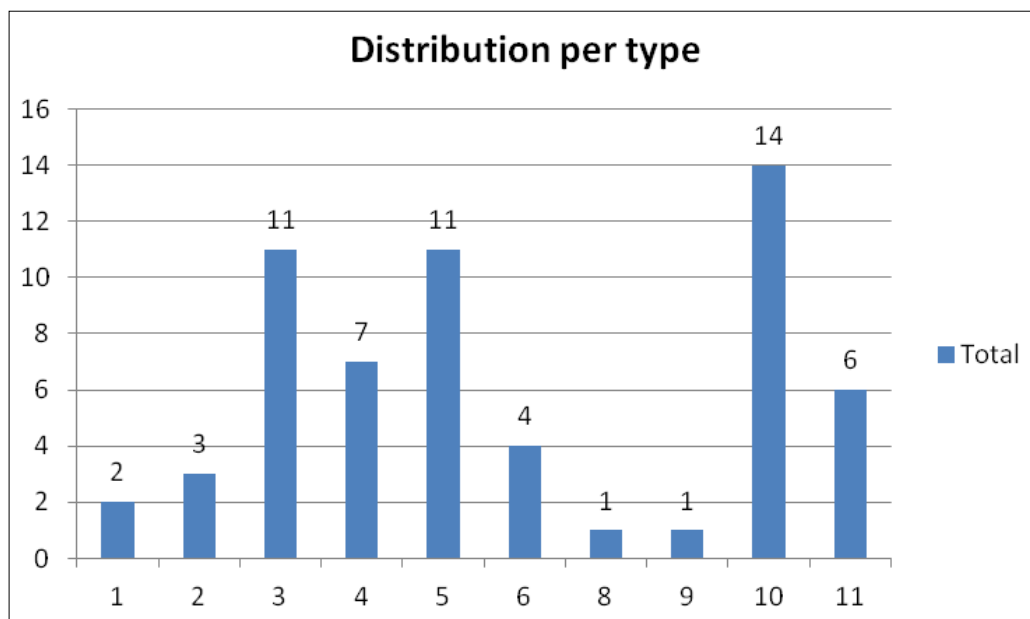


Source: authors' database

Table 6, in turn, provides the overall distribution by type of the 60 examples of participatory democracy, while the reader is reminded of the category types in the list above. In the following, we elaborate in more detail on six types of PD. The first five are categories we most commonly found, i.e., e-participation and collaborative governance; participatory budgeting; social movements

and protest actions; deliberation and dialogue; and citizen conferences, consultations, councils and forums. The sixth category that we will explore is referendums as they are often seen as a prototype of direct democracy. We examine each category in turn, with discussion of selected examples.

Table 6: Distribution by type of participatory democracy initiative



No.	Type	Number of Cases
1	Citizen Initiatives	2
2	Referendums	3
3	Participatory Budgeting	11
4	(Civic) Dialogue & Deliberation	7
5	Citizen Conferences, Consultations, Councils & Forums	11
6	Citizen Advisory Councils/Boards/Panels	4
7	Joint Committees, Commissions and Task Forces	1
8	Community Planning Processes (Urban Planning)	1
9	Citizen Juries & workshops	1
10	E-participation & Collaborative Governance	14
11	Social Movements/Protest Action	6

E-PARTICIPATION AND COLLABORATIVE GOVERNANCE (TYPE 10: 14 CASES)

Interestingly, instances of E-participation were the most common type of PD that we found, indicating a fusion of initiatives to enhance political participation with new forms of communication technology. Examples of E-participation were found in different parts of Europe. While most of the e-participation initiatives we found were led by citizens (12), we also found cases which were initiated by governments (2), a distinction which is also generally recognised in the e-participation and e-governance literature (Chadwick 2003; Macintosh 2004, 2008; Macintosh, Robson, Smith & Whyte 2003; Mahrer & Krimmer 2005; Moss & Coleman 2013; Sæbø, Rose & Molka-Danielsen 2009; Thomas & Streib 2005). In Iceland, the NGO Citizens' Foundation has established both a Better Reykjavik and a Better Iceland website to enable the citizens of Reykjavik, the capital city, and of all Iceland to interact with the city council and Parliament respectively. The Better Reykjavik case is probably the most successful example of this type of E-participation website where citizens can voice their priorities. It enables citizens to debate and prioritize ideas to improve their city. The website is actively used by residents of Reykjavik, creating open discourse between community members and the city council. Better Reykjavik was launched after Iceland's economic collapse in 2008, and played a vital role in the city's municipal elections in 2010.

During these elections, 10% of Reykjavik voters voiced ideas on the site, 43% of voters viewed the site, and over 1,000 priorities were created. There is now an open collaboration between the city council and the Citizens' Foundation. Over fifty Better Reykjavik priorities are being processed by Reykjavik's city council, and the site's top priorities are voted upon at council meetings every month. The Citizens' Foundation was awarded for their efforts with Better Reykjavik in 2011, winning the European e-Democracy Award. Similarly the Better Iceland website gives Icelandic voters the opportunity to interact with the national parliament and raise issues with members of parliament, to encourage debate and thereby to strengthen democracy. The website uploads all legislative proposals and many other documents from the Icelandic Parliament (Alþingi) website.

In Estonia, the Osale E-participation tool is an electronic forum with 3 stated functions, deliberation, participation and information transparency. It encourages interaction between citizens and government agencies, with a degree of obligation on government to respond. Firstly, deliberation: citizens and interest groups can launch initiatives for new legislative proposals, present ideas and critique to government and submit petitions. Such proposals undergo voting and commenting by other users. Then proposals are forwarded to the relevant government department, which in turn posts an official response explaining what action was or was not taken and

why. Secondly, participation: citizens can participate in public consultations@hearings. Citizens and CSOs can publicly voice their opinion about draft legislation prepared by government agencies. All government agencies have been advised how to publish their draft policy papers, development plans, laws or provisions on the consultation website. Submission is however voluntary and is not regulated by administrative procedures. Thirdly, information: government agencies publish information about forthcoming policy decisions and relevant public consultations. The aim is to achieve more transparency and openness in decision making, and to enable greater public participation in decision-making regarding public policy and legislation.

PARTICIPATORY BUDGETING (TYPE 3: 11 CASES)

Participatory budgeting has been introduced by a number of local governments in different parts of Europe, though its exact nature varies considerably and many instances do not entail the same degree of radicalism in addressing poverty and exclusion as the original prototype in Brazil. Limitations can take various forms: in geographical scope; in sectoral focus, with coverage of health or education only for instance; and, perhaps most significantly, in the degree of participation, often simply an exercise in consultation (cf., Allegretti & Herzberg 2004; Bassoli 2012; Ganuza, Nez & Morales 2013; Pateman 2012; Sintomer et al. 2008; Wampler 2008). We attempt to highlight some positive examples here. One is the 'Leefbaarheidsbudget' or participatory budget in Utrecht, the Netherlands. Established in 2006, the 'Leefbaarheidsbudget' is provided by the municipality of Utrecht for each of its ten districts. Similar processes exist in many other Dutch cities, but much of the pioneering work has been done in Utrecht, which remains the most important example. Translated literally, it means 'liveability-budget'. Within the municipality, every district has a fixed budget reserved for improvement of liveability, where 'liveability' is defined as 'the quality of the residential and living environment'. The initiative was local government-led, with the aim to consult, to build community, to raise public awareness, and to involve the public in the collaborative delivery of services by public authorities. In Italy, another example is the 'Proponiamo Insieme, Decidiamo Insieme' (Proposing together, Deciding Together) project in the district of Saione. In 2005, the district of Saione launched a participatory budgeting exercise with three goals: to improve the efficiency of policy budgeting; to create transparency; to bring political decisions closer to the citizens. Aiming to limit growing distrust towards political institutions and to recover the population's confidence, the regional government passed a law to promote citizen

participation. As a result, participatory budgeting in Saione is benefiting from a growing legitimacy among the population. In terms of the project, it was open to all those who wanted to share their ideas and discuss them with the administrators themselves, and a website was established in order to allow the inhabitants to submit their proposals electronically. Online submissions were then discussed in the assemblies afterwards. 526 inhabitants (out of 29,889) of very heterogeneous backgrounds participated in these assemblies.

SOCIAL MOVEMENTS AND PROTEST ACTIONS (TYPE 11: 6 CASES)

Almost all the participatory democracy initiatives within the various categories discussed so far are either government-led, initiated mainly by local government, or NGO-led with links to government agencies, for example the E-participation initiatives by the Citizens' Foundation in Iceland. Social movements represent a different type of participatory democracy initiative that is more genuinely bottom-up, often entails engagement in public protests, and at times promotes a vision of a more democratic society, one that may also be reflected in the internal structures of the organisation. In both Spain and Portugal, in the context of the economic crisis that stemmed from the global financial crisis of 2007@08, social movements have emerged which pose a broader and more radical challenge to the established political order. These are the *los indignados* movement in Spain and the *Mais D* movement in Portugal. It would seem that *los indignados* is the more radical with the slogan of *Democracia Real Ya!* (real democracy now), directly challenging the current system of representative democracy, while *Mais D* aims to modify and reform representative democracy in Portugal by bringing in participatory democracy tools and instruments. The *los indignados* movement emerged in Madrid and other cities in Spain in May 2011 with a series of public protests and occupations of public spaces against the economic crisis, unemployment, welfare cuts and political corruption. The movement was also characterised by its horizontal, leaderless structure and democratic decision-making methods through general assemblies and consensus, as well as by its radical critique of the system of representative politics and its subordination to the power of wealth and big business. Although the protests subsequently diminished, it is argued that the legacies of *los indignados* movement are its rejection of the traditional form of liberal representative politics and its association with an unjust capitalist economic system, and its promotion of an alternative form of politics, one described as "participatory, direct and egalitarian" (Prentoulis and Thomassen 2013, www.opendemocracy.net) and which took a deliberative form in public spaces. 'Bicycle Activism' in Bucharest, Romania, also combines

protest actions with democratic deliberation, though focused on the specific issue of cyclists' rights and advocating for a new, bicycle friendly infrastructure in the context of the perpetual crisis of urban transportation in Bucharest. Several years after the first protest (in 2005), there exists an organised movement militating for cyclists' rights that is creating a situation with no precedent in the urban context of post-transitional Bucharest. The most important entities in the emergence of this movement are NGOs and bicycle advocacy groups connected through virtual communication tools, such as blogs, forums and social media. The movement uses methods such as protest actions, deliberation and dialogue, informal social activities, negotiation and bargaining, awareness raising and educational activities.

DELIBERATION AND DIALOGUE (TYPE 4: 7 CASES)

Deliberation and dialogue are central to participatory democracy and also give rise to the concept and practice of 'deliberative democracy' in which deliberation is central to citizen participation and decision-making. Deliberative democracy is closely related to participatory democracy though also compatible with and complementary to processes of representative democracy (Pateman 2012; Benhabib 1996; Davidson & Elstub 2013; Dryzek 2007; Kelly & Cumming 2010; Melo & Baiocchi 2006). A number of initiatives here have been classified under the category of deliberation and dialogue in that they focus on processes of information sharing, exchanging ideas, and deepening of understanding.

One interesting project is the 'Citizens' Manifesto for European Democracy'. This was initiated by the NGO European Alternatives who organised a series of citizens' deliberations on various topics using the 'world café' methodology. Through this initiative, European citizens at local and regional levels have elaborated proposals for change, which have then been developed by team of researchers (summer 2013), submitted back to citizens during the Transeuropa Festival all over Europe in October 2013. The final Manifesto was presented to the European Parliament in December 2013.

Another Europe-wide initiative is the European Network for Participatory Democracy, established in 2008 in the Region Poitou-Charentes in France, but co-founded and co-funded by various regional governments in Western Europe, namely Poitou-Charentes (France), Tuscany (Italy), Catalonia (Spain), Lazio (Italy), Rhône-Alpes (France), Aragon (Spain). It is a resource centre for participatory democracy actors, both activists and government officials, supported by research. It provides a depository of documents and offers training about participatory democracy to representatives of participatory democracy organisations and to civil

servants. The agreement was officially signed by the Presidents of the founding Regions in autumn 2009. The network has a website in all participating languages, and intends to be a public information platform for debates, initiatives and new projects. The network also organises an annual Europe-America conference on Participatory Democracy bringing together researchers and local government representatives from both continents involved in the implementation of, for instance, participatory budgeting, citizens' juries, deliberative referendums, town-hall meetings, and e-participation.

While proponents of deliberative democracy argue that deliberation and dialogue are the foundation of a deeper and more substantive democracy, it remains questionable to what extent this is actually true. Apart from the assumption that participants in these discussions and deliberations are truly equal (Benhabib 1996; Elster 1998; Habermas 1996), deliberative practices can be used by governments to legitimise their own decision-making as much as the deliberation itself actually providing the legitimacy that its advocates state it does (Davidson & Elstub 2013; Fung & Warren 2011; Hendriks et al. 2007; Michels 2011; Pateman 2012).

CITIZEN CONFERENCES, CONSULTATIONS, COUNCILS & FORUMS (TYPE 5: 11 CASES)

A significant number of the initiatives from our database were classified under this related category. Most commonly these are citizen consultative mechanisms that are initiated by local and regional government. As such, and similarly to how deliberations may be critiqued, it is questionable how genuinely participatory such initiatives are (cf., Fung & Warren 2011; Michels 2011; Pateman 2012; Sintomer et al. 2008), and at times participation may be superficial and more oriented to providing greater legitimacy to government decision-making. Some citizen consultations, however, may be more authentic, with local government sincerely wishing to empower its local population and incorporate the ideas and wishes of citizens into their development programmes, for example, the Citizen Councils of Grenoble. Since 2002, the city of Grenoble, France, has engaged citizens in public decision-making through participatory committees and town meetings. Residents have been able to express their opinions and make recommendations on city planning, education, cultural life, and other municipal issues. Over the years, it is stated by both the council and citizens that this programme has strengthened local democracy and empowered public participation in important civic projects.

Other cases would appear to be merely consultative in nature, with no decision-making power and

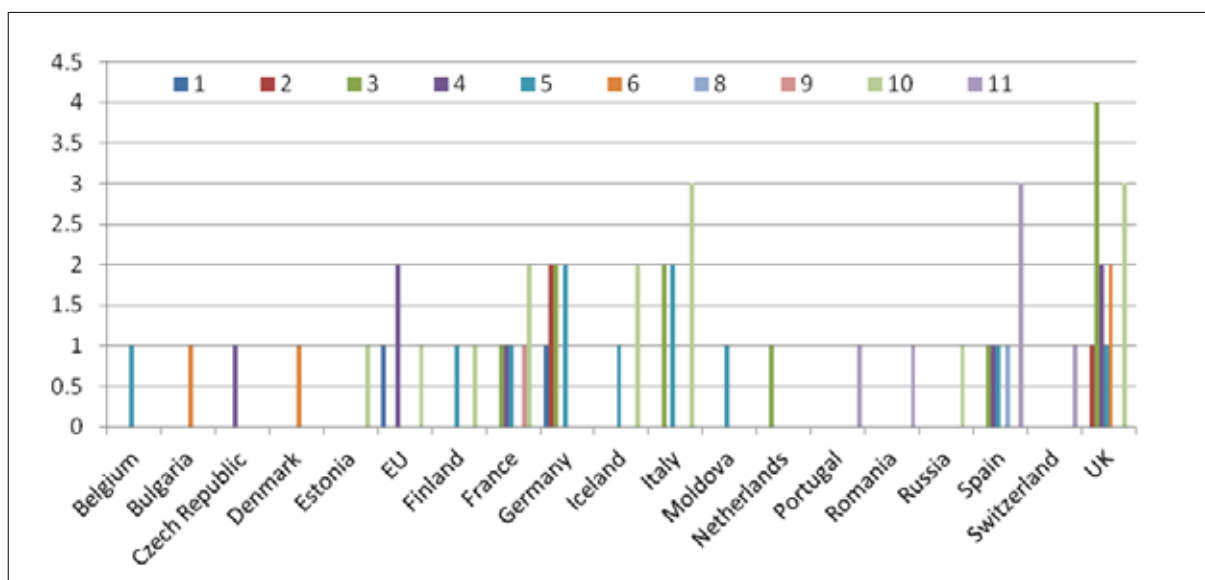
little or no obligation for the government authority to implement. One wonders if the 'Participa en Andalucia' (Take part in Andalucia) project is of this nature. This is an e-Democracy platform promoted by the Regional Ministry of Innovation, Science and Enterprise in Andalucia, Spain. It is stated to be aimed at user empowerment and the building up of innovative collaboration channels between citizens and governments. However, the project could be aimed less at empowering citizens and more at enhancing government legitimacy, with government being seen to consult local views while not being bound by them. Similarly, and despite the efforts of those actively involved, perhaps the Leeds Cycling Consultation Forum provides Leeds City Council with the opportunity to indicate that it is consulting local bicycle users, while doing little in practice to improve the transport infrastructure in the city in a bicycle-friendly manner that reduces deaths and injuries to cyclists.

REFERENDUMS (TYPE 2: 3 CASES)

Referendums, lastly, are a key form of direct democracy by which the entire electorate is asked to vote (accept or reject) on a particular issue or proposal. They can be considered participatory in nature, yet are commonly used in representative systems. There are two main different forms: the legislative referendum, in which

the legislature calls a referendum on a certain topic, such as the independence referendum in Scotland in September 2014; and the popular referendum which allows citizens to approve or repeal an act by the legislature. There is also the advisory referendum, the outcome of which is not binding, but this form is not used very often. Referendums do not feature significantly in our database as it is limited to ongoing cases, and by their nature referendums are held at a particular moment and then the matter is closed. However, referendums can provide a means to enhance citizen participation within representative systems. Switzerland is the European country that is most well-known for holding frequent referendums (Kaufmann et al. 2010; Papadopoulos 2001), with 13 already held in 2013 alone. Swiss citizens have the right to initiate a popular vote in two ways. One is to propose new legislation through launching a 'popular initiative'. If 100,000 signatories to a petition on a particular issue are gathered, then that issue must be put to a nationwide vote. The other is to contest a piece of existing or proposed legislation through gathering at least 50,000 signatories, which means that the voters as a whole are then given the opportunity to decide on the legislation. The German NGO Mehr Demokratie (More Democracy) describes itself as the driving force for referenda and better electoral law. Founded in 1988, the organisation states that it is the largest non-party organization promoting (direct) democracy in the European Union.

Table 7. Participatory Democracy Type per Country



Source: authors' database

Table 7 combines the analysis in Tables 5 and 6 and provides an illustration of the types of participatory democracy found in each country. This is of particular

interest in those countries where a number of initiatives were identified. In the UK, a range of different types are found, though with some concentration on participatory

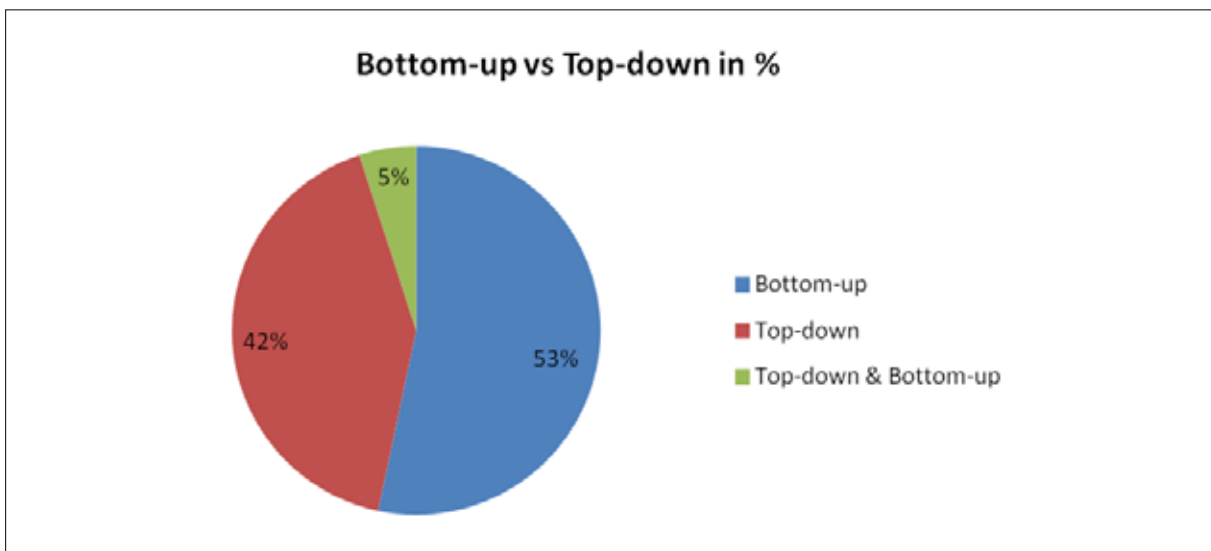
budgeting (4 out of 13 cases) and E-participation (3 cases), with two cases each of deliberation and dialogue and of citizen advisory councils. Spain has a concentration of social movement initiatives, 3 out of the 7 cases found there, and also half of the social movement-led examples throughout Europe. This is partly explained by the radical protest movement, typified by los indignados, that has emerged in response to the adverse impact of the global financial crisis in Spain. Somewhat in contrast, the examples identified in Germany tend more towards the moderate end of participatory democracy, including citizen initiatives (1), referendums (2) and citizen consultations (2), which are compatible and complementary to representative democracy, plus instances of participatory budgeting (2). The seven cases in Italy are focused on three

types of participatory democracy: E-participation (3), participatory budgeting (2) and citizen consultations (2). In France, the six cases are spread between various types of participatory democracy.

CITIZEN-LED VERSUS GOVERNMENT-LED AND LOCAL VERSUS TRANSNATIONAL

After considering these more general findings we were interested in exploring the possible relationship between the type of PD and the scope, i.e., what type of initiatives were targeted at the local, regional, national, international or transnational level, and which insights would emerge if we focused on the difference between citizen-led (bottom-up) and government-led (top-down) initiatives.

Table 8. Citizen-led (Bottom-up) or Government-led (Top-down) PD cases in percentages



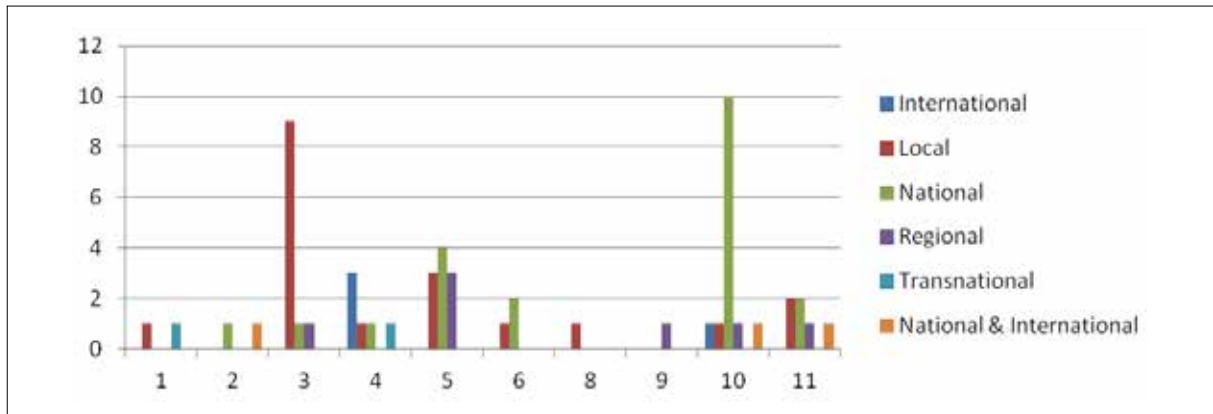
Source: authors' database

In this section and in our tables, we refer to initiatives started by individuals or organisations outside a government context as citizen-led initiatives, or bottom-up. This includes groups of citizens and NGOs. Government-led, or top-down initiatives, in turn, refer to initiatives that are led by some sort of government institution, which may be at the local, regional, national or transnational level. Table 8 shows the proportional distribution of citizen-led initiatives (bottom-up) and government-led initiatives (top-down) in our database. Despite a view that it's mainly state authorities, local governments in particular, which initiate participatory democracy processes as consultation mechanisms in order to enhance their legitimacy and democratic credentials, our findings indicate a majority of cases (53 per cent) that were

initiated by citizens, NGOs and social movements, albeit a small majority. In the paragraphs hereafter, we will first discuss our findings in terms of the scope of the PD cases that we found, before going into the details of the differences between citizen-led and government-led initiatives more elaborately.

Table 9 demonstrates the different PD types in term of their geographical scope. Based on our cases we found 5 different types, ie initiatives targeted at the local, regional, national, international and transnational levels. The difference between the international and the transnational type of scope concerns the difference between PD interaction of people between and across countries (international) and PD initiatives that originate from or are aimed at the EU level (transnational).

Table 9. PD type in terms of scope

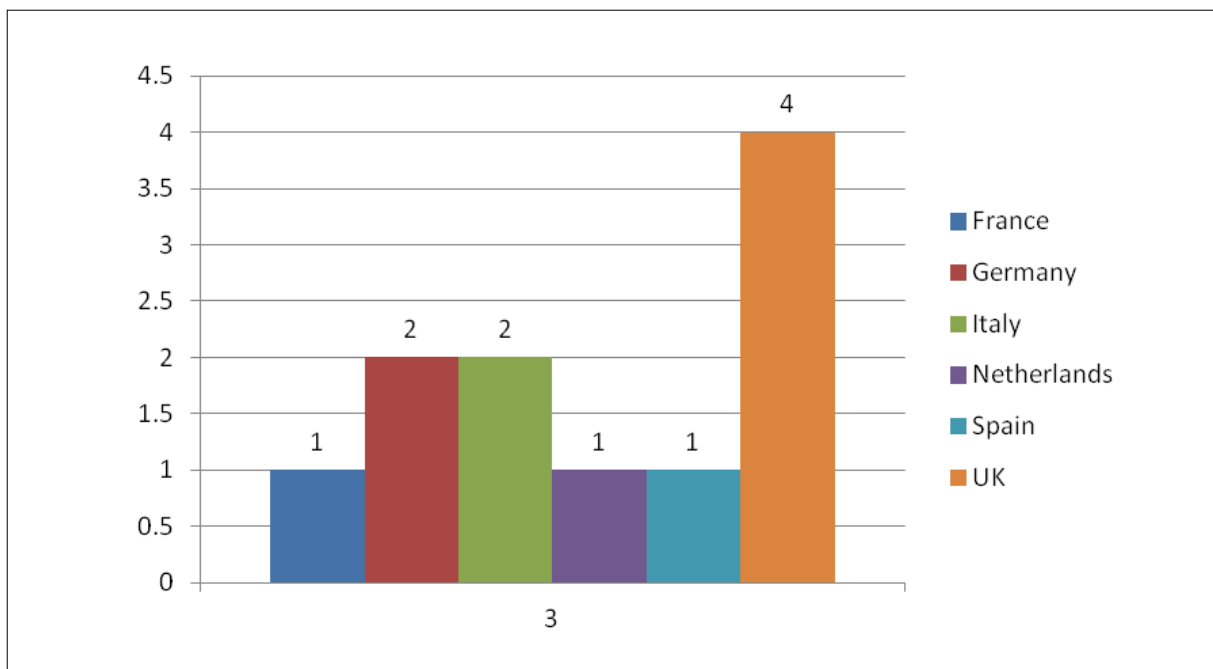


Source: authors' database

The general distribution of the different PD types in terms of their geographical scope is fairly even. Two outliers that immediately draw attention are participatory budgeting (type 3) and e-participation (type 10), which, respectively, are predominantly locally and nationally oriented. In terms of participatory budgeting, its local predominance is perhaps not surprising given the influence of exemplary cases such as Porto Alegre in Brazil. Its presence at the local level may also be linked to the decentralised mechanisms of (local) government

spending in many European countries. Traditionally, the power distance between local government and local citizens is smaller than between citizens and national (or transnational) politicians, which could at least in part explain why local governments are more able and willing to consult local residents about expenditure plans. Upon a closer look at the precise location of these participatory budgeting initiatives it becomes clear that most of the examples from the database are found in more Northern European countries, as is shown in Table 10.

Table 10. Distribution of Participatory Budgeting (type 3) across European countries



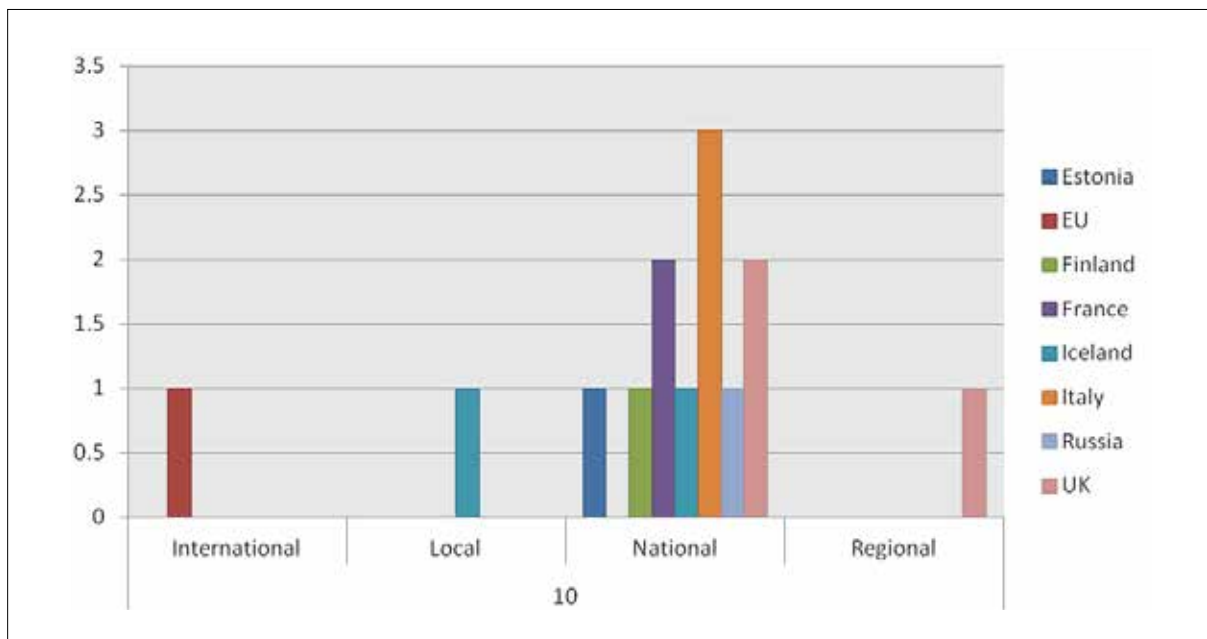
Source: authors' database

The variety of participatory budgeting initiatives that we found reflects in many ways the existing literature on participatory budgeting in Europe (Allegretti & Herzberg 2004; Sintomer et al. 2008). Allegretti and Herzberg (2004: 8) state, for example, that "Germany represents to date the European country in which there have been the greatest number of experiences of Participatory Budgets". France, Italy, Spain and the UK are also recognised as countries in which participatory budgeting initiatives have been adopted. There seems to be quite a distinction between the original Porto Alegre participatory budgeting case and the way in which participatory budgeting has been implemented in Europe (Allegretti & Herzberg 2004; Sintomer et al. 2008), without the same degree of democratic deepening as in Porto Alegre. While our database only contains 11

cases of participatory budgeting, their dispersion seems to correlate to findings elsewhere.

E-participation (type 10), in contrast, is a type of PD that often targets the national level, as seen in Table 9, where eleven out of 14 cases play out at the national level. Upon closer examination, again we can see the nuances within this category. Table 11 illustrates the scope and countries in which we found cases with e-participation as a primary PD type. The table shows three instances in which e-participation did not target the national level, and instead aimed for the local (Better Reykjavik), regional (Community Planning Toolkit for the region of Northern Ireland) and the international level (Ideal-EU, an international network organised by and for regions across Europe).

Table 11. E-participation (type 10): scope and country distribution

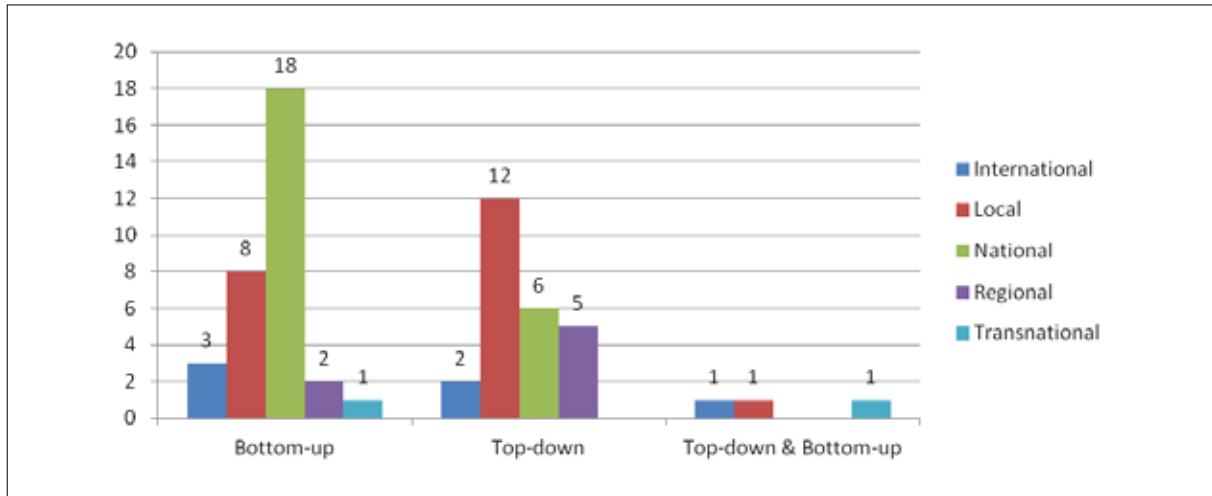


Source: authors' database

Our second focus was on any patterns we could find in the relationship between the scope of the PD cases from our database and whether the initiatives were government-led or started by citizens or NGOs outside government. The general pattern we were able to discern coincides partly with our findings in term of PD type and scope, as discussed above. Eighteen out of 32 citizen-led initiatives have a national scope, and 12 out of 25 cases are government-led. At least in part, this may be

explained by the relative high number of e-participation (national level) and participatory budgeting (local level) cases, as we have shown in Table 9. Three initiatives were a combination of both a citizen-led initiative and a government-led response, which made it hard to separate the two. In all of these instances, there was a collaboration between government officials or politicians and citizens who had already established contact before the case was set in motion.

Table 12. Scope and Citizen-led/Government-led (Bottom-up/Top-down) initiatives

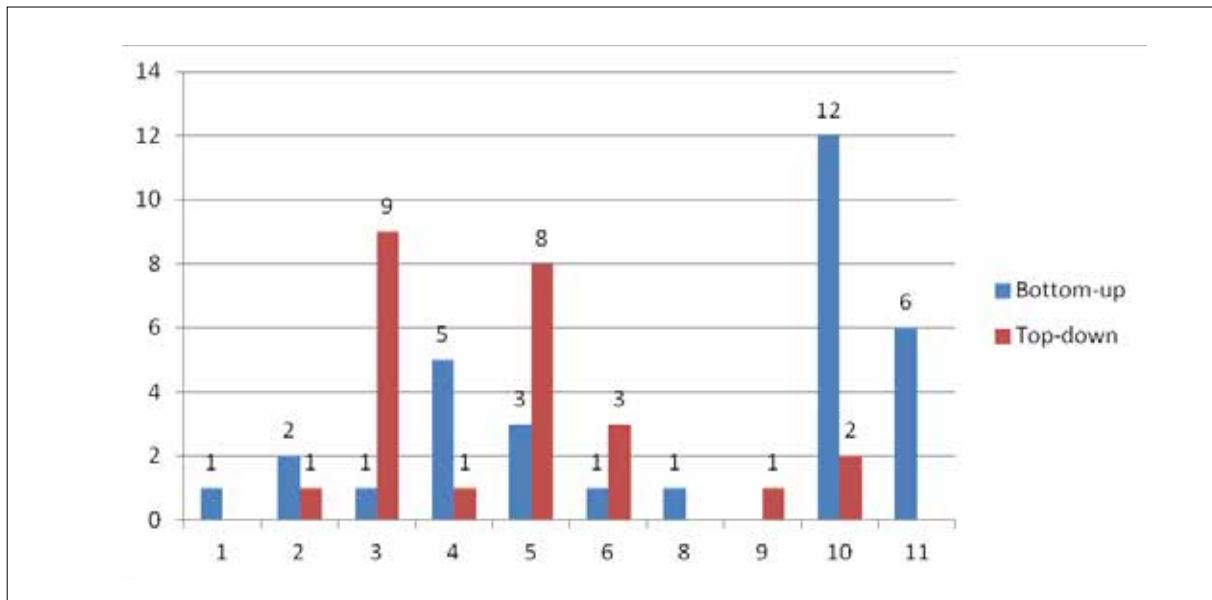


Source: authors' database

In order to be able to say more about the details of this distribution, we then looked at the relationship between citizen-led or government-led initiatives and the different PD types. For the sake of clarity, we decided to leave out the combined category of 'Top-down & Bottom-up'. This gave us the following table –Table 13– which confirmed our interpretation of the data in Table 12, and clearly

shows the dominance of e-participation as a citizen-led initiative, and the dominance of both participatory budgeting and consultation as two types of participatory democracy that are generally initiated by government institutions. As was expected, both citizen's initiatives (type 1) and social movements & protest action (type 11) are only bottom-up which reflects their intrinsic nature.

Table 13. Citizen-led (Bottom-up) or Government-led (Top-down) per PD type.



Source: authors' database

Lastly, connecting the 'Citizen-led or Government-led' category to the different European countries, we can make some further observations. Again, we have left

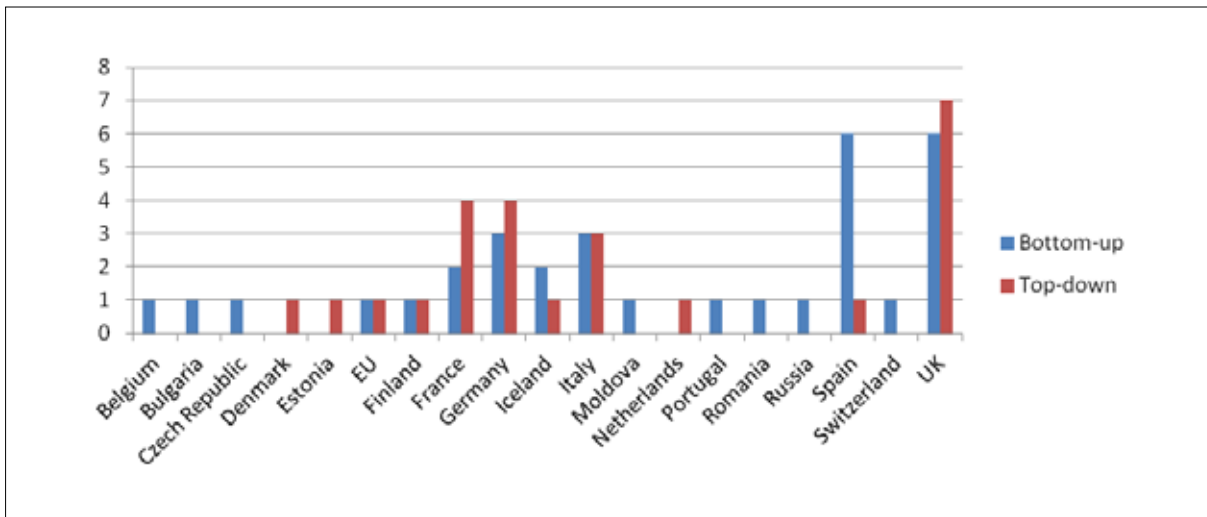
out the combination category of 'Bottom-up & Top-down' which included 2 EU cases and 1 in Italy. Table 14 displays the data, and the distribution of Citizen-led and

Government-led PD initiatives across the European countries, including the EU as a transnational political entity. Several things stand out immediately. First, in most countries which are represented in the database with a number of different PD cases, for instance France, Germany, Italy, Spain and the UK, we see both citizen-led and government-led initiatives. While in almost all of these five countries, the distribution between the two categories is fairly even, Spain clearly stands out with 6 of the 8 PD cases there being citizen-led. We can furthermore observe that in the Southern and Eastern European countries all of the PD cases in our database are citizen-led initiatives, with the OSALE e-Participation tool in Estonia as the only exception.

This particular distinction may be explained by a difference in the degree of institutionalisation of political participation channels (Kitschelt 2001; Tarrow & Petrova 2006). It may be argued that even though

the countries in question all have a representative democratic political system, they are in fact relatively new democracies (Bernhagen & Marsh 2006; Kitschelt 2001). A consequence of this relatively young age may be that these political systems have not yet managed to incorporate and institutionalise formal opportunities to engage in political processes provided by government branches, which forces citizens to express their engagement in a bottom-up way (Tarrow & Petrova 2006). A second issue may have to do with citizen trust in formal, political channels, which may be lacking in these relatively recently established democracies (Rose 2001; Tarrow & Petrova 2006). In contrast, governments in more established and longer existing European democracies are likely to have been better able to institutionalise forms of democratic engagement into the representative system, as is evidenced by a more even spread between citizen-led and government-led initiatives in these countries.

Table 14. Citizen-led (Bottom-up) or Government-led (Top-down) PD cases in different European countries



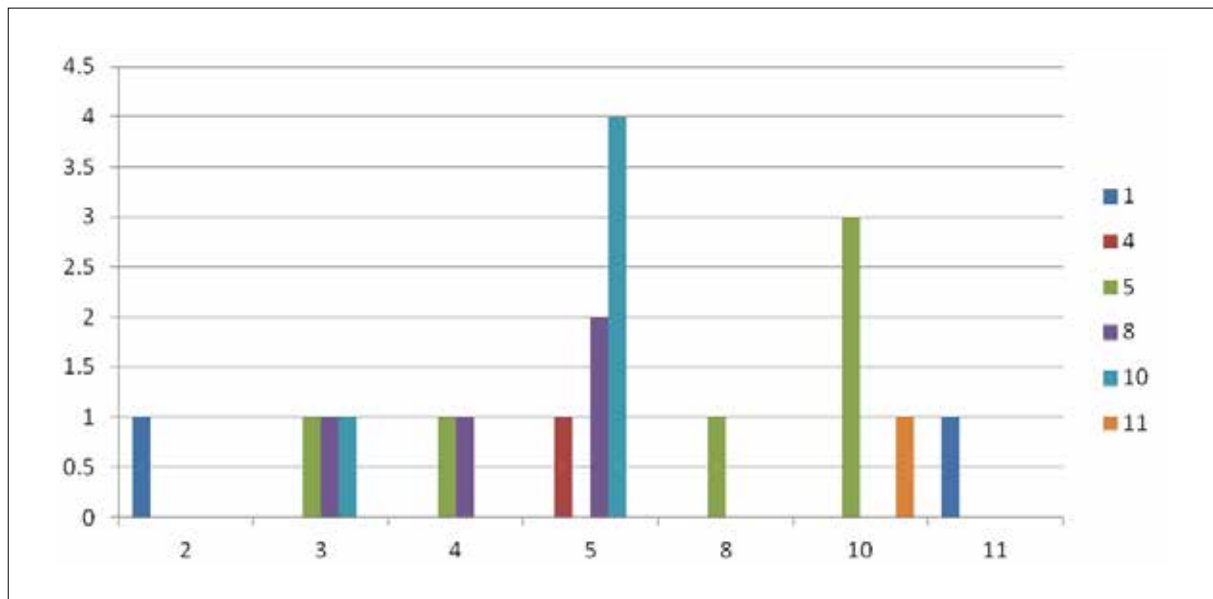
Source: authors' database

APPLYING THE TYPOLOGY TO THE DATABASE: NOT AS EASY AS IT SOUNDS!

While the typology we created allowed us to categorise the different examples we found in the European context, as well as to map and draw inferences from our findings, it is important to explore the typology itself and its limitations in some more depth. It is clearly helpful and insightful to be able to make clear-cut distinctions between different forms of participatory democracy, as it allows for more general observations. However, we discovered it is also important to pay attention to the nuances in the PD cases that we found. Although we

were able to classify most fairly easily into one of the categories of our typology, several cases have more than one Participatory 'aim', making them more difficult to categorise. In such cases we added a secondary PD type, to demonstrate the nuances within the cases, but also to show that some initiatives aim to achieve more than one aspect of increased participation. Table 15 shows which primary types of participatory democracy also held secondary types of participatory democracy within the initiative. The primary type of PD is displayed on the horizontal axis, while the vertical axis shows the number of cases. The numbers correspond to our typology and indicate which secondary PD types we found in each case.

Table 15. Primary PD type with Secondary PD type added



Source: authors' database

One immediate observation is the fact that consultation (type 5) and e-participation (type 10) are often linked. This may mean a government-led initiative to consult citizens on an issue with the help of the internet or new technologies. This is the case for example with 'Crowdsourcing in Policy and Lawmaking' in Finland. The government of Finland aims to engage citizens in policy and lawmaking in a consultative capacity, but does so via the use of the Internet. Specifically, the 'Crowdsourcing in Policy and Lawmaking' initiative aims to involve citizens in public discussions about proposed new legislation and to include their ideas in governmental decision-making processes. Citizens are able to express their opinions, wishes and suggestions in terms of the new law creation on an online platform. Although the primary objective is consultation, e-participation through the internet is an important tool by which consultation is achieved. Conversely, e-participation initiatives often aim to take on a consultative role, either to help individuals set up their own participation activities, or to provide feedback to policy-makers. In the case of the French internet platform 'Parlement & Citoyens', the website allows citizens to participate in proposing laws and suggest legislative amendments to MPs and deputies subscribed to the platform. The idea is to create a better connection between citizens and the French parliament in the creation of legislation. In first instance, the internet platform enabled citizens to participate in the democratic process. Secondly, however, it allowed citizens to connect with MPs and deputies, thus taking on a consultative capacity as well. It seems that where e-participation is the primary PD type, it is often initiated by citizens,

while e-participation as a method for consultation is generally used in government-led initiatives.

CONCLUSIONS

This study has undertaken a mapping exercise of participatory democracy initiatives in Europe. We are now able to summarise our findings and come to some tentative conclusions.

First, in terms of quantity, it is evident that there are a significant number of democratic innovations across Europe that aim to enhance the degree of citizen participation in political decision-making processes. Although our methodology may have shortcomings, the number and range of participatory democracy initiatives across Europe is undeniable. The participedia website is testament in itself to that fact, with some 166 entries from Europe in late 2013. Our own database, while not professing to be comprehensive, identified 60 ongoing current examples. Therefore an immediate conclusion is that participatory democracy can no longer be criticised as a theory without a practice. As noted by Pateman (2012: 15), there is no longer any question that forms of participatory democracy are not feasible. While PD initiatives can be found in all parts of Europe, it is also noted that the preponderance of examples are in the larger, more established democracies of Western Europe, especially with regard to state-led initiatives. This may be partly due to the size of the countries. Or it may partly reflect a degree

of bias in our methodology, which has been dependent on the users of Participedia adding cases to the website catalogue, as well as on our own network response, which has been somewhat arbitrary and not equally distributed. Nonetheless, a tentative conclusion is that the institutionalised political structures in Western European countries are more developed and better exploited by both government and citizens than in the more newly-established European democracies, thus resulting in a larger number of innovatory practices. A further inference linked to this, is that there is a pattern of more conventional, institutionalised and government-led forms of PD in established democracies, while more unconventional forms of PD, such as 'social movements and protest actions', as well as an emphasis on the use of the internet and e-participation, are found in the relatively newer democracies in ex-Communist and Southern European countries. This may be indicative of lesser willingness or ability by governments in these regions to include citizens in political decision-making processes, and a resulting counter-movement by citizens to be heard (cf. Tarrow & Petrova 2006). At the same time, it is interesting to see the difference between more established and newer democracies in Europe, and it could be worthwhile to explore this difference in more depth.

A second key finding is that the participatory democracy examples in Europe are fairly evenly spread between citizen-led and state-led initiatives, although a small majority are citizen-led. This is encouraging as state-led initiatives are typically more consultative than genuinely participatory. The paucity of state-led initiatives in Eastern and Southern Europe may be indicative of less inclination by governments to include citizens in decision-making processes, more intent on the consolidation of representative democracy, with counter-movements by citizens demanding a greater voice in public affairs. Elsewhere, the mix of citizen-led and state-led initiatives may also indicate the establishment of an equilibrium between a top-down recognition of the need for citizen engagement and empowerment, as well as a bottom-up need to be heard in other ways than institutionalised channels may provide.

Third, the initiatives are very heterogeneous in nature. They are very diverse and cover a variety of categories of activities. The most common forms involve e-participation, participatory budgeting, citizen conferences and citizen consultations. The latter two types of initiatives are most commonly led by government institutions, whereas e-participation is most frequently introduced by citizen-led initiatives. This is interesting, for it indicates the emergence of a relatively new political channel which appears available to most European citizens. It is clear that European citizens made use of new communication

technology and good access to the internet to make links with like-minded citizens and to put pressure on their governments. Technological changes and developments have already long been recognised as driving the 'participatory revolution' (Kaase 1984). The same is argued for mass media, and could be argued by extension for new social media and the internet (Loveless 2008). The freedom that the internet gives to citizens to be politically engaged and active, as well as the possibility it provides for individuals to connect with others, is crucial. Furthermore, the internet is not only used by citizens to engage with the political system in a more direct way, government institutions seem to be aware of the possibilities that the internet offers in terms of a tool for participation. Particularly as an instrument facilitating consultation processes, government institutions frequently draw on the internet (Chadwick 2003; Macintosh 2004, 2008).

Fourthly, the scope of initiatives remains very localised. Unlike Latin America perhaps, there are no instances where a more participatory form of democracy is being implemented at a national level, with national scope and coverage. All instances where we identified national scope involved citizen-led initiatives that aimed at influencing national level policies, such as E-participation and social movement activities.

Finally, the cases we found are very different in the degree and character of the challenge that they pose to the established order of representative democracy. At the outset we stated the aim of assessing the extent to which current participatory democracy initiatives represent a radical attempt to 'democratize democracy' and create a more 'democratic society' (Pateman 2012). Social movements like *los indignados* do entail a rejection of (party) politics as it exists, inclusive of its association with wealth and big business, and attempt to promote an alternative form of politics, based on horizontal structures, deliberation, inclusion and consensus decision-making. Nevertheless this is more the exception, and the large majority of examples examined here are either compatible with representative democracy or offer limited challenge to it. Indeed we have highlighted the large number of state-led initiatives that are more consultative than participatory, often intended to legitimise government decision-making through the appearance of public participation, and thus to gain consent for state policies. Hence in Europe there is little evidence of the more radical forms of participatory democracy that aim at structural change towards greater popular control over political decision-making, as seen for instance in the initial participatory budgeting experiences in Brazil. Overall our findings confirm Pateman's view that "most of the expansion of participation does not disturb existing institutions" (2012: 15).

Overall, this study has revealed that there are numerous, practical examples of participatory democracy in Europe, and it can be inferred that such democratic innovations are becoming increasingly widespread as dissatisfaction and disaffection with mainstream representative politics spreads. Positively, one can point to a number of instances where local citizens have had more involvement in local policy-making and decision-making, and local democracy has been strengthened. Nonetheless, there are also serious limitations. One is the highly localised level of initiatives, with no state-led initiatives at the national level. The diversity of cases is also a weakness in that they represent a rather haphazard array of initiatives, often with little in common, and with few unifying characteristics. Despite the range of innovatory practices in various countries, it could not currently be said that there exists an organised movement in Europe, either nationally or regionally, with the intentional aim of broadening and deepening democratic institutions and processes and putting more power into the hands of the people.

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**APPENDIX A: PARTICIPATORY DEMOCRACY INITIATIVES IN EUROPE
(DECEMBER 2013)**

Name	Primary type of PD	Geographical Scope	Government-led/ Citizen-led	Location
38 Degrees	10	National	Citizen-led	UK
Agora 2.0	10	National	Citizen-led	Italy
Betra Island/Better Iceland	10	National	Citizen-led	Iceland
Betri Reykjavik/Better Reykjavik	10	Local	Citizen-led	Iceland
Bicycle Activism Bucharest	11	Local	Citizen-led	Romania
Board of Technology	6	National	Government-led	Denmark
Bürgerhaushalt in Berlin-Lichtenberg/Berlin-Lichtenberg Participatory Budgeting	3	Local	Government-led	Germany
Bürgerhaushalt Monheim/Monheim Participatory Budgeting	3	Local	Government-led	Germany
Bundesweiten Volkentscheid/National Referendum	2	National	Citizen-led	Germany
Burgertop G1000	5	National	Citizen-led	Belgium
Busse Zurück in Bürgerhand/Buses back in the hands of Citizens	1	Local	Citizen-led	Germany
Citizen Councils of Grenoble	5	Local	Government-led	France
Citizens' Manifesto for European Democracy	4	Transnational	Citizen-led	EU
Civici	10	National	Citizen-led	Italy
Community Planning Toolkit	10	Regional	Citizen-led	UK
Crowdsourcing in Policy and Lawmaking in Finland	5	National	Government-led	Finland
Democracia Real Ya!/Indignados Movement	11	International	Citizen-led	Spain
Dresdner Debatte/Dresden Debate	5	Local	Government-led	Germany
Esta es Una Plaza/This is One Square -Lavapiés, Madrid	8	Local	Citizen-led	Spain
European Citizens' Initiative (ECI)	1	Transnational	Government-led & Citizen-led	EU
Get Your Pen Out' Homelessness Project	4	Local	Citizen-led	UK
High School Participatory Budget Poitou-Charentes	3	Regional	Government-led	France

Name	Primary type of PD	Geographical Scope	Government-led/ Citizen-led	Location
Icelandic Constitutional Council 2011	5	National	Government-led	Iceland
Ideal-EU	10	International	Government-led	EU
Independent Custody Visiting in Police Detention Facilities	6	Local	Citizen-led	Bulgaria
Initiative for a Basic Income	11	National	Citizen-led	Switzerland
Interface Conscience	10	National	Citizen-led	France
International Youth Leadership Conference	4	International	Citizen-led	Czech Republic
Leeds Citizens' Panel	6	Local	Government-led	UK
Leeds Cycling Consultation Forum	5	Local	Citizen-led	UK
Leefbaarheidsbudget Utrecht/ Participatory Budgeting Utrecht	3	Local	Government-led	Netherlands
Livorno and the Northern suburbs: an Italian example of neighborhood revitalization	3	Local	Government-led & Citizen-led	Italy
Lübecker Bürgerkonferenz/Lübecker Citizen Conference	5	Local	Government-led	Germany
Mais D Democracia em Movimento	11	National	Citizen-led	Portugal
Mehr Demokratie!	2	International	Citizen-led	Germany
Miles Platting: You Decide, a project from Adactus Housing Association	3	Local	Government-led	UK
Moldovan Network of Rural Volunteering Centers for Water	5	National	Citizen-led	Moldova
Mondragon Cooperative Corporation	11	Regional	Citizen-led	Spain
My Society	10	National	Citizen-led	UK
National Institute for Health and Clinical Excellence Citizens Council	6	National	Government-led	UK
oD Russia	10	National	Citizen-led	Russia
Open Ministry -CrowdSourcing Legislation	10	National	Citizen-led	Finland
OpenParlamento	10	National	Citizen-led	Italy
OSALE eParticipation Tool	10	National	Government-led	Estonia
Parlement & Citoyens	10	National	Citizen-led	France

Name	Primary type of PD	Geographical Scope	Government-led/ Citizen-led	Location
Participa en Andalucia/Take part in Andalucia	5	Regional	Government-led	Spain
Participatory Budgeting in Salford, UK	3	Local	Government-led	UK
Participatory Democracy in Poitou-Charentes	9	Regional	Government-led	France
Patient Opinion Panel	4	National	Citizen-led	UK
PIS Programmiamo Insieme La Salute (Piano Integrato di Salute)/Let's Plan Healthcare Together	5	Regional	Government-led	Italy
Plataforma Mesa de la Ría/Mesa de la Ría platform	11	Local	Citizen-led	Spain
PreparacCión	4	National	Citizen-led	Spain
Proponiamo Insieme, Decidiamo Insieme/ Proposing together, Deciding Together	3	Local	Government-led	Italy
Scottish Independence Referendum	2	National	Government-led	UK
State Network for Participatory Budgeting	3	National	Citizen-led	Spain
Sunderland The People's Fund, East End & Hendon	3	Local	Government-led	UK
Terzo Veneto	5	Regional	Government-led	Italy
The Europe-America annual conference on Participatory Democracy	4	International	Government-led	France
The European Network for Participatory Democracy	4	International	Government-led & Citizen-led	EU
Your Community, Your Health, Your Voice -Thornhill, Southampton	3	Local	Government-led	UK

