

## The Changing role of Civil Society in Nepal

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### Abstract

This paper delves into the dynamic landscape of civil society in Nepal, examining its pivotal role in shaping the trajectory of the country's democratic movement. Despite a relatively brief history compared to its South Asian counterparts, Nepal has witnessed a rapid proliferation of civil society organizations (CSOs) over the past five decades, fostering the emergence of an independent and influential civil society. From independent thinker's forums to media platforms and diverse interest groups, this study explores the multifaceted nature of civil society in Nepal.

Organized into different key parts, the first part unfolds the historical perspective of civil society in Nepal, elucidating its meaning and evolution. The paper also navigates through the current spaces occupied by civil society and how these spaces have transformed over time. The last part of paper probes into the changing role of civil society, offering insights into its potential impact on governance. Throughout the analysis, the terms "civil society" and "civil society organizations" are used interchangeably, capturing the essence of their shared purpose in contributing to Nepal's socio-political landscape.

**Keywords:** Civil Society, Governance, Civil Society Organizations

### Introduction

Civil society in Nepal has been an important pillar for the establishment of Nepal's democratic movement. Although with a relatively short history of civil society movements than other South Asian countries, Nepal has seen rapid development of civil society organizations (CSOs) over the last five decades which has indeed resulted in the existence of independent civil society. The existence of civil society can be traced in the form of independent thinker's forum, media platforms and different interest and pressure groups. This paper tends to examine civil society discourse in Nepal and their contribution in making different socio-political movements a success; for example, the role played in making People's Movement II a success. The paper is written with reference to the contemporary political theory on Civil Society. The paper also in a way tries to explore the nexus between civil society and governance. It tries to bring in resources from different countries and writers to explore the changing role of civil society in Nepal.

The paper is organized in three parts. The first part explains the meaning of civil society and its presence in Nepal (historical perspective). The second part describes the current spaces for civil society and how it has changed over the years. And the third part explains about how the role of civil society has been changed and tries to answer the possible changing role of civil society in Nepal for better governance. At many times, the paper interchangeably uses the term civil society and civil society organizations. The spirit and notion are similar even if either of the words are used.

## Methodology

This research article employs qualitative research methods to compile relevant data and information on the evolving role of Civil Society in Nepal. The methodology involves a comprehensive desk review, encompassing the examination of pertinent books, journals, and online materials. The researcher critically analyzes the sourced materials to derive insights, interpret ideas, and develop conclusions that contribute to a nuanced understanding of given concepts. The reference section of this research paper provides a list of the readings consulted during this study, reflecting the diverse range of sources used to inform the analysis and interpretation of the changing dynamics within Nepal's Civil Society.

## Development of Civil Society Movement in Nepal

To start with, it is important to distinguish and find similarities between Civil Society Organizations (CSO) and Civil Society. 'Civil society' means many things. The concept varies and oscillates. To give a working definition: 'civil society' refers (a) to the community of associations, initiatives, movements and networks in a social space related to, but distinguished from, government, business and the private sphere; (b) to a type of social action which takes place in the public sphere and is characterized by non-violence, discourse, self-organization, recognition of plurality and orientation towards general goals and civility; (c) a project with socially and geographically limited origins and universalistic claims which changes while it tends to expand, socially and geographically (Keane, 2006).

Aftermath of 1990, due to restoration of democracy in Nepal, Nepal started its liberal policy that enabled the opening of organizations specially NGOs which laid the foundation for civil society movement in Nepal. The definition of civil society is complex and contested. A typical definition is offered by Florini and Simmons, who state that transnational civil society is defined by three elements: separation from government or commercial entities; cross-border linkages; and a variety of forms. This tripartite construction forms a useful starting point for building a more detailed definition. (Pallas, 2010). Hence, in Nepal Civil Society movement has been compared and analyzed as an independent group of people pressurizing the state and being a voice of voiceless. On the same line, the civil society organizations popularly known as NGOs in Nepal represent the larger voice of the civil society movement. This has been a matter of understanding and perception of people, media, and state to understand about civil society.

Nepal has a long culture of civil society engagement in society and politics. In their modern form, CSOs only emerged in the first half of the 20th century but flourished after the 1990 democratic restoration, and have played an important role in social welfare, community development and democratization. After 1990, CSOs have gradually shifted from community development and livelihoods to rights-based activism and social movements (British Council, 2019). According to the report published by Asian Development Bank titled Overview of Civil Society – Nepal, it mentions during Panchayat period (before 1990), the foreign funding was done via government's consolidated mechanism which changed after 1990' restoration of democracy. After 1990, the registration of association act was introduced which enabled foreign fund flow directly to NGOs.

Presence of a high number of CSOs also resulted in increasing civic awareness of the public on their civil and political rights and on their strength as a collective. From then onwards, civil society has played an effective and internationally recognized role in crucial moments of transition in Nepal: from conflict transformation and peace building movements during and

after the armed conflict of 1996-2006 and the popular democratic movement of 2006 (Jana Andolan II, 2062/63). Similarly, other social movements like freeing bonded laborers, addressing domestic violence bills in parliament and other engagements lasted from the 1990s after the restoration of democracy in Nepal.

### **Current Scenario on Spaces of Civil Society**

According to the report from Forus International and the Asia Development Alliance (ADA), civil society across the world is facing serious restrictions. The freedom of expression and activism has been shrinking and being denied. At different times, the government of Nepal has been trying to table the media act in parliament which restricts the freedom of expression specially on internet and social media.

Starting with the proposed Social Welfare and Development Act of 2014, there have been several other legislative or policy attempts to control civic space in the country. The Bill to Amend and Consolidate Laws Relating to Establishment, Registration and Operation of Social Organizations 2019 is repressive, as, among other restrictions and bureaucratic hurdles, it severely curtails the spontaneous emergence of actors to protest or mobilize for a cause. (Singh, Poudel, Thapa & Baniya, 2020)

Later government also proposed the Integrity Policy in 2018 which was targeted to dictate the works from NGOs and INGOs. It simply hitched at urging aid workers to declare their personal property and urged them to follow restricting policies like one door policy, following governments mandate to start groundwork, etc. In 2019, the government of Nepal again came up with the International Development Cooperation Policy which again restricted civil society organizations at large. However, the mentioned were at proposal stage only.

The International Development Cooperation Policy 2019 directs foreign NGOs to fund development work rather than religious and political institutions, a form of resistance toward the notion that foreign funding is used as a covert means of proselytization. (Shrestha, 2019)

### **Changing role of Civil Society**

As a result of continuous lobby and advocacy from civil society actors, various policies have either been introduced or influenced. Post the successful mediation of 2006 and the historical drafting of Nepal's constitution from the people's representatives, the agenda of civil society has shifted to fair representation and equal participation in power sharing. For instance, female participation in Parliament has significantly increased after Nepal entered into federal republic era and adopted mixed electoral system. According to the report published by International Institute for Democracy and Electoral Assistance (IDEA), the women representation in parliament reached 33% in the 2008 Constituent Assembly elections from a mere 5% in the 1999 elections. The credit share also goes to CSO advocacy and effort for a 33% quota for women. Proportional representation of 335 seats out of 601-member constituent assembly were reserved for different castes, ethnic groups and excluded regions and this mechanism followed throughout federal parliament and other elected bodies at different levels. The electorate provision in local government elections guarantees that either mayoral or deputy mayoral candidate is female. As a result of these provisions, more than 95% current deputy mayors in Nepal are female. Similarly, out of the eight elected members of the National Assembly per province, at least three must be women, one must be Dalit and one must be a person with disability or from a minority community.

At this juncture of time, the role of civil society is changing. The 14th National Plan recognizes civil society members as essential development partners and prioritizes the need for participatory planning, inclusion, and good governance, giving scope for active collaboration of CSOs to achieve Government of Nepal's goal of socio-economic transformation and graduation of Nepal into a middle-income economy by 2030.

Similarly, the Local Government Operation Act 2017 does identify citizens and CSOs as key actors to promote collaborative and good governance practices by engaging with the local governments. The Constitution of Nepal (2015), under article 17(2) also explicitly ensures that Nepali citizens have the right to give one's opinions and expressions (17.2.a), right to peaceful assembly (17.2.b), right to form or be part of unions and associations (17.2.d) and the right to seek information on any matters of concern to her/him or the public (Article 27). For all these above-mentioned constitutional clauses, civil society actors are demanded again to collaborate and be the watchdog of state and change the way they have been interpreted so far.

The new context of implementing federalism in the country offers opportunities for civil society to create a space where they can bring out their latent potential in creating lasting socio-economic change in the communities. There is a need to decentralize the civil society and create an atmosphere for different movements and activism. Women Civil Society actors, Youth Civil Society and other categorical civil society actors to be together and be the voice of people.

Another domain where civil society should be active is **social media** and the internet. Lot of activism and voices are being raised in social media these days. Social media is a powerful tool that is shaping public opinion these days. Be it social issues where case of Niramala Panta (13-year-old girl raped and murdered) was in peak or political issue when Narendra Modi visited Nepal, the social media was flooded with the has tag #JusticeForNirmala and #NotWelcomeModi respectively were trending in social media and were able to gather the attention of nations and regions.

Next thing civil society actors should start thinking is to break the donor dependency image that is dominant in Nepal. Given the number of governments (753 local, 7 province and 1 federal) which have the budget under social development, civil society actors and organizations could target them and break the stereotype that is prevalent for civil society. The drive civil society should not perform is to generate local resources and shift the power to people. Nowadays, any movement that is contemporary and people centered gets the attention and in fact governments have been compelled to address the demand. In the year 2020, the protest escalated in Kathmandu led by independent youths. Started with social media group, #EnoughIsEnough started to trend over social media. This was not funded by any donors; it was not led by any prominent figures but started with random group formation to pressurize the government to come up with an alternative of lockdown. Compared to protests in other parts of the world against the economic impact of the lockdown, the demonstrators in Kathmandu raised slogans and carried placards with messages on the coronavirus that were precise and looked like they were written by epidemiologists (Rijal, 2020).

In general, civil society now has diverse opportunities. With increased access to digital forums and platforms, individuals and organizations can mobilize or self-mobilize to advocate for their causes more effectively. Funding and support for grassroots initiatives have also grown through different initiatives, empowering local communities to address their different challenges. Additionally, the global connection has now allowed for the exchange of

ideas and collaboration across borders, further strengthening civil society's impact. Civil society definitely has gone beyond borders too.

### Conclusion

Throughout the process of political transition in the last 3 decades, from an autocracy to a federal democracy, the civil society movement has been strongly influential in ensuring people their civil and political rights. Compared to this, civil society's contribution in ensuring people their economic, social and cultural rights has not gained much recognition. Therefore, the contemporary era still faces the debate on topics like reservation, proportional representation means of election and other provisions made available for people in special needs.

Inarguably, civil society has been a great force for democracy, ensuring people are informed and aware about their rights, pressing for accountability and transparency in governance, while changing the lives of millions of people through socioeconomic transformation processes and complimenting larger goals of the Government of Nepal. Hence, it is high time civil society in Nepal starts to think about deconstructing themselves and making them people friendly.

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