

Struggling on Two Fronts during Nepal's Insurgency: The Citizens' Movement for Democracy and Peace and the meanings of 'civil society'*

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Introduction

This paper focuses on a citizens' movement during the last few years of the Maoist insurgency in Nepal (1996-2006). It forms part of a broader project which is looking into the transformation that civil society underwent as both an idea and a practice during the insurgency and its immediate aftermath. In this contribution, we concentrate on a distinctly new form of public action in Nepal, exemplified in what became known as the Citizens' Movement for Democracy and Peace, in Nepali *Loktantra ra Shantiko lagi Nagarik Andolan* (CMDP or *Nagarik Andolan* in short). We are particularly concerned with the conceptual struggle waged by CMDP (hereafter, simply 'CM')¹ and its impact on understandings of 'civil society' in Nepal.

The paper is intended primarily as a contribution to the ethnographic record on non-governmental public action in Nepal and is broad in its consideration of the CM itself. Many aspects of the movement are not considered—for instance, the ludic element, which is characteristic of new social movements elsewhere (e.g. Shepard *et al* 2008). Other striking features of the CM, such as its individualism and its politicality are explored in Heaton-Shrestha and Adhikari (2010c). Similarly, a complete analysis of the conditions for the emergence of the CM is beyond the scope of this paper. We will only highlight one factor behind the emergence of the CM, namely the disruption of civil society activists' expectations of what works politically.

We proceed as follows: first, we will provide a background to the emergence of the CM during the latter part of 2005, in the wake of the king's coup of February 1 that year. This involves sketching out the activities of the political parties who were ousted from power, and how their protest

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1 We use the abbreviation 'CM' rather than the full form 'CMDP' as it is closer to its shortened Nepali name, *nagarik andolan* (literally, 'citizens' movement').

movement articulated with and was perceived by civil society groups. By 'civil society groups' we mean to refer to non-state, not-for-profit associations, including the more formal civil society organisations (CSOs). Next, we outline how the notion of civil society came to be introduced and understood in Nepal, highlighting in particular its normative opposition to the political domain. We also touch upon the question of what was generally expected of civil society in the struggle for democracy. In the next few sections, material relating to how civil society activists understood their role in relation to one crucial set of actors, namely political parties, is presented. Key features of the CM are described, and the ways in which the CM challenged expectations of civil society and its role in peace building are described in detail.

The paper draws on interviews with members of 'civil society', i.e. senior NGO representatives and human rights volunteers; notes from observations and participation in events organised by 'civil society' over the course of 13 months of fieldwork in Nepal (between April 2007 and July 2008) and shorter visits thereafter (2009-2011); and online archives of two major national daily newspapers and other news clippings from a variety of English and Nepali-language newspapers compiled by a network of human rights organisations involved in the movement, covering protest activities between 2004 and 2006.

Background: Political parties and civil society in the struggle against the autocratic regime

Protests of political parties

On 4 October 2002, citing the 'incompetence' of the political parties, King Gyanendra dismissed the government of PM Sher Bahadur Deuba, assumed executive powers, and appointed an old palace faithful as prime minister. Behind these events was the collapse of talks with Maoists at the end of 2001, which led to the imposition of a state of emergency and the government's full deployment of the army against the rebels. From early 2002, political parties became increasingly uneasy about the state of emergency and the indiscriminate shootings by security forces. When the state of emergency came up for renewal in May 2002, parliament opposed it. Largely due to continued squabbling within his own Nepali Congress Party (NC), Deuba asked the king to dissolve the lower house of parliament

and call for elections. When the Maoists declared that they would mobilise a national strike to coincide with the parliamentary elections, Deuba requested that the ballot be put off for a year, which resulted in the king's dismissal of the elected government.

Political parties were prompt to respond to their exclusion from government. They initiated a programme of protest, holding parliamentary sessions in the streets and demonstrations on a daily basis. The parties demanded the restoration of parliament and their target was 'regression' and not, as later on, the monarchy. Widespread protests by the student wings of the NC and the Nepal Communist Party (Unified Marxist Leninist) (hereafter, 'UML') repeatedly brought much of the country to a standstill. College campuses became sites of angry protests, the burning of government vehicles and altercations with security forces. Large numbers of police and military were deployed, and the number of reports of student leaders being disappeared or killed increased (ICG June 2003).

The movement of political parties and their student wings gathered momentum until September 2003, but then cooled somewhat, as the political parties became hopeful of a breakthrough in talks with the king and the possibility that the dissolved parliament would be reinstated. By November, having still not reached a compromise with the king, the five main political parties declared the launch of the next phase of agitation. Still, marred by disagreement as to the manner of agitation and the inclusion of certain political parties, the five-party alliance did not stage any significant programmes until 16 December 2003, when they held a two-hour pro-democracy rally in Kathmandu. With this rally, political parties were entering *the tenth phase* of their agitation. As in previous phases, the alliance announced demonstrations, rallies, sit-ins, picketing, torch rallies and effigy burning throughout the country. Student agitation picked up again in late December and continued pretty much along the same modality into the first few months of 2004.

In 2004, the political parties' movement began to attract a broader range of participants: teachers, members of the Nepal Bar Association (NBA) and the Federation of Nepalese Journalists (FNJ) began to join protests alongside political parties and student unions. That this was perceived as a significant development—at least by the press—is indicated by the fact that the agitation began to be referred as the 'People's Movement

II', in the media.² Protests dwindled once again, however, when talks between the king and political parties led to Deuba being reappointed as prime minister, 20 months after his dismissal by the king. Deuba's government was joined by the UML, which opined that 'regression' had been 'half-corrected', and two other political parties, the Rastriya Prajatantra Party (RPP) and the Nepal Sadbhavana Party (NSP). Protests by other political parties continued, but these did not receive much coverage due to increasing censorship by the authorities.

On 1 February 2005, accusing Deuba of failing to make arrangements for parliamentary elections and of being unable to restore peace, the king seized effective control of all levers of power. This period witnessed the most severe crackdowns on democracy and the rule of law. Senior politicians were put under house arrest and activists held in army camps, and internet and phone lines were cut. At least 35 ordinances were issued without due process, of which more than half were introduced after the lifting of the state of emergency; all of them were designed to strengthen the palace.³ An important development during this period was a rappro-

2 This is the name given to the popular uprising of April 2006 that brought political parties back into government and saw the House of Representatives reinstated. The 'People's Movement I' referred to the 1990 movement for the restoration of multiparty democracy after 30 years of partyless Panchayat democracy.

3 For example, the Ordinance amending some of the Nepal Act related to the Media (October 2005) banned news programmes on FM radio, increased penalties for defamation tenfold and prohibited news deemed damaging to members of the royal family. The Terrorist and Disruptive Activities Ordinance or TADO, which allowed for the prolonged detention of anyone alleged to have taken part in a terrorist act, was amended (December 1st 2005) so that all anti-terrorist cases would be heard *in camera* and defending lawyers in such cases would not be provided with legal documents. Furthermore, the accused would henceforth have to bear the burden of proof. A final example is the ordinance to amend the Civil Service Act, promulgated on 9 May 2005, proposing discretionary power for itself to control the bureaucracy. Major aspects of the proposed amendment related to revising the modality, criteria and system of the efficiency evaluation of civil servants. The main objective of the amendment was to provide a greater role to the government in choosing persons for the secretary's post from a wider number of joint secretaries, and to give seniors a chance to serve in top bureaucratic posts. Other ordinances included the Social Welfare Council (First Amendment) Ordinance, the National Human Rights Commission (First Amendment) Ordinance, the Code of Conduct for Social Organisations, and the Labor Act (Second Amendment) Ordinance. Among other drastic measures to curtail basic freedoms was a one-door advertising policy introduced by the royal government. Using this policy, the government deprived dozens of independent publications and broadcasters of funds by giving preferential treatment to state-controlled media when advertising commissions.

chement between the political parties and the formation, on 8 May 2005, of a seven-party alliance (NC, NSP, UML, Nepali Congress-Democratic (NC-D), Jana Morcha, United Left Front, Nepal Workers and Peasants Party), popularly known as the SPA, and a common political programme 'against regression'. At the top of their agenda was the revival of parliament and reforms to the 1990 constitution.

The nine months that followed the king's coup of 1 February saw two main periods of agitation by political parties. These occurred soon after the coup, from mid-February to late April, and then again in September, in the wake of a unilateral ceasefire by the Maoists. The months of April to September and October to December 2005 witnessed only occasional protests by political parties. These were largely confined to party cadres and had little popular support (Shah 2008: 14-15). The International Crisis Group reports: 'Few tears were shed when Gyanendra sidelined [political parties] after October 2002' (2005: 8). This was to change with the conclusion of a 12-point understanding between the SPA and the Maoists in November 2005.

This understanding was concluded after months of talks that had been facilitated and encouraged by India between the SPA and the Maoists. It laid out a framework for the defeat of the monarchy, ending the insurgency and the sharing of power between the SPA and the Maoists. It was hailed as a turning point in the fortunes of the political parties. One of the main points of the understanding was an agreement to call upon civil society and professional organisations, political party wings, intellectuals 'and people of all communities and regions' to join in a peaceful movement. Within days of the understanding, the SPA announced a new phase in their agitation, promising 'huge mass meetings and protest rallies', and fully involving 'the people, professionals and intellectuals'. As in May 2004, the political party movement began to attract larger numbers of people outside the ranks of party cadres. On 2 December, the UML mass meeting was dubbed the largest street demonstration since 1990. January 2006 saw further mass meetings by various political parties and the SPA, some larger still. Organisers of the 12 January SPA mass demonstration in Janakpur claimed that 100,000 people had attended the event.

Political party protests continued throughout January and February 2006, as did rallies to garner support for the boycott of municipal elections

called by the king in early February 2006. The next significant phase of agitation was the People's Movement of April 2006. In response to calls from the SPA, a general strike was launched on 6 April 2006. On 9 April, the decision was made to extend the three-day strike to an indefinite one, in view of the unexpectedly high levels of participation by members of the public. During the 19 days that followed, demonstrators were to become increasingly mutinous, openly defying curfews and other measures announced by the government to contain the situation. Violent confrontations with security forces became daily occurrences, with the death toll eventually reaching 18. The decisive moment came on 21 April, when hundreds of thousands of people defied the curfew and marched on the Kathmandu ring road, causing the army to withdraw into the city. That same evening, the king announced that he was handing back the executive power he had seized fifteen months previously. The SPA rejected his offer and announced that they would bring two million people onto the ring road on 25 April. The king made a second address on the night of the 24th in which he conceded all of the demands made by the SPA, including the reinstatement of parliament. The leaders of Nepal's seven largest political parties nominated NC leader Girija Prasad Koirala to serve as interim prime minister. The SPA formed a new government and distributed ministries among its constituent parties. A twenty-member cabinet was formed on 2 May 2006, and Parliament was convened on the 28 April for the first time since May 2002.

The contribution of political parties to the April 2006 movement is a matter of controversy, with both civil society activists and political parties claiming leadership of the movement. The only publication that begins to explore the organisation of the People's Movement II, by Saubhagya Shah (2008), gives a prominent role to political parties and to the media, but is unduly modest about the role of civil society in the movement. We write 'unduly' because even political parties were more generous than Shah in their evaluation of the contribution of civil society to the People's Movement.⁴

4 Indeed, after the successful outcome of the movement, NC president Girija Prasad Koirala thanked civil society for its 'outstanding contribution' to the democratic movement. In the inaugural speech of the restored parliament, the speaker of the house also acknowledged the role of civil society.

Civil society protests

The political party movement articulated with that of civil society groups in several ways: at times, civil society groups would join the political parties' movement, responding to a summons by political parties to take to the streets (May 2004; April 2006). At other times, civil society groups would 'fill in' when political parties fell back and civil society would then take up leadership of the democratic movement (July–November 2005). Yet at other times, civil society groups and political parties operated in parallel, organising programmes, either separately from each other, or together but retaining autonomy from the other in terms of leadership (in September 2005).

Civil society groups seemed relatively inactive prior to the May 2004 protests called by political parties, or at least there is little evidence of organised protest activities by CSOs before that date. Observers of civil society prior to 2004 described it as 'weak' and 'ineffective' (Onta 2004); 'timid' in the wake of the state of emergency of 2001 (Dixit 2002); and 'silenced and depoliticised by donor money' (Bhattarai 2003). A research report issued soon after the king's dismissal of parliament in 2002 found civil society to be unconcerned with the increasing violations of human rights and the curtailment of liberties and generally 'largely unconcerned about imagining a democratic political future' (Bhattarai *et al* 2002: 34). The media reportedly turned 'pro-government', while NGOs sought to get on with 'the business of development' and humanitarian aid, adapting their work to the conditions of conflict in a bid to survive the insurgency (e.g. Pradhan 2006, Dahal 2006).

After the May 2004 protests, protest activities by civil society groups all but died down until 19 December 2004, when a rally of social and professional organisations pressing for peace talks and an end to violence was organised. Apart from the occasional statement urging the government to resume peace talks with the Maoists, and statements by the NBA and human rights organisations against the Terrorist and Disruptive Activities Ordinance, there was little activity from civil society groups until February 2005. Although civil society groups responded more quickly than political parties to the king's coup, issuing statements that condemned the king's move, protest activity by these groups only picked up from June 2005 (led by journalists, against new media laws) and intensified from July through to December 2005. It was at this juncture that Nepali civil society saw a

significant development, beginning from July, namely the emergence of the Citizens' Movement for Democracy and Peace. This heralded not just an intensification of civil society protests, but also a qualitative change.

From May to September 2005, civil society groups followed by the CM itself were more active than political parties in terms of street protests. This period is remembered by some activists as a 'festival of civil demonstration'. It is during this period that the civil society movement can be said to have 'filled the vacuum' left by discredited political parties, and civil society became the main actor in demonstrations, while political parties were not to be seen on the streets. But even as political party protests gathered strength in September 2005, and then more decisively and consistently from January 2006, civil society protests were not to subside.

The limits of politics as usual

While, as the preceding account shows, political parties were not *inactive* during the period under consideration, there was a persistent sense among civil society activists that political parties were 'ineffective' or that they were 'not doing anything'. One of the original members of the CM recalled:

One day, volunteers were here and one staff member of NESAC [Nepal South Asia Centre] was here ... and we few people discussed: 'the king is declaring new ordinances everyday to make himself stronger... the country is turning into an autocratic regime. ... We need to do something because political parties, six months gone, and they are not doing anything.'⁵ (B. Guindel, June 2007).⁶

From the accounts of CM activists, it appears that during the months immediately following the emergency, party political power was revealed as 'empty' or void of true power—the power to mobilise and to contest the autocratic state. Politics were widely likened to drama, suggesting they were insubstantial and ineffective, and this theme was taken up by cartoonists and film makers at the time: political parties became daily objects of caricature and satire in TV serials. At the time of our research,

5 We use E and N to indicate whether the original was in English or in Nepali respectively.

6 Where respondents are named in this paper, their real names have been used, at their own request or with their consent.

recollections of the situation in 2003 made use of a similar vocabulary: party protests would be described as ‘just a ritual’, ‘a drama’—or, in Thapa (2004), a ‘routine but meaningless effort’. In the latter part of 2005 and early 2006 the political party movement was criticised by well regarded civil society leaders for being ‘insufficiently aggressive’ and in need of ‘intensification’. This sentiment was shared by scholars such as Saubhagya Shah, who would comment that ‘political parties were thrown off guard by the king’s move and were slow to react in any substantial way’ (Shah 2008: 13). The incomprehensibility of the situation—the powerlessness of the political parties—is captured by B. Guindel’s recollection of the period:

The political parties ... started to organise demonstrations against the king. And in their demonstrations there were few... people. One hundred, 200 people.... [in a demonstration] *called by seven political parties—can you imagine?* ... They organised a People’s Parliament in Patan, on the street. Only a few hundred people were there.^E (June 2007)

And again, the same disbelief and disorientation is expressed by former finance minister Dr Devendra Raj Panday, who became a leading figure in the CM. He recounts the moment that marked a turning point in civil society activism, namely, the attempt by MPs of the dissolved House of Representatives to conduct a mock session of parliament in the Royal Nepal Academy Hall, on 19 July 2005:

That afternoon, I was having tea, Anil Bhattarai phoned: the parliament is meeting at the Royal Nepal Academy, it will be fun to go. We went there, and all MPs were scattered... And Girija Prasad Koirala [NC president] comes in a car, goes to the gate and the gate is locked. Nobody can do anything. Madhav Kumar Nepal [UML general secretary] comes and it’s the same thing. He makes one or two statements and goes home. Gagan Thapa [NC student wing youth leader] shouts slogans and that was it. Fortunately, at 3pm we had pre-arranged a meeting at that time. Before we had the name CMDP. I remember ... Anil was saying we should call it a *people’s conference* and I got up and said no, it’s not a conference, it’s a *movement*. Political parties had paid NR28,000 for a hall and if a

small policeman can send them home—[it shows that] these people are obeying the law of the regime they call illegal—so we have to go to the streets.^E (January 2008)

The last sentence ‘we have to go to the streets’ does not do justice to the departure from established practice and thinking about the role of civil society that this action represented for civil society activists—to take up protests, independently of political parties, for the cause of democracy. We will make this point by first looking at the models of civil society and ideas about their contribution to peace building that dominated public discourse in Nepal at the time, and then detail the ways in which CM activists understood their role in the democratic struggle.

Dominant understandings of civil society and its role in peace and democracy building in public discourse in Nepal

Framing the CM

The introduction of the term ‘civil society’ in Nepal owes much to its ‘re-discovery’ by international development agencies in the 1990s, and its worldwide promotion through the injection of substantial sums of money to non-governmental organisations (Lewis 2002, Robinson 1995). Donors in Nepal followed suit and supported the emergence of and strengthening of NGOs in their bid to help develop ‘civil society’ (Parajuli 2004). Initially restricted to intellectual circles, the term has acquired a much broader currency in Nepal beyond academia (on which see the excellent volumes edited by Gellner 2009, 2010) and the world of international development (e.g. Dahal 2006). The term has also acquired a broader range of meanings. Although Tamang’s criticism in the early 2000s was well founded (Tamang 2002), it is no longer the case that the notion of civil society appears in a simplified form (frequently synonymous with ‘NGOs’) with the sole purpose of accessing international funds. The various citizens’ groups (and most notably the CM) that emerged after 2001 have challenged the identification of civil society with more formal and organised kinds of collective action (particularly NGOs). Where NGOs were once synonymous with civil society (for all but a handful of critics, e.g. Gyawali 2001, Siwakoti 2000), they are now seen as a poor imitation of the real deal: writer and civil society activist Khagendra Sangraula, for example, comments:

The term civil society smells of NGOs. NGOs have to be termed 'job making society'. To call NGOs 'civil society' is no different from calling a paper flower 'rose'.⁷ (Sangraula 2009: 2).

In the later 2000s, in their emphasis on individual actors of some social standing rather than institutions (e.g. Upreti 2006, Panday 2008, Hachhethu 2006), understandings of civil society more closely resembled the ancient Greek public sphere described by Arendt (1958) than de Tocqueville's (1990) account of associational life in 19th century America⁸. At the time of the emergence of the CM, however, civil society was widely understood as a collective of non-state, not-for-profit organisations, in line with the conceptions that prevailed among development agencies (Lewis 2002). Analysts in Nepal would include the multiple forms of 'indigenous' or traditional 'membership' organisations in their descriptions of the institutional contents of civil society (e.g. Shrestha and Farrington 1993, Dahal 2001), as well as community-based organisations such as user groups, savings and credit organisations (e.g. Shrestha 2001). Not only did prevailing conceptions emphasise organisations, they focused predominantly on the more formal among these, and frequently on those associations established by the more articulate sections of society (as noted elsewhere, e.g. Hann 1996). Another salient feature of the dominant conceptions of civil society around the time of the emergence of the CM concerned the resolutely apolitical character of civil society, in the sense of 'being distant' from political parties.

7 All quotations in Nepali in this paper are translated by Ramesh Adhikari.

8 For example, according to Upreti (2006: 153), civil society, '[C]overs a wide range of actors... such as professional organisations, business community, media, human rights activists, scholars and researchers, teachers, writers, lawyers, engineers, doctors, professional experts, NGO staff, religious groups, etc.' Similarly, Devendra Raj Panday, a leading member of the CM, describes 'human rights activists and members of various professions [who] made some contribution to the political change in 1990' as an example of 'civil society in action' (2008: 10) and political scientist Krishna Hachhethu writes (2006: 119): 'in Nepal, civil society exists as a forum, both formal and informal, of enlightened people ...: academics, lawyers, professionals, journalists, human rights activists, NGO holders, ethnic activists, women activists, Dalit activists, and to some extent retired bureaucrats and politicians...'. 'Civil society leaders' in turn, are generally understood to be professionals and intellectuals in senior positions in their field. They include persons such as the chairperson of the association of college teachers, the personal physician of a top political party leader, the NBA president, the head of the FNJ, prominent human rights defenders and journalists, and so forth.'

The emphasis on apoliticality, common among donors in relation to civil society (Lewis 2002, Jenkins 2001), has a long history in the case of NGOs in Nepal and a clear link to donor practice and funding. Reportedly, NGOs have been discouraged by their funders from engaging in any activity deemed 'political'; and suspected or actual relations between political parties and NGOs have become routine news material and grounds for defamation of these organisations.⁹ As a result, NGOs have been led to re-enact, on a daily basis, the distinctions and boundaries laid out by the 'three sphere model' prevalent in development policy research and action, as they attempt to distance themselves performatively both from the market and from the state (Heaton-Shrestha 2002 and 2010a, see also Lewis 2008, Gellner 2009 and 2010). NGOs in Nepal have often been deemed not just apolitical but antipolitical (see also Fisher 1997) and even depoliticising; as obstacles to radical social change (Siwakoti 2000) and as supports to the elite and the status quo (Ulvila and Hossain 2002). In spite of their well known and longstanding relationship with political parties (many of the older human rights forums were established by persons once closely associated with the Communist Party of Nepal-Marxist Leninist), they have even been accused of 'corrupting political parties' (Khagendra Sangraula, July 2008) and distancing Nepali youth from politics. Normative statements on the relation of civil society to the political domain similarly insist on their distinctiveness and complementarity. For example: 'The function of civil society is not to defeat the state and government but to make it accountable to the people' (Panday 2008: 6), and: 'it's very risky to the nation when civil society starts to become stronger than political parties' (ibid), or: 'Civil society is the important organ of the nation which helps the government' (Adhikari 2004: 225).

The closeness of civil society to political parties was deplored, as in the

9 For example, in June 2007 the daily newspaper *Naya Patrika* ran a series of news items condemning the close relations between party members and NGOs. In one article, senior political party members who were known to run NGOs were listed and challenged to account for their involvement in the NGO sector. The journalists' questions were met with denials or, exceptionally, shrugged off. A *Naya Patrika* journalist recalled one such instance: when probed, the then Minister on Development of Water Resources retorted: 'I am running an NGO, I don't drink [alcohol], I don't play cards, why do you blame me?' ('Netaharu parti kambhanda NGO badhi calaunchan' ('Political leaders spend more time running NGOs than they do on the party') *Naya Patrika* 1(72) Sunday 10 Asar 2064 (24 June 2007).

case of NGOs, for instance in Hachhethu (2006). Describing the strengths and weaknesses of Nepali civil society, Hachhethu argues that one limitation is that 'Nepali civil society, though it has non-state organisations, is not apolitical' (Hachhethu 2006: 120); he adds however that 'a thing to be celebrated [is] that the distance is widening between civil society and parties. A trend of depoliticisation and de-partyisation of civil society has gradually been emerging since the last half of the 1990s' (Hachhethu 2006: 129).

It might be noted that the claims to being a- or anti-political or depoliticising that suffuse discourse about NGOs and the third sector in Nepal, are based on a relatively narrow understanding of 'politics', with an emphasis on formal political institutions and activities. This is reflected in more scholarly work, for example Hachhethu (2006). Although more nuanced understandings of politics and the political domain existed within the research setting, a detailed analysis of these is beyond the scope of this paper. For now, we will simply note that 'politics' was identified with the activities of political parties; and that distinguishing party activity from civil society activity—i.e. the boundaries between political party and political party activity, and consequently their respective roles in the democratic struggle—was a central concern for civil society actors.

In the next section, we discuss the dominant understanding of the role of civil society in peace building and in relation to the struggle for democracy, and to political parties in the course of that struggle.

Political parties, civil society and peace building

Political parties as the main political actors: By all accounts, the record of political parties during the 1990s was poor. Historian Rishikesh Shah's (2003: 51) scathing words echo a widespread sentiment:

Unscrupulous, viciously selfish and narrow minded party politics has already made the common people despair of political pluralism even before it attained its adulthood.... Their utter lack of any sense of accountability, efficiency and capacity to implement their election promises and deliver the goods have made people cynical about the nation's prospects in the future.

Disunity among ruling parties (Shah 2004); failure of political parties to discipline their members; overlooking of personal aggrandisement and

misdemeanours (Onta 2004); these have been variously cited as critical factors in the spread of the 'People's War'. In the latter years of the insurgency, incidents such as the injudicious price increase in petroleum products under the ministership of Ishwor Pokhrel (UML); corruption cases brought against NC leaders; and the drastic miscalculation of UML and NC-D in June 2004: all deepened the gulf between the general population and political parties.

In spite of the perceptions of political parties as being corrupt and more interested in their own personal advancement than 'service', of being plagued by organisational problems (their rigid hierarchy, gerontocracy and their non-inclusive character were criticised by CM activists), they were widely seen as the main, if not *the only*, political actors. Thus:

Political parties are needed to run the state whether they are good or bad. We were clear on those things.^N (Khagendra Sangraula, July 2008).

Ultimately we don't have any other actors. They [political parties] are the ultimate actors to lead the country.^E (Thakur Dhakal, human rights activist, July 2007).

Political parties were expected primarily to act as mobilisers and provide leadership; to administer the affairs of the state, besides engaging in and reaffirming democratic practices and principles. Their role as instruments to express the will of their constituencies, on the other hand, was de-emphasised. This was a role that was to be played by civil society. Comments that civil society was 'the voice of the people' and carried forth 'people's agendas' and 'philosophy' were frequently recorded during the course of the study.

Many CM activists had lived through and participated in the first People's Movement of 1990, which brought to an end 30 years of partyless 'democracy'. Many activists had done jail time together. In the spring of 1990, while professional groups provided the backbone of the movement, the banned political parties had initiated and steered the movement for the restoration of democracy and the reintroduction of a multiparty system (Raeper and Hoftun 1992). This scenario had largely been expected to hold in the contemporary context, and CM activists themselves were of the opinion that the democratic movement was to be led by the parties:

CMDP was very clear that the political parties should lead the movement.^N (Jhalak Subedi, editor of *Naya Patrika*, June 2008).

We need political parties to change society... we are just a catalyst, we can only be the voice of the people, political parties have to steer the movement.^E (Bishnu Rijal, General Federation of Nepalese Trade Unions, January 2008).

In the following section, we outline how civil society was expected to take part in the democratic struggle.

NGOs and professional associations in the democratic movement: protecting the interests of its members

Both NGOs and professional associations were seen as representing the private interests of a given group. Although officially, most NGOs are ‘non-membership’ organisations, culturally they are seen to operate as ‘membership’ organisations set up to benefit their own members, that is, their general members, board and staff. The NGO’s target groups are seen to be the *secondary beneficiaries*—although in official NGO discourse, these target groups are portrayed as the only beneficiaries (see Heaton-Shrestha 2002).

Various professional groups (such as the Nepal University Teachers’ Association (NUTA), FNJ, NBA, civil servants unions) were also engaging in protest activities during the period under consideration. Indeed, most of the civil society protests that took place before July 2005 were organised by one or several of these groups. On the whole, however, they raised issues that affected their members (e.g. demanding the release of arrested professors by NUTA¹⁰; the union of civil servants protesting the amendments to the civil service ordinance¹¹) or that fell within their professional expertise (e.g. NBA condemning the passing of ordinances and other unconstitutional practices by the state¹²). While, over time, these

10 February 19th 2005: The NUTA issues a press release demanding the immediate release of arrested professors and warns of protest programmes should this demand not be met.

11 July 9th 2005: The Union of Civil Service Employees issues a statement protesting that the Civil Service (Amendment) Ordinance passed by a cabinet meeting is undemocratic and detrimental to the morale of civil servants and warns of severe consequences for the government.

12 June 4th 2005: An assembly of over 600 lawyers from across the country demands an end to the ongoing promulgation of laws through ordinances, saying that frequent

groups began to tag the ‘restoration of human rights, peace, democracy’ to their demands, more often than not they remained tied to a single profession and its membership. The same applied to NGOs. Although NGO involvement in the democratic movement was not unimportant, openly oppositional action by NGOs did not become significant until November 2005, when a series of protests was organised against the attempt by the government to introduce a more stringent code of conduct for NGOs.¹³ Prior to this, in 2004, the NGO Federation of Nepal had acted as the secretariat of a Citizens’ Campaign for Democracy and Social Transformation, an alliance of NGOs and professional associations founded to create public pressure for peace and democracy. But, apart from a series of activities during December 2004 that included rallies and interactions and the submitting of a memorandum to the Speaker of the House on International Human Rights Day, the campaign never attracted much media attention or public support. The activities of NGOs remained somewhat muted, and where they did exist, they remained unreported.

‘We are a bridge’: The first role that these groups were expected to play in the struggle for democracy was that of a ‘bridge’. This was fully consistent with the role envisioned for civil society in the literature that was produced around that time (e.g. Upreti 2006, Pradhan 2006, Dahal 2006) and also in the generic peace building literature (e.g. Paffenholz 2009a, 2009b, Paffenholz and Spurk 2006). Consistent with the understandings of civil society outlined above, this literature conceives of civil society as a supporting, rather than a driving force in the peace building process, while ‘the central impetus’ is provided by ‘political actors’ (Paffenholz 2009b: 6). This role elicited the least amount of disagreement among members

enactment of ordinances is against the constitution and principles of the rule of law; they condemn the appointments of zonal administrators, and regional administrators, terming the appointments ‘unconstitutional’; and criticise the king’s repeated use of Article 127 of the Constitution, labelling the exercise of the said provision as an ‘arbitrary and ill-attempt to constitutionalise autocracy’.

- 13 The NGO federation of Nepal (NFN), a network of over 2000 NGOs across the country, led the protests, handed over a memorandum to the then minister for Children, Women, Social Welfare; organised a special meeting of national NGOs in Kathmandu to express opposition to the code; requested members across the country to burn copies of the code of conduct; organised a petition and handed it over to the Supreme Court; raised black flags in front of NGO offices across the country and worked in their offices with black bands tied on their hands for one week; and conducted a protest on Human Rights Day 2005.

of the CM. Civil society was seen to be acting as a bridge among two sets of actors: between political parties and ‘the people’ and among political parties themselves (including the CPN (Maoist)). This bridging involved putting pressure on one side to listen to the other, bringing people to the streets on behalf of political parties, and bringing ideologically divergent forces (Maoists, parliamentary parties, ‘liberal commoners’) together for a common cause.

Bringing political parties and their constituencies closer together was one of the stated aims of the CM. Bijay Guindel explains, paraphrasing discussions the CM held with political parties in the early days of the movement:

We can assist you ... We want to make you stronger ... So you have to be there to listen to people. And if you come among people to listen to [them], then slowly people will think about political leaders, about the political system and maybe you can gain their trust and belief again.^E (June 2007).

Former UML MP and civil society leader Padma Ratna Tuladhar describes the ‘bridging role’ of civil society during the run up to the 12 point understanding of November 2006 between the SPA and the CPN (Maoist):

So I found the leaders sometimes not very serious about a peaceful solution; sometimes they lacked willingness, sometimes they lacked commitment, sometimes statesmanship. But after four or five years, I myself could arrange a secret meeting between the then deputy PM and home minister, Ram Chandra Poudel... and a Maoist central committee leader, Rabindra Shrestha. I arranged everything: the car was driven by my son, I took the minister from his quarter to the venue, I lifted the Maoist leader from the street to the venue, and that was the first direct meeting. ... in 2000 that was ... I still kept that very secret ... And I still remember they had talks. Mr Rabindra Shrestha introduced himself saying he started his politics from *nebisangh* [student wing of NC]; ... he also reminded Ram Chandra Poudel that ‘I know you started from *akhil*’, the left student wing. It was a very friendly atmosphere. So I remained with them sometimes, sometimes I stayed outside so that they could talk confidentially. And when the

talks finished, [driving the deputy PM to his quarters]... in the car I told how the Maoist are, how they are gentle, how soft spoken they are. They [PM, deputy PM] had the impression that Maoists could be ... very dangerous people, very demon like. So I told him 'Mr Minister, how the communist leaders speak you see, so politely'... I still remember ... The meeting was so successful; they could understand each other, they could discuss several issues including disappeared persons.^E (June 2008).

This last account also draws attention to some of the factors that permitted civil society leaders to act as mediators, namely their pre-existing relations with these various forces and their authority as senior members of society with a 'clean image'.

Reproducing the boundaries of political and civil society and keeping within internationally prescribed roles of civil society as 'watchdogs', was the 'educating' function of civil society in relation to political parties.

'Educating political parties': 'Educating political parties' was central to the CM's perception of its own role and purpose early on:

When Gyanendra did what he did and UML and Deuba joined the government, we began meeting more often. We were thinking, political parties are the main actors; how can we educate them?^E (Devendra Raj Panday, January 2008).

This role was still played by civil society in the years following the People's Movement of 2006:

Still we are not satisfied with these minimal changes. In this context, I painted the longest painting in Dharahara, threatening the political parties that the movement has not ended. I was taking Dharahara as a symbol of the eyewitness of history of different movements by the Nepali people. I was threatening political party leaders to be as firm as Dharahara, to stand firm in the face of difficulty.^{N14} (Kiran Manadhar, July 2008).

14 Dharahara, also known as 'Bhimsen Tower', is a nine-storey tower at the heart of Kathmandu. It was built in 1832 by the Prime Minister of the time, Bhimsen Thapa.

And in the run-up to the constituent assembly (CA) elections of April 2008, Padma Ratna Tuladhar recalls his ‘scolding’ of political parties:

There were killings, so many things, which may obstruct the whole process. So we wanted to talk to the leaders. We asked the PM, Comrade Prachanda and Comrade Nepal to be together at the PM’s residence. ... [there was] a one point agenda: to ask the leaders whether they could perform the election peacefully or not. ... So I began to speak. I told Comrade Prachanda on the left: ‘How come, you being a great leader, can make that kind of speech?’ Because he was ... saying everything against UML leaders, very substandard speeches. ... Madhav Nepal ... was also making that kind of speech. ... I told him: ‘How come you being a communist leader can make that kind of dirty speech?’ I was calling them children. ... And again I asked the party leaders to form an ... emergency type of committee, ... to look after the election, for 24 hours ... and they agreed.^E (Padma Ratna Tuladhar, July 2008).

This ‘educating’ role was consistent with the primarily middle-class and professional character of Nepali civil society, and also in keeping with popular ideas about the functions of civil society in the early and mid-00s, namely to run workshops and conferences. Generally, then, the voiced expectations of political parties by CM activists; the role that NGOs and professional associations came to play in the democratic struggle; and the notion that civil society should be a ‘mere support’ to political parties, educating or bringing them closer: all of these reproduced the normative opposition of civil society to the political domain at the heart of the dominant version of civil society in Nepal and debates within the international peace building community. Next, we will see how the CM challenged these distinctions and went beyond the functions expected of civil society in the peace building literature. Before we do so, however, we outline some of the CM’s key principles.

Pushing back the boundaries: CM principles and practice

The Citizens’ Movement: some key principles

Officially, the CM was formed five months after the king’s coup of 1 February 2005. The CM went on to lead a series of events, widely

acknowledged as having acted as a catalyst for the broader movement that gathered strength from September 2005 and culminated in the People's Movement of April 2006.¹⁵ The CM developed a unique style of protest, drawing on political parties' repertoires but also innovating, in particular in the widely attended citizens' assemblies, with their combination of speeches, songs, poetry recitals and drama. The CM also distinguished itself from past attempts to mobilise a broader section of the population against the regime by their mode of organisation; their resourcing; the basis of participation in the movement; and their willingness to take up 'political agendas'.

CMDP organisation and resourcing: During the 1990s, NGOs acquired a negative image among the public at large, and their efforts at mobilisation in the 2000s suffered from a distinct lack of public backing, at times verging on hostility. We will only cite one incident to illustrate this point. It was recounted by a human rights activist and reportedly took place during the People's Movement of 2006:

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- 15 CNDP mass events and their stated objectives until the People's Movement were as follows:
 July 25th: demanded the restoration of human rights, civil liberties and the rule of law; safeguarding the achievements of the 1990 movement and establishing absolute democracy; boosting the movement already launched by political parties, lawyers, journalists and civil servants;
 August 5th: protested the king's takeover and urged all citizens to join the movement to establish people's sovereignty; urged Maoists to immediately shun violence and initiate coordination with political parties for the larger interest of democracy;
 August 16th: demanded the immediate restoration of a democratic system, peace and civil liberties;
 September 2nd: urged political parties to jointly take up the slogan of democratic republic to settle the current political crisis; warned parties to recognise and respect the public spirit and the fact that 'democratic republic has become the agenda of the entire nation'; protested the king's visit to the UN, 'as he is not our representative';
 September 26th: urged leaders of the seven-party alliance to intensify their ongoing pro-democratic movement with a more aggressive agenda, to serve the greater interest of people in order to establish a democratic republic;
 October 26th: urged all countrymen and democratic communities not to waste time in uniting against the autocratic regime;
 November 12th: demanded an end to autocracy and the withdrawal of a 'draconian media ordinance';
 November 25th: demanded an end to autocracy;
 December 10th: demonstrated in defiance of the government imposed prohibitory order for the area;
 December 19th: protested the Nagarkot massacre and the government's refusal to reciprocate the unilateral ceasefire declared by the Maoists.

We were in the front line. After an incident journalists brought injured people. People [from a large human rights NGO] came and took pictures and journalists were going to beat up the human rights activists, [shouting:] ‘You are earning dollars, where were you in the incident?’^N (June 2007).

The desire on the part of the persons who formed the CM to distance themselves from NGOs and NGO modes of working—their dependence on international funding and their formality—was rooted in such experiences. Many of these individuals have been or are still involved in the NGO sector. Several people have tried to develop alternatives to ‘traditional’ NGO culture for some years (e.g. Shanti Samaj, Collective Campaign for Peace). This approach was also at the heart of the CM’s desire for informality¹⁶. The CM, and the various citizens’ groups that emerged from 2001, favoured an informal structure, devoid of formal positions; decisions were taken orally and there was no formal or written reporting, no minuting of decisions.¹⁷ As for resourcing, not only did the CM not look for funds from donors, they expressly refused any offers of funding:

We said officially that *we would not take a single rupee from anybody*, it will not be a donor funded campaign. It will be purely a people’s campaign, a citizen’s campaign. We will ask for money on the street, we will beg for money.^E (CM activist, July 2007).

The vast citizens’ assemblies organised by the CM in and outside the Kathmandu valley and other activities (such as press releases, rallies, sit-ins, etc), were funded through a mix of donations by members of the audience at its programmes and contributions from active members of the CM; using personal facilities of individual members (e.g. phones); asking artists to perform voluntarily, for example, in musical shows raising funds for the movement; and also through the use of NGO resources—email,

16 See Heaton-Shrestha (2002) for an account of how NGOs were perceived in the latter part of the 1990s in Nepal. Perceptions of NGOs had changed little by the mid-00s, even if NGO practice had. In Heaton-Shrestha and Adhikari (2011a) we give an account of the ways in which certain NGOs had sought to ‘de-NGOise’ themselves during the last years of the insurgency.

17 See Heaton-Shrestha and Adhikari (2010) for a more detailed analysis of this phenomenon.

printers and photocopiers for placards and leaflets, halls for meetings and as shelter for activists who had failed to reach their homes before the curfew. Strictly speaking, ‘not taking a rupee from donors’, and the distance that the CM put between itself and the NGO world did not mean that no resources came from NGOs or the international community. Indeed, personal expenditure incurred to sustain these actions was often enabled by employment in the NGO sector, and trips abroad to raise support for the movement were financed by international organisations, while NGO offices provided access to all manner of facilities and the materials for protests as well as NGO volunteers to organise these activities. During the citizens’ assemblies, resourcing turned into a veritable performance: organisers would go to the crowd, announce the sums collected and spent over the microphone. In some cases, organisers would have photographers take pictures of CM activists collecting monies, display the detailed expenditure of the event, and on occasion, they would call the press to bear witness to the fund raising. They would thereby defuse allegations of ‘antinationalism’ from the state, while also distancing themselves from donor funding and NGOs. Another objective of raising funds in this manner was, as one interviewee put it, ‘to make the campaign collective... to promote ownership’. The term ‘collective’ points to a further principle of the CM: that the movement would not *represent* any specific interest group—in contrast to NGOs and political parties usage once again. Bijay, a CM activist, explained:

We said, OK everybody will be involved in his personal capacity. We will not use the name of any particular organisation. It will be a collective campaign.^E (June 2007).

Movement participants would participate as ‘citizens’, ‘individuals’ or ‘the people’, but not as representatives of one or other group or organisation. The ‘banner issue’, or the explicit identification of an organisation *qua* organisation representing certain interests in CM events, was to remain a point of contention within the CM, and was a matter of ongoing disagreement between leading figures in the NGO sector and the CM. The CM willed itself to be a broader, more inclusive movement, defining the basis of participation in the movement as citizenship, rather than professional or organisational affiliation and identity.

The CMDP agenda: Whereas the demands of professional groups and NGOs were limited to the interests and needs of their members, after 2005 CMDP and citizens' groups espoused a much broader agenda. Not only was the CM's agenda broad, it was also politically radical. First of all, the CM called for an overhaul of the constitution of Nepal which they saw as flawed, rather than limiting themselves to calls for the restoration of the dissolved House of Representatives and amendments to the 1990 constitution, as was demanded by the mainstream political parties. Likewise, the possibility of a republican set-up in Nepal was supported by the CM before political parties had themselves embraced the idea. Another task the CM set for itself was to ensure that 'progressive forces in struggle with the royal regime' did not enter into 'a hasty compromise' with the king. The CM also, on occasion, joined other voices in the condemnation of specific incidents (e.g. the Nagarkot massacre of December 2005, when a drunken Royal Nepal Army soldier shot 12 civilians) or ordinances (e.g. the 12 November 2005 demonstration demanding the withdrawal of a 'draconian' media ordinance). After the People's Movement, the CM's agenda has included: continuing to push for a republican set-up (2005-7); full proportional representation in elections to the CA (2008); rehabilitation of those displaced in a major incident in the Tarai (Kapilbastu, 2007); against allocating a budget to King Gyanendra and his family in the coming fiscal year (2007); against the government's decision to allow the deposed king to stay at Nagarjun palace and permit his mother and grandmother to live inside Narayanhiti palace (2008).

[We also said], *we will not give any political colour to this campaign. We made this campaign to strengthen political parties, but no political party should put their influence on this campaign. It should be purely on behalf of citizens. And no political leader will be allowed to deliver a speech in our campaign. All the speakers will be from civil society.*^E
(CM activist, June 2007).

Since its inception, the CM had sought to distance itself from party politics. However, in drawing on many of the notions (e.g. 'absolute democracy') and agendas pursued by political parties, as well as taking sides in these broader debates, the CM would, on occasion, attract criticism for being 'too political', to the extent of being dubbed a 'wing' of a political party (the

CPN (Maoist)). Frequently, comments about the ‘proper role of political parties’ were also meant as a commentary on the ‘improper’ conduct of the CM, suggesting that it had overstepped the bounds of legitimate civil society activity. The ways in which the CM challenged understandings of civil society and the distinctions between civil society and political party roles are introduced below.

Blurring the distinction between political parties and civil society

‘*We are like political parties*’: The CM acted in a ‘party-like’ manner in several ways. Civil society members expressed that at times they had acted in cases where political parties should have done so. Civil society became ‘party-like’ when it paid attention to disaster-struck areas and communal unrest, listened to grievances and mobilised the general public in support of democracy, and led movements against autocracy or celebrating democracy where the occasion called for it. A journalist for a national daily newspaper recalled the role of CM in 2005:

People had no trust in political parties at all because of many factors.... Civil society criticised this and said we can lead this movement, take the king out.^N

This ‘vacuum filling’ role continued after the return to formal democracy. Khagendra Sangraula justified the CM’s visit to the site of rioting in the Madhesh in September 2007:

There was a vacuum in society Our visit to the Madhesh was important because political parties were not there. Once the gap is filled by political parties, we’ll have a smaller responsibility.^N (July 2008).

Padma Ratna Tuladhar explained the rationale behind the celebrations organized by civil society on the day before the first sitting of the newly elected CA, on 28 May 2008, and on the following day:

If we had left the parties alone,...maybe we would still not be having any kind of celebration at all. It was praised by the whole world: ... a strong monarchy was abolished peacefully ... a republican state was

declared, without any bloodshed. That was a great historic event but we Nepalese people still could not celebrate because of differences among the parties. We wanted the government to organise a celebration programme to be attended by representatives from governments from different countries, if not the PMs from different countries, if not the foreign minister of different countries, if not, the ambassadors, so we could get international recognition. ... The event was very important not just for Nepal but for the whole world, [demonstrating] that through peaceful means we can achieve very radical changes. But the government and parties failed to have that celebration.^E (July 2008).

The ‘party-like’ character of civil society was highlighted by a comment from Daman Nath Dhungana, the former Speaker of the House and civil society leader, on the latent rivalry of political parties and civil society:

They see them as competitors. Now some are saying that the government is lacking legitimacy ... Those in power are thinking civil society leaders are the alternative to power. Every time the CA election is postponed, all have eyes on civil society leaders and political parties are also seeing them in that light. Suppose that the political parties fail to hold the CA elections, people will be restless. Who will fill the vacuum? Civil society leaders.^E (January 2008).

This position of leadership was dramatically enacted in the citizens’ assemblies. During these events, political party leaders were invited but not allowed to take to the stage; rather, they were made to sit below the stage, ‘forced to listen’ and ‘compelled to regret their misdeeds’. More recently, we were to witness an event that spoke eloquently of these issues. The event in question was a sit-in programme on the occasion of the anniversary of a human rights NGO, HURPES (Human Rights and Peace Society) or *Shanti Samaj* in Nepali, in the summer of 2007. It took place on a roundabout, a stretch of parched grass at one of the busiest junctions in Kathmandu, a popular venue for protests. HURPES is well known in the human rights circle in Nepal, not least for the identity of its charismatic founder, Krishna Pahadi, also a key figure in the CM. Very much to our surprise, the Speaker of the House and a coterie of MPs joined

the sit-in programme. They were made to stand in line, in the scorching sun, and a list of ten demands was handed to each one individually. The programme concluded with the Speaker of the House thanking the NGO for ‘informing them’ how legislators might bring peace to the country. In a context where relations between government officials and members of the public are marked by considerable deference and where connections with politicians are crucial for social advancement, the attendance of the Speaker of the House and MPs at such a banal event—the anniversary of one of Nepal’s 30,000 NGOs—and at such a venue, a dusty roundabout, was incongruous. It was also a powerful statement of the authority of civil society members, and an acknowledgment by politicians of their leading role in the democratic movement. Like a political party, civil society was now summoning, mobilising, giving speeches, while political parties were listening. But if civil society groups, through the CM, did take on the role of political parties, they did so without becoming a political party, as had been the fate of many social movements elsewhere (see e.g. Goldstone 2003).

‘We are beyond political parties’: The CM was not just party-like, it was carrying out the expected functions of political parties *more effectively* than existing political parties. Civil society members saw themselves as ‘beyond (existing) political parties’ in several ways: in their style of protest (‘more aggressive’), their more radical agenda and their willingness to go beyond the law during the king’s administration.

In the [April 2006] movement, there was a vast difference between political parties and movement. The political parties were not at all aggressive in the movement, they wanted to make a peaceful movement. But people were so aggressive: sometimes they even wanted to put civil society leaders in place of political parties leaders.^E (CM activist, November 2007).

Highlighting the failure of political parties in leading the movement, Suvash Darnal, CM and Dalit activist, recalled their absence at the site of serious clashes between demonstrators and the security forces during the People’s Movement:

Now we can very easily discuss with political parties leaders,

challenge them: ‘when I was in Gongabu, were you in Gongabu?’; Most of the political parties leaders will say ‘I was not in Gongabu’.^E (October 2007).

On several occasions, CM leaders were to issue statements urging political parties to ‘intensify their stir’ and be ‘more aggressive’ in their agitation. Reportedly, too, the push for a general strike beyond the three days proposed by the political parties in what became a nineteen-day movement (People’s Movement 2006) came from civil society. While seeing political parties as essential to the kind of democracy it envisioned for Nepal, civil society considered itself the guardian of democracy—more central to democracy even than political parties:

Civil society... [was] established to lead this democracy.^E (Political analyst, March 2007).

What civil society should do now is to force political parties to accept the normal democratic system of giving the largest party the opportunity to form the government.^N (Jhalak Subedi, after the CA elections, July 2008).

While CM activities served to shift understandings of the roles of civil society and political parties and the boundaries between them, this was not an unproblematic process. The obvious delight and sense of irony of civil society members in making MPs stand in line during the HURPES programme—as well as a simultaneous sense of the appropriateness of the act—spoke of an ambivalence towards their own, new leadership role. It spoke, in other words, of the continuing hold of models of civil society that cast civil society and political party in strict opposition. In our final section, we give further illustrations of this conceptual battle.

Struggling with dominant models of civil society

The ‘struggle’ that was occurring on the conceptual front was manifest in two ways: firstly in the reaction of political parties to civil society, and secondly in the ambivalence expressed by CM members in interviews towards their role and particularly their relation to power.

We saw earlier that CM leaders had publicly committed *not to take positions*. In practice, CM members expressed mixed views about this

principled stand, for example by making a distinction between ‘different kinds of position’, or by justifying their acceptance of a position in terms of the ideal of the role of ‘civil society as a bridge’. Khagendra Sangraula was among those approached by the Maoist leadership as a potential CA candidate from their civil society quota¹⁸. He refused the offer and explained the core CM members’ stance towards the issue, when the proposal was made that a ‘civil society leader’ be appointed as the first president of Nepal in June 2008:

The first president of the country has great significance. Though he doesn’t have executive power, it has meaning. If Dr [Devendra Raj] Panday was unchallenged as candidate, we would think of it positively. [It is different from] the case of appointments as minister or CA member.^N (July 2008).

Political analyst Hari Roka, who was nominated as MP in the interim parliament and then appointed in the civil society quota of CPN-M, explained:

In the Nepal context, political parties have their own kind of ideology and political programme and one differs from another. To help all political parties come together, a few people were needed to manage meetings and to manage differences ... that’s why it’s necessary to have [civil society members] in power. They are not going to be a minister or a functionary, only an MP.^N (May 2008).

This ambivalence hints at the coexistence of contradictory models for civil society action. On the one hand, one model sets political parties and civil society in a rigid dichotomy; on the other hand there is a model in which civil society and political parties can take up roles normally filled by the other, either consecutively or simultaneously. This ambivalence, however, was not shared by all participants in the CM. For some, the political party-like role of civil society was to cease with the return of political parties to government. This view was reflected in the reduction

18 In the Constituent Assembly of 2008, 240 seats were allocated according to the First-Past-the-Post system, 335 through proportional representation and 26 were allocated to ‘civil society members’.

in the numbers of participants in the CM after April 2006. Two well known CM participants explained:

After the People's Movement II, I have not been with CMDP, more with my party, NC... to make it strong ...I didn't make a dissenting note, but I quietly withdrew. I support the movement still, but I am not involved physically. People don't like one day as a civil movement activist and another day as party activist.^E (Krishna Khanal, Tribhuvan University Professor of Political Science, July 2007).

I disassociated myself just as I did after 1990. I don't have political ambitions ... Now it's political parties' job.^F (C K Lal, columnist, June 2007).

For such individuals, the roles of civil society and political party were always clear cut and distinct, and they reproduced the distinctions between civil society and political party by withdrawing from the movement. The CM, however, persisted, albeit with a reduced membership, and continued to challenge the boundaries of political party and civil society roles. Thus, towards the end of the research period, the CM protested President Yadav's move to overturn the government's decision to sack the Chief of Army Staff Katuwal in early May 2009. The protests against the president's action, which the CM dubbed 'unconstitutional' given the president's ceremonial status, received heavy criticism for being 'political'. Critics objected that the time had come for civil society to limit itself to 'advising political parties' rather than taking to the streets.

The struggle was also experienced by the CM in their relations with political parties. Above, Daman Nath Dhungana pointed to a rivalry between political parties and civil society. Others also spoke of a power struggle between political parties and civil society at the outset of the movement and, after the movement, an increasing reluctance on the part of political parties to include them in the political process, preferring a return to the *status quo ante* and the strict separation of roles between political party and civil society. This is illustrated by the final two quotations:

Political parties asked for help from civil society when they were in a critical situation but after finishing the movement they have forgotten civil society.^N (Kiran Manadhar, July 2008).

All the parties were waiting for the chance to drive civil society in their way. But political parties came to that [civil society] meeting because they were well aware that people were not ready to come to [political party] programmes.^N (Jhalak Subedi, July 2008).

Conclusion

We began this discussion by sketching out the background to the emergence of the CM in Nepal—namely, the limited ability of political parties to raise a broad movement against autocracy, the modest scope of involvement by civil society groups prior to May 2004, and a growing sense of crisis among civil society activists after the king's coup of 1 February 2005. We then highlighted elements of the dominant understanding of civil society and its role in the peace process in Nepal around the same time. The dominant vision of civil society in public discourse in Nepal emphasised its distinction from politics and the political domain and the identification of civil society with more formal and elite modes of associating (mostly NGOs). Civil society was expected to protect the interests of its members, to act as a bridge among political forces (which did not include civil society actors), and to educate political parties. It was envisioned as a support, rather than an active player in its own right in the democratic movement. In the third part of the paper, we described the CM that grew after July 2005, and paid particular attention to its relations with political parties. While emphasising its distinctiveness from parties, the CM became 'party-like' in its actions and at times more effective in that role than political parties. Finally, we highlighted the ambivalence of CM activists toward the position of leadership they had achieved and the CM's changed relation to the political domain. This hinted at the continuing hold of the 'apolitical model' of civil society on civil society activists' thinking. At the same time, it indicated that pre-existing conceptions of roles and the normative distinctiveness of the roles of political parties and civil society had been disturbed.

Together with the new political opportunity created by the king's coup and the sidelining of political parties, the foregoing account suggested that this 'disturbance' was an important factor in the success of the movement. Other elements deemed important for the emergence of the movement, notably the availability of resources (see MacArthy and Zald 2009) existed long before the summer of 2005. The resources

that sustained the CM, namely personal funds and resources from the NGO sector, were of long standing, and the social networks were also in place before 2005—as the core of the CM goes back to 1990. What was new was the CM’s ability to imagine that a movement led by actors other than political party actors could be successful. In interviews, CM activists recalled how they had had few hopes at the outset that they, as civil society, might be able to mobilise a mass against the regime, and how their confidence had grown with the success of each new event. The CM involved therefore not just a struggle against an autocratic regime and its assaults on democratic institutions. Activists faced another struggle, namely against understandings of civil society that relegated it to a neutral, apolitical, supportive role and cast political parties and civil society roles as mutually exclusive. This conceptual struggle was accompanied by a social one: fending off criticism and suggestions of impropriety by members of the general public and attempts at cooption and then avoidance by political parties. The ‘disturbance’ at the conceptual level is arguably as significant as the struggle the CM waged against autocracy. Indeed, the latter would not have been possible without the former. In the years that followed the elections to the Constituent Assembly, the voices of the CM have been somewhat lost in the din of demands and protest activities. Erstwhile supporters have criticised *nagarik samaj* (referring usually to CMDP) for ‘being asleep’, while recalling its heyday in the summer of 2005. But even if, since those days, the CM has not been able to mobilise large crowds and has at times divided public opinion, its legacy is beyond question. Indeed, we showed in Heaton-Shrestha and Adhikari (2011b) that many protest activities in the years of transition deliberately sought to inscribe themselves in a ‘tradition’ of activism that had been inaugurated by the CM. Some of the events—notably the infamous ‘peace assembly’ of 7 May 2010¹⁹—were far removed from the CM in content and intention; often CM participants were notably absent. Still, these events unmistakably recalled CMDP actions and assemblies. And, to the present authors at least, there is perhaps no more eloquent a testament than this to the enduring legacy of the innovative CM on understandings of ‘civil society’ in Nepal.

19 This is analysed in Heaton Shrestha (2010b).

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