

Challenges of Citizenship Building in Nepal¹

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Introduction

Citizens and state are bound by a relation in which one does not and cannot exist without other. It is not a territory alone that qualifies certain mass of land to be called and recognized as a state. It has to have people –the sovereign—who run the affairs of the state through a system and machinery they endorse through recognized and generally accepted and standard process. The concept of sovereignty and citizenry in true sense is best recognized only in democracy, and not in authoritarianism or dictatorship of any form, benevolent, praetorian, proletariat’s dictatorship that advocates ‘withering away of the state’, and military dictatorship as all these deny the sovereigns their right and role in the affairs of the state, nor do they feel it necessary to be accountable to the institutions representing the sovereign people. They claim that they are the sole custodian and repository of the sovereignty and they can transfer it elsewhere at will. Democracy on the other hand, is not a mere label, but the element and characters of democracy in a political context have to be judged ultimately by the degree of accountability exercised by the rulers or the executive towards the citizens and the institutions of the people.

The fairness and fearlessness of election process is another parameter to measure the strength or fragility of democracy in a given state. Periodicity of elections to the legislature for a duration fixed by the constitution encompasses a spirit and principle that the elected representatives cannot stay as legislator beyond the fixed term, and that it is solely for the people to re-elect or reject them. Relation between the state and the citizens is accepted as a “social contract” that guarantees certain rights to ‘citizens’ and citizens are obliged to obey the state for their own protection, security and common wellbeing. That is also a solemn acceptance of certain duties as well as loyalty from the citizens towards the state. The facts that “treachery and subversion of the state” are something that invite severe punishment under any constitution only proves acceptance of the authority and jurisdiction of the state over citizens.

They are expected to be loyal and conformist towards measures to enable and protect the authority of the state in society. Such contracts are legitimized by laws, practice and the constitution. The citizens who are accepted and recognized as the ‘sovereigns’ delegate their sovereign power to institutions—mainly the parliament—and review and renew that in regular frequency through the process of election, referendum and public opinion. The state conducts its internal affairs in the name of the people, and does maintain its relations with the world outside – that may involve signing a treaty—subject to approval and endorsement by parliament, again in the name of the people.

The provision of any treaty with a long term implication on country’s security as well as on natural resources needing endorsement by at least two third majorities (Article 126, Constitution of the Kingdom of Nepal, 2047) is just a case in point. Even today, the commonly accepted spirit of democracy is Abraham Lincoln’s version that it has to be a system ‘of the

¹ Paper Presented at a seminar organized by CCD in cooperation with FES in Kathmandu on June 19, 2010.

people, for the people and by the people.’ Between the later half of 19th century and now, the scope and practices of people’s intervention in the political system has grown manifold following the growing expectation of people from the state. Almost a century that followed, several countries in the world including many in Asia have rejected colonial rule imposed by various powers, mainly Europeans, in the name of expanding the authority of their ‘sovereigns’ over the subjects or slaves or colonies’ elsewhere.

The post world war scenario has almost institutionalized decolonization and citizens of one country subjugating citizens of another country, is almost unthinkable, although the weaker and deprived countries feel threatened that new ways would be invented by the big, rich and powerful to impose their interest on the former and extract undue advantage from the weaker ones. Informed citizens alone can take informed decisions in the interest of their nation, region and the world. This statement only emphasizes the role of civic education and awareness among the people besides facilitating their participation in the political system as well as policy making, something that is possible only in democracy. Citizenship is both right and obligation in democracy and therefore, challenges are much more.

In fact, the whole campaign by the pacifists against the World War was a message that wars and conflicts that have cross border or global implications should have no endorsement of the people as it negates the role of thoughts and people, and that it enhances the role of might. Conscious world citizens like Bertrand Russell took the lead, albeit unsuccessfully, to discourage war-mongers including the leadership of his own country and its ally, the United States. I cite this one, a very important campaign, to drive home a point that democracy promotes active citizenry which is also the biggest weapon against authoritarianism both at home and in the world. Passive citizenry have far reaching negative implications for building a constitutional state. It tolerates unaccountable and incapable leadership. Weak leadership fails to protect the authority and interest of the state and creates a great divides in state-society harmony. Such leadership also may prove a threat to the sovereignty delegated to the elected body. That’s where citizens have a role and responsibility to be every vigilant and active. Because as source of sovereignty, they have to realize sovereignty and citizenry are irreducible, indivisible as well as inalienable.

Civic Competence and National Duty

The fact that Nepali citizens have often rose for political right, and not so much for other people oriented issues, may at time create an impression that partisan politics is all pervasive in the country. In a way, that may be true. The civic education is weak in the country and therefore there is a delay in transforming multiple identities of people into national identity of citizenship. There have hardly been concerted campaigns from the political parties or civil movements and societies to teach people about what are citizens’ rights, duties and power. Yes, there were spates of such activities marked by distribution of attractive pamphlets, radio programs etc when the country was going through the election process (for Constituent assembly), but that hardly meant much for a large number of people who could not read and write. Each generation of people needs to be exposed into continuous education so that they feel that their will affects the functioning of governance.

As the country moves on with lot of uncertainties in the mind of the people about delivery of the constitution even during the extended one year period, there is no effective campaign to tell them what constitutes individual rights, constitutional rights and human rights

and how they form a virtuous cycle. The vexed issue of federalism and basis of the federal model that Nepal would be adopting, the issue of separation of power and independence of judiciary, model of governance, Comprehensive Peace Agreement (CPA)—the basis of the peace process—, people's right to their identity, their culture, religion etc have not been discussed and debated at all for democratic will formation.

Moreover, the CA that changed its 'time schedule' several times, all ostensibly to deliver the constitution within the mandatory May 28 (2010) deadline, curtailed all programs meant to solicit public opinion on the recommendations of the thematic committees. As we all know, the constitution could not be delivered on May 28, but the House is unlikely to solicit public opinion as planned earlier. This is a clearly a gesture that does not take people's right in the constitution making into account.

As a result, we may not be able to devise a common theme on nationalism, patriotism and culture, issues that cannot be settled without taking people's aspiration and thinking into consideration. There needs to be serious efforts to bridge the social, political and economic hierarchy besides bringing 103 castes/ethnicities into the framework of agreed nationalism—the political ideology of the state. But absence of debates and lack of adequate initiatives to spread civic education have come in its way.

Weakened Role of Citizens?

At a time, when the country is bestowed with the responsibility to draft a constitution by an elected constituent assembly, a weakened role of the people of its citizens may have serious implications. Given the background of a decade long insurgency and conflict that took in its toll around 15,000 people, an estimated five million people are living abroad in search of a more secure livelihood. Their fate is directly linked with the economic growth, prosperity and opportunity of the country (ies) employing them. Although their contribution to the G D P through remittance is substantial almost 12 percent to GDP, their slackening interest and involvement in the country's affair erodes a citizen's loyalty or duty towards the nation. On the contrary, the donors that are involved in the peace process as well as post-conflict development and reconstruction business are having much larger and visible role in the country. Donors working in conformity with the wishes of the people reflected in policies formulated through a process of debate, discussion and wider participation will a very welcome step. But are we in a position to say that? Or, there is no alternative to clientalism? Both affront the concept of sovereign citizens as democracy makes them the source of law, policy and legitimacy. The situation only enhances the challenged for the intellectuals to more effective and reflective public role and awaken the leaders from deep snooze.

Prime Minister Madhav Nepal took strong objection to some European countries asking him to resign within 48 hours (May 7 Newsfront). There were editorial and opinions in various media criticizing what they said a gross interference in Nepal's internal affair. But over the past four years, such advice—unsolicited but most helplessly tolerated all through—have become rule than exception or aberration. Indifference of its citizens towards their national duty, exodus of physically and intellectually able ones abroad, and political parties increasing dependence on donors not only on developmental assistance, but also on routine internal issues, naturally enhances the role of the external world at the cost of the sovereigns.

Conclusion

The recent decision of the constituent assembly to extend its tenure by a year beyond May 28 without even explaining the reason for their failure to deliver the constitution has sparked a debate as well as a moral question. The government is giving more such grounds to suspect it as well as that of the House when it put 720 million rupees at the disposal of the members of 'legislature parliament' in the name of pursuing development activities. Is there, is there not, a nexus between the allocations of this money, government will to stick in power, and members collective will to enjoy perks and privileges without any accountability towards the people? This is an affront to the wish of the citizens who wanted their representatives to be fair, transparent, honest and truthful towards delivering constitution.

The constituent assembly in general, and the three main political parties in particular, perhaps did not quite relate themselves with the true aspiration of the people for a legitimate public order that is both just and democratic. Their aspiration for freedom, dignity, equality, prosperity and peace, their wish to be part of the future power structure would have required a matching spirit and conduct on the political parties. But as these aspirations remain undiminished, the collapse of the politics of consensus that was authored as the most preferred means to establish peace, democracy and economic prosperity (12-point agreement) after the April 2006 movement has brought the politics back to square 1. This marks the continuity of Nepal's old vicious political culture what Leo Rose and Bhuvan Lal Jushi said, "Politics of revenge and self-aggrandizement." Transformation of this culture into a virtuous one is possible only through the enlightened and vibrant activism of citizens.

Similarly, the prevailing constitutional and political vacuum in the country because of various hasty steps and procedural flaws of the past four years, and the scale in which politics and political parties have been discredited, have only frustrated and angered the people. This can be addressed only through participatory process which only inner-party democracy ensures. But as the citizens are the source of sovereignty, their role and responsibility will only increase in the days and months to come. Political parties may have failed the people, but the citizens will never fail themselves. With their role, their challenges have only grown in the days to come.