

**Conference on**

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**Organisers**

**SAAPE  
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**KDF  
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**LDC Watch  
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## ACRONYMS

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AAA	Accra Agenda for Action
ANPF	All Nepal Peasants Federation
ARENA	The Asian Regional Exchange for New Alternatives
BPOA	Brussels Programme of Action
CA	Constituent Assembly
CEPAD	Centre of Studies for Peace and Development
CPA	Comprehensive Peace Agreement
CPN (M)	Communist Party of Nepal (Maoist)
CPN (UML)	Communist Party of Nepal (Unified Marxist and Leninist)
CSO	Civil Society Organization
DNF	Dalit NGO Federation of Nepal
FECOFUN	Federation of Community Forest Users Nepal
FEDWASUN	Federation of Drinking Water and Sanitation Users Nepal
HR Alliance	National Alliance for Human Rights and Social Justice, Nepal
IFI	International Financial Institution
IMF	International Monetary Fund
KDF	Korean Democracy Foundation
LDC Watch	Least Developed Countries Watch
MDG	Millennium Development Goal
MNC	Multi-National Company
NC	Nepali Congress
NFDN	National Federation of Disabled Nepal
NFN	NGO Federation of Nepal
NGO	Non-Government Organization
NHRC	National Human Rights Commission
NIC	Nepal's Interim Constitution
ODA	Official Development Assistance
PD	Paris Declaration
PLA	People's Liberation Army
PRDP	Programme of Research and Dialogue for Peace?
RRN	Rural Reconstruction Nepal
SAAPE	South Asia Alliance for Poverty Eradication
SPA	Seven Party Alliance
TU	Tribhuvan University
UNMIN	United Nations Mission in Nepal
WTO	World Trade Organization

## EXECUTIVE SUMMARY

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Democracy, development and peace are so inter-linked and inter-twined that the existence of one without the other is not possible. Nevertheless, democracy is one of the major preconditions for sustainable development and peace. Although much progress has been attained in terms of procedural democracy, democratization is not meaningful or significant if it is not accompanied by participatory democracy. While procedural democracy is perhaps best characterized by electoralism, participatory democracy stresses that the everyday rights, interests, perspectives and involvement of civil society at large must be taken into consideration by the powers outside the periphery of the electoral process also.

There is an upsurge in tendency of regional integration by state-backed globalization of capital. In this system, most of the major decisions which affect the lives of millions of people are made outside their countries, without their knowledge, much less their consent. Even those decisions made inside the country are made outside the communities of those affected. For a time there were high hopes that it was the state which could rectify the growing international inequalities but illusions about the state as the tribune of the people have failed as almost all the Third World states have made a definite shift to the position of promoter of the logic of multinational capital and mediator of capital globalization within their own territories.

Majority of the countries that fight internal conflicts and then sign peace agreements often remain unstable and go back to hostility over time, notwithstanding the best efforts of the international communities in assisting their post-war reconstruction. Therefore, perhaps it is time to reexamine the assumptions underlying the traditional approaches to peace building and democracy promotion. Institutional prerequisites of transparent democratic governance, multiparty electoral competition, separation of power, rule of law, a free and vigorous press and the like are often spoken of. The policy dialogue, however, typically has a mechanistic quality and seems to reflect little appreciation of the dependence of institutions on the individuals that comprise their constituent elements.

Indeed institutional transformation requires in the first instance personal transformations of individual leaders in the way they understand their conflict, in how they relate to one another and in their capacity for collaborative decision-making. The principle challenge, as the presentations revealed and was intensively discussed afterwards, in building peace and democracy in all divided societies lies not in abstract, sector-specific institutional fixes but rather in bringing key leaders together in a long-term process designed to resolve the tension and mistrust that are the inevitable bi-product of conflict and war, and to build or rebuild their capacity to work together effectively across all of the country's lines of ethnic and political division. Failing that, institutional transformation will have little substance and no sustainability.

In an increasingly connected world national identities are gradually merging given aspirations of a more globally unified legal and political order. In such a scenario the third world countries provide an interesting arena for observing this phenomenon because of their certain uniquely unconventional democratic features. Apart from

having a common colonial legacy, most of the countries in the third world share communal politics resulting in segregated constituencies, huge illiterate populations, irresponsible legislatures, and an aspiration to become the “west”.

Thus, there is a great missionary campaign underway today by many public and private organizations to promote democracy on many fronts. It is important that those engaged in this crusade, when they get down to the details of the mechanics of democracy, do not confine their counsel simply to a description of the conventional model. For nations with serious racial, linguistic, or religious differences within their borders, perhaps a more non-conventional, or rather a model best suited for their context should be recommended for consideration. This practice may be an important contribution in the spread of democracy and further progress toward peace, freedom, and prosperity.

Stability in any country perhaps requires bringing in good governance as preconditions to economic development. This is certainly not the only precondition, but without it, development – no matter how it is defined – cannot take hold. Obviously other factors are essential to nourish the virtuous cycle of development, for instance, sound infrastructure, investments in human capital, and access to markets to name just a few.

Therefore, maybe the existing situation calls for the declaration of a new right: the right of the people to intervene in, to modify, to regulate, and ultimately to control any decisions that affect them. This should be established as a universal right, which recognizes no borders. It means that the people's action is no longer confined within the bounds of a state, nor to acting only through the state political structure. Trans-border participatory democracy is a new principle, by which not the state but the people themselves can emerge as the chief actors in determining the course of world politics and economics. "The people" here means, first of all, the people directly affected by external decisions. But trans-border participatory democracy goes beyond this. It operates to form a trans-nationally coalesced people who emerge as the principle actors. Put simply, the struggle for democratization especially in this era of globalization, also characterized by US unilateralism and war against terrorism, must be multi-terrain and regional in scope.

## INTRODUCTION

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The closing decades of the 20th century were years of ‘unprecedented political reform’ in the Asia-Pacific region. Major transitions from authoritarian rule to democracy began with the popular uprising against the Marcos regime in the Philippines in 1986 and the negotiated transitions from military rule to multi-party democracy in Korea and Taiwan in 1987, the UN intervention in Cambodia in 1993, the fall of Indonesia’s Suharto regime in 1998, Bhutan’s recent democratic transition from above, recent ongoing democratic transition in Nepal after a long decade of conflict and internal turmoil. Along with Japan and India, the region’s long-standing democracy, more governments are today chosen through competitive and freely contested elections than ever before. This represents a dramatic rise in political and civil rights enjoyed by its citizens from what two decade ago was a region dominated by authoritarian rule. In this context it is not hard to agree that “democracy has become a global choice of governance.”

However, this triumph of democratic governance has also been accompanied by triumph of a very minimalist discourse and practice of democracy. More often than not the arena of democratic polity has remained under firm control of a handful of political elites not only in Asia but across the third world. On the other hand globalization of capital and neo-liberal hegemony has facilitated the role back of State from its welfarist stances eroding to a great extent of whatever social democracy was installed or had historically evolved through struggles which has had deleterious effect on women, working population and other marginalized groups. Recent glaring examples come from India, the largest functioning democracy in Asia, where the “democratic state” is increasingly putting its weight behind big capital against its own denizens (whereas traditionally it played a mediating role, biased though, between capital and people/labor). Coupled with this the neo-liberals’ “global war on terror” and the consequent global environment of power play, domination and competition has enabled “democratic states” to institute draconian laws not only militarizing states but societies. Under such a circumstance, democracy has been reduced to merely an electoral process to mask the actual weakening of democracy. In such a context, where on one hand democracy has become a global paradigm of governance since the collapse of “really existing socialism” on the other the very meaning and practice of democracy in reality and its future prospects are in crisis.

In order to arrive at an assessment of how “really existing democracies” in Asia have fared, and also to re-examine and rediscover attempts and struggles to reconstitute democracy, it is of utmost importance to contextualize and discuss the socio-political system within which they are functioning. It is also of utmost importance to realize the fact that in Asia formal equal political citizenship exists in a very unequal society marred by issues of castes, indigenes, oppressed nationalities, patriarchy etc. which perpetuates exclusion and oppression in everyday life of millions. From Asian experience it can safely be noted that a well functioning multiparty democracy does not ensure everyday democracy at the local level. A political democracy at the national level does not realize itself in a meaningful sense without social and economic justice at the local level.

Developmental model pursued both by authoritarian as well as democratic regimes in Asia have been invariably top-down, devastating and exclusionary, benefitting only a small section of the population (often guided by interest of global and big national capital). In the wake of this developmental paradigm, millions have been rendered homeless, deprived of their livelihoods. And majority of them happens to be indigenous (also dalit in case of South Asia) and marginalized.

On the other hand, even though many Asian countries have a formal political democratic setup, democracy is visualized and it operates within the larger paradigm of nation building/nation, without recognizing or erasing the homogenizing tendencies of the notion of modern nation itself which renders minority nationalities and linguistic, religious and other minority as the “other.” This has led to long standing conflicts with the State often militarizing not only itself but also societies. In short, the kind of development matters tremendously to democratization and peace and vice versa, and therefore, identifying key questions and challenges to development and conflict resolution at every stage of democratizations are crucial for all actors for democracy building.

In the light of these general crisis and short comings of democracy in Asia and taking into consideration the unfolding dynamics of the recent Nepalese transition that LDC Watch, KDF, ARENA and SAAPE secretariat organized a three-day conference on democracy, development and peace in Kathmandu from November 10 to 12, 2008. This document has been prepared as the documentation of the detailed proceedings of the same. The conference took recent changes and challenges in Nepal as a referral point but encompassed Asia in general, as most Asian societies have a similar mutually relevant socio-cultural context and fairly similar economic situation at the grassroots’ level. Some of the key agenda that the conference aspired to tackle are listed below:

**Key agenda:**

- To show that sustainable development, peace with dignity and justice and democracy are dialectically linked and that each sustains and impact the other,
- To look at development not only as the growth of GNP or other national indicators, but rather at human development and how economic development impacts on the lives and capabilities of people including expanding economic, social and cultural rights. How to make sustainable development as a key component of democracy,
- To show from past experience across Asia that instituting a multiparty democracy and an electoral process at local, regional and national level doesn’t ensure economic justice and social justice. So, how to envision a new structure of which will ensure justice? How to do institution building and making people friendly constitutions,
- To look at long lasting peace (not just absence of conflict) and democracy as intertwined processes. Which means addressing entrenched societal structures which violate basic tenets of democracy and how to address them in a democratic framework,
- To consider the fact that most countries in Asia today face a challenge from majoritarian religious mobilization. The need is to bring back secularism as a

key tenet of democracy i.e.: striving not just for a secular State but also how to constantly secularize societies,

- To look at institutions, structures and policies and politics in Asia that have favored inclusive and peaceful people oriented development, and that can be used as example in other parts of Asia,
- To assess problems and prospects of Asian societies and how democratic rights can be improved. To assess the idea of Asian values,
- To distinguish the different stages of Asian democracies, their special and separate problems,
- To identify key challenges in Democracy - Civil Society complex in Asia, and
- To identify key challenges to Democratic Governance in transitional and consolidating Democracies in Asia

### **Key Issues:**

- Development and democratization: assessing the impact of economic development to democratization and vice versa
- Principles and ways to make development as a key component of democracy
- Developing multiparty democracy and electoral process at local, regional and national level in the framework of economic and social justice
- Understanding democratic transition in Nepal
- Democratization and development-peace complex: addressing societal structures that clash with basic tenets of democracy in a democratic framework
- Secularism as a key tenet of democracy: interaction between secular state and secular societies: Are we becoming majoritarian democracies? The issue of minority rights; excluded social groups' policies and institutional arrangements for inclusion
- Key challenges to democratic governance in transitional and consolidating democracies in Asia
- Democracy and equity:
  - Political, economic, social and cultural rights
  - Civil society and political society in sustainable democracy, development and peace
  - Judiciary and judicial responsibility; and the rise of the executive in Asian democracies
  - Is effective local self-government possible without land reform? Financial powers in local self government.
  - Global War against Terror [GWAT] and impacts on development and democracy in Asia due to militarization.
- Synthesis of agenda for civil society and governments for further actions and policies

The conference brought together various progressive experts and representatives with organic links to various grassroots movements striving for change from different parts of Asia. The resource persons were drawn from various sectors of expertise, political leaders, academics; members of civil society organizations, people's movement as well as from among fraternity of LDC, ARENA, KDF, SAAPE and partner organizations

included. The conference also brought together different stakeholders in more fruitful democratization in Asia including civil society actors, policy makers, parliamentarians, and also representatives from different marginalized sections of the Nepalese society like women, dalit, workers, unemployed youth; and also representative voices from among students.

Presentations were made related to the outlined agenda of the conference by invited resource persons. The presentations have been documented as sub-chapters, with the names of chapters concurring with the title of thematic sessions. The deliberations, designed as a round table discussion before closing of each session to bring together different visions and understanding of democracy from different specific location of the society, has also been documented as the sub-chapter preceding the summary.

## **THE FINANCIAL CRISIS, DEMOCRACY, DEVELOPMENT AND PEACE IN ASIA**

During the inaugural session, which was held at the City Hall, in Kathmandu on November 10, Prime Minister and president of CPN (Maoist) Pushpa Kamal Dahal said, “The ongoing formal parliamentary democracy and market-led neo-liberal economic policies in the guise of globalization further marginalizes the poor and the helpless.” Referring to the global financial meltdown he said that its chain effects were having tremendous negative effect on the countries of the south. The prime minister said developed countries are now realizing the drawbacks of complete deregulation of the financial sector and free-market economy, and that the vicissitudes of financial crisis, natural disaster and modern-day catastrophes like global warming and climate change are directly related to the market-led capitalist world order. He pointed out that democracy must ensure participation, representation, accountability, responsiveness and unity of people. “In fact, these are the pillars of democracy that need to be institutionalized and sustained,” he further said. Stating that the present political transformation of Nepal over the past couple of years was not a cosmetic change but a complete metamorphosis that swept away the tyrannical regime of entrenched feudalism and aristocracy, PM Prachanda said “The oligarchy, the remnants of the defeated feudalists, and the people who wanted to maintain status-quo will try to thwart the gains made possible by the heroic struggle of the people.”

Madhav Nepal, Senior leader and former General Secretary of CPN (UML) and Deputy Prime Minister said that the neo-liberal economic regime cannot be a solution to sustainable development and durable peace. “Very interestingly, now the developed countries are in a competition to embrace various aspects of socialism to save the global capitalism from collapse,” he said. He said that the nation presently has six tasks in its hand, namely constitution writing, inclusion, restructuring of state, scientific land reforms, logical conclusion of peace process and improvement in governance. The CPN-UML leader also said that the greedy capitalism has proven to be producing temporary prosperity for a few but ultimately ending up in serious crisis. Nepal also said they were committed to ending the remnants of feudalism and discriminatory practices with the help of Marxism. Stating that the global capitalism was adopting the principles of socialism to stave off its collapse, he said the parties should work in tandem to find an alternative to neo-liberalism, which has failed to address the problems of the poor. Underscoring the necessity to dismantle feudal exploitation, he said the party was devoted to resolve the distributional conflict prevalent since centuries.

Professor Samir Amin, a noted political economist, said that that since the imperialist system is not associated with social progress it is losing its legitimacy credibility in many places. He also said that the recent financial crisis was the result of capitalistic economy and the utilitarian system of the capitalism should be ended. He blasted big economies, particularly the US, the UK and Japan, for what he called “their hegemonistic approach vis-a-vis global resources.” Terming the recent collapse of Wall Street a tip of the iceberg, the Egyptian scholar said the fall of capitalism was imminent.

In his welcome remarks, Professor Babu Mathew, founding member of SAAPE said the world economic bodies like the World Bank, International Monetary Fund and the

Asian Bank were suggesting neo-liberalism. “But in Nepal, people have expressed their desire for an egalitarian democracy as the country has now moved from feudal monarchy to pro-people democracy,” said Mathew. He also said that the present mode of development failed to develop those communities who needed it.

Presenting the highlights of the program, Professor Lee Jung Ok, from Korea Democratic Foundation (KDF) and Director of International Cooperation Centre said without peace and development democracy could not sustain, as democracy was seen fragile because of the lack of sustainable peace and development in the Asian region. “I believe that democracy is the basic infrastructure to ensure human dignity and rights and that it is the real source of power for development and peace,” she said adding that the change the Nepal is undergoing is extremely encouraging.

CA member and president of Nepal Sadhabana Party and member of the Constituent Assembly Sarita Giri said that the politics of consensus should be promoted in Nepal for sustainable peace and development. Pointing at the fact that exclusion existed in the country not only on the basis of class, but also gender disparity, she said, “These issues must be dealt with deliberation and utmost swiftness for the country to be able to move forward.” Stating that political parties are the major vehicle for democracy, she underlined the need to bring together various stakeholders and organize the people.

Reiterating the sentiments of the former speaker, Dr Narayan Khadka, Leader of Nepali Congress, and member of CA also stressed on the institutionalization of democracy to achieve sustainable peace and development. He opined that the ongoing conflicts in the Asian nations and terrorism were major challenges for peace, democracy and development of the region. He said food sovereignty, democracy, peace and stability in any country must go hand in hand. He also said that the roots of democracy have not yet penetrated the psychological milieu and is yet to give hope to the poor, deprived and social excluded. “It is absolutely crucial to find long term solutions that need to be internalized by every person,” he said.

Two days later during the closing session of the workshop, which was held in Hotel Himalaya, head of international department Maoist leader CP Gajurel highlighted the political history about the Maoist movement and overthrow of monarchy in the country. In regards to agrarian reform, he said it was very significant in terms of Nepal as one of the major aims of the Maoist movement was to release peasants from the clutches of feudalists. Land reform in a country like Nepal means capturing it from the handful of feudalist landlords and distributing it to the poor, which is very difficult and has not been done yet. He said since the existing government is a coalition government and it having problem to implement the land reform. Nonetheless, the Maoists have not given up their agenda though it might not be done perfectly. He said the true example of federalism could be seen in the constituent assembly, where people from various background and cultures have come together. He said there is no unanimity in understanding of federalism. One section feels it divides the country. Another section feels it is subjugating other communities and thirdly there is a section that has come about from scientific school of thought. On reintegration of the PLA with Nepal army, he said there were many challenges in the processes and the government had formed a committee to work it out. On the various doubts about whether it would be possible for

the constitution to be formulated within the stipulated time, he said, “The wrangling about the kind of constitution that needs to be drafted in itself a process of formulating the constitution.” He also said that the new constitution should state the kind of republic that is needed in the country, as some segments are stressing on the need to institutionalize people’s republic rather than the federal democratic republic.

Dr Arjun Karki said that the idea of organizing this conference was to bring together activists, academicians and political leaders to talk on the issue of democracy, development and peace in Asia. He said the key issue in terms of political transition that the Asian countries are going through is about whether democracy is a journey or destination? He also highlighted the current situation of impatience among the general public in terms of their expectations not being met by the political leaders after the autocratic regime was ousted. He also informed about some existent cynicism about waiting too long, as they fear that the leaders might go back on their commitment. “I hope this conference would help initiate further debate and deliberations on means to strengthen democracy, development and peace in Asia.”

Professor Babu Mathew said that the unprecedented crises facing the United States that has become global in character had opened new opportunities for countries being represented in the conference. He said that China, Russia, Venezuela, Bolivia could provide inspiration on means to resist neo-liberalism. He pointed at the need to look into youthful form of socialism, since capitalism is aging. Stating that we are very much in search of sustainable growth, the question of whether there can be growth through social justice is what the participants should take with them from the conference and reflect upon. He said the emergence of finance capital and monopoly capital was witnessed between two world wars and the political manifestation of that phenomenon is what created fascism, and said that many fear India is headed towards that path. On the sustainable growth in agriculture, he said the demand is about food sovereignty, and not food security. “It is imperative to bring permanent dis-connectivity between WTO and agriculture and WTO and IMF,” he said.

Mr Ken Budha Kusumandaru from Indonesia highlighted some constant dynamics that the region of Asia is facing. He pointed out the necessity for more information sharing between researchers, academicians, social thinkers and political parties and civil societies. He said there is a need to not just analyze the work done but also conclude why some efforts have succeeded while others have failed. He said the political parties that have succeeded to come to power are facing certain immediate problems, as a precondition for any political party to implement any policy is to stay in power or have the power to influence the decisions. He said the challenge today is to come up with practical and meticulous formulas to solve the long-term and immediate problems of power. Stating that it is both a challenge to have immediate urgencies and come up with better theories and use our experiences to transform ourselves to fight the enemies, he said, “Meetings like these are also important for us to set new targets and we should try to come up with consensus to move ahead.” He also said that the constant reform and change and critically look at oneself could prove to be a critical force to be reckoned with in this new group of politics.

Mr Joao Baovida from Timor Leste presented some of the situations that Timor Leste went through that were similar to that of Nepal. “While for some months now the situation in Timor-Leste has appeared outwardly calm, many attribute the maintenance of apparent stability to the continued presence of international forces,” said he adding that the powerful rumor culture and political posturing maintain a direct threat to the fragile peace, while the issues of poverty and justice have remained unaddressed. He also said that neglect of these key issues has increased the distrust many people hold in the state institutions and their lack of confidence in the implementation of law and order in the country. He provoked the question about the legitimacy of the Constituent Assembly of Nepal and whether another election is necessary.

# CHAPTER 1

## UNDERSTANDING DEMOCRATIC TRANSITION IN NEPAL

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### 1.1: Democratic Transition in Nepal: its Background and Challenges for the Future

Democracy in Asia and everywhere is restricted either in terms of understanding or scope. People are forced to keep on expecting, imagining democracy out of the maze of myths, hypes and misinterpretations fed in and around it. Self-styled ‘stakeholders of democracy’ engage subtly in ‘programming peoples into conformity to the logic of a system they perceived and desired’ and into ‘sectarian and domesticated dialectics’ in order to turn them into docile pawns. These stakeholders too are prisoners of a ‘circle of certainty’ (and of their roadmaps) within which they also imprison reality and the people into a ‘*culture of silence*’.

The so-called ‘upper social strata’, comprising the ruling and exploiting class and their hangers-ons, hype democracy with many adjectives but few verbs. They continue traditional dominance in politics, societies, culture and economics by coercing peoples to be submissive to status quo or to a ‘fear of change’ or ‘fear of freedom’. Globalization and neo-liberalism have eroded the very essence of democracy everywhere, with ever widening gaps within and between nations, cultures and peoples. The rich are becoming richer and disproportionately powerful and the poor poorer and powerless. Globalization is a mere episode in the history of dominance of the rich industrialized countries over the poor ones; its parentage extends right up to the days of colonialism and imperialism. Even today, multinationals are profiting immensely in spite of the current global food and energy crisis, leaving the poor severely disempowered and deprived, and poor countries in serious crisis.

Another problem is the overbearing mentality of the middle-class, including intellectuals, human rights defenders and civil society leaders, who tend to think of them as custodians of the revolution and social transformation. They believed that ‘they (middle strata) could guide the “lower social strata” in an “orderly revolution”’. This is a *prescriptive* mentality with a belief-system of trickle-down effects or spin-off benefits to those in lower strata. At least they did not shrink from mobilizing the masses at the grassroots when agitating for the revolution; and on several occasions managed to mobilize them. The courage the people displayed in launching a revolution was another characteristic which put them a cut above the bourgeois constitutionalists.

Some limit democracy within electoral processes. No denying, voting system is important. But democracy means, more than that, an active, conscious and responsible participation of all peoples, at all times and in all political, social, cultural, economic and ecological (from harmony in nature to human relations) processes from respective localities upwards to national, regional and world arena to transform these dynamically, according to *need-based philosophy*. Transformations are achieved *by* and *with* the people. Without this electoral process becomes susceptible to corruption, rigging and

criminalization of all sorts. Democracy is all about *by* the people and *of* the people. The tendency to prescribe democracy *for* the people, as passive or lay mass, must be discouraged as the word *for* indirectly justifies different levels – the providers and the receivers.

‘Health for All’ or ‘Education for All’ should have been as simple as the quoted words. The governing strategy for these should be holistic and integrated with all political commitments and social or moral responsibilities of all in the government including politicians, planners, service personnel; personnel in UN systems and aiding agencies; and people themselves. Attempts to seek alternative definition amount to denial of these rights by deception. Days in and days out, agents of exploiting class continuously campaign hypes to depoliticize the people to assure their masters’ monopoly or perpetual dominance in politics and governing structures. But the politics is life-blood of the people, determining or even shaping all aspects of humans and humanity, including lives and living, and the environment and non-human life.

That way, politics is a common public goods demanding broad responsibility of all. It encompasses all human creations and environs around them, with a constant need to dynamic development of these by the people themselves in ever more encompassing frameworks. In order to save democracy, we thus have to advocate the people *to love politics*. Politics, however, need to be spared of all trickery, conspiracy, manipulation and deception by exploiters, even if these are perpetuated in the name of politics or patriotism. The practice of defaming politics or naming politics as attributes of conspiracies or foul plays should be condemned.

Conflict is understood differently by different persons. An individual too tends to perceive a conflict differently at different times, depending upon their mood, situation and condition. Understanding of conflict shapes individual’s decision and behavior. Thus frequent dialogue and interactions on conflict are necessary to bring a more or less common and collective understanding of a conflict, its origin, root causes, historical trends, temporal development, existing and long-term impacts, and future perspectives to facilitate conflict transformations.

Conflict, if properly perceived and managed, brings about much needed revolution or transformation in political, social, economic, cultural and mental interfaces of peoples. These changes facilitate overall well-being of a nation and its peoples, especially the poor, deprived, socially excluded, women and disabled. It gives fresh impetus to develop and progress, as most of edifices generating inertia and inaction will be demolished. People will have opportunity to understand their failures and to think and react afresh as better informed and empowered persons.

Nepal’s experiment with peace might appear tortuous and tiring on the surface. The people in all spheres, ages, geographic areas and cultures are actively and openly engaged in public debates and continue to participate in sociopolitical transformations. The transition period is often painful for many. But people of Nepal are confident in what they themselves are constructing with hope and belief that this is their time, won after optimal sacrifices. They are also confident in neutralizing any possible ploys coming from internal and external reactions.

The UN systems in its attempts to appease global superpower centers, International Financial Institutions (IFIs), and other forces of capitalist globalization have drifted away from the spirit of their constitutions and responsibilities. These are subtly prescribing a formula of private-public mix to promote the agenda of IFIs including WTO, WB, IMF and the later work in tandem with transnational corporations for profits at the expense of the people. This way disparity between the poor and rich in every country, including the so-called developed countries, and between international power centers and local communities, human and nature is increasing with devastating rapidity. Their attempt to deny the poor and poorer countries scientific information and technology and to tear communities from their natural and social heritage through a maze of patents and Intellectual Property Rights (IPR) is criminal, with the robbers making themselves into policemen and magistrates. UN systems at present are severely restricted due to the illusion they managed to harvest, of correlation between income growth, development, health and quality of life.

International aid or assistance should not, in any way, force donor-driven culture at the expense of development of the people in a real sense. Unfortunately foreign aid is often used to subvert the sovereign rights and independence of people, communities, and to colonize minds and the intellectual spheres. If foreign aid is not taken as a token of friendship to our peoples by the peoples of donor countries for holistic and real socio-cultural and economic development and independence in a transparent and accountable manner, then it will only breed corruption of all kinds and forms. It will also generate syndromes of perpetual dominance of some and dependency of many.

It is the time for us all to learn to speak the languages that are in the hearts and minds of the peoples and behave accordingly, and according to the principle of ‘One for all, and all for one’. We also need to take up the principles of ‘one really has none to be partial to and at the same time one has all as one’s own including one’s foes and adversaries’ to move ahead.

Democracy, development and peace are interlinked. Each of these can’t be critiqued or made operative in real sense in absence of others. Many overtly correlate development with economic growth. This illusory belief is linked to one’s traits to cursory approach with fragmenting of a subject to become selectively biased to aspects one believes or loves. Such ‘bits and pieces’ approach to development or any subject is detrimental to countries, societies, cultures and peoples. Similarly peace is not a mere absence of war or violent conflict. Peace is not a passive state, but an active dynamism, with participatory democracy, confronting conflicts and their determinants to abate, to appease these, and to heal and rehabilitate the aftermath of these.

What kind of democracy are we clamoring about if we cut ourselves off from our roots and cultures, and our own countries are left without equitable, respectable, harmonious relations among nations? If we stand for democracy, we have got to defeat our own colonial mentality and transform our countries and societies culturally as truly free and liberated.

In spite of promised prosperity with globalization and ‘liberalism’, and of peace

following the end of cold war, the world instead is in 'the crisis of accumulation' with 'worsening social conditions for the great majority of nations and working classes'. 'Militarism of the world order' has been thrust upon us all along with the gulf war raging since 1991. 'Democracy is either marking time or in retreat; it is everywhere under threat'. Wars against sovereign nations are waged without any evidence or with false evidence as an excuse.

-Dr. Mathura Prasad Shrestha, Former Minister and Senior Human Rights Defender

## Comprehensive Peace Agreement and Transitional Justice

The genesis of armed conflict in Nepal started with the armed insurgency spearheaded by CPN (Maoist) since February 1996 for over one decade. This resulted in killing of nearly 14,000 people, majority of whom were civilians, more than 1,000 people involuntarily disappeared, more than 2,00,000 people were internally displaced and thousands of children abducted, indoctrinated & recruited in rebel army. Consecutively, nearly 1 million people crossed international border for personal safety. There was massive scale of torture, maiming, gender-based violence, seizure of land and property and serious breach of international humanitarian law and collateral damage went unabated.

The salient feature of the Comprehensive Peace Agreement (CPA) included formal ending of the internal armed insurgency and farewell to firearms, embracing of peaceful democratic politics by the insurgents, partaking of all major political parties present in the parliament, proclamation of sovereignty vested to the people and reiterating to adhere with international human rights humanitarian laws and principles. The other features were restructuring of the state rather than mere regime change, soldiers to be kept inside barracks and PLAs inside cantonments. The arms management and PLA verification were to be undertaken by UNMIN. There was also provision to hold election to the Constituent Assembly, commitment to address the issue of destruction, disappearance, displacement and discrimination and provision for the formation of a Truth and Reconciliation Commission. Thus, it ended the 240 years old monarchy and the CA election was a historical victory for the country.

Now the country is faced with various challenges of peace process, first and foremost of which are the absence of political will to address the past violations and un-clarified fate of those who were forcibly disappeared. There is also an absence of enabling atmosphere for the dignified return of displaced persons and the existence of culture of impunity and letting the perpetrators scott-free. The Rome Statute on ICC has not been ratified. There is absence of justice and just compensation to victims. The situation has been further compounded by the emergence of post-conflict splinter armed groups. Similarly, there are delays in drafting the new constitution. The politics of appeasement and deception is being practiced, which has resulted in embracing the legacy of violence and erosion on the respect and observance of human rights.

In terms of prospects for transitional justice, it is applicable after or during transition from autocratic or totalitarian/dictatorial regime to democratic order and open society. It could be an instrument in uncovering truth to establish faith in new institutions and sustained reconciliation. Transitional justice is crucial for restoration of damaged

relationship between citizens and the state. It is also a significant tool for prevention of future atrocities and light and shade of democracy.

Some of the difficulties and dilemma facing the country today are the highly sensitive as well as sensational political issue and absence of independence, integrity and professionalism of concerned institutions. There is deficiency of credibility, courage and conviction in a polarized society. The once giant violators have been turned into glorious victors and peacemakers. There is a battle fatigue syndrome among citizens and victims and families and eroding social enthusiasm.

The transitional justice should be domestic or home-grown. It is the best option but question of credibility remains high. It should be remembered in the post-conflict environment, civil society frequently is a prime advocate of accountability for the past. Civil society has often been a powerful critic of the government's pursuit of transitional justice. In the midst of civil war or under government repression, civil society commonly suffers. However, many courageous groups have refused to be cowed.

“Is peace more important than justice? Is reparation more important than anything else? Does reconciliation mean ‘forget and forgive’? Does truth-seeking auto-lead to reconciliation? Does sharing of power heal the wound? Is it easy to convert the victors as violators? What if there is obvious threat for 'back to war'?”

Transitional justice would provide a historic bridge between the past of a deeply divided society characterized by conflict and untold suffering. It would explore a future founded on the recognition of human rights, democracy and peaceful co-existence. It would prevent a repetition of gross violation of human rights and humanitarian law in the future and would help break the cycle of the culture of impunity to stabilize the nation-building and peace process. Transitional justice is for understanding but not for vengeance; for reparation but not for retaliation, for ‘ubuntu’ but not for victimization.

-Dr Gopal Krishna Shiwakoti, Senior Human Rights Defender

## **1.2: Constitutionalism, Federalism and Institutionalization of Democracy in Nepal**

Nepal has seen many changes in the recent times. A decade long war was over after signing the CPA and a 19-days' long historic peaceful people's movement stripped the king from its self and absolute power. The king's farewell was even peaceful provided that a very strong support was available from the military. Federal Democratic Republic of Nepal was established overthrowing 240-year-old monarchy. The abolishment of the monarchy through people's power won international appraises from experts and politicians alike.

It was entirely home grown and has little to do with the international political whims that had affected its political affairs before.

The king took absolute control of the government dismissing the parliament. As a result the alliance of mainstream political parties was formed that, in a way failed to solicit

support from the general people due to the distrust created by their past actions. The alliance finally grew up to Seven Party Alliance (SPA) to fight against the authoritarian monarch. Civil Society leaders and organizations contributed through observations and many other supports during various stages of peace talks organized among Seven Party Alliance (SPA) and CPN (M). The society also contributed a great deal to mobilize the general mass. It was a historic movement as it solicited common understanding despite their different political influences.

The alliance extended upto the election during formation of the interim government. The election was peaceful but the result was very unexpected and surprising especially for the CPN-UML, liberal communists and Nepalese Congress (Democratic Party). CPN (M) came out as the winner, who heads the government now. This created distrust among the political parties that has hindered the logical end to the peace process. Now, NC, the only democratic front which played a vital role in the process is in opposition.

Non-implementation of the multiple-agreements between various groups, such as Madhesis, ethnic groups etc is a big challenge for the country. Nepalese political parties have their ideal legal documents but not implemented well. The CA comprises 601 inclusive members from almost all the sections of the country, women, ethnic groups, Madhesis etc, which is historic among itself. But again the members are just participants of the CA, the SPA takes major decisions. In 1990, Nepal also witnessed a strong democratic movement. A constitution was also formed at the time. The document was however a compromise among the forces and neglected the sentiments of general mass. The fear is the same this time too but people are very aware in comparison to 1990. Discussions will be held at all the levels, grassroot, regional and national among general mass to prepare the historic document. The Nepalese Interim Constitution (NIC) has declared Nepal as the democratic federal republic. The kind of federalism and the institutionalization of the democracy is a huge debate among the political parties. As Nepal is has multiple social and cultural existences, many fear that the country will be divided into pieces. All the political parties have developed their own module of federal states. The demands of the suppressed groups is not raised by the political parties, it is the sentiment of general people who have experienced discrimination and deprivation. The federalism is necessary for uniformity but unity has to be considered too.

Institutionalization of democracy has also not been implemented as the political parties themselves are not democratic in their decision-making. Nepal had multiple-level-committees (VDC, DDC etc.) that are stagnated after the political conflict that grabbed Nepal for a decade.

The fear that the constitution will be a "compromise document" as that of 1990 still prevails in the Nepal. In 1990, Nepal also witnessed a strong democratic movement. A constitution was also formed at the time. The document was however a compromise among the forces and neglected the sentiments of general mass.

The political change that we have seen recently in Nepal is home grown and indigenous.

CK Lal Political Columnist

### **1.3: Political Transition from Monarchy to Republic and Restructuring of a Centralized, State Structures to a Federal Democratic State**

- The defragmentation of Nepalese civil society based on history and conjecture, how do you see the evolution of participatory democracy in Nepal?
- How do the political parties cope with impossibly high expectation of the masses in the transitional period?
- Even though the constitution document is destroyed the balance and relation of political forces must exist.
- Nepalese CPA is better than many throughout the world. The dark side is probably the implementations of the provisions made in CPA.
- If the election result was unexpected does it mean that the civil societies are far from the masses?
- In conflict, Human Rights violation occurs from both the conflicting parties. The aspect of Truth and Reconciliation Committee South Africa was the same as that of Nepal, it's Amnesty-driven.
- The larger human rights exploitation due to hunger and poverty has to be considered.

**SUMMARY:** The dark side of CPA is the lack of formal monitoring mechanism within the framework. The agreements are also not time-bound. National Election Observation Committee had documented several violations of Code of Conduct during, pre and post election. It was not free and peaceful. But it was basically a consensus and compromise for the greater cause of holding the election on time. It was itself a victory. The election result thus divulges the prescriptive mentality of the government. Political transitions always lead to unexpected results anywhere in the world. They have time and again failed to practice participatory democracy. If only the elite politicians contribute to the constitution making, the implementation will always have loopholes. Participatory democracy cannot be imposed and prescribed. Nepal has the largest possibility of participatory democracy as it has the longest people's movement in comparison to anywhere in South Asia. The people's pressure is building that has also resulted in fulfillment of the CPA commitments compared to other countries.

Economic social and cultural rights are gradually considered in the Nepalese Interim constitution such as employment, health, education and food sovereignty. The fundamental question of reconciliation without justice is what the human rights community has been raising. Just distributing compensation will not heal the problems. There should be a mechanism that would gear up entire components of reconciliation. The fact of children's use during the war is obviously a serious breach of HR that has also caused sequential violations like trafficking, irregular and unsafe migration. The Nepalese HR groups are helping to demobilize, reintegrate and rehabilitate the children. The "monsters" prevails in Nepalese politics. The history has proven time and again that

the perpetrators and violations of human rights still hold influential positions. It is the matter of the violation of HR and the perpetrators have to be punished.

## **CHAPTER 2**

### **KEY CHALLENGES FOR PARTICIPATORY DEMOCRACY IN ASIA**

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Participatory democracy is a process emphasizing the broad participation in decision making of constituents in the direction and operation of political systems. While etymological roots imply that any democracy would rely on the participation of its citizens, traditional representative democracies tend to limit citizen participation to voting, leaving actual governance to politicians. This chapter deals with the key challenges being faced in participatory democracy in the Asian region. The presentation made in the session included challenges arising in the political transition to democracy in Timor-Leste, challenges arising in the consolidation of democracy in Indonesia, a look into the Asian democracy in regards to whether it is an electoral slogan or an ideal and making democratic ownership a reality.

#### **2.1: Challenges Arising in the Political Transition to Democracy in Timor-Leste**

Located between Indonesia to the north and Australia to the south, Timor-Leste is struggling to overcome complex challenges, which have arisen in its first few years of Independence. The country's political history was historically governed by the rule of traditional kings (Liu Rai) who governed each district in a paternalistic and patriarchal system. When Portuguese colonial forces came to the island they set up a minimal centralized government while employing the Liu Rai to gain support from the people. The abrupt departure of the colonial systems, the formation of political parties and the invasion of Indonesian forces ended the ruling system by the Liu Rai and the country came under Indonesian rule.

Political transition to democracy began in 1999 after withdrawal of Indonesian troops from the territory following 25 years of bitter struggle for Independence. For Timor-Leste, democratic models of governance are very new and unexplored and many challenges are arising as democratic principles begin to take root. The establishment of conventional state structures under the auspices of the United Nations struggle to operate within a context of low capacity and a culture not used to such governance structures. Power struggles amongst the leadership cause political instability, maintaining the threat of insecurity within the country and hindering its ability to function effectively. Furthermore the divisions amongst the population along various different lines undermine the objective of democracy to represent the views of different groups, instead polarizing communities in times of elections.

The results of these struggles with democracy have hindered the path of socio-economic development. In a highly impoverished society with few resources outside the oil and gas revenue that is currently underpinning the government's national development plan, the majority of the population continues to live in abject poverty with few educational or occupational opportunities. Resentment thus grows towards those who are seen to be benefiting from the state resources, and members of the population express huge disappointment and frustration with the progress that has been made towards

development and democracy in the post-independence era further undermining the legitimacy of the state institutions. In fact, the challenges of establishing an entirely new state in a fragile context were so strong that the situation could not be contained and the country's first few years of independence were punctuated by repeated crises, with the most serious bringing the country to the brink of being classified a 'failed-state' in 2006.

On reflection on the recurrent violence in the post-independence period, many people associate some of the weaknesses of the political body and the state structures with a too short period of transition to independence. Two years of UN supervised transition period was insufficient a time to put in place institutional structures and establish appropriate structures for the new country whose infrastructure was completely destroyed in the post-popular consultation period.

The challenge of working towards socio-economic development is very sensitive in such an impoverished society where inequalities are starkly evident. Meeting calls for social justice to accompany development as key to maintaining stability but is highly challenging in the context of such an underdeveloped state. Provision of education and the stimulation of the economy to provide employment opportunities are the priorities for the people. These remain very difficult however, considering the low capacity of the teachers themselves and the reluctance of investment due to the unpredictable security situation.

The intense peaks of violence that took place during the various crises can be seen to take place within a broader 'culture of violence' in the society. In this challenging context, the Programme of Research and Dialogue for Peace (PRDP) is attempting to address these deep divisions through a process of participatory action research and dialogue.

The PRDP is being carried out in partnership between Interpeace and the Centre of Studies for Peace and Development (CEPAD), a new NGO that has been established to host the programme. PRDP has developed countrywide processes of action-oriented dialogue designed to help break the cycle of violence and build a culture of peace. The approach is inclusive, politically impartial, participatory, and locally owned. It helps societies address the most fundamental issues that make or break a fragile peace, helping them to solve differences through constructive dialogue, and create their own solutions. The approach is focused on identifying the root causes of tension and issues that trigger conflict and is adapted to local needs.

"The landscape of violence that has unfolded in the post-Independence era in Timor-Leste has arisen in response to the unfulfilled expectations of what 'Independence' would hold and the post-conflict challenges of an underdeveloped state run by divided leaders struggling for power and control but with no developed strategies for improving the lives of the people.

The primary challenge facing the country is finding ways in which both state and community resources can be best harnessed to benefit the future of the country in terms of peace and development."

- Mr João Boavida, CEPAD, Timor Leste

## **2.2: Challenges Arising in the Consolidation of Democracy**

One perspective on democracy in Indonesia is optimistic saying that the democracy is on the right track. But the other says the structural condition for deepening the democracy is not enough. Therefore, the election has not been really meaningful. Democracy can only be meaningful after a certain stage has been reached, for instance, after there is rule of law, there is good governance, etcetera.

Although there are some dangers of communal segregations, democracy as a political framework has already been accepted. The framework of democracy, although not primarily procedural has facilitated peace in the country. Recognition of local political parties offers promises of more meaningful democracy.

There are some attempts to craft the democratic institutions, for power sharing between the parliament and the president. There exists multi-party systems and recognize the independent candidates at the local elections, who do not represent any political party. But this is not enough. The political space has become narrower. The quality of representation is poor. Since the money politics is very strong, the public is susceptible to vote buying.

There are some improvements in terms of managerial aspects of democratic institutions in the country. Some corrupt officials have been brought to justice, but the substantial aspect remains poor. Apart from the socio-economic rights, even the basic rights have deteriorated. The state had acknowledged the indigenous beliefs and there was progress in the freedom of the press. But now it has deteriorated.

The actors, including the “monsters” are using democracy for their personal gains. They are using the press to advocate their own beliefs. The media do not really reflect the interest of the public and their interests are not accommodated enough. Therefore, the elites are the ones who have been benefiting from democracy.

Therefore, there is deficit of democracy in the country, even though there are some betterments in terms of civil and political rights, in elections. Nonetheless, the institutions are weak in terms of representation and social and economic rights. This brings about the issue that the elites are the ones who are mostly benefiting from democracy as they are monopolizing the power of democracy itself.

The pro-democratic actors have been politically marginalized, mainly due to the floating policy that has been institutionalized by the New Order regime and has hindered in them having a real strong basis. Even the institutions with a strong basis are primarily only focused on their own issues and not trying to expand their movement by embracing other larger issues. Thus the pro-democratic actors have been characterized with fragmentation and political marginalization.

The social movements, which were expected to consolidate the process of democracy, are having problems within themselves. They work on single issues rather than common issues, resulting in marginal role in politics. The danger is the elites, which are more

consolidated, would take up the sequential democracy. They will decide the future of democracy as the pro-demo actors are fragmented. Therefore, there is a need to counter sequence democracy.

“We should develop democracy among local actors. We would like to propose a middle power that links the democratic powers in civil society with democratic power of political parties. Therefore, there is a need for horizontal and vertical linkages.”

- Mr Anton Pradjesto, DEMOS, Indonesia

### **2.3: Asian Democracy: an Electoral Slogan or an Ideal**

The political parties can be categorized into two in terms of their management: one that is money and influence oriented and the other is supported by public donation. Most of the voters are uneducated and vulnerable to vote buying. Therefore, the voters need to be educated.

In fact, one of the recommendations, after monitoring every election is for the education of the voters, not only during the election, but throughout the year. They have to be aware of the capabilities and the sense of accountability of the people that they are voting for. But the problem is that even those who are educated and realize the importance of free and fair election view politicians as corrupted elites. And then there are those democratic lovers who wanted to partake in all the activities to promote democracy.

The election commission has been found to organize elections only as a ritual activity. Therefore, it is imperative to stratify the automation of the election in 2010. The voters list is was always far from updated. The condition for the workers to come back to their hometown to be able to vote is extremely unsupportive to democracy.

There is a need for more participation from non-partisan observers. Finally the civil society view elections unfavorably and are very reluctant in helping to make elections free and fair.

“We need to create a society of wisdom and support freedom of expression so that our children will be encouraged to talk constructively. As Budhadhas Bhikkhu said, democracy is not the rule of the majority but for the benefits of the majority”

-Mr Sakool Zuesongdham, ANFREL, Indonesia

### **2.4: Making Democratic Ownership a Reality**

In the 80s, the civil societies around the world pushed UN to recognize that all nations, whether rich or poor are part of international solidarity. These overarching concepts and frameworks are very important in discussing the challenges to democracy in Asia as these are the key principles lacking at the moment in terms of historical context of development cooperation being experienced.

The bilateral donors need to be thanked to some extent as they provide some assistance to developing policies. But it is not just donors who are part of the development. The

partnership with communities has been identified as being just as important in the process, which is clearly recognized in Agra Agreement.

Development aid should be based on common goals to end famine, disease and poverty and against war. Also, it should be based on common principles of equality, mutual cooperation, and benefit and also on shared values and goals of cooperating parties. The development financing is done through official developmental assistance in forms of grants in cash or kind, services, technical assistance, and consensual loans. Its purpose is basically to compensate for temporary or consistent lack of resources for development. It covers a wide range of activities.

Development cooperation and aid looks at the linkages between donors and governments, weak and strong economies, asymmetrical relationship in domination and exploitation. It is important to appreciate official development assistance not just as whether it is good or bad but what it would result in and this is where the discussion on development effectiveness comes into play.

In the development cooperation in neo-colonism, selection of beneficiaries is towards neo-colonies. The nature of partnership is on the basis of clients and patron rather than on equal partnership. Recently ODA has become an instrument of foreign policy rather than a contribution to international community. Because of the unequal relations, the donor communities often impose policy conditions such as aid for trade. The issue of conditionality is a very important area that was not discussed extensively in the Paris declaration.

Therefore, civil societies have been very active in advocating in three areas of official development assistance, which include debt repudiation and cancellation, the ODA policy to increase aid in line of the commitments made by the donors in terms of monetary commitments and MDGs (Millennium Development Goals). Further on, the ODA reform or effectiveness that surpasses aid effectiveness per se but more into Development effectiveness.

The core issue of ODA is that of ownership. That is why the Paris declaration has identified it as one of the five pillars of democracy. Democratic ownership strengthens and reframes the concept of country ownership. PD frames it as governance attribute of partner country—leadership combining political will and capacity. But it should be reframed as country's process of democratic development. Leadership in the aid partnership is rooted and contextualized in the country process that involves all stakeholders in formulating, implementing and evaluating development policy and programs.

Country ownership should not be assumed but operationalized, developed and strengthened by participatory processes. Democratic ownership is not only special concern for CSOs to address core issues of human rights, gender equality and sustainability in development. Rather, accountability and participation ensure better leadership for donor coordination and alignment. If managed properly, democratic ownership assures clear development goals and outcomes.

The major features and elements of democratic ownership should include healthy national and nationwide dialogue (including partners) on development policy issues. Rather than just inclusive mechanisms in development cooperation process as a standard practice, it is also active parliamentary (and judicial) processes on development policy and program issues and oversights. There should be open, participatory mechanisms at local and project levels to attain human development. Proactive transparency and active media reporting of policy and program implementation issues and concerns is imperative.

Some problems and obstacles in democratic governance include lack of understanding of the imperative of democratic ownership among donor and government officials in relationship of technical and political processes of aid. There are unfounded fears that democratic processes only complicate and further delay matters and translate to increasing rather than decreasing conditionalities. Furthermore, there are problems of understanding and recognition of CSOs, partisan politics in parliament and in CSOs, and problems of CSO capacity including lack of CSO mechanisms for effective engagement and enabling environment provided by donors and government

Therefore, in promoting democratic ownership, there should be clear language of recognition and actionable commitments in Agra Agenda for Action (AAA). We need to promote specific processes and mechanisms of consultation in aid management.

In operationalizing democratic practices, there is a need to develop processes for MT development strategy consultations. Awareness seminars on democratic ownership is important along with regular and inclusive participation in donor coordination platforms. Consultation and participation as standard practice in all program and project processes to develop full accountability and transparency is imperative not just for donors and governments but also civil societies.

International enabling mechanisms for country CSOs (as well as parliaments) such as capacity building, core funding support, networking and coordination from northern and international CSOs, international CSO networks (south-south and triangulation) and from donors and capacity building organizations/institutions to make development cooperation more effective.

“In order to have democratic ownership, we need to address the issue of conditionality. Debate should start with the ownership of poor and ensuring they are able to claim their human rights. Aid had been used as means by which government can impose economic policies which has weakened capacity to claim their human rights.”

- Ms Jajminda Lumang, IBON Foundation, the Philippines

## **2.5: Construction of Democratic Forms of Development at Domestic Level in the Context of International Development Cooperation and Globalization**

- Time has come to identify the inherent contradictions within the civil societies.
- A good example of blind alley in which democracy is leading the people. The so-called civil society and organizations of the people have remained fragmented.

There will be no democracy if the people are not strongly organized to defend and promote their own interests. There is a need therefore, for some things to change from top, while allowing those in the bottom to pursue their interests.

- The democratic models are being used by elites to suppress the people. We have to define democracy in a new way, just like in Bolivia, Venezuela, even in Nepal.
- Democratic governance requires meaningful participation, rather than just for the sake of partaking. Need to look into who are more vulnerable to bridge the gap between the rich and the poor.
- Perhaps reorienting ourselves and changing the tools is the call of the hour in the changed context.
- The basic tenants and tenants of democracy should be preserved and focus should rather be on filling it with better contents.
- The framework needs to be challenged to bring about significant change. In Bangladesh, due to donors harmonization, all control has been taken by World Bank, IMF and USAID. We have to be careful while different indicators are coming in and we give legality to financial aid from donor agencies.
- The real challenge of democracy, development and peace needs to be searched within how we define political parties and how they define their relationship with organized and unorganized masses. Without deep knowledge and understanding about this relationship, all other challenges will be very difficult to overcome because political parties define the policies. They are the ones taking decision.
- We need to look into the alternative development paradigm to prevent the traps we had fallen into during the previous regimes.

The various important factors that influence democracy include power control, cultural diversity, election process, socio-economic development, among others. It has to be remembered that democracy is for the people, of the people and by the people.

- Mr Lee Suk Tae KDF, Korea

**SUMMARY:** Participatory democracy strives to create opportunities for all members of a political group to make meaningful contributions to decision-making, and seeks to broaden the range of people who have access to such opportunities. The recent arguments are on the need to refocus the term 'participatory democracy' on community-based activity within the domain of civil society, based on the belief that a strong non-governmental public sphere is a precondition for the emergence of a strong liberal democracy. The value of separation between the realm of civil society and that of the formal political realm needs to be re-stressed and reassessed.

## **CHAPTER 3**

### **KEY CHALLENGES FOR PARTICIPATORY DEMOCRACY IN ASIA: COUNTRY EXPERIENCES**

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While the previous chapter looked into participatory democracy at a regional level, this chapter includes presentations that were country-specific. It has also attempted to distinguish between procedural democracy, perhaps best characterized by electoralism, and participatory democracy, which stresses that the everyday rights, interests, perspectives and involvement of civil society at large must be taken into consideration by the powers in between elections. Although much progress has occurred in the realm of procedural democracy, as was extensively discussed after the presentations, democratization is not meaningful if it is not accompanied by participatory democracy.

#### **3.1: Experiences from India**

In the fundamental right in the constitution, there was only one economic fundamental right and that was the right to property, which stayed as a fundamental right for decades. Other economic rights like the right to work, the right to means of livelihood, the right to leisure, a gender just personal law for women, the right to education for children, etcetera were not fundamental rights, even though they were in the constitution. And this has had a major impact in India's development.

Secondly, India's constitution put the bulk of the power under its federalism with the union governments, popularly known as the central government. So in the list of powers, 99 powers were with the centers and only about 47 with the states and another 66 in the concurrent list. That is why a famous British expert on federalism called India quasi-federal. The word federalism is not found in Indian constitution.

In the beginning, under the influence of Nehru and other committed social democrats, India went in for the substantial rule of the state, what was called the public sector. And key heavy industries from the manufacturer of iron, steel to machine tools were in the public sector. However, land reform did not take place. There were land reforms first in Kashmir, and later to some extent in west Bengal, tripura and kerala under the influence of the left. But in greater part of India, land reform did not take place. And so capitalist farming took two forms: the development of rich peasantry and development of capitalist landlords (feudal landlords who turned capitalists).

In terms of inter-ethnic relations, a problem that became very dangerous from the 1960s, was communalism, religious sectarianism from the Hindu right who had genocide against the Muslims and also recently Christians. Further, in terms of education, the education system is highly leftist. So, even of the children who go to school, only 10 percent reach college. And in the specialized institutions, such as engineering, architecture, medicine, and so forth, education has only benefited the upper caste and middle class. Therefore, the lower class and other backward castes are left out of the education system.

However, the poor are very much aware of the value of their votes. Therefore, there are anti-incumbency factor that governments are changed in many places every five years. One notable exception is the left front in the west Bengal, which has ruled for 30 years. Otherwise, even at the national level, the poor exercise their vote.

The most contradictory and unfortunate thing about development of democracy in India is that especially after the neo-liberal economic reforms of 1991, poverty has increased greatly. So according to the official committee report, 77 percent of the Indians live on less than 60 cents per day. 87 percent of the population in rural India is below the official poverty line. Therefore, there are two Indias: the India of the 20 percent who are lower middle class, working class, and upper middle class and the rich. The people who pay taxes are about 4 percent—basically the rich and the upper middle class. So it is a paradox of a country with the most illiterate people, the most number of poor people and the largest number of billionaires in Asia.

So India's participatory democracy, because the constitution did not guarantee economic rights to the bulk of the people and the poor, has turned out to be religious democracy. In foreign policy with shift in economics and economic entitlements, there has been a pro-US shift. And through two deals—the Indo-US military framework agreement in June 2005 and the indo-US nuclear deal from July 2005 to 2008, India has decided to be a sub-imperialist power under the US and there is very close strategic alliance with the Americans.

The farmers have also suffered largely due to WTO agreements. That is why there is such huge rural poverty. But even a lot of well off farmers, who took up bio-technology cotton seeds and other cash crops, could not repay their loans. So there are great problems in the countryside. Now there is a revival of the Maoist movement and out of India's 600 districts, around 100 districts have really strong Maoist movement going on.

India would be a different place if there was a right to work. Partial right to work has come through legislation called rural national work guarantee act. Under that act, every rural family has a right to get 100 days work at the minimum wage of at least Rs 80 per day. But the problem is that it is 100 days for the whole family. As is common in the rural settings in India, each household has three or four adults, which makes just 33 days or 25 days of work per person. But this is at least a partial recognition of the right to work for 70 percent of the Indian population.

So what is India's future? One is foreign policy that will get closer and closer to the Americans. Such high poverty also means a restricted domestic market. Restricted domestic market means a restricted domestic demand. A restricted domestic demand means that poor production would rely more on exports. At a time when capitalism is under a crisis and so-called world market is shrinking, India is in severe trouble. India has inflation, which in terms of consumer price index is 13 percent, which is very high for India.

Unfortunately, the left is divided into 18 or 19 parties. There is Communist Party of India-Marxist with million cadre members and is the biggest party. Then there is communist party of India. Then there are two much smaller left parties—the forward

block and the socialist revolutionary party. Then there is the Maoist movement, which is against split into various groups. So, one major problem in the fight against the right is that the left itself does not work unitedly. They have election alliances, but they do not go to the field and the people unitedly. This is a serious shortcoming.

The second thing is that the theoretic development of the left has been a bit backward. So in Bengal, the same parties, especially CPIM, which is critical of neo-liberalism has adopted neo-liberal methods in special economic zones and land acquisition from the farmers without enough compensation and they have a slogan promoting the move from agriculture to industry. They are falling into a neo-liberal trap that industry is what will employ and agriculture requires minimal employment, which is ridiculous in a country like India where 65 percent of the population is dependent on agriculture.

India is a participatory democracy which has not lived up to the vision of its constitution. One aspect, which is rarely discussed and has very serious implications in the context of Nepal and south Asia, is the change of law, including what is called anti-terror law. Indian states have adopted more and more anti-terror laws to tackle the various forms of movement. So India really is a country of opposites and shows why it is important to be very careful and very radical in the constituent assembly and making of the constitution.

-Professor Kamal Mitra Chenoy, JNU, India

### **3.2: Experiences from Malaysia**

Historically, Malaysia is in the middle of the trading route and has a very mixed demography. Economically the country has become very trade dependent. Nearly 70 percent of GDP growth was due to trade. Therefore, it is a country that is very sensitive to the global change, global economic crisis and so on. Despite the economic systems being very modern, politically it is very repressive nation.

Even though the country has had number of election, there is no real democracy. One important thing to realize is that electoral system and participatory democracy are two different things. By what the constitution says, the sovereignty of the ethnic people, the parties representing indigenous people will always be in power. So that has been the dominion trend for the last 50 years or so.

A lot of changes have taken place in the last 15 or 20 years and has to do with the global crises. Almost 10 years ago the Asian financial meltdown starting from Thailand, Indonesia, etcetera gave rise to the first wave of authoritarian regime in Indonesia, Korea, Thailand which led to a form of liberal democracy. But it did not happen in Malaysia despite the fact that the economic crisis put the national elite into big challenge.

When hit by the economic crises in the beginning, the elites had to find a scapegoat. So, they blamed it on international capitalism, Jewish conspiracy, imperialism, etcetera. The other groups that were reform oriented were of the view that the core problem was the internal contradiction, which included corruption, the dominance of racial communism in the political system, non transparency, etcetera.

On this basis, a broad coalition of people who were of different social forces and were interested to fight for change, was formed. The current regime was able to keep itself in power through the ethnicities, through the monopoly of powers based on ethnic groups. The country has comprehensive ethnic programs from education to economy. There are programs which state that universities must provide quota of 60 percent for indigenous people. Then there is an economic policy that states all economic capitals are to be owned by indigenous. Every company that wants to register their business must give 20 percent of its share to indigenous people.

But the real poor indigenous people in the rural areas are not benefiting. What it has successfully created are groups of elites who have become parasites to the economy in the name of quota system. Various repressive laws have been constituted including that all the media were controlled by the government. Even though private media exists, it is owned by the ruling parties. There are laws that prevent people from taking on to the streets. There is even an internet security law that allows the government to arrest people on various charges and indefinitely detain them.

The basis of challenge was the growing consciousness of corruption as a source of problem. The People's Justice Party, a centrist political party, was formed in 2003 by a merger of the National Justice Party and the older Malaysian People's Party. The party was led by Dr Wan Azizah Wan Ismail and increased its parliamentary representation from 1 seat to 31 seats in the Malaysian general election, 2008 until the five-year political ban imposed on former Deputy Prime Minister Anwar Ibrahim was lifted on April 14, 2008. It promotes an agenda with a strong social justice and anti-corruption emphasis. Recently the party adopted a platform that seeks to abolish the New Economic Policy and replace it with a policy that emphasizes on a non-ethnic approach in poverty eradication and correcting economic imbalances.

In the 2008 elections, People's Justice Party won 31 seats in Parliament, with DAP and PAS making substantial gains as well with 28 seats and 23 seats respectively. In total, the taking of 82 seats by the opposition to Barisan Nasional's 140 seats, made it the best performance in Malaysian history by the opposition, and denies Barisan Nasional the two-thirds majority required to make constitutional changes in the Dewan Rakyat.

The leaders of PKR, DAP and PAS have proposed to consolidate their cooperation by forming Pakatan Rakyat. Pakatan Rakyat is to be led collectively by the three parties, would uphold the rights and interests of all Malaysians. The state governments of Kelantan, Kedah, Penang, Perak and Selangor will also be known as Pakatan Rakyat state governments. Together the three parties also won 82 of the 222 parliamentary seats at stake during the recent general elections.

“Civil societies throughout the process of democratization have always been playing the role of advocates or the conscience. But they have not been unable to act as the mobilizers or rather have the direct access to the masses. The civil society is always putting forth their demands to the ruling parties or to political parties rather than coming up with possible solutions or possible institutions to resolve some of the demands. It is necessary to bring in concrete solutions particularly to address the marginalization of

our societies. This is the challenge for democracy to work and be meaningful. Civil and socio-economic rights are interlinked and interdependent and one cannot exist without the other.”

-Mr Tian Chua, PKR, Malaysia

### **3.3: Experiences from Afghanistan**

Afghanistan, a mountainous land-locked country located in Central Asia, has a history and culture that goes back over 5000 years. The exact population of Afghanistan is unknown, however, it is estimated to be somewhere close to 32 million.

In 2001 the first step in reforming the new government was the Bonn agreement. All anti-Taliban factions came together for the trial period administrative of Afghanistan. The emergency Loyla Jirga led to transitional states for two years from 2001 to 2002. The other step was endorsement of afghan constitution in 2004. Also presidential election was held in 2004 with huge participation of the people. In 2005 parliamentary and provincial elections were held which set up the parliament with 230 members and also set up provinces to look over the government activities and development plans.

Another part of the democratic process in Afghanistan was the emergence of ten political parties. But the nature of democracy was mostly a top-down approach and the process was mainly imposed from the outside. It was also just a symbolic process. People hugely participated in the election but there wasn't real orientation in the awareness of the people to dig up the result of the process.

One of the main challenges now is the security. Security is getting worse in all parts of the country, especially in the west and south part of the country where the government controls less than 30 percent of the area. The outskirts of the area are under the control of anti-government factions. There are road attacks and suicide attacks every day and the military operations have heavily impacted the daily social activities. This has also severely affected the reconstruction and development processes in areas with instability and insecurity. The nongovernmental organizations have not been able to reach the areas where assistance is needed.

Air strikes and military operation by US led forces and NATO led forces have caused casualties among the civilians. This has further led to forming a huge gap between the people, government and international communities. The other challenge is the low governance system in Afghanistan, including corruption in all government departments, especially the judiciary and police. People often prefer not to refer their cases to the judiciary. This is because of the lengthy processes and corrupt nature of these departments. They would rather present their cases to the locally formed councils.

The other challenge is the influential role of the warlords in these institutions. They have a huge presence in all government departments and parliament and provincial departments and they can easily influence the decision taken for the democratic process

and development activities in the country. Moreover there is less affected and unbalanced development in the country.

With all these challenges still facing the country, Afghanistan is now preparing for its second presidential election which is going to be held in June 2009.

“After signing of Afghanistan’s development strategy in 2005, most funding is being channelled through government programs. However the capacity of the government is low for such development processes. Agriculture and irrigation is the core to livelihood of majority of the people of Afghanistan but there are no programs to rehabilitate this sector. Since the military is involved in the development activities also, it has really affected the neutrality and development process of Afghanistan. Now the main concern is whether the upcoming election will bring sustainable peace and development. There is need for tremendous change.”

- Mr Abdul Khaliq Stanikazai, SDO, Afghanistan

### **3.4: Experiences from Cambodia**

A country that shares its borders with Vietnam, Laos and Thailand, Cambodia got its independence from France in 1953 and became republic of Cambodia in 1968 and soon after got involved in the civil war. In 1979, it has to deal with the Vietnamese invasion and then the United Nations organized an election in 1993. Therefore, the country had an induced war as well as peace imposed from outside. During the first election, there were four main political parties. But before the election one dropped out and there were three main contending parties. FUNCINPEC won the election, but were not able to rule because of the protest from CPP party, which forced them to share the power.

During the times of Khmer Rouge’s and the socialist party, all religious institutions were also destroyed. And citizens were very much unorganized. The king initially facilitated the agreement in 1993 and helped the CPP and the party in power to form the government. So there was co-premiership in the first term of the government but it did not work very well. The shared leadership did not go to the grassroots level and was limited to the national level.

Furthermore, the complete ceasefire did not happen until 1998. So in the post-UN era, the state institutions were controlled by CPP, the political party that was in power before the election. The second election was organized in 1998. The national election was for the commune council, and preparations are being made to elect the provincial council and district council next year. There was a lot of vote buying and controlled media in the 1998 and 2003 elections. There is always crisis after the result of election is declared because the results are always contested. In 2003, there was manipulation of voters and in 2008 there was manipulation of the voting list by the ruling party.

On a positive side, Cambodia has enjoyed the growth of civil society organizations, which had reached over 2000 in 2008. Several networks in the national level are operating. But the Cambodian CSO does not get involved in politics as it has taken on the path of neutrality. This year discussions were initiated with CSO leaders on whether

they should revise that position. But the conclusion made was that it is very risky at this moment because it means speaking against the ruling party and that may be the end of CSO movement in Cambodia. Therefore, they have to make their move very carefully.

The Cambodians have enjoyed the freedom of association and expression, but the government after the fourth election has declared that NGO law will be one of its priorities. This has made a lot of CSOs and NGOs very nervous because they don't want the sum to go through the government, as it is in Afghanistan. That would be unacceptable. And most of CSOs still depend on the foreign donors.

Cambodian government has been very sensitive about the issue of human rights. The latest report has stated that the whole country is being controlled by one man. So the system has not been organized to uphold human rights in Cambodia. And this made the prime minister very upset. In human rights, the government is very sensitive and does not want to get involved and engaged. But in regards to women's rights, the government has been very open. This has been seen in the whole of Asian mechanism. They are only willing to work in the areas of women and children's rights, but not human rights.

All provincial and district governments in Cambodia has women deputy governors. Furthermore, the deputy prime minister in 2008 was elected a woman. Efforts are underway along with women's ministry in pushing for mainstreaming gender into country policy.

The key challenges for Cambodia is impunity. The Khmer Rouge trial is going painfully slow. Strengthening of democratic institutions for both public and private, changing people's mindset from paternalistic to democratic, organizing the mass, getting opposition parties to work together are the other challenges. Also challenging is getting the elected candidates to work across the party line for the good of the country. Perhaps the CSOs have to change its mode of operation and cease being too confrontational.

“The legacy of war destroyed the socio-agricultural and socio-economic infrastructure in Cambodia. So everything had to be built from the ground up. Even though there existed some resemblance of democratic institutions but it did not really function in reality. And as the culture of the survival of the fittest set in, people did whatever was necessary to win.”

-Ms Thida C. Khus, SILAKA, Cambodia

### **3.5: Experiences from Bhutan**

Bhutan has generated the largest number of refugee population in the world and has overlooked the due process of constitution making. In Bhutan, there are three major ethnic groups. The regime has ethnically divided the country, which is the greatest challenge facing the country today. The ethnization of the state is a menace for every democrat. The 25 percent of the population have taken up the confidence of the eastern population and they are sidelining the 40 percent of the people.

Therefore, the voices of the 40 percent of the population have not been incorporated in the constitution of Bhutan. The constitution was widely consulted and despite many

critiques and suggestions, the voices of the 40 percent were not included. India was also acting as an advisor in the law department and yet there was no hope for the 40 percent of the population.

There needs to be strong opposition to uphold the essence of democracy but Bhutan is undergoing such a calculated transition that the people who were in power are the ones who have set up two political parties: one headed by present king's uncle and another by the aide of the former king.

The civil societies and political parties who had fought for change are still banned in the country. The king is still absolute and speaking against the king would term that person as being anti-national. People are banned for speaking against the country's policy. What is more, there is absolute non-existence of civil society in Bhutan, except for one that advocates for environment.

As democracy is the fundamental basis and essence for development, pro-democratic actors have been lobbying with international community to make democracy a precondition for extending any aid to Bhutan.

“When people are not able to talk against the policies of the government, how can there be true functioning of democracy? Will merely holding elections suffice the real process of democracy?”

There is some hope with the new king in power but I am concerned about radicalization of the army by the king's brother. Now they want to implement one ethnic group army, which will obstruct the reconciliation process.”

-Mr Mohan Tamang, DYB, Bhutan

### **3.6: Experiences from Pakistan**

Pakistan has become a theater in which US army supported by its alias is physically present and is acting to end the war against terrorists. It is also in the news because of the recent movements—the movement for restoration of constitution and restoration of the chief justice of Pakistan who was sacked by the military regime and then for the restoration of the constitution for the second time that abolished as a consequence of emergency imposed by the president.

The recent event was the election that had high hopes of the people pinned to it. The election gave a mandate for the people to the mainstream political parties, which are in the opposition and they threw away the cronies of the military regime and rejected them. But those hopes were soon dampened. The commitments made even in the super structural levels in regards to the restoration of the judiciary itself have not been accepted or adhered to in spite of public announcements and all the agreements by the ruling party, which happens to be the Pakistan's People Party.

There have been several elections in Pakistan and along with several military takeovers and martial laws. It has its manifestations in other areas also. Armies have not only become the potential stakeholders in the administration of the society and a critical actor,

it has also become a great stakeholder in the economy of Pakistan. It has built a corporate economy of its own in the name of welfare of the armed forces. It runs about 30 percent of the corporate sector of Pakistan's economy. It runs banks, insurance companies, is into real estate, has allocated land to various generals from time to time and a new class of rural aristocracy has been created.

Pakistan is a feudal state, in the sense that 60 percent of the population lives under the agrarian system which is controlled by the feudal lords of the country. In this context, the issues arising are not merely super structured. They are not even merely constitutional only. The first issue is about how to stop the ascendancy of armed forces in the society? It is not just about getting them out from the visible exercise of power time and again.

The question is how to get them out of the socio-economic and political structure of the society and make them subordinates of the constitution and make them public servants or servants of the state and servants of the people? The army has the precedence even in the making of the budget because 50 percent of the budget is still allocated for armed forces and debt servicing. They have influenced the state, political parties and remain vigilant to keep their interest alive.

Another challenge is to change the basic structure of the agrarian society. Three percent of the people, who are the landlords, own 48 percent of the land in the country and they also control the entire society and the populace living in the rural areas. The laws are not really operative in the rural areas, even though constitution is operated there. The customs and cultures are highly tilted in favor of those who own the land and are in power.

The third issue is the question of terrorism, militancy and fundamentalism. Fundamentalism is not something that is new to the people of Pakistan. There is conflict with India, which is predominantly a Hindu state and has some fundamentalist parties that keep the separation and conflict with India alive. The security from India has resulted in persistence of the security situation syndrome, which is beneficial for the armed forces and ascendancy of the armed forces. The fundamentalism in the country is an ongoing phenomenon. Pakistan was even being used as a springboard in tackling the situation of Afghanistan.

“The basic challenge is that unless the question of democracy is directly linked with the social and economic change in the society itself and freeing the people living in the feudal agrarian structure, there can be no democracy. So the break up of the elitist society, the breakup of the religious mindset, the breakup of the security state syndrome are all parts of the same struggle and that will be the dispensation of real democracy. Merely holding elections will not be sufficient, as we have had a few elections without any change in substance. The ultimate aim of the party is for the class action by working people. But it is a formidable task because efforts have been demolished due to military takeover.”

- Mr Abid Hasan Minto, National Workers Party, Pakistan

### **3.7: Experiences from Myanmar**

The word democracy is very sensitive for Myanmar. Myanmar's diverse population has played a major role in defining its politics, history and demographics in modern times, and the country continues to struggle to mend its ethnic tensions. The government of Myanmar is an authoritarian dictatorial regime which is controlled by the military in the form of the State Peace and Development Council (SPDC). A parliamentary government was elected in 1990, but the military prevented it from convening.

Human rights in Myanmar are a long-standing concern for the international community and human rights organizations. There is general agreement that the military regime in Myanmar is one of the world's most repressive and abusive regimes.

The *Freedom in the World 2004* report by Freedom House notes that the junta rules by decree, controls the judiciary, suppresses all basic rights, and commits human rights abuses with impunity. Military officers hold all cabinet positions, and active or retired officers hold all top posts in all ministries. Official corruption is reportedly rampant both at the higher and local levels.

Burma is the textbook example of a police state. Government informants and spies are omnipresent. Average Burmese people are afraid to speak to foreigners except in most superficial of manners for fear of being hauled in later for questioning or worse. There is no freedom of speech, assembly or association.

“There is very little hope in the improvement in situation in Myanmar because of the various restraints enforced by the government upon the people.”  
-Mr Chit Ko Ko Oo, ARF, Myanmar

### **3.8: Identification of Key Factors and Challenges for Expansion and Strengthening of Participatory Democracy in Asia**

Following were some of the major points raised and discussed when the floor was opened for discussion:

- All the necessary ingredients exist in India since a long time for a national popular democratic block leading to socialism. That objectivity is of the vast majority of the Indian people. But that block cannot be constituted unless of course unless the vast majority of the peasants are integrated. The left in India first decided to win the election before commencing on land reform. But no land reform from the Russian to the Chinese to Nepalese revolution has been possible through prior electoral victory in the form of a bourgeois democracy. Therefore, the strategy should be reversed. First to organize the majority of the peasants, (which can be insurgency) in turn become political echo, and then you create the conditions for alternatives. We ought to relate to the class content of strategic choices, which is also the international dimensions of anti-imperials.

- India's undue ambition of taking on a humanist course and its treatment of neighboring countries should be included in the paper and democracy should be redefined from the people's perspective.
- Studies have revealed that 7 to 10 percent of the people in developing countries are disabled, but their issues were not raised in any of the presentations. People with disability are sidelined from the mainstreams of development and democracy.
- Despite all the limitations, the conduct of election for the first time in the history of Bhutan should be taken as a step towards democratization of Bhutanese society.
- When you have economic, social and cultural rights but you don't have civil and political rights and vice versa.
- It is important to contextualize the whole debate on democracy with that of imperialism. And to contextualize becomes difficult because to contextualize democracy with the help of imperialist powers is not going to be democracy at all.
- For a multi-ethnic state where devolution of power is sought, there is no other alternative to federalism but hopefully Nepal will not follow Indian model which is more centralized and less federal.

**SUMMARY:** The presentations and discussions that ensued afterwards have clearly revealed that the dominant tendency today is regional integration by state-backed globalization of capital. In this system, most of the major decisions which affect the lives of millions of people are made outside their countries, without their knowledge, much less their consent. Even those decisions made inside the country are made outside the communities of those affected. For a time there were high hopes that it was the state which could rectify the growing international inequalities but illusions about the state as the tribune of the people have failed as almost all the Third World states have made a definite shift to the position of promoter of the logic of multinational capital and mediator of capital globalization within their own territories.

## **CHAPTER 4**

# **PEACE-BUILDING IN POLITICAL PROCESSES TO DEMOCRACY**

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Democracy and peace are two laudable goals, but the efforts to promote peace and stability may not always promote democracy, and vice-versa. This chapter provides the fascinating, complex, and often troubled relationship between the promotion of democracy and peace in the context of South Asian countries and countries emerging from war.

### **4.1: Internal Conflicts in the Transition to Democracy: the Cause and Influences for Institutionalization of Democracy and Peace Building Processes**

Comprising of over 17,000 islands, 500 of which have not even been named, Indonesia consists of distinct ethnic, linguistic, and religious groups. Following three and a half centuries of Dutch colonialism, Indonesia secured its independence after World War II. Indonesia's history has since been turbulent, with challenges posed by natural disasters, corruption, separatism, a democratization process, and periods of rapid economic change. Since the fall of Suharto in 1998, Indonesia has been in a period of transition, an era called the period of "Reformasi" (reform in Indonesian). This is due to a more open and liberal political and social environment in Indonesia after the Revolution of 1998 forced the resignation of the authoritarian President Suharto, ending the three decades of the New Order period.

The country is now facing its third general election, with the parliamentary election in April and presidential election in October of the year 2009. However, the process of democratization should not stop after the political institutions are set up and it needs to be accompanied by transformation of thinking, capacity and participation. There was constitution amendment guaranteeing human rights and citizenship, multi-party system, more political parties and open public sphere. The military that was the dominating force in the New Order were ousted from the structure of political system.

Also important was decentralization. Some articles in the constitution have quoted the human rights element—the right to citizenship status and anti-discrimination, freedom of association, freedom of press, religious freedom, among others. The government has also ratified International Covenant on Civil and Political Rights (ICCPR). Another notable point was the redistribution of taxes of the natural resources from the ratio of 70:30 to the central and local government to the ration of 30:70. Also, the General Election Committee is the body responsible for running both parliamentary and presidential elections in Indonesia, as opposed to the government managing the elections before the reformation.

The current period has been characterized by a careful political balance between long established sociopolitical norms and several emerging forces in Indonesian society. These balancing acts have produced compromises between those backing greater democracy and civilian rule and the interests of the still powerful military of Indonesia;

between the growing force of Islamism and the desire to maintain secular government; between demands for greater regional autonomy and supporters of the older centralized state; and between the economic ideologies and policies of neo-liberalism and the those of the welfare state.

The process of *reformasi* in Indonesia has also been characterized by greater freedom of speech in marked contrast with the censorship of the New Order-era. In the political sphere this has led to a more open political debate in the news media, as well as a flowering of cultural expression. In addition to longstanding political and cultural debates, Indonesia today has been shaped by a number of events and phenomena of global significance. Nonetheless, political and economic instability, social unrest, corruption, and terrorism have slowed progress. Although relations among different religious and ethnic groups are largely harmonious, acute sectarian discontent and violence remain problems in some areas.

“New Order had been established to attack communism and that the new order policies continue to exist. Nonetheless, changes are taking place to transform the situation. Strengthening civil society and social movement is needed in the democratic system to control the formal pillars of democracy itself. But corruption and collective violence have remained the two most important challenges facing our civil society.”

- Mr Ahmad Suaedy, WAHID Institute, Indonesia

Neo-liberalism has been partially stopped by the democratic intervention of the people in Sri Lanka since last presidential election. It was the denial of democracy that gave rise to ultimate insurgency for separation of the north and the east. Regionally the demand was for a federal state where the Tamil speaking people in the east of the island were denied time and again, though some enlightened leaders among the Sinhalese majority did agree on some conditionalities in terms of reconciliation. This had to be torn out as soon as it was signed because of the strong chauvinist pressure applied from the southern part of the island.

The left political forces were not geared to the actual confrontation from the point of view of democratization sufficiently. Instead, the left political parties began to align with the liberal populists political forces therefore the feeling of the left political parties was the primary reason why those agreements could not be sustained.

Now the question is to come from democratization to majoritarianism. The majoritarian form of democracy is being applied in terms of the Tamil speaking people or other minorities. This has resulted in several denials to the Tamils and other minority groups, which gave rise to discontent and a strong political movement of the Tamil people emerged in order to seek justice for themselves. And this movement did not quite succeed as it was not able to bring enough pressure to the government or the senior majority to come to a reasonable agreement.

When the insurgency from the young people grew and the armed struggle commenced in the late 60s, this continued to become a major war of even the conventional pattern with the territories controlled by the entities and the armed forces of the government seeking to what they called “liberate the territories”. This has been going on for nearly

30 years, during which there have been some 70,000 deaths and 400 to 500,000 Tamils internally and externally displaced. These conditions provided for the success of the Liberation Tigers of Tamil Eelam (LTTE) insurgency.

In the recent phase since the new government has been put in power, intensified military operations have been launched with new determination and the eastern province has been occupied by the armed forces. The election did not bring about devolution of power, even in terms of the provisions made in the constitution. The Indian intervention in 1988 brought about indo-Lanka agreement and brought about constitution amendment by which devolution was to be worked out in the north and east. But these provisions regarding the power over land, regarding the power of keeping law and order have not yet devolved. There is a concurrent list, which makes devolution a mere formality or rather a mere excuse of devolution.

These conditions have now brought about a push by the armed forces to the north successfully up to a point. But now the resistance is growing and the armed forces are not being able to seize the territories as envisaged by the government. The government has promised to liberate the south and north, as it has done in the east, and has had an election and a democrat elected. There are two provincial councils—one in the east and in the north and the government has promised that there will be an election and the power will be devolved.

The president had time and again said that the constitutional provisions will be fully implemented and the 13 amendments will be implemented unreservedly. But all this has remained merely a promise, as was in the previous regimes. Now the Indian factor has become important. Even implementing the Indian model has become a problem with the chauvinist forces putting up resistance in the south. Though they are not a majority, they are an effective section of southern Sinhalese popular forces, which can do a lot of destructive damage at any given time.

So the Indian faction has come into play with the southern faction agitation and the concerns for the Tamil people in the northern area of Sri Lanka. The southern forces of India have always supported and sympathized with the Tamil struggle and even with the LTTE, though it is not so pronounced. The LTTE needs some support from all sources including rasphora and Indian faction in order to get some breathing space in the present ongoing conflict.

There are contradictions within the government between the chauvinist forces that are supportive of the government on one hand, and the left and progressive democratic forces who are also supportive of the government. This kind of equation needs to be reset in order for the government to take a meaningful step towards some form of substantial implementation of the provisions of the constitution at least to the level of the Indian model.

“Devolution of power has remained a formality and has not been carried out even though its provision exists in the constitution. The intervention of the Indian government may be important for Sri Lanka to rethink its present strategy. It is absolutely necessary to mobilize the left and democratic forces to shake off the shackles

of chauvinism over the government.

Violent conflict is the result of absence of democracy and bringing the nations within its framework would end all conflict of the world. But perhaps that would not be possible without conflict itself. But the effort of the people and level of consciousness in any given society would determine the level of democracy.”

- Professor Vasudeva Nanyakara, DLF, Sri Lanka

## **4.2: Prevention of Violent Conflicts in Democratic Frameworks**

In the recent years, the wars, conflicts and internal strife have been tearing nations apart with government too weak, irresponsible, inept or corrupt to identify the root causes, let alone restore some form of peace and harmony. Even though nations have realized the importance of avoiding conflict since the 90s, which is as important if not more than conflict resolution or management. It has also been recognized that prevention of war is far more cost effective in terms of the repercussion on the families, institutions, among others. Although some work has been done, it has not been constitutionalized by any nation state as governments are reluctant to acknowledge their own roles, either passive or aggressive, in fermenting violent conflict in their own countries or as in the case of the US, across the world.

The root of conflict can be traced to socio-economic inequities, ethnic and religious discriminations, equalities, violations of human rights, disputes over land, unequal resource allocation and political participation. Effective conflict prevention is absolutely essential for sustainable peace, which in turn is absolutely essential for sustainable development and for general well being and health of a nation. But this has all been done only in theory. There is much recognition and not much practice by governments in our parts of the world because we continue to follow exclusionary policies and fragment polity in the socio-economic and political sphere.

Inequalities are the single most reason for armed conflict and its removal will thus be the single most important step towards preventing violent conflict. Instead the governments represented here and more insist on following economic polities that tend to exacerbate the stratification of society into the haves and the have nots, where the poor are left without even the basic right to livelihood, of dignity and respect, and is one of the main contributory factors, contributing to violent conflict like that in Nepal, or in India where the insurgents are running parallel governments, in Pakistan where the poor are drawn to terrorism.

Poverty is spoken of extensively and all governments have poverty eradication programs up and running. Yet the policies taken by the government do not take the poorest of the poor as the yardstick but seem to be in awe of the richest of the rich. The poor are being increasingly seen as they are being pushed out as the unwanted blot in the landscape, even physically.

Conflict cannot be prevented unless the root causes are identified and the governments take immediate steps to tackle these poverties and inequalities to provide a decent life and rights to all sections of society. There are technical terms that one comes across

while trying to study this. This is suggested by experts who come up with these for what they call “operational prevention” that means taking the measures to prevent armed conflict and “structural prevention” that basically means taking the means to ensure that these do not occur again.

Unfortunately the governments of developing countries, including India, are unable to do this either with the violent conflict continuing with the state running out of options and becoming more brutal and more authoritarian. One of the contributory factors are because of the leaders whose primary concern is to remain in power. Nothing could have been more cynical than the state sponsored militias that are using the poor and deprived people to confront those that the state declares are the enemies. Rather than trying to understand and deal with the reasons for alienation aspirations, the forces try to segment the societies to take to violence.

There is another aspect that does not find expression formally and probably is not politically correct. But there are also deliberate manipulations by the governments and political parties of the sentiments of people in their quest of power. The poverty, resentment and anger of deprivation and discrimination are used by the governments to turn the anger of the people against the other. At the international level, the terrorist groups create the concept of “the other” and motivate young recruits to kill and maim. While the biggest democracies of the world, such as the United States use the concept to lead its armies to sovereign countries. The solution for this continues to evade everybody.

One another reason for armed strife and violent conflict is because the governments are becoming more accountable to foreign bodies, rather than to its own people. The governments are more focused on pandering foreign mentors, borrowing economic policies from the west, entering into strategic alliances for defense framework which are alien to its own people and make them accountable to the foreign mentors rather than concentrate on inclusive development, the reduction of inequalities and tackling unemployment. When these two do not work and unrest grows, the governments seek more power and bring in draconian laws to curb the local anger and resentment.

Consequently, more and more money is being spent on defense and less and less budget is being allocated for education and health. One of the major drawbacks in the government structures in the region is the failure of political leadership to implement and institute systems that are democratic and accountable in the real sense of the word. Democracy has become an exercise of perpetuating of power of dynasties rather than a true expression of people’s will. The notion of the government “of people, by the people and for the people” is being replaced by that of “of the leaders, by the leaders and for the leaders”.

History has shown that wherever despair and separation is not responded to by those in power, a breaking point comes when the people feel they have nothing to lose by rising up and taking the law into their own hands. Sometimes it can be extremely productive and sometimes it can be very anarchic as seen in India. One of the essential requirements of prevention of conflict is development of a system that is responsive on a day to day basis to the concerns being expressed by the masses, even if those concerns

and grievances are unjustified to those who have been elected in the democratic framework. But prevention of conflict cannot take place unless the governments are more accountable and far more responsive to the needs of the people.

“There can be no solutions to conflict as long as a part of the population is ignored. There can be no resolution or management of conflict unless it is backed by political will. However, conflict does not necessarily lead to revolution. For instance, India is dealing with fundamentalist religious violence which is absolutely anarchic.

The essence of conflict prevention is diffusion of resentment and this can only happen if the systems are put in place that not only responds to the needs of the people but also does so in a manner that is transparent. It should also send a message to the people that irrespective of the difficulties they are facing at any point in time, the leaders of the nation are aware of the problems are responsive to the problems. But this is utopia and will not happen.”

- Ms Seema Mustafa, CPA, India

The first and foremost question is, have our communities ever been non-violent? From the days of the kings till now, the way we have dealt with politics and forming the forms of power sharing has gone through a violent phase. So putting democracy as panache of all our evils might be making a big mistake. Democracy, after all, is a form of civilization that British left behind in the process of governance in the post-colonial period.

In schools it was taught that the legislative, executive and the judiciary should function as a tripod and that is what parliamentary model is all about. But it got established in communities where nationalism was in favor. So, can we then look into what happened to the nationalism within us? What is being asked for in the name of democracy and rights?

Constitutional making is an art of power-sharing. Nelson Mandela had said constitution should be like the rainbow, but which takes a long journey. We have to deal with the issue of substantial democracy with formal democracy. But these issues did not deal with the issue of nationalism in our country, which has posed a big challenge. To ask those working in the communities, what is your identity because even in the grassroots level, the Sinhalese identity and Tamil identity is in conflict.

Another challenge that is yet to be dealt with is the linear kind of analysis—the good against the bad, the friend against the enemy, liberal against bourgeois. This has fragmented us. We are talking about united forces, but even the socialists themselves are divided under the good socialists and bad socialists. So, how do we bring about a united force to tackle whatever evils are befalling our society? Even this has to be altered and modified from context to context.

How can we transcend the cycle of violence that has bewitched our communities while still living in it? The conflict today has transformed from stone to an armed device. The main issue challenging Sri Lanka and any democracy is to begin to value life. On democracy, we are trying to bring about a liberalist view or a socialist view, but the

need is to see how it can blossom. Therefore, the questions that should be asked are those very hard political questions. We are challenged to re-imagine democracy and who can be new agents of change?

“In the past, the issues of ethnic minorities have been sidetracked after the elections in Sri Lanka, and that the same thing is being played out even till this date. Democratization has been a difficult process because of the patriarchal political system that we have had to deal with. As women’s visibility is low, the country is still struggling to ensure meaningful participation of women in the democratic processes.”

- Dr Nimalka Fernando, IMADR/MDL, Sri Lanka

### **4.3: The Advantages and Risks of Democracy in Peace-Building at Domestic Level in the Context of the “War on Terror”**

During the discussion, many issues were raised, debated and deliberated upon. They are included herewith:

- The main reason of conflict in the country has been because of exclusion of some parties in the mainstream politics.
- Conflict management apparatus has been proposed from the global level, rather than coming from within the nations and communities.
- Formation of political community is an issue in itself that needs to be addressed separately and related to peace and understanding and analysis of conflict.
- Role of the marginalized groups including women and children in the peace building process.
- Unless a critical mass is created that can manage the conflict, prevention of conflict may not be possible
- Conflict is structural in any society and seeing it as a process, conflict is essential for any society to develop. Sometimes it maybe necessary to promote conflict, sometimes to manage it and sometimes to streamline it. But prevention of conflict is something that is difficult to consume.

“Stating a political change cannot take place without violence would put an end to our imagination. A passive revolution is possible as some of the major revolutions of our times went through without shedding a drop of blood. The democracy should not restrict itself to elections and below rights. Majoritarian democracy is equivalent to fascist democracy. We need democracy which has five essential points: empowering of people, ensuring minority rights, giving justice and rights and peace to all equally, democratization of all social relations, dialectical relations between freedom of fear and freedom of want.”

-Professor Anuradha Chenoy, JNU, India

**SUMMARY:** Majority of the countries that fight internal conflicts and then sign peace agreements often remain unstable and go back to hostility over time, not withstanding the best efforts of the international communities in assisting their post-war reconstruction. Therefore, perhaps it is time to reexamine the assumptions underlying the traditional approaches to peace building and democracy promotion. Institutional prerequisites of transparent democratic governance, multiparty electoral competition, separation of power, rule of law, a free and vigorous press and the like are often spoken

of. The policy dialogue, however, typically has a mechanistic quality and seems to reflect little appreciation of the dependence of institutions on the individuals that comprise their constituent elements.

Indeed institutional transformation requires in the first instance personal transformations of individual leaders in the way they understand their conflict, in how they relate to one another and in their capacity for collaborative decision-making. The principle challenge, as the presentations revealed and was intensively discussed afterwards, in building peace and democracy in all divided societies lies not in abstract, sector-specific institutional fixes but rather in bringing key leaders together in a long-term process designed to resolve the tension and mistrust that are the inevitable bi-product of conflict and war, and to build or rebuild their capacity to work together effectively across all of the country's lines of ethnic and political division. Failing that, institutional transformation will have little substance and no sustainability.

## **CHAPTER 5**

### **IDENTIFYING KEY CHALLENGES AND MOVING TOWARDS ALTERNATIVE DEMOCRACY IN ASIA**

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After deliberating on the peace-building in the political processes to democracy, this chapter has looked into the key challenges to democracy in terms of linking the civil society to ideal democracy and the limitations in the civil society. Further the presentations and discussions have tried to draw out the various implications from the mainstream approach in democracy for its deeper understanding.

#### **5.1: Identifying Key Challenges to Civil Societies –Democracy Intricate**

Democratization, both as a term and a process, remains contested in the context of the Philippines. In the mainstream literature it is defined as fulfilling certain procedural aspects of liberal democracy, which typically equalizes democracy with existence of free and fair elections combined with civil and political liberties and restoration of formal political institutions from authoritarian control. There is more substantive meaning which is creation, extension and practice of citizenship throughout a particular national territory because democracy requires popular consent, popular participation, accountability and practice of rights and tolerance.

The Philippines has fulfilled the first notion of democracy when it had people power and downfall of the Marcos dictatorship. However the substantive meaning is yet to be attained. The political economy is still facing a lot of problems. While electoral contests are conducted regularly, political stability remains elusive as the post-Marcos government is faced with political challenges from the military, the political opposing factions and the civil society. At present the incumbent government faces the crises of legitimacy, as it faces continuous corruption charges, impeachment suit and military mutinies in the last six years. In the present scenario, the Philippines has failed to assert its autonomy from the elite interest and conflicting political forces in the society.

The democratization in the South East Asia is very problematic, as the clustered countries including the Philippines, Malaysia, Indonesia, Thailand and Singapore are dealing with pseudo and low quality democracies. Pseudo democracies refer to countries where elections are regularly held but the conducts and results are to a degree rigged. And there is a restrictive political space for opposition parties and civil society to mobilize. Low quality democracies, on the other hand, refer to perhaps a fuller version of democracy but there is high partition use of state funding and facilities, manipulation in electoral exercise as well as other executive abuses, shadowy business relations, judicial weaknesses that generate corruption and policy ineffectiveness.

While political institutions were restored after Marcos dictatorship, political autonomy of these institutions remained weak. The state of Philippines has problems consolidating itself. This continuously challenges the opposing political forces and the society. The Philippines has followed a neo-liberal development path. The democratization process in the Philippines remains restrictive and limited. The political spaces for movements

such as that of the trade unions are confronted by the neo-liberal state that constricts the civil society interventions in shaping the development frame in the country.

The trade union movement in the Philippines is perhaps the oldest in the region because it sprouted its roots from hundred years ago when the movement was fermented against the Spanish colonialism. Borne out of the liberation movement, the role of trade unions have since then been ascribed as being of political in nature and a movement towards emancipation. The advent of American colonialism fractured the growing Philippines trade union movement by the early 1900s. This political cleavage would characterize the division of trade unions until today, following two streams of unionism: economic unionism that is only involved with the economic issues and political nationalist trade unionism that has political goals.

Trade unionism in the period of neo-liberal globalization, despite the history and experience of the Philippines, is still weak and their growth is further weakening due to neo-liberal globalization. And the current strain is neo-liberal, which is diminishing the trade union strengths because the neo-liberal globalization also restructures the production process as well as the world of work. Trade unions should shift their focus into social movement unionisms, beyond the trade unions itself.

Social movements are referred to as a group of people collectively acting to pursue far-reaching transformations of society through mass mobilization to exert political and economic influence. Social movement unionism mobilizes its members for broad or specific political and economic gains. Then there are old and new social movements. The old social movements emerge along class lines with strong political agenda and visions of society, such as the trade union and peasants movements. The new social movements are the movements that have come about with recent mass mobilization such as the women's movement, environmentalists' movement, human rights movement.

The trade unions, as a political pressure, express the tensions emanating from class conflict and industrial dispute. Trade unionism become revolutionary when faced with repression but it becomes corporatist when confronted with socialist and economist decisions. This has to be learned the hard way and at this time of turbulent global economy, trade unions need to advance and shape alternative development paradigms. Thus trade unions need to re-imagine and renew its strengths and relevance as active agents of change from the working class, which means reorganizing itself.

Trade unions and other movements, with their visions of a just and equitable society, need to participate in state building, nation building and crafting the development paradigm. Whatever that is depends on the social and political context of the country. But these need to be consolidated into the society to create a critical mass in order to practice democratization.

Perhaps the unions need to redefine themselves as working people than working class. The trade union movement needs to look at the role of women workers in terms of decision making. The union renewal should come from within the union movement as it is a very viable vehicle for organizing workers and politicizing the masses for social transformation.

South Korea entered the transitory moment of democratization from authoritarian military regime to a post-authoritarian regime in the late 1980s. The democratic forces split and resulted in the revival of the civilized military regime, legitimized by the electoral system. In fact, the democratic forces saved from abolishing the complimentary dictator forces from the procedural space of democracy. They acknowledged the anti-democratic enemy and democratic competitor in the name of procedural democracy. The democratic movement forces had to prepare themselves for another path of political struggle for democratization for tenure.

In 1997, two events gave a great shock to South Korea. One was the very first change of the regime between the conservative ruling party and the liberal opposition party when Kim Dae-Jung who was the political symbol of the democratic struggle against the military dictatorship won the 16th presidential election. The other was that the South Korean government asked for the IMF monetary aid program in the Korean financial crisis, which was a part of the serious Asian economic crisis in December, 1997. That means that South Korea fell into the abyss of the neo-liberal globalization.

The deepening of the neo-liberal globalization in South Korea was accidentally and paradoxically escalated under the two 'democratic' regimes during the Kim Dae-Jung regime from 1997 to 2001 and the Roh Moo-Hyun regime from 2002 to 2007. They attempted democratic reformation. However, while they attempt it, they were faced with the international pressure for the neo-liberal structure adjustment to escape the IMF financial crisis. In particular, the Roh regime jumped on the global trend of neo-liberalism by various strategies including business-friendly labor policy for the labor market flexibility to control regular and irregular workforces.

The Roh regime gradually created necessary conditions for the internalization of the neo-liberal globalization in South Korea by changing 'nationalism' to 'national security', 'welfare' to 'competition', 'labor' to 'productivity'. Despite the 'democratic' regimes' attempt on the reformation for democratic consolidation in the domestic level, their efforts and enthusiasm could not go beyond the international mission of the neo-liberal globalization. Before the democratic transition, the democratic forces took antagonistic attitude against the conservative rightwing forces which had the legacy of military dictatorship. However, both forces as the South Korean political elite created new political relations as 'democratic competitors' within 'only game in town' based on procedural rules of democracy, furthermore established somewhat secret coalition for neo-liberal globalization and the Korea-US Military Alliance.

In the deepening of the social and economic bipolarization, the Roh regime's swinging attitude between democracy and neo-liberalism resulted in the proliferation of the political nihilism and the confusion of democratic value in society. Finally South Korea began to recognize that the Roh regime's efforts on the neo-liberal policy would mean an actual declaration of the withdrawal of democracy in terms of 'modern value' for liberty and human rights. Moreover, they understood that state and democracy were not any more good means to protect the people, but just repressive matter to promote the global trend of neo-liberalism in society.

In the era of neo-liberal globalization, the conceptual core of democracy has changed from 'citizen' to 'capital'. In this sense, does democracy ultimately and always contribute for the internationalization of the state and the new constitutionalism as long as the locus of the ruling power is not replaced by radical forces? Or is democracy still available as any alternative logic of politics? If there is only skeptical conclusion for the first question, it is not possible to talk about any politics or political change in the name of democracy, at least the possibility is very poor. In actual context of the contemporary politics, however, democracy still challenges the political authority of the state and is irritating the state's neo-liberal role.

It is necessary to find possibility of politics in such conflicts and tensions of democracy. The existing democratic order is radically challenged by some fundamental questions such as 'what kind of democracy it is', 'what is its political and legal boundary', and 'by what kind of logic its boundary and internal mechanism is configured and some are excluded.' This leads to a new political attempt to solve the conflicts and tensions of democracy into a newly harmonized and institutionalized order of democracy. In other words, democracy should function to guarantee the political attempt to new institutionalization, and to acknowledge institutionally 'democratically excluded group' and 'socially marginalized people' in a newly constructed democratic order.

From this perspective, it can be said that democracy is exercised in two different social spaces. One is 'an internal space of society' where a particular political system is constituted – institutionalized, where the subject-positions of people are determined in a democratically institutionalized political system. The other is 'a boundary' that is constructed in order to prevent the stability of such an internal mechanism from being affected by the interference and disturbance of the external remainders and the peripheral areas of society where those remainders are excluded. Whereas the former is maintained within the already-consented rule, the latter is where power is exercised in order to sustain such an internal rule and the domain of the possibility of democratic politics. This leads to a double political dynamic of democracy that makes any democratic form tensioned, undecidable, and unstable.

The antagonistic and tensional interaction between the two logics in the name of democracy determines the disposition of a certain political moment. In this sense, democracy implies possibility of politics in terms of 'construction-maintenance-reconstruction' of a certain political order. This includes possibility of subversion challenging the existing order for new one as well as possibility of conservative political practice such as 'passive revolution' to block possibility of subversion.

As long as the state makes efforts to change its governing order based on the imperatives of globalization and to withdraw the modern value and institutions of democracy, it is hard to solve the conflicts and tensions between the state and people within the existing institutional and legal frames. Moreover, as long as the neo-liberal state, of which role is defined in terms of the internationalization of the state and the new constitutionalism under the impact of globalization, does not return to its communitarian role, it has to mobilize the ideological shell of neo-liberal democracy, of

which core has changed from ‘citizen’ to ‘capital’, in order to prevent social resistance and political struggles against the state.

“What is important is a new practice of democratic politics that includes a political practice to put the capital-centred democracy into a place of the modern and radical values by revealing agendas concealed, repressed and tabooed in the neo-liberal order. The new practice begins by questioning democracy followed by political practices revealing ‘the limits’ of a particular democratic power legitimating particular social and economic orders and political power and by dealing with such democratic limits’ as crucial political agenda. This new practice is crucial to make democracy the progressive logic of the contemporary politics to radicalize the horizon of freedom and equality in the time of democratic consolidation, actually in the era of neo-liberal globalization.”

-Mr Seoungwon Lee, SKH University, South Korea

Democracy cannot be talked about without talking about power. Sovereignty is really a question of power and where it lies is in class balances. Democracy cannot be abstracted as bourgeois democracy or any other democracy. In Bangladeshi context, the whole issue of democracy for the people is reclaiming their sovereignty. Talking about neo-liberal policies, it is imperative to realize that it is a political policy as well. Civil society is a neo-liberal term because it has been created with a neo-liberal economic policy also as a strategic mode of intervening into the politics of the people. That means in intervening so that the people’s power cannot be formed challenging the existing power of feudal, semi-feudal or whatever kind of the state we have inherited.

Despite the historical character of the institutionalized form of ‘civil society’ we also notice popular movements where a section of the civil society contribute and participate, for example anti-globalization movement and various advocacy positions to challenge the neo-liberal policies, war, violence and strongly defending justice and equity in the unequal global reality. Intentions of to engagements as civil society, need addressing tasks from this positive note. But usually movements led by ‘civil society’ often disregard political organizations and often de-politicize social movements. In short it implies how civil society advocacy can be transformed into social movement in order accelerate the process of the formation of the ‘peoples power’ against the existing power constituted as State. The capacity of the people to challenge this coercive power is a critical question that cannot be avoided with liberal silence.

In context of Bangladesh, there was a military take over on 11 January 2007, with an external civilian façade. The diplomats of the imperial countries constantly violated Vienna Conventions and openly intervened and kept on intervening in the internal political affairs of the country justifying their actions by evoking the fear of ‘failed state’, ‘corruption’, ‘good governance’, ‘Islamic fundamentalism’, and ‘security’ to fit into the project of the USA led ‘war against terrorism’ and culminated into the demand to install morally ‘honest’ and ‘non-corrupt’ politicians. Good governance is a strategy for depoliticizing the society. The so called caretaker government that has been formed after the military coup came mainly from technocrats and NGO leaders serving World Bank directly or promoting projects of multilateral or bilateral agencies implementing neo-liberal economic policies.

Questions of economy, class and power has been reduced into moral questions and on this basis the political alliance has been built between the local embassies of imperialist countries, high ranking petty-bourgeois military officers and their counterpart in civil society and the media. The neo-liberal political discourse obtained a fascinating moral tone expressing determination that Bangladesh must be free from 'corruption' and reached to the climax with the bizarre 'minus two' theory. The theory aims to eliminate Khaleda Zia and Sheikh Hasina, two women political leaders of Bangladesh. They were targeted as the major hindrance to the democracy and development of Bangladesh and their personal and political conflicts are projected as the major cause of violence and terror in Bangladesh. Not surprisingly,

Imperialism succeeded in grounding its hold through the new and powerful urban middle class, but alienated from the masses. The summary of imperial discourse formed in Bangladesh is that politics is essentially a corrupt game, politicians are corrupts and Bangladesh needs 'good governance' by honest people. Popular resistance against imperialism and neo-liberal economic policies and January 11 coup is being articulated in conventional discourses of popular sovereignty, human rights and justice, although they are used as strategic and tactical tools rather than historical universal concepts.

It is clear that that one need to interrogate the conventional notion of 'sovereignty' and look more carefully how states are been reconfigured to serve global corporations and reduced into security state to combat popular resistance coming from different oppressed classes. The present regime, now wants an election. It is scheduled for 18th of December. However, the election must be such that representatives who are coming to the new Parliament must provide a constitutional exit for the present unconstitutional regime. In the past, parliament passed a bill to maintain the 'constitutional continuity'. Similarly, the next Parliament must pass a bill providing indemnity to the present regime despite the violation of the constitution. It would also mean that any one with guns in hand can capture the political power and the Parliament formed by them through the so called 'election' will indemnify them from such seditious act.

In this context it is becoming increasingly clear that the democratic struggle of the peoples of Bangladesh has been markedly shifted to the question of 'sovereignty'. It means the extent to which people can forge into movement and alliances to constitute themselves as peoples' power and challenge the existing power configuration created by imperialism through the alliance of various pro-imperial and anti-democratic classes.

However, in the absence of political subject active on behalf of the people, as we saw in Nepal, the immediate future of Bangladesh is not very bright, but Bangladesh has no choice but to address the question squarely. While election may be tactical tool to educate mobilize and educate people as well as a choice to avoid unnecessary conflict and violence, but election only to legitimize the present unconstitutional regime would be a farce of democracy indeed. The challenge of the civil society at the advocacy level is clear: constant interrogation of the neo-liberal discourses and allowing the formation of anti-imperial democratic discourses to polarize friends and enemies of the people and contributing to the political formation of the peoples power that can challenge the neo-imperial design.

Recent political changes and events of Bangladesh have unfolded the contradictions of the neo-liberal economic policies and the political nature of different classes formed through decades of development interventions. The political nature of different classes is manifested through their views and actions with regard to the current unconstitutional regime that came to power with the support of the military and a section of the ‘civil society’ representing the most powerful NGOs and mass media. There is a need to understand the socio-economic formation of various classes within the present context of imperialism, war and the strategies of Capital, which is global by nature, for self-expansion and accumulation as well as to deal with the systemic crisis inherent in the process.

Given the constituency within which we are addressing these issues as ‘civil society’, it is important to remain critical of the term as well its history. Constitution of this new type of political or social agency or actors is integral to the neo-liberal policies and politics. Capital needed an independent space between the State and the political parties. While it must be free from the State to establish the sovereignty of the market but use its coercive power for self expansion and accumulation, it also needed a safeguard from the popular challenges coming from the people in the form of ‘peoples power’ creating new form of class alliances and balance with immanent potentialities to take a ‘development’ path not determined by the logic of Capital.

Democracy for bourgeois political parties simply means election, but it is imperative to realize that it also means people’s capacity to exert coercion. We are still shy to talk about power in the hands of the people to fight imperialists. We should revisit the issue of sovereignty. Socialists definition of class is not very effective, in terms of diversity. Class is also linked with the capitalist global system, which shows the fundamental contradictions of the people as a whole. So, class analysis helps for the formation of political community where they belong to one particular new type of identity transcending their other identities and focusing on that particular task of defeating imperialism.

-Mr Farhad Mazhar, Ubinig, Bangladesh

## **5.2: Building Democracy from Among the Voiceless and Marginalized**

There are five key developments that are affecting democracy, first and most important of which is financial contagion and crisis which is gripping capitalism. It is going to have impacts on markets, on trade, on our economies and it is going to impact the poor and the marginalized the most acutely.

Second is the political economic rise of China, which is completely focused on trade and economics as far as it benefits itself. The Chinese communist party is anti-democratic and pro-authoritarian. The Chinese constitution does not talk about freedom, has nothing about liberty and human rights, or democracy. The country is going to strengthen authoritarian governments throughout Asia.

Third, there are inter-religious and inter-ethnic tensions and violent clashes occurring all over Asia and it is going to get worse as economies shrink due to increasing capitalist crisis as imperialist powers grow stronger. As the tensions rise and explode, the

governments will attempt to clamp down on these violent episodes. They will allow it and then rein it in. These tensions are very helpful for many authoritarian governments.

Four, it has been many years since our countries have achieved independence and politicians promised us freedom, development, the country at the end of the rainbow. Instead the UN statistics show a region with large pockets of poverty, rising inequality, rising debt servicing, weak literacy, military expenditures way ahead of education and health and a very low gender development index. Women are still talked about instead of being put in the centre of the development process. Therefore, what does democracy mean for the poor and the marginalized? For them, it is a struggle day in and day out to arrange for their next meal.

Five, democracy has stalled and receded throughout the region. A survey by an economists' intelligence unit in London estimates 137 countries are falling behind out of 167. Only 30 are making progress as far as democracy is concerned, which means that it has serious implications for all our societies.

The basic premise includes the view that civil societies have both expanded and contracted the democratic space. Secondly, civil society is necessary but insufficient condition for the promotion and protection of democracy because democracy is incumbent upon the state with its access to public budgets, official security apparatuses and the responsibility to uphold the rule of law.

In regards to the possibilities of the civil societies, it is important to begin to listen to the poor and the marginalized again because many civil society groups in Asia have stopped listening. Rather small and large groups are formed and the poor are told how they should live their lives. Secondly, the civil societies should broaden their base so that those in power have to listen to the issues being raised. Another possibility lies in enhancing financial and economic policy skills. Instead of simply blaming, cursing and grumbling about the neo-liberal monster (though it is important), we need to live with this beast. Therefore, sooner we grapple with economic theories, the sooner we understand capitalism in a very coherent manner, the better we can begin to engage with the states that are grappling with the same beast.

Four, the poor and the marginalized do not have access to the internet, but the civil society does. Therefore, working with them requires the civil society to be their voices. Every technology at disposal needs to be used to advance their cause. Development communication needs to be explored and need to find ways to work very closely with the media. The civil society needs to be one the top of the list of every reporter's black book.

The civil society should be inclusive and engage with religious and ethnic groups. There is a need to walk back to religious and ethnic houses and engage religious leaders because they are very much part of the solution. Religion and ethnicity can be used to generate conflict, but also for moderation and building communities. Furthermore, it is imperative to be above suspicion if we are going to take donor money. There is need to be extremely professional and the financial accounting has to be very, very clean.

Lastly, the civil society needs to learn to work with the political parties. The political party members and leaders need to be trained in practices that are democratic. There is a need to penetrate into the political system and network with them and lobby them to improve transparency within political parties because often parties have become Jurassic.

“The Prime Minister of Nepal, during the inaugural session, said that he hopes the Doha round will come to a quick conclusion and favour the exports of small countries. I could not believe my ears because this was coming from a Maoist government. What this means to me is that somewhere, somehow we have failed to feed enough economic information about how to grapple with the neo-liberal world to the Prime Minister of Nepal. So we need to include economists in our work.”

-Mr Andrew Aeria, ARENA, Malaysia

One can easily blame neo-liberal forces for “hijacking” the reformation in Indonesia. But the leadership of an epos is determined by the social balance of forces, and the neo-liberal forces proved to be stronger. The popular movement failed to answer two of the most important question: what is to be done, and what next. This, in essence, is why neo-liberal forces triumphed in the wake of Suharto’s ousting by the sweat and blood of the people.

One of the most disappointing results of the so-called “reformation”, especially for those who were active in the movement, leaders of mass-organizations and community leaders, are the chaos amongst the elite circle of the popular movement. Many organization endured splits, sometimes deep and debilitating. Some resorted to expelling to quell internal oppositions. While the neo-liberal forces were gaining grounds and better consolidation, the popular movement rapidly deteriorates.

The experience of having to live under the dictatorship of New Order, and enduring many splits and betrayals by the old leaders of the movement gave rise to a new understanding of an old maxim that the liberation of working people must be the result of their own effort. And so, when the Working People’s Association was founded in 2004, there was a resolution to build a political leadership out of the masses, that is: out of the leaders of mass organizations, and embolden them to take initiatives into their own hand, to wage a struggle as close as possible to a class line of struggle. And thus, we want to create a political organization which is led and run by workers, peasants, fishermen, and urban poor themselves. Some would call it “genuine workers’ party”, but we prefer a less ambitious terminology: working people’s democracy. We don’t believe in the “intellegentia” anymore, instead we struggle to create an army of working people’s intelligent leaders.

The concept is really simple, that the working people should lead the nation. To this end, they should be able to run a political organization, they should also be able to run the management of industry, and ultimately they should be able to run the economic and social development of the country. In accordance to the “reliance to working people’s initiative” PRP encourages various political expressions and experiments whereby the working people can exercise their fitness to lead, starting from the very bottom of the rung, and hopefully to the top in a near future.

The workers in a factory called P.T. Istana in West Jakarta, led by PRP members in the union, has formed a “Factory Occupation Council” which acts very differently from any “normal” union. This council is based on the models of people’s council found in history, past and contemporary, where direct democracy is in full effect. This Council will, in the near future, include representatives from the neighbourhood to fulfil the aim that the factory should have a social function. Though this factory occupation has only begun three months ago, the workers have already learned a lot about running a complex organization. We will conduct a thorough analysis after six months, for in the time being our focus is in making the production run smoothly again, and, of course, in fending off efforts from the owner to thwart the occupation.

With this experiment, we aim to extract meaningful and crucial lessons, how to change the social relation of production and how to build a social ownership of the means of production. Can a production process run without the owner, or even without the factory bureaucrats? Can a socially owned factory bring prosperity to its workers and neighborhood? How can we build connections between factories (when more factories has been occupied)? Can this be a template for nationalization of industries? More questions will surely surface in the future.

This experiment must not remain isolated, a lone example in the midst of onslaught by neo-liberal forces. Thus we aim to build around it a national movement of factory occupation, and a network of international support towards this initiative. Without such support, the local initiative would die out, because its scale is too small to enable it to compete in the still capitalist environment. It is still a small island in the sea of capitalist enterprises, we aim to reverse the situation.

If we succeed to found a national movement of factory occupation, I think this will differentiate what we attempt here from what is currently under way in Latin American countries such as Venezuela. Here in Indonesia, we don’t have state support. The general mood of the people is also in the ebb—the people have not arisen for struggle again after their energy spent in the upheaval of 1997-98. The general election is coming and the Indonesian working masses are swallowing liberal democrats’ propaganda about nationalism or protectionism, without any real demand to change the social relation of productive forces. And, most importantly, the geographic factor, where the Latin America is one huge landmass and Indonesia is one great archipelago, will surely contribute to the speciation process that will differentiate the developments in both regions. Thus, we want to utilize this movement to provide a realizable alternative to liberal democracy and economic relations.

To this enterprise, we add a concerted effort to unite, as many as possible, working people’s organizations into a single national committee in order to face the impending economic crises. To this single committee, we attempt to unite scattered resistances towards the neoliberal onslaught. There are myriad of organizations geared towards a specific aspect of neo-liberalism. Nevertheless, every attempt to date of uniting these resistances has been thwarted, not always by works of governmental agency, but nearly always by bickering amongst the participants.

This new unification enterprise, that as we speak here is being discussed in earnest by some of the most powerful worker unions, including those of “governmental sector”, will be led by a presidium comprised of prominent leaders of national working people organizations. This presidium will make decisions regarding all issues that to date is tackled by separate alliances, committees or organizations. This national committee will also open branches or regional committees in the whole country. The technical details are being ironed out, but in principles an agreement to embark on this enterprise has been reached.

And, as with PRP itself, this new attempt at a national unification of forces is being carried out along the line that the liberation of working masses should be the fruit of their own hard work. So, it is declared that the leaders of this national committee would exclusively be appointed from amongst the leaders of working people’s organizations. All participants from “intellegentsia” layer will be put in its proper place: as servants of the people, not their leaders.

When it is founded, the national committee will act as a single powerful voice of Indonesian working classes—workers, peasants, urban poor, fishermen—against the impoverishment that they inevitably will face as the neoliberal government seeks to bail out members of the ruling class that are hit by the present global economic crises. So, as the ruling class rallies behind the powerful apparatus of the government, the working masses will rally under one national committee to resist a new wave of assault on people’s rights. This will be an initiative by the people, led by their own leaders, who decide for their own good, and act accordingly.

Being able to found a national organization virtually without foreign money, unlike those organizations of 1980s and early 1990s, we are able to view Asia more strategically, as our closest allies. There are untapped resources in Asia, especially the common experience of colonialism and neo-liberalism. We should focus in this aspect in order to build a closer tie between Asian popular movements. There are remnants of feudalism, even forms of slavery, in the fabric of Asian capitalism. And this fact inevitably has tremendous effects in shaping the capitalism of Asia, and therefore the ways resistance should be attempted.

- Mr Ken Budha Kusumandaru, PRP, Indonesia

There is no alternative to democracy and democracy is not an alternative to any form or system of governance. The global capitalist societies have forced us to use the term and it is a common consensus that we are going to use this term. So, actually there are no models when we come to discourse on democracy. Therefore, every country is trying to work out what they mean by participatory or people’s democracy, which is not neo-liberal. Actually neo-liberals also could not prescribe a model of democracy.

Just as fundamental human rights are universal, the values that embodies and are complimentary to democracy must be integral of our organizations. Therefore, we need to start talking about democracy as a variable in ourselves. We share some parts of it with the liberals, with the people we consider our enemies. This is because we come from the same social process. These values are needed for industrialization, historical process of building modern societies, and necessarily for modern productions to go on.

The only thing needed is to be very meticulous, scientific, and clear about the things that we commonly share and don't. Trying to go into something even vaguer and more abstract by classifying in very broad titles of liberal, neo-liberal democracies and alternatives is not answering the question.

Sometimes it is not the intent or the essence, but essentially the forms and the rules of the game that matters. Should we create our rules or should we live by the rules in the framework of definition against our enemies or people we fight against? These are the issues that you cannot just sit and draw up, but what comes out of practice and experience. How do you transform the rules to your advantage and in a way that is acceptable to the other side which is playing the game with you. Otherwise the only option is to abolish the enemy, for which we don't have the strength in the current scenario.

We need to critically re-look and revisit all the institutions in our hands—NGOs, political parties, grassroots organizations, and what we call civil society groups. And not only examine all of them, but we also should look into the relationships between these groups. Who plays what roles because none of them can claim the monopolies of powers or claim to be the engines to develop the best theories for everybody, or having the commanding moral power.

The key to most of it is in building alliances. We need to accept people with different ideologies and different political agendas. If our alliance only serves our political agenda, nobody will be willing to join in the alliance. We need to look into this alliance as a new vehicle and continue to work out possibilities about how to enhance it.

Mobilization via impromptu uprising is not enough. The movement needs to have bargaining powers and the strength comes from membership. If we have the moral authorities and leaders, but not memberships, we cannot sustain. Therefore, we need to go more than ideological education to our members, but more effectively represent the interest that socialist class that we represent. Sometimes we do not go there.

The other question is how to maintain the momentum. What are the dynamics when the social contradictions change? The successful movement is when the elites split themselves when the contradiction is irreconcilable and that is an opportunity for us. After we seize power, the question is still going back to fulfilling the promises and our huge demand for winning. We may have a lot of things in our plates, but the people who supported us only want a few things. Therefore, when we talk about accountability, we first need to be accountable to their demands, not our own ideologies. We need to make lasting independent institutions and look into ways to politicize them. We need to have programs that are convincing enough for the masses.

“As we are facing new challenges, new crises, we should look at the alliances as the vehicles for peace,” he said. There is need to change with the changing situation and democracy needs to be an integral part of any organization.”

-Mr Tian Chua, PKR, Malaysia

### 5.3: Construction of Democratic forms of Development at Domestic Level in the Context of International Cooperation

The discussion that ensued discussed and deliberated on number of issues, which are listed below:

- The workers movement of stabilizing them is losing its weight in terms of relative politics. There cannot be unity of the labor class without unity among the workers and peasants to develop efficient strategies.
- The excluded including Dalits, tribals, urban poor, Muslims, among others constitute a huge portion of population in India. But they do not have a place in the Leftists discourse and poses a huge setback in drawing up strategies.
- To discuss class with the workers in free trade zone and even to draw them into larger working class is extremely difficult. The class movements have failed to recognize the new dimensions of new forces emerging as a result of neo-liberal globalization. The neo-liberal globalization discourse fails to recognize the national struggles in some form.
- South Korean case can be very important case for Nepal, not as a model but a future prospect for failure. Nepal needs to monitor how the regime balances between democratic transformation and the response to international protocol based on neo-liberal globalization.
- In a situation where the class is multi-ethnic and migrant, its revolutionary potential is extremely low. So maybe we have to look at other classes in the society for transformation. In view of the recent movement of lawyers in Pakistan, maybe the professional middle class have greater potential for transformation than the working class at this moment.
- Social movements and political struggles have a key role in concretizing people. The whole fact of being in struggle politicizes and radicalizes people. But some of the presentations ascribed people as homogenous mass of unintelligent beings. The uncritical role of civil society in doing so may further harm the process of cadre building and movements.
- Definition of civil society cannot be put into a straight jacket.
- Lasting alliance building requires far-sightedness and cooperation and benefit the class being represented.

Historical junctures and contexts for the democratization process are different in different societies. So the roles or limitations of the civil society or the progressive or revolutionary subjects are all different. But perhaps it is time to review and deepen our understanding the impact of global forces or regional forces or private forces or the capitalist crisis on the civil societies and social movements. The way we organize ourselves or the people, the way we practice democracy in our own organizations and the way we imagine who we are and accept the divergence of identities, require significant changes. Therefore, despite all diversities, it is time to map and sharpen the impact of global and regional forces on many issues familiar to us since the 90s.

- Mr Francis Dae-Hoon Lee, ARENA, Korea

**SUMMARY:** In an increasingly connected world national identities are gradually merging given aspirations of a more globally unified legal and political order. In such a

scenario the third world countries provide an interesting arena for observing this phenomenon because of their certain uniquely unconventional democratic features. Apart from having a common colonial legacy, most of the countries in the third world share communal politics resulting in segregated constituencies, huge illiterate populations, irresponsive legislatures, and an aspiration to become the “west”.

Thus, there is a great missionary campaign under way today by many public and private organizations to promote democracy on many fronts. It is important that those engaged in this crusade, when they get down to the details of the mechanics of democracy, do not confine their counsel simply to a description of the conventional model. For nations with serious racial, linguistic, or religious differences within their borders, perhaps a more non-conventional, or rather a model best suited for their context should be recommended for consideration. This practice may be an important contribution in the spread of democracy and further progress toward peace, freedom, and prosperity.

## **CHAPTER 6**

### **EXPERIENCE SHARING FOR UNDERSTANDING DEMOCRATIC TRANSITION IN NEPAL**

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Nepal has seen many changes in the last three years. It was declared Democratic Federal Republic on May 26<sup>th</sup>, after the 2006 people's uprising. It ended the decade long Maoist Insurgency along with the CPA signed between SPA. The political parties had unanimously considered three points that they will not repeat the same mistake committed in the past, unite until the peace process is complete and involve in socio-economic transition. Current issues governing the Nepalese politics are Madhes, identity of nine ethnic groups, federal structure of the country, impunity versus justice and providing peace dividend to the conflict affected to be some of the major challenges and opportunities facing the country.

#### **Understanding Democratic Transition in Nepal:**

The 1<sup>st</sup> National Human Rights Commission had formidable responsibilities to balance between the two conflicting parties and the other who was on the street against the absolute monarchy. On the other hand the international pattern of supporting the existing regime, at that time King Gyanendra, also was a challenge that the NHRC in bringing about the democratic transformation in the country. Imposition of various restrictions after the king took over. The 12-point agreement between the Maoists and the political parties was the benchmark to uphold the human rights principle throughout the peace process. In the same document the SPA including the Maoists accepted their failures from the past and committed for change.

The 12-point agreement signed was a historic one in the context of Nepal as all the forces united for change. NHRC played a vital role in the peace process.

Mr. Sushil Pyakurel, Former member of NHRC

Nepali politics is going through unprecedented transition and transformation that can rarely be observed in other parts of the world. The peace process is peaceful and non-adversarial. The society remained stagnated for centuries has suddenly woken up. The pressure for the change has compelled the King to give up his power without a whimper. The transition has also brought multiple crisis and paradoxes. The transition has also brought challenges—fulfilling expectations of the people, crisis of trust and confidence among political partners due to the short sightedness, inflexible nature of politics and polity. The disruption of Constituent Assembly time and again has posed serious challenge in drafting the constitution within the stipulated time as mentioned in the interim constitution. All the changes and transformations have to be firmly anchored to the principles to uphold human rights and the aim should be to declare zero tolerance to human rights violations.

We want to see the country free of Human Rights Violators which is only possible through tackling against the culture of impunity.

Professor Kapil Shrestha former Commissioner at NHRC

The patriarchal features of the Nepalese society have resulted in unequal distribution of resources and unhealthy power relations, among many other issues are contributing to the structural violation of women's rights. Lack of good governance is one of the reasons that fuelled the Maoist Insurgency. The ethic of participation has to be considered by the government, it has to feature in the process not in the result. The meaningful participation of women in the constituent assembly is the area that really has to be addressed. The allocation of 33 percent of the seats to women does not mean that they are participating the political process where all the major power holders are still men. Challenge is to institutionalize the achievement made in terms of women's participation in the political mainstream. Civil Society has contributed a lot to the political process of the country and is still ready to pin down the government, with whom it once collaborated, to make the constitution on time.

Civil Society has contributed a lot to the political process of the country and is still ready to pin down the government, with whom it once collaborated, to make the constitution on time.

Ms Sharmila Karki, Jagaran Nepal/NFN

The Nepalese transition is full of inconclusiveness and indecisiveness. The country is now at the crossroads where various groups are bringing about numerous contradictions that is leading the nation down the path of more violence and instability. The democratic republic would be the best solution and the politics of transition is quite challenging and problematic and needs courage and determination to tackle it.

Professor Rajan Pokharel, Tribhuvan University

Women's empowerment was relatively higher than that of previous time span during the 10 years of insurgency however gross human rights violations were also rampant. The emerging issues have to be managed carefully as it would cause total collapse of the system. The issues of distribution of land and resources and gender equity along with socio-economic transformation were the key issues at the moment along with the reintegration of the army. These issues need to be balanced out before any progress can be made, but different political actors are not allowing these issues to be resolved.

The 10 years of conflict also saw the empowerment of women along with being a period of gross human rights violation.

Dr Renu Rajbhandari the senior civil society leader and human rights defender

Nepalese political and social transition is vital for all developing nations in the world. As in India and Pakistan, working as a centralized state in is not the solution for a multi-cultural and multi-national society. The government is bound to provide basic rights such as food, shelter and health. The issues in forming a constitution are deep and multi-

faceted the question would be whether it ensures that the people are able to enjoy their rights.

The constitution making is an uphill task which does not always guarantee the society free of exploitation and conflict.

Akhtar Hussain general secretary of national workers party in Pakistan

- In Srilanka the ceasefire agreement document never became "people's document".
- Even though it was improbable that the linear programs as hoped by everybody would be materialized, it was necessary to keep the expectations burning?
- The current trend pointed towards the tendency of the political parties to continue to disagree and stress on the public pressure to be crucial to ensure that the parties do not go back on their commitments.
- Is there policy on migration as Nepalese migrate to foreign countries as labours.
- The left parties must be serious about transformation and the Civil Society has to check them all throughout the process.
- The integration of Maoist's army is a social issue and everyone should have their views on that.
- Media must be engaged with the civil society as much as possible otherwise the road to democracy will be very difficult.
- What sort of model should be followed as impunity model? Prominent leaders were human rights violators that raise the question of whether all the violators will be punished.
- There is no universal answer to the question to tackle the question of impunity.
- Does Nepal have the chance of non-state actors intervening in army affairs?
- Counter revolution in Nepal is a common concern. The Indian change of political leadership will also impact Nepal.
- Nepal must consider agrarian productivity rather than just land reform.
- The issues of human rights were being raised from moral point of view than political point of view and that sometimes human rights was used to project the negative picture of necessity of the coercive forces.
- Nepalese budget must discourage spending on defense and allocating it for education and health.

**SUMMARY:** The step forward is gradually developing in Nepalese context. The women rights are violated beyond political dimensions. The role of UNMIN as well as other international groups was commendable in terms of facilitating the discussion of the marginalized groups. The agrarian reform along with land reform could be one important point for further discussions. Nepal has to learn from failure and inadequacies of conventional solutions. There have been incidents like Terai problem where the political parties failed to address their issues and they revolted.

## CHAPTER 7

# GOOD GOVERNANCE FOR DEMOCRATIC DEVELOPMENT AND PEACE

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The lack of consensus about the meaning of the word "development" is often striking. Some express it in terms of economic progress; others in terms of some notion of "modernity"; and still others in terms of harder-to-define measurements of quality of life. All too often, there is a tendency to treat economic and political development as separate compartments, requiring different preconditions. This chapter has looked in democracy, development and peace as the complex societal structures clashing with the basic tenets of democracy and civil society empowerment and the devolution of state power can lead to democratization.

### **7.1: Democratization, Development and Peace—Complex Societal Structures Clashing with Basic Tenets of Democracy**

When talking about people's democratic actions, the need for theoretical action must not be underestimated. In the immediate context it means that whenever concepts, ideas, doctrines are tackled with, it is not possible to avoid the necessity of deconstructing the concepts like democracy, civil society, governance, participation, accountability, transparency, etcetera by today's capitalist hegemonic forces—agencies like the World Bank, IMF, and perhaps the majority of NGO lots and ruling classes.

Democracy is all about composition of political power in each and every dimension of social life. Democracy seeks to secure and maintain the dignity, creativity and expression capabilities of each and every member of the society based on common citizenship in socialist sense rather than bourgeois sense of term.

The other side of the concern is that democracy demands performance in terms of everyday allocations of each and every kind of social reform and social power so that the dignity of the individual is sustained by allocation of equivalent power resources so dignity is not empty but also about distribution of resources. Both must be linked.

Democracy cannot be a single model. Any discussion on democracy demands the orbit of historical dynamics. The dialectics of relationship between democracy, civil society, state formation and nation building in the present epoch of world capitalist development needs continuous political struggles based centrally and primarily on excluded and powerless sections of the society beyond the institutions of civil societies. People's struggle is an indispensable foundation on any kind of discourse or discussion involving democracy and governance, in relation to dignity and justice. The energy and creative power released from such struggles provide life power for democracy. Democracy is not a form, but a process of popular populous mobilization.

Seen in this context, the strategic contradiction governing the Indian realities of today includes contradictions between class system and democratic processes. Caste is based on grading inequalities and human beings and thereby the grading of unequal power relations. Caste is basically to fragment people and this kind of fragmentation may lead

to a temptation to teach each and every fragmented section as an autonomous community.

Any meaningful socialistic democracy that functions in the name of people in the future will have to operate on the principles of openness, fearlessness, transparency and representation. In regards to representation, while proportional representation is an advance, proportional representation based on caste system will perpetuate the control of the elites over the others.

Another contradiction is achieving political solidarity, not in the name of but by universal class that is in the focused on securing solidarity processes. We may have some modernizing apparatuses, but we still function as a member of a very small fragmented minority. Therefore, revolutions should also be continuously self-critical.

“Just taking democracy as a process might lull us into a kind of inaction.

Peace is another name for a struggle, especially on the part of the revolutionaries not to use violence, coercion and intimidation to silence the critique within their parties and outside. Peace is an empowering weapon.

Caste was never static and is a very important issue that needs socialistic dealing.”

-Professor Ram Bapat, India

There is nothing common in Asia. Since all our existences thoughts and behavior are so very contextual, it is very difficult to generalize. But we tend to do that while theorizing issues. Therefore, certain propositions presented herewith have been based on hard facts and ground realities as the people in the bottom perceive.

So far, 40 million people have been displaced in India because of dams since 1951, while only 2.1 million have been rehabilitated. So, is this development or democracy because India claims to be the largest democracy and since it is reaching the moon, it is very, very developed in terms of that indicator.

Two out of three Indians cannot afford essential medicines, one out of three children in Nepal and Pakistan are out of schools, 87 percent of afghans have no access to clean water, 25 million people in Bangladesh are exposed to arsenic poisoning. But all these countries claim to have democracies.

The stages of development in the history of civilization are so diverse and different. Take for instance the development in Sweden and development in East Timor. We have actually been witnessing different brands of democracy in Asia.

We have democracies with inner colonies. The ones who get to enter the parliament do not represent the majority of the population, but that of the ruling elite. Therefore, democracy is actual tested by how the minority is treated like a majority and most nations have failed to pass that test. In many societies that claim to be democratic the vast segment of population feel very vulnerable due to various reasons. Vulnerability is a syndrome that emanates from a host of factors, mostly powerlessness.

Democracy is very much carried away by nationalist ethos. So democracy, nationalism and chauvinism are very much synonymous. We tend to define democracy as a system of governance, of the people, for the people and by the people, but it is actually much more. The core issue in any governance is how the people relate to the state and vice-versa. The people in the bottom rung define democracy based on their own situations, problems and realities.

Right to them is the right to housing, right to food, right to fair price, right to participation, right to protest, right to live with dignity. Unless there is trans-border, democracy within a country is very difficult. All the theories and systems of democracy center around the state because it is the core institution.

In many countries the people's participation is being hampered by religious fanaticism. Right to vote is a very important aspect in the democratic process. But, is it enough? The situation for women in Bangladesh is very precarious, as in some villages they are not even allowed to vote.

Then there is a new era of neo-liberal terrorism. When talking about peace, it is necessary to talk about happiness also. Inequality is an issue that needs to be addressed. The central issue was the existence of inequality within and between nations. Democracy and poverty cannot co-exist as democracy means providing equal opportunity to all.

“The rights are being violated in the pretext of national security, and militarization is taking place in the pretext of controlling extremists. Third world nations are facing the challenge brought on by neo-liberal terrorism, militarism, corporate globalization and debt slavery. The right to vote is an important aspect of democracy, but it is not enough to ensure the process of democratization. It might be necessary to develop a new model of democracy to cater the emerging situation and needs”

- Mr Mohiuddin Ahmad, Bangladesh

## **7.2: Civil Society Empowerment and the Democratization of the State Devolution of Power**

There have been a lot of studies on the economics of globalization, which was a change of rules to allow the free flow of capital and technology but not of labor. But there have not been sufficient studies on how these changes of rules of coming into WTO have impacted our states. The hypothesis presented herewith is based on the studies of the states of Asia and also tested on some European states. There was always a global, but under the control of imperial state formations and regulatory national states were constructed for centuries. But what was different was the denationalization of what was historically constructed. This has had an impact and inclusions and exclusions in globalized democracy.

Thus, globalization has forced states to re-adjust its structures and institutions to facilitate finance capital. Political systems are changed and controlled in a different way. This impact is not uniform, but gradation. But there is evolving understanding between

state, power structure and globalization and these linkages are at the core of some fundamental changes in the state, democracy and even the idea of rights.

The first thing realized is that the executive powers have increased, while the roles of legislatures have simultaneously declined. One study revealed that the parliament only met for 40 days in India this year and this trend has continued over the period of past 20 years. Before globalization, in the 50s and 60s, the parliament used to meet for at least 150 to 160 days. And even in most of the parliamentary meetings this year, the members were fighting over legislatures. There is an increasing centralization in terms of executives and legislatures.

In terms of judiciary, most of the decisions made are in favor of the corporate. The judiciary itself has become corporatorized. The moves toward decentralization in Federal States have been reversed. For example, in the United States, Canada and Australia, federal government still accounts for 60 percent of expenditures. Brazil that was decentralizing in the 1980s is now recentralizing. And all this can be attributed to corporate globalization.

India and other third world countries are also centralizing more because of war on terror, identity politics and insurgencies. The idea of cooperative federalism is declining. And while corporate power decreases the power and will of public institutions, the decline in welfare activities decreases public participation.

There are decreasing differences between political parties, in most third world states, meaning no matter which political party is in power, politics and policies remain the same, that is, the neo liberal policies. Therefore, there is a rightward shift of all parties including organized Left. The inner party democracy has almost become meaningless, especially in the Asian and South Asian countries. Almost all parties have become dynastic leadership with client-patron relationship with attempts to marginalize the opposition.

Globalization has given rise to global capitalist class. By accepting the norms of globalization, states, regimes and local elites have succumbed to the pressure of IFIs and globalizing powers, but also have been willing compromisers to retain power, privilege and maintain status quo. The bourgeoisie have become comprador, which has impacted foreign policy.

There is expansion of military power both as military expenditure worldwide and militarization of mindset. India has allocated 9 billion dollars as its military budget. The only areas where military budgets are declining are in Latin America. Furthermore, there is privatization of military. For example, in America, there is 1:1 ratio between the state military and private security. Gated colonies for rich and private security are the fast growing business internationally.

So the states are actually withdrawing from rights. There is more focus on national security than rights and the class structures are also changing. The richest 5 percent of the world receive 114 times the income of the poorest 5 percent. There are as many billionaires as never before in India and Russia.

Procedural democracy is what is being propagated by the World Bank and ruling elite, while participatory democracy is what we have to strive for. The distance between the state and citizen is increasing and this has had an impact on democratic deficit rights of citizens are reduced. There is contested political space always. But the rise of populist politics, increased role of force has fragmented social relations.

Majority of labor laws have not been signed by powerful rich states. But, the contribution of the workers is huge in globalization, as compared to that of the rich and the elite. For instance, the developing countries received 126 billion dollars in official remittances in 2004. In 2007 this was 251 billion dollars.

In regards to India, the inward remittance by migrant labor, who have no rights, brought in 23 billion dollars in 2005-06, 25.43 billion in 2006-07, 27 billion in 2007-08 and 15 billion in one month alone. Whereas, the flight of capital from the so-called high network individuals to outside countries were 9.6 billion dollars in 2005-06, 72.8 billion in 2006-07, 440.5 billion in 2007-08 and 50 billion in the month of April alone. This is the reason America is ruling India because there is massive flight of capital and whatever collection of capital is from the working class. This is true of the Philippines, of Nepal, of Korea. This kind of migrant population is going from the countries of the south to the south, not west.

“In terms of national security, the countries now have more national security laws than ever before. These laws are more draconian and create a state of exception to constitutional rights and normalization of exceptions to fundamental rights and freedoms.

There are two types of democracies. One is prescriptive, procedural, centralized, controlled, elitist, exclusive liberal norms and privatized democracy. The other is participatory, institutional, de-centered, autonomous, public, liberal and socialist norms and peoples democracy. And it is the people’s democracy that South Asia should have.”

-Professor Anuradha Chenoy, JNU, India

The question is whether it is possible to have a devolved situation in the context of the South Asian countries. The major issue being faced is democratization of the states. Upon analyzing the nature of the states, two features come out very strongly in the countries South Asian region. Firstly, all the states are highly militarized and continue to be militarized. Despite being multi-national, multi-ethnic societies, the states are extremely centralized and they use the official nationalism as a basis for maintaining the militarized repressive state. The military has proved to be the repressive army of the elite. There is hardly any discussion about restructuring of the military. In the conception of the state that we have, we cannot live without some of the symbols and institutions that had been created during the colonial time.

Secondly all these states thrive on maintaining conflicts because that provides the basis for the huge military missions. Not resolving those conflicts through peaceful means legitimizes war and military power as means of conflict resolution. Given that the state and the elite derives legitimacy for further centralization and further militarization of the

state, it is not surprising that in a country like India, where under the current government we got the rural employment guarantee scheme, simply implementation had to be reduced to one-third of districts in India on the pretext that enough resources were not available. At the same time the Indian state increased its military budget by 23 percent soon after coming into power and that was equal to the amount that was needed to implement that employment guarantee scheme on an all India level. That is the kind of equation under which we function. It is really a question of whether we are ready to think about a different kind of state. Before we achieve it, are we even ready to think about that?

All of us are beholding the idea of sovereignty of the state. What is the myth of sovereignty of state? Pakistan's budget is being made by an IMF team sitting in Islamabad. The under-secretary of the United States comes to Pakistan and summons everybody to the American embassy in Islamabad and tells them what to do. The whole notion of sovereignty is the right of the elite through the state institutions to beat up its own citizens for whatever reasons. Unfortunately, we are also beholding this idea of sovereignty.

We are equally beholding the ideology precept of the elite, which is nationalism. Interestingly in the conference there were no references on the conflict that are going on within nation region, inter-state and intra-state, where people are being butchered by their respective states, for example Sri Lanka, north east Kashmir in India, Pakistan, among others. It seems like we are in an official conference where state governments do not interfere with each others' affairs and only discuss on issues that are mutually acceptable and don't step on anybody's toes.

It is accepted that devolution, federalism are the minimalistic things that are required in the democratization process. But there is a need to look at the institution of the states. In Nepal, there has been an experience of the communist government leading for few years, but it was trying to run the same kind of state and we have seen the results of that. Even now, the country is in the process of framing a centralized constitution. We have representation from all over, but we want to form a constitution at the central level, which will be decided by majority because there are majorities and minorities in the country. Can we not think about a different kind of constitution making? For a federal state where it has to decentralize and devolve power, one constitution may not be the answer. There can be various constitutions for each region. And those people can frame their constitution as per their need and there can be a federal constitution that only vests power to those federations that the constituent units agree to. That could reduce the constitution making time greatly. But we are engaged in the same kind of exercise we were engaged in before, which is likely not to succeed because to create a consensus from the top will be very difficult.

Similarly, if you want to dispossess the elite, are we thinking at the core institutions of the state administration, which is bureaucracy and that bureaucracy is invariably dominated by the elites. If you want to keep the same kind of bureaucratic system and then hope to run a devolved kind of state, the state that is responsible at the local level, the communities that have their rightful claim over the resources, who have the right to

deal with the outside world according to their own needs and where the federal government is only a facilitator. Those issues need to be brought into discussion.

But the issue of militarization and centralization still needs to be tackled with. And it is not within our respective countries that we can deal with these issues. There are external forces that push for centralization and militarization. And they are much stronger than the people within these societies. The basis for militarization is conflict and the conflicts in this region are not just between two neighbors but actually overflow to the other nations of the region. Therefore, until we remove conflict, we cannot deal with militarization and that obviously cannot be done unilaterally with one country. It has to be a regional initiative, and involve the people of the region to push for a situation where conflicts are resolved only through peaceful means, where there is a public opinion against militarization and militarism, where there is a concrete agenda for not just reducing military expenditures but also the size of the military.

“None of the countries in the region need the kind of military that we have today. There is no justification for the kind of military machines that we have developed in our countries and the experts (at least in Pakistan) agree that you can reduce your military expenditure by reducing the size of the army by 30 to 40 percent immediately without reducing the combat capability. But discussion about reduction of military in the South Asian region generates internal resistance, which comes from the deep internalized destructive kind of nationanalogy. So we need to be able to transcend that, and we can only do it by coming together at a regional level.

We should give serious consideration to fighting as south Asians against militarization, against the destructive nationalist project of the elites of our countries and work for a people’s union of South Asia, not treated as a bold star or a vision that should remain a vision for another 5000 years but as something that is urgent and has priority over everything else. Because there is absolutely no possibility for reversing this trend in India, Pakistan, Bangladesh, Sri Lanka and even Nepal, I see the possibility of this new dispensation turning into south Asians kind of Stalinist project if we do not change our fundamentalist kind of attitude towards the state.”

-Mr Karamat Ali, Pakistan

### **7.3: Capacity Building of Actors and Institutions Consisting of Governance: Pro-people Development, Regional Balance and Redistribution**

Following are the main points raised during the discussion:

- There will be no socialism without democracy and there will be no democracy without socialist perspective.
- If there is no equity based mechanism, if there is no equal justice to all, how will the good governance be dealt with?
- None of the presentations reflected on the situations facing the disabled in the region.
- Society is also very much responsible in creating and perpetuating poverty, economic exploitation, social discrimination, etcetera. The state alone cannot be blamed for it.

- The structural idea about mobilizing would be the local governance power of the people, also called the peripheral power of the people, which keeps bargaining and competing with the center and the national political arena. The people are unable to mobilize themselves and totally organize themselves to enter the arena of national politics and coherently and cohesively seize power as they are so fragmented. Therefore, we need to develop the concept of local government power for the people. This would find nationally federated order to increase their bargaining power.
- There is a need for trans-border action, especially in view of the situation facing Bhutan.
- The historical evidences have to be exposed to show how the upper castes and lower castes have changed over time.
- Sri Lanka now has lots of differently-abled people, as result of conflict. But the government has not been tackle their issues.
- The experiences in Asia give us some indication of what we are trying to achieve in regards to democracy. We need to get out of the dichotomized analysis and need to look into democracy from a holistic approach.
- The issue of differently-abled should not be treated as different section of any society.
- Socialism is not a religion to be believed in. It is a practice to end the existing evils.
- Community power vis-à-vis state power was a core ethos of communalism, whether state would wither away. There should be continuity of process of theorization.
- Fighting globalization needs stopping governments being influenced by imperialist forces.
- While market regulates remittances it deregulates labor.
- A people's union of South Asia would be a welcome move to forward the process of democratization in the region.
- It is imperative to transcend beyond our accidental identity.
- The people's union cannot be successful if only includes the civil society and non-governmental organization, while the political parties were left out.

**SUMMARY:** Stability in any country perhaps requires bringing in good governance as preconditions to economic development. This is certainly not the only precondition, but without it, development – no matter how it is defined – cannot take hold. Obviously other factors are essential to nourish the virtuous cycle of development, for instance, sound infrastructure, investments in human capital, and access to markets to name just a few.

Therefore, maybe the situation calls for the declaration of a new right: the right of the people to intervene in, to modify, to regulate, and ultimately to control any decisions that affect them. This should be established as a universal right, which recognizes no borders. It means that the people's action is no longer confined within the bounds of a state, nor to acting only through the state political structure. Trans-border participatory democracy is a new principle, by which not the state but the people themselves can emerge as the chief actors in determining the course of world politics and economics.

"The people" here means, first of all, the people directly affected by external decisions. But trans-border participatory democracy goes beyond this. It operates to form a trans-nationally coalesced people who emerge as the principle actors.

Put simply, the struggle for democratization especially in this era of globalization, also characterized by US unilateralism and war against terrorism, must be multi-terrain and regional in scope.

## CONCLUSION

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Today the neo-liberal globalization promotes the new order of the international political economy and pushes the change in the role of the state. The core of the current globalization can be understood by analyzing the history and mode of 'Transnational Corporations (TNCs). The state plays a role as the transmission belt to adjust various agreements and standards of the global competitiveness and the new international division of labor required to promote globalization in the domestic economy. The state leads to the legislation and the social and political restructuring as well as the economic restructuring to maximize the expansion of capital through various state apparatuses. In developing countries, states are forced to adjust their policies and practices based on new sets of negotiations and institutions in globalization by external pressures from the global competitiveness based on the international norms given by the IMF and the World Bank, etc.

When some countries, mainly low developed countries, adopt such international criteria or regulations they become more subordinated and vulnerable to the global competition than the advanced industrial countries. What is more problematic is that governments in low developed countries are faced to serious dilemma between so-called "neo-liberal imperatives of globalization" and a political constituency which refuses to adapt and increasingly rebels against the government'. New constitutionalism serves to protect the privilege of the of the dominant groups, representation on corporate capital, constraining the democratization process and abrogating the state's authoritative provision of a wide range of public goods in terms of the social redistributive justice.

Here, the internationalization of the state and the new constitutionalism actually mean the change of the meaning of democracy of which core has moved from 'citizen' to 'capital'. In the process of the neo-liberal globalization, this changed meaning of democracy implies that democracy, which functioned as 'a protector of citizenship' – or an agent for the communication between civil society and political society, contribute for no more 'civil value', but for 'the interest for capital' so that it causes a number of problems degrading people's everyday lives.

To create necessary conditions promoting the current globalization in the domestic level, the state causes serious problems such as withdrawal of welfare policy, setback of worker's rights, and collapse of traditional and indigenous community. In this newly changed situation where the state-led democratic institutions do not any more serve for 'civil value', people in different states begin to organize 'radical' forms of resistance beyond the existing political institutions.

Democracy must be political, economic, social and cultural. This would necessitate that democratic states give their citizens all democratic rights available under international law. National minorities and minority nationalities must be given equal rights and even special rights like affirmative action and extra autonomy for the regions they inhabit. This would only be possible if the development model is egalitarian, pro-poor and inclusive. The stress in development should be to provide the basis for rights and strengthen entitlements. This and not private profit should be the basic guiding principle of development. In the development debate of the 1960's it was accepted that growth

plus distribution was equal to development, not merely economic growth alone. Therefore, for a true democracy and egalitarian development there has to be a major role for the state to regulate foreign and domestic capital in the interest of more egalitarian distribution of the benefits of growth. For this the environment of peace is absolutely essential.

Peace must mean social harmony throughout the country and between countries and not merely a time without war. It means that low intensity conflicts or civil wars that are being faced by India, Sri Lanka and many other Asian countries need to be ended on a just basis for there to be a real environment for both democracy and development. Where there is internal or external discord, internally anti-terror and other extraordinary laws are enacted and imposed. These strikes at the very root of democracy and usually affect minorities and minority nationalities more.

It is now universally accepted that civil society is a critical actor in this process. The old statist model of progressive development which did not empower civil society turned into a political –economic-bureaucratic disaster like the old socialist bloc countries. Having said that it is also important to note that in specific Asian context "civil society" needs to be debated and redefined in order to have effective empowerment. If we consider the fact that civil society in a largely rural Asian context is confined to urban centers and the middle classes, there arise serious doubts on fairness and equality in deliberation within civil society. The public sphere of "Asian civil society" essentially excludes certain voices and marginalizes others by glossing over intersection of class/gender/race/caste/nationality. The language that civil society operates through and deliberates is the language of legality and civic morality derived from the notion of modern state, whereas in the third world, majority of the population doesn't have access to knowledge that produces expertise over that language. In other words the deliberative language of Asian civil society is monopolized by few in the larger society. So the question remains how to re-imagine civil society in an Asian context beyond statist parameter which will also be inclusive of hitherto excluded sections like indigenes, dalit and other subaltern subjects.

For real democracy the state must be transparent and accountable, not only to political representatives but also to civil society. This is the recognition behind the movement for the right to information of state and Para-state bodies. Only when the basis on which the state takes decisions and the impact thereof is public knowledge can bureaucratic and public corruption, and inequalitarian policies, be exposed and necessary actors be held accountable.

Development must be sustainable. This has been made even more urgent by widespread displacement of the poor by mega projects, ecological degradation and climate change. Development to be sustainable must also avoid extraordinary laws and operate through the rule of law as defined by numerous international law instruments, particularly international human rights and humanitarian law. In all Asian states, where extraordinary and anti-terror laws exist, dissidents have been targeted, as have communities to which the terrorists are alleged to belong. There will be a tension between the powerful economic and political actors who are disproportionately influential or actually control the state, and civil society which works for a more peace

loving, egalitarian and sustainable development. This struggle now has international dimensions given the role of international actors like the World Bank, IMF, WTO, MNCs and OECD governments. All of these actors more strongly support neo-liberal economic 'reforms' and in some cases even seek to destabilize political forces who are committed to more pro-people reforms.

To build a just and humane society and polity by one country alone is extremely difficult if not impossible. There has to be international solidarity between states and civil society. This will bring to the fore a central contradiction that the states are generally wedded to neo-liberal reforms to which the ruling elites in Asian countries are generally committed. However, as the example of Latin America shows, a vibrant civil society can bring in pro-people reforms by uniting and supporting popular forces in the elections. But since the powerful bureaucracy, army and ruling elite are not displaced, attempts at counter revolution are quite likely. The attempted destabilization of Hugo Chavez is a stark example.

The role of civil society is pre-eminently to democratize the state. This means not only reforming state structures but also empowering and educating civil society so that growing civil society movements can continue to act as a check against anti-people forces and act as the catalyst for the strengthening of democratic and pro-people forces. This will necessitate a sharpening of the ideological debate. Basic concepts and strategies for democracy, development and peace will have to be publicly debated and accepted not only to displace neoliberal economics but also to popularize conflict resolution and avoidance models. All this together with the imperative and contours of sustainable development will have to be made central to public discourse. Perhaps even more importantly, hegemonic and the US imperial project will have to be analyzed in its specificities in individual countries, and alternative sovereign people-centric alternatives including of resistance to imperialism will have to be developed.

This will require tremendous activity by civil society. The challenges are great but there is no other alternative. Globalization is not an alternative as the current crisis of the US economy shows, but is instead a profound threat to democracy, development and peace.

The establishment of a democratic regime of any variety does not necessarily guarantee the quality of democratic practice and governance. This fact can be asserted from experiences of many recent transitional societies in Asia, where newly installed democratic institutions are corrupted in order to protect political elites' interests and save their regimes from popular mandate resulting in subversion of civil and social rights. It has often led to old elites obstructing any separation of powers between executive and judiciary, which leaves the executive authority in a position to encroach upon the prerogatives of the other institutions. Secondly, these democracies focus on electoral rights to the detriment of human rights such as freedom of the press, right of association, freedom of religion and minority rights. Thirdly, political participation led by those "quasi-democratic forces" does not benefit ordinary citizen and even less the marginalized and disadvantaged people. Rather it is even further enriches the elite and the wealthy in the societies. Thus, these transitional democracies are in constant risk of reverting back into a very exclusion form oligarchy.

Considering these challenges in transitional phase, for fruitful process of democratic consolidation, institutionalization of democratic practices and governance remains a key challenge. In this regard, it becomes pertinent to address as to how to promote democratic institutions in societies where democratic governance has not yet taken roots; in other words the need is to focus on the development of actors or institutions essential to the democratic processes such as political parties, judicial and legal systems, civil societies, independent medias, professional and non-politicized armies, while taking into consideration the specific socio-political and cultural context.

## ANNEXES

### ANNEX 1: List of Participants

S.N.	Name	Organization	Country	Email Address
1	Abdul Khaliq Stanikazai	SDO	Afghanistan	herat_sdf@hotmail.com
2	Abhaya Raj Joshi	INHURED International	Nepal	abhaya.an@gmail.com
3	Abid Hasan Minto	National Workers Party	Pakistan	mintoandmirza@mintoandmirza.com.pk
4	Ahmad Suaedy	Wahid	Indonesia	suaedy@gusdur.net
5	Ajit Muricken	VAK	India	vak@bom3.vsnl.net.in
6	Akhtar Hussain	National Workers Party	Pakistan	akhtarlaw@cyber.net.pk
7	Alberuni		India	albezu@yahoo.co.in
8	Amrapali	New Socialist Initiative	India	tara.stilla@gmail.com
9	Andrew Aeria	ARENA	Malaysia	andrewaeria@yahoo.com
10	Anjana Shakya	Human Rights/ BBC	Nepal	anjana.shakya@gmail.com
11	Anton Pradjesto	Demos	Indonesia	anton@demos.or.id
12	Anuradha Chenoy	JNU	India	chenoy@gmail.com
13	Arjun Bhattarai	FODEJ/NEM	Nepal	arjunilam@gmail.com
14	Arjun Raj Shahi	CWIN Nepal	Nepal	arjunarjuni@yahoo.com
15	Babu Mathew	Action Aid India	India	babu.mathew@actionaid.org
16	Balram Baskota	ANPFA	Nepal	balram@anpfa.org.np
17	Bhishnu Nepal	RRS	Nepal	bishnurrs@yahoo.com
18	Bhoj Raj Ghimere	RRN	Nepal	
19	Bimal Phuyal	Action Aid	Nepal	bimal.phnuyal@actionaid.org
20	Bipina Sharma	NFN	Nepal	sharmabeepina@yahoo.com
21	Bonojit Hussain	ARENA	India/Korea	bonojit@rediffmail.com
22	C.P. Gajurel	CPN (Maoist)	Nepal	cp_gajurel@yahoo.com
23	Chit Ko Ko Oo	ARF	Myanmar	ckkoo786@gmail.com
24	Dala Rawal	NGO Federation	Nepal	dalarawal@gmail.com
25	Debaki Acharya	CWIN	Nepal	jcycnepal@hotmail.com
26	Deepa Lamichhanne	NFD-N Nepal	Nepal	
27	Dibya Dhoj Karki	Upper Tamakoshi	Nepal	dibyakarki@hotmail.com
28	Dipak Karki	RRN	Nepal	dipak@rrn.org.np
29	Dr. Bal Chandra Mishra	HR Alliance	Nepal	balchandramishra@hotmail.com
30	Dr. Bishnu Raj Upreti	NCCR North-South	Nepal	bupreti@nccr.wlink.com.np
31	Dr. Zahid Rana	NF Pakistan	Pakistan	zahidrana25@yahoo.com
32	Elke Zwinge-Hakamizile	WPC	Germany	elkezwinge@gonx.de
33	Farhad Mazhar	Vbinig	Bangladesh	ubiing@siriussbb.com
34	Francis D. Lee	ARENA	Korea	dlee@pspd.org

35	Ganesh B.K.	HR Alliance	Nepal	rdnepal@gmail.com
36	Geja Sharma Wagle	NIPS	Nepal	gesa.sharma@gmail.com
37	Gopal K. Siwakoti	INHURED International	Nepal	ceasefire_nepal@yahoo.com
38	Hemanta Dahal	HR Alliance	Nepal	dahalhr@yahoo.com
39	Isabelle Eynard Amin	Forum Trem Honde	Senegal	
40	Ishwor Pd. Pudasaini	CCN	Nepal	ishworipudasaini@yahoo.com
41	Jajminda Lumang	IBON Foundation	Philippines	jlumang@ibon.org
42	Jeet Bir Lama	CUTD-Nepal	Nepal	
43	Jiyung Lee An	ARENA	Korea	arenainseoul@gmail.com
44	Joao Boavida	CEPAD	Timor Leste	jb9928@gmail.com
45	Jog Raj Giri	FECOFUN	Nepal	Jograj.giri@gmail.com
46	Julio Da Costa	PCSC	Timor Leste	dacosta_julio@yahoo.co.id
47	Kailash Pyakuryal	KU/NCCR	Nepal	kpyakuryal@gmail.com
48	Kamal Mitra Chenoy	JNU	India	kamalchenoy@gmail.com
49	Kamal Pokhrel	National Integrated Development Society	Nepal	kamalpok_dukt@yahoo.com
50	Kamala Parajuli	Sankalpa Nepal	Nepal	sankalpanepal@gmail.com
51	Kapil Shrestha	TU	Nepal	y2k_cyber_cafe@yahoo.com
52	Ken Budha Kusumandaru	PRP	Indonesia	ken_ndaru@yahoo.com
53	Kim Sin	KDF	Korea	skim1971@hotmail.com
54	Kiran Bdr. Pandey	PMC	Nepal	
55	Krishna Pd. Gajurel	NFD-N Nepal	Nepal	krishangajurel2002@yahoo.com
56	Laxmi Karki	RRN	Nepal	laxmi@rrn.org.np
57	Lee Jung Ok	KDF	Korea	jolee@kdemo.or.kr
58	Lee Suk Tae	KDF	Korea	stlee@cyberduksu.co.kr
59	Madan Karki	RRN	Nepal	madan@rrn.org.np
60	Magaly Menanteaus	SFN		tataweena@gmail.com
61	Mahamood Ul Hassan	Kara div Bar Association Pakistan	Pakistan	
62	Maina Achhami	DNF	Nepal	dnf@dnfnepal.org
63	Mani Kafley	GRINSO	Nepal	nodish@rebel
64	Mathura Pd. Shrestha	PSRN	Nepal	mathura.shrestha@gmail.com
65	Meena Menon	Focus	India	meena@focusweb.org
66	Mohan Tamang	DYB, Bhutan	Bhutan	tamangmohan@hotmail.com
67	Mohiuddin Ahmad	South Asia Federation	Bangladesh	mohi2005@gmail.com
68	Nasir A Mansoor	LEF Pakistan	Pakistan	Nasirazz@yahoo.com
69	Neeraj Joshi	RRN	Nepal	neeraj@rrn.org.np
70	Netra Timisina	NGO Federation	Nepal	nptimisina@gmail.com
71	Nimalka Fernando	IMADR/MDL	Sri Lanka	nimalka_fernando@yahoo.com
72	Nimesh Shrestha	RRN	Nepal	nimesh_shrestha@hotmail.com

73	Padma P. Khatiwada	HR Alliance	Nepal	kpadma@enet.com.np
74	Prabha Rana	RRN	Nepal	prabha@rrn.org.np
75	Prajeena Karmacharya	LDC Watch	Nepal	prajeeena@gmail.com
76	Prasanna Chitrakar	Freelance Consultant	Nepal	prashannaa@hotmail.com
77	Prashant Jha	Himal	Nepal	mailprashantj@gmail.com
78	Rachita Sharma Dhungel	SAAPE	Nepal	rachita@rrn.org.np
79	Rajan Adhikari	FOPHUR Anamnagar	Nepal	
80	Rajan Bhattarai		Nepal	rajanbha@gmail.com
81	Ram Bapat		India	ram_bapat@yahoo.co.in
82	Rampyari Karki	NFD-N Nepal	Nepal	karkipyari@yahoo.com
83	Ranjana Sarkar	HR Alliance	Nepal	sarkar_ranju2002@yahoo.com
84	Ratna Karki	RRN	Nepal	ratna@rrn.org.np
85	Renu Rajbhandari	WOREC	Nepal	renu.adhikari@gmail.com
86	Rezaul K. Choudhary	Esuity BD	Bangladesh	reza@coaztud.org
87	Rojan Adhikari	FOPHUR Anamnagar	Nepal	
88	Rokeya Kabir	BNPS	Bangladesh	bnps@bangla.net
89	Roshan Thapa	RRN	Nepal	rnroshan@hotmail.com
90	Sabitra Bhusal	CA Member	Nepal	sabitra@anwa.org.np
91	Sakool Zuesongdham	ANFREL	Indonesia	sakoolz@yahoo.co.uk
92	Samir Amin	Third World Forum	Senegal	ftmonde@orange.sn
93	Sanam Chitrakar	Freelance Consultant	Nepal	sanamchitrakar@hotmail.com
94	Sandeep Chachra	Action Aid India	India	sendsandeep@gmail.com
95	Sanjita Koirala	RRN	Nepal	sanjita@rrn.org.np
96	Sarba Raj Khadka	RRN/SAAPE	Nepal	sarba@rrn.org.np
97	Seema Luitel	RRN	Nepal	seema@rrn.org.np
98	Seema Mustafa	CPA	India	seemamustafa@gmail.com
99	Seoungwon Lee	SKH University, S. Korea	Korea	ishi0920@gmail.com
100	Sharada Chemjong	BBC	Nepal	sharadachemjong@yahoo.com
101	Sharmila Karki	Jagaran Nepal/NFN	Nepal	sharmila@jagarannepal.org
102	Shree Krishna Subedi	INHURED International	Nepal	sksubedi@inhurednepal.org
103	Som Rai	RRN	Nepal	som@rrn.org.np
104	Suresh Dhakal	TU	Nepal	ds32770@gmail.com
105	Sushil BK	DNF/DHR-Nepal	Nepal	sushilbks@yahoo.com
106	Sushila Bhusal	NGO Federation	Nepal	sushila.bhusal@gmail.com
107	Sushila Thapa	RRN	Nepal	Sushila@rrn.org.np
108	Sushovan Dhan	VAK	India	dhar.sushovan@gmail.com
109	Suvecchha Adhikari	AED-NTTP	Nepal	suvecchha1@hotmail.com
110	Teknath Neupane	NFD-N Nepal	Nepal	
111	Thakur Bhandari	FECOFUN	Nepal	thakurb01@yahoo.com

112	Thida C. Khus	SILAKA	Cambodia	thida_khus@silaka.org
113	Tian Chua	PKR	Malaysia	tianchua@gmail.com
114	Tirtha BK	DNF/DHR-Nepal	Nepal	tirtha@dnfnepal.org
115	Tulasa Gautam	DHRO	Nepal	dnf@dnfnepal.org
116	Vasudeva Nanyakara	D.L.F.	Sri Lanka	demleft@sltnet.lk
117	Verna Viajra	IEARN/UP	Philippines	verna.viajra@gmail.com
118	Vishruta Singh Rana	RRN	Nepal	vishruta@rrn.org.np
119	Yadab Katwal	RRN	Nepal	yadab@rrn.org.np
120	Yadav Prasad Pant	TU	Nepal	
121	Yogendra Shahi	WF2Y	Nepal	yogendrashahi@gmail.com
122	Arjun Karki	LDC Watch	Nepal	akarki@rrn.org.np

## **ANNEX 2: Program Schedule**

### **Conference on Democracy, Development and Peace in Asia Program Schedule**

**10-12 November 2008**

**Kathmandu**

#### **10 November (Monday): Conference Day - 1**

**Time                      Activities**

08:00                      Registration

10:00-12:00    ***Inaugural Session: “The Financial Crisis, Democracy, Development and Peace in Asia”***, City Hall (Rashtriya Sabha Griha) Exhibition Road, Bhrikuti Mandap, Kathmandu, Nepal

- Chair – Dr. Arjun Karki, President of LDC Watch
- Welcome remarks– Prof. Babu Mathew, Founding Member of SAAPE
- Highlights of the Programme – Prof. Lee Jung Ok, Korea Democratic Foundation (KDF) and Director of International Cooperation Centre
- Keynote Speech – Prof. Samir Amin, Noted Political Economist
- Speech – Ms. Sarita Giri, Hon’ble Member of CA
- Speech – Hon’ble Upendra Yadav, Minister for Foreign Affairs, President of Madhesi Janaadhikar Forum and Member of CA
- Speech - Dr. Narayan Khadka, Leader of Nepali Congress, Hon’ble Member of CA
- Special Guest Speech - Madhav Nepal, Senior leader and former General Secretary of CPN (UML) and Deputy Prime Minister
- Chief Guest Speech – Rt. Hon’ble Prime Minister of Nepal and President of CPN (Maoist) Pushpa Kamal Dahal ‘Prachanda’

12:00-13:30    **Lunch, Hotel Himalaya, Kupondol, Lalitpur**

***14:00-16:00    Session 1: Understanding Democratic Transition in Nepal***

- Chair: Mr. Padma Ratna Tuladhar– Senior Human Rights Defender
  - *Presentation 1: Democratic Transition in Nepal: Its Background and Challenges for the Future*
- i) Dr. Mathura P. Shrestha – Former Minister /Senior HR Defender  
ii) Dr. Gopal Krishan Shiwakoti – Senior HR Defender

*Presentation 2: Constitutionalism, Federalism and Institutionalization of Democracy in Nepal*

Mr. Padma Ratna Tuladhar – Former Minister and Senior HR Defender

- *Open Discussions: Political Transition from Monarchy to Republic and Restructuring of a Centralized, State Structures to a Federal Democratic State*

- Rapporteur:

16:00-16:20 **Tea/Coffee break**

16:20-18:20 **Session 2: Key Challenges for Participatory Democracy in Asia**

- Chair: Lee Suk-tae, Member of Board of KDF
- Presentation 1: *Challenges arising in the Political Transition to Democracy*
  - Mr. Joao Baovida, ED of CSPD, Timor-Leste (East Timor)
- Presentation 2: Challenges arising in the consolidation of democracy
  - Antonio Prajasto, Deputy Director of DEMOS, Indonesia
- Presentation 3: Asian democracy: an electoral slogan or an ideal
  - Sakool Zuesongdham, Director of Asian Network for Free Election
- Presentation 4: Democratic local ownership in development cooperation or private investment from the perspective of Asian region
  - Jazminda Lumang, ED of IBON Foundation, the Philippines
- Open Discussion: construction of democratic forms of development at domestic level in the context of international development cooperation and globalization

19:30 **Dinner**

**11 November (Tuesday): Conference Day 2**

09:00-10:30 **Session 3: Key Challenges for Participatory Democracy in Asia: Country Experiences**

Chair: Lidy Nacpil, Philippines (tbc)

**Discussants**

- Pakistan – Mr. Abid Hasan Minto
- Bangladesh – Dr. Tofail Ahmed
- Cambodia – Ms. Thida Khus
- Bhutan – Mr. Mohan Tamang
- Malaysia – Mr. Tian Chua
- India - Prof. Kamal Mitra Chenoy
- Afghanistan -Mr. Stanikzai's Abdul Khaliq, SDO
- Fiji - Bakanebo Tamaroa, PIANGO
- Yemen -Tawfiq Albodiji, HRITC
- Myanmar- Chit Ko Ko Oo, ARF

- Open Discussions: *Identification of Key Factors and Challenges for Expansion and Strengthening of Participatory Democracy in Asia*

10:30-12:30 **Session 4: Peace-Building in Political Processes to Democracy**

- Chair: Prof. Anuradha Chenoy

Presentation 1: *Internal conflicts in the transition to democracy: the cause and influences for institutionalization of democracy and peace building processes*

- i) Lead presenter- Mr. Ahmad Suaedy, ED, the Wahid Institute, Indonesia
- ii) Lead Presenter- Mr. Vasudeva Nanaykkara, Sri Lanka

(Tea/coffee will be served in between)

- Presentation 2: *Prevention of Violent Conflicts in Democratic Frameworks*

- i) Lead Presenter- Ms. Seema Mustafa, India
- ii) Lead Presented – Dr. Nimalka Fernando, Sri Lanka

- Open Discussions: *The Advantages and Risks of Democracy in Peace-Building at*

*Domestic level in the context of the “War on Terror”*

12:00-13:30 **Lunch**

13:30–16:30 **Session 5: Identifying Key Challenges and Moving towards Alternative Democracy in Asia**

- Chair: Francis Dae-Hoon Lee, ARENA
- Presentation 1: Identifying key challenges to civil societies –democracy intricate
  - i) The labour movement and democratization in the Philippines: a template for South East Asia - Ms. Verna Viajar, The Philippines
  - ii) Sovereignty and class: converging and contradictory movements of the democratic challenges of the people of Bangladesh – Farad Mazhar, Bangladesh
  - iii) Impact of globalization on state, civil society and democracy: the case of South Korea – Dr. Seung Won Lee, South Korea

(Tea/coffee served in between)

Presentation 2: Building democracy from among the voiceless and marginalized

- i) Listening, articulating and building democracy from among the voiceless and marginalized- Andrew Aria, Malaysia
- ii) Radical democracy: recent experiments in Indonesia from below– Mr. Kenbudha Kusumandaru, Indonesia
- iii) ....

- Open Discussions: *Construction of Democratic forms of Development at Domestic*

*Level in the Context of International Cooperation*

16:30-16:45 **Tea/coffee break**

16:45-19:00

- Session 6: Experience sharing for understanding democratic transition in Nepal
- Chair – Dr. Bishnu Uprety
- Speakers:
  - Mr. Sushil Pyakurel – Former Commissioner, NHRC / Senior HR Defender
  - Prof. Kapil Shrestha - Former Commissioner, NHRC / Senior HR Defender
  - Dr. Renu Rajbhandari – Senior Civil Society Leader/HR Defender
  - Prof. Rajan Pokharel – TU
  - Ms. Sharmila Karki, President, Jagaran Nepal

**19:00 Dinner**

***12 November (Wednesday): Conference Day 3***

**09:00–12:00 Session 7: Good Governance for Democratic Development and Peace**

- Chair: Mr. Sushovan Dhar, VAK, India
- Presentation 1: *Democratization-Development-Peace Complex Societal Structures*  
*Clashing with Basic Tenets of Democracy*
  - i) Lead Presenter- Prof. Ram Bapat, India
  - ii) Lead Presenter- Mr. Mohiuddin Ahmad, Bangladesh
- Presentation 2: *Civil Society Empowerment and the Democratization of the State*  
*Devolution of Power*
  - i) Lead Presenter- Prof. Anuradha Chenoy, India
  - ii) Lead Presenter- Mr. Karamat Ali, Pakistan

. Open Discussions: *Capacity Building of Actors/ Institutions Consisting of Governance: Pro-people Development, Regional Balance and Redistribution*

**12:00-12:30 Closing Session**

Chair: Dr. Arjun Karki

Guest Speaker: CP Gajurel, CA Member

Presentations:

Mr. Tian Chua, MP, Malaysia

Prof. Babu Mathew, India

Mr. Joao Boavida , ED of CSPD, Timor-Leste

Floor discussion

**12:30~ Lunch and Departures**

**Note: Except Inaugural session, all other sessions were held at Hotel Himalaya, Kupandole, Lalitpur.**

### **ANNEX 3: The Organizers**

The conference was jointly organized by LDC Watch, KDF, ARENA and SAAPE Secretariat.

i) **Least Developed Countries (LDC) Watch** is a global alliance of national, regional and international civil society organizations, networks and movements based in the LDCs and supported by development partner countries. It facilitates initiatives and struggles of the people to undertake advocacy, lobby and campaign activities on and around the issues of poverty, hunger, social, economic, political and ecological injustices in the. It is one of the principal civil society players pressurizing to and partnering with the concerned stakeholders at least to adhere to their commitments for human rights, social and environmental justices in the LDCs. (For further details, please visit <http://www.ldcwatch.org>)

ii) **Korea Democratic Foundation (KDF)** has played a key role in enhancing Korean democracy, collecting and recording historical materials to build archive of Korean democracy, providing education program for democratic citizenship and promoting democratic values and human rights in and out of Korea. Now KDF is about to make one step further, expanding international cooperative efforts to make a contribution to development and spread of democracy through the projects aimed to share the past experiences, new ideas and practices of the world. (For further details, please visit <http://www.kdemocracy.or.kr>)

iii) **The Asian Regional Exchange for New Alternatives (ARENA)** defines itself as a regional network of concerned Asian scholars, activists, and researchers aimed at contributing to a process of awakening in support of meaningful and people oriented social change. Its strategic perspective is the search for and the advocacy of alternative paradigms and development strategies that would contribute to genuine democratic deepening. (For further details, please visit <http://www.arenaonline.org>)

iv) **South Asia Alliance for Poverty Eradication (SAAPE)** is a regional alliance of civil society networks facilitating linkages among and between groups in the region, throughout the global south and with the groups in the North. SAAPE's main focus is poverty eradication through policy research, advocacy, lobbying and campaign works. (For further details, please visit <http://www.saape.org.np>)

The co-organizers of the event included NGO Federation of Nepal (NFN), National Alliance for Human Rights and Social Justice (HR Alliance), Federation of Community Forest Users Nepal (FECOFUN), Dalit NGO Federation of Nepal (DNF) National Federation of Disabled Nepal (NFDNM), Federation of Drinking Water Sanitation Users Nepal (FEDWASUN) and All Nepal Peasants Federation (ANPF).