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NEPAL'S NATIONAL INTERESTS-II
SECULARISM, FREE AND RESPONSIBLE
MEDIA AND FOREIGN EMPLOYMENT

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CO-EDITORS
Nishchal N. Pandey
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Preface

It is with profound pleasure that we present to you another book as an epitome of the successful partnership between the CSAS and the KAS. Indeed, it is a matter of great satisfaction that the Nepal's National Interests project that was launched with the support of the KAS comes to a fruitful conclusion with this volume which is second in series of the earlier book focusing on foreign policy, internal security, federalism and energy-economy published in 2011

Nepal's transformational journey as a federal, secular, multi-party democracy has had its hiccups but continues with great expectations not only of the hitherto excluded groups within the country but also of the international community. Shaping multiple aspects of democracy-building has never been and will not be easy as it will be largely shaped by the prevailing socio-political conditions in the country and the role of political leaders. But identifying various contours of national interest and hurdles in fulfilling those interests in the changed context will be useful to everyone in this important path of a long journey of a modern day democratic state.

It was with this in mind that the sub-themes of secularism, free and responsible media and foreign employment were chosen as the crucial spinal column of the New Nepal that is emerging. This book with papers from experts of each theme seeks to explore the challenges and possibilities from a uniquely analytical frame with a prognosis of the future. All the writers have had first hand experiences and knowledge of the selected area which we hope will be useful to decision-makers for implementing the measures that they have suggested.

The papers fill a significant gap in the current literature on secularism, free media and foreign employment in the Nepali context

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and provide insightful analyses on their altering complexities and dynamics. Only with careful handling of these issues, we feel, Nepal's newest tryst with democracy will be successful.

As we thank all paper presenters and those that assisted in successfully implementing the Nepal's National Interests project, we hope this book will be an important resource for politicians, policy makers, academics and students for a long time to come.

Tomislav Delinic
Nishchal N. Pandey

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Secularism in Nepal: An Assessment of Future Challenges

Dr. Rabindra Khanal¹

INTRODUCTION

Secularism is the concept that the states should exist separately from religion or religious beliefs. When a state is declared secular, it should neither be influenced by any particular religion in its governing activities nor should it impose any religious faith upon its people. In other words, no human activity related to governance and politics in a state should have any influence from a particular religious belief. It is the argument of the modern nation states that have adopted democracy in a true sense. But it is not easy for any states to remain completely away from some kind of belief system because it is deeply rooted in the state's tradition, culture and historical upbringing. No states in the world have been able to adopt secularism completely including some of the well-known secular states like India, France, the United States, Turkey and South Korea. In this situation, the states that aspire to adopt secularism need to maintain a balance between the traditional values and the principles of modern democracy where each individual gets equal treatment from the state and is assured that the state does not discriminate. On the other hand, secularism means not only the absence of the state in religious matters but equal protection of all existing religions by the state so that each group of people belonging to different religions can promote their religious identity. Thus secularism is the separation of religion and state on the

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one hand and equally the involvement of state in every religion on the other. It, however, does not mean ir-religion or atheism as perceived by young people in Western Europe.

Nepal was declared a secular state by the Interim constitution of 2007. It came as a surprise to many people because the concept was new for many even though the discussion was going for some time among ethnic communities and the liberal activists in Kathmandu. Ethnic groups and minority religious groups who had legitimately felt alienated by the Hindu character of the state rejoiced it. Some political parties including the CPN-Maoist made it a powerful political slogan. It was a political decision made by the parliament and was necessary for further democratization but the decision was made in haste without adequate public debate and discussion. Such a decision affected the majority of the people as it did not seek people's consent which may pose difficulty in its implementation in the upcoming new constitution. Majority of the people may hesitate to take the ownership of this concept when it is implemented because the concept really does not represent their interest.

This short paper does not negate the idea of secularism in Nepal. It will give a short history of this concept at first and then endeavor to confine itself to the challenges it may have in future once the constitution making process is completed.

HISTORICAL EXPERIENCE OF SECULARISM

Nepal, a traditional multicultural and multi-religious state dominated by Hindu philosophy throughout its history, is a complicated case for the introduction of secularism. Religion has been an important part of people's life including that of the state ever since the country came into being. Almost all the ruling dynasties from Lichhavi to the recent past had relied on Hindu religion in relations to governance. Laws were codified from Hindu Dharmasastras like Manusmriti and Mahabharat. The Muluki Ain implemented by Jung Bahadur was codified mostly from Manusmriti. Some of those laws are still in existence. People's everyday life was also regulated by the Hindu

rites and rituals. Buddhism that came later was respected by the rulers but was never the ruling philosophy of the state. In fact, Buddhism was assimilated with Hinduism to a great extent. The same gods and goddess were worshipped by both the religions in different names. Even Buddha was considered as one of the incarnations of Lord Vishnu in an attempt to harmonize the two religions. The other religions like Islam and Christianity came very late. The entrance of Islam is believed to have taken place from the time of King Ratna Malla in the late 15th century² but its presence was insignificant in the Nepali society. The Islamic population increased in Terai significantly only during the second half of the 20th century mainly due to the open border with India. Similarly, Christianity entered in the middle of the eighteenth century along with the Capuchin Catholic priests at the invitation of King Pratap Malla first and then by the last Malla kings of Kathmandu and Bhadgaon³ but they were ousted by king Prithvi Narayan Shah when he conquered the Kathmandu valley. They came back to the valley again after 1950 to run the educational institutions and hospitals at the invitation of the Nepali government. The number of Christian population was insignificant until 1990. In this situation it was but natural for Hinduism to remain a dominant religious faith in Nepal. Hindu dominance over other religious faiths in the modern period was strengthened by the Panchayat Constitution promulgated in 1962, which declared Nepal a Hindu kingdom in order to strengthen the divinity of the kings of Nepal. Throughout the Panchayat period, the prerogative of the Hindu king was never challenged even though the number of minority religions had been increasing gradually.

While talking about secularism in the past, the country was never declared officially but always practiced religious tolerance. Despite the implementation of Hindu laws, other religions always received considerable respect. The Lichhavi King Manadev, for example, was

2 Balchandra Sharma, *Nepalko Aitihasik Ruprekha*, Banaras: Krishna Kumari Devi, 1951, p. 162

3 *Ibid*, p. 168.

a devotee of Lord Vishnu but he erected Buddhist stupas. He provided donations both to the Buddhist monks and the Brahmins.⁴ The Malla kings were also Hindus by faith but their dealings with the Buddhists were not discriminatory. Even Islam and Christianity were protected by them. Prithvi Narayan Shah banished the Christian missionaries not because of his hatred towards the religion but because of his fear of British imperialism.⁵ Buddhism was never an alien religion for him. Jung Bahadur's Muluki Ain is seen as one of the most discriminatory documents in this regard but if seen carefully, he also had protected the other religions equally. One of the clauses of his Muluki Ain clearly mentioned that all religions including Christianity and Islam were to be protected equally except in case of cow slaughtering. The law explicitly arranged that if anyone violated this rule would be punished by law.⁶ During the Panchayat period, Hinduism was granted the status of state religion but the other religions were rarely discriminated except some religious communities that believed in aggressive conversion and went against the established law of the land that provided freedom of practice but restricted forceful conversion. Article 14 of the 1962 constitution very clearly stated that "every person may profess his own religion as handed down from ancient times and may practice it having regard to tradition, provided that no person shall be entitled to convert another person from one religion to another".⁷ This was strictly adhered throughout the Panchayat period even though some sects were out to dismantle the traditional religious harmony in the society.

4 John Whelpton, *A History of Nepal*, Noida: Cambridge University Press, 2008, p. 29.

5 L.F.Stiller, *The Rise of the House of Gorkha*, Kathmandu: HRD, 1995, p. 127.

6 HMG, *Shree Panch Surendra Bikram Shahdevka Sashan Kalma Baneko Muluki Ain*, Kathmandu: Kanun Kitab Byabastha Samiti, 2022 B.S., p. 379.

7 Michael Hutt, *Nepal in the Nineties: Version of the Past, Visions of the Future*, Delhi: Oxford University Press, 1994, pp. 36-37.

With the restoration of multiparty democracy in 1990, things had started changing. People had become more assertive of their rights and privileges in the society. As seen during the constitution making process of 1990, every section of the society came out with their demands. The religious communities and ethnic groups also tried to demand their own version of constitutional provisions. Nepal Buddhist Association organized a large demonstration in the street of Kathmandu of about ten thousand people demanding a secular state to influence constitution making. This was opposed by some Hindu organizations claiming that the country will turn to a Christian state rather than a secular state very soon.⁸ Quite a number of Nepali media also supported this claim of those Hindu organizations.⁹ But, however, when promulgated, the constitution stated that “Nepal is a multiethnic, multi-lingual, democratic, independent, sovereign Hindu, constitutional monarchical kingdom.”¹⁰ This left the minority religious groups with no choice but to comply with the new constitution. But the idea of secularism and its challenges had already become focal point of political comment and academic interest in Nepal. Their aspirations were supported by the growing strength of ethnicity and the apparent resurgence of different religions like Islam and Christianity in Eastern Europe and in some other parts of the world. As a result, when Nepal plunged into another wave of Janaandolan (People’s movement) in 2006, they were able to reassert their claim for secularism once again even though secularism was not one of the main agendas of the people’s movement. However, the Interim Constitution promulgated in 2007 defined Nepal as a “secular, inclusive and fully democratic” state replacing the provisions of The Constitution of the Kingdom of Nepal 1990 and posing enumerable challenges to its future orientation.

8 Nepal Press Digest, 11 June 1990.

9 Ibid, 9 July 1990.

10 The Constitution of the Kingdom of Nepal, 1990, p. 1

MAJOR CHALLENGES TO SECULARISM

The introduction of secularism in Nepal may have hundreds of complex challenges ahead but all those challenges cannot be discussed in this short paper. Since the concept itself faces two different dimensions, externally imposed secularism and a reactive Hindu nationalism that claims to be based in indigenous political culture, both of these dimensions need to be balanced while discussing the challenges of secularism in Nepal. The structure as well as the ethical and moral values of the Nepali society and the traditions that have been carried on with the state's support for centuries will not let NGO induced secularism succeed completely. State's involvement in the religious matters cannot be totally eliminated. In the same way, the dominant Hindu nationalists cannot continue to ignore the rights of minority religions to be treated equally. The minority religious groups need to be given space in practicing their faith without any hindrances. The balance between these two extremities is required to have viable and more practical secular ideals in Nepal. But how do you do it? Are the majority groups ready to give up the privileges they have had from the states throughout history? Will they look at the state's attempt to secularize itself from the religious debate positively? If not, how is the state going to handle these issues in future? These are some of the important questions regarding secularism in Nepal. Beside these, the role and attitude of the minority religious groups and the way they get their support from outside the country is also very important while discussing the challenges of secularism in Nepal. Some of the important challenges to secularism in Nepal can be enumerated as follows:

1. One of the most important challenges is to ensure a common civil code acceptable for all citizens throughout the country. Most of the laws in the past were codified and implemented from the Hindu religious literatures. But once the country is declared a secular state, those laws need to be nullified and new laws based on secular principles as well as the natural laws need to be implemented, which may not be easy within

a short time. Secular principles also would not allow the inclusion of all the religious values equally in the law because the laws made in this way would discriminate the citizens and punish people in different ways for the same crime. This would be against modern democratic norms and values.

2. With the declaration of secularism, older traditional festivities have already been threatened. Many of these traditional festivals have been surviving on the grants provided by the state but once the constitution is made on the secular line, the government is not bound to provide that grant and the festivals that were dependent on the state would slowly disappear.
3. Another area that will have a greater impact of secularism is the system of education. School curriculums need to be revised on the basis of secular principles. Traditional cultural and moral values from the curriculum need to be removed. The students either will have to learn about all the religious values or be guided without them. It affects the providence of value education in the society.
4. The state will have to bear the burden of providing holidays to each religious community according to their traditions and festivals. A state which has hundreds of ethnic communities and several religious traditions will be spending more time in religious festivals and additional holidays. This will certainly impact official works of the state.
5. Almost all the rituals of Newari festivals are somehow connected with the head of the state, particularly with the kings in the past. The presence of the king or the president is required while initiating the annual worship of their gods and goddesses. It is yet to be seen what happens if a Muslim or a Christian becomes the president of this country.
6. People of different religious communities will lose the privileges that they have been receiving till now. The

provisions of providing Dashain allowances for the Hindus and grant for pilgrimages for Muslims going to Mecca and Medina need to be scrapped. If not, the state will need to spend the revenue to support the festivals of all the religions.

7. There might be unnecessary debate among various religious groups to politicize secularism and cause religious tensions among the citizens such as abolishing certain religious rights like using turban by the Sikhs and scarf and burka by the Muslims in the public places. If the state is not capable in handling these issues carefully, the possibility of communal violence cannot be avoided.
8. Secularism may create a generation gap between the young and the old. The younger people who are brought up in a secular culture will not be able to understand the religious beliefs of the older people in the society. The young ones will take secularism as a synonym to atheism which might widen the gap between the older and the younger generation.
9. Nepal is a land of many famous Hindu religious places and temples. The management and maintenance of these places is not within the capacity of individuals. This responsibility was taken by the government through a system of Guthi and a separate office was established for this in the past. But now with the declaration of secularism, it is neither possible to leave it in the public hands nor the state can carry on like before. Alternatively, the state will have to take the responsibility of all the religious institutions of every religion.
10. Tourism sector may also be affected if the unique cultural practices and festivals of Nepal are lost. All kinds of religious and cultural festivals that can contribute to the promotion of tourism industry in the country should continue to receive special protection from the state.
11. Another concern in secularism is of forced conversion. Not all religions believe in conversion but those who believe in it

may take advantage of the weaknesses of other religions and the state of poverty existing in our society. People will be converted for material gain and the money that comes from outside for this purpose will play greater role to destroy the indigenous religion and culture. Hinduism, for example, does not believe in conversion. This is one of the greatest challenges to the poorer countries and if they cannot stop the flow of money coming to their respective countries from outside, all these poorer countries will one day be something else than their actual identity.

CONCLUSION

Looking at some of the challenges mentioned above, the practice of secularism in Nepal is not going to be an easy task. It will affect the entire socio-economic, cultural and political aspects of the society therefore demands a new orientation in the people's mind. It is difficult but is necessary for democracy to be successful and effective in a multi-cultural and multi-religious society like Nepal. The state authority should take the leading role in educating and convincing the people that secularism provides freedom and dignity to every human being. Democracy can be meaningful and effective in a society only when individual citizens live in a community of laws, with uniform rights and obligations. They can enjoy a common culture developed through a system of standardized education, and not derived from any particular religion. It is also desirable that each religious community become self-reliant, independent and committed to their religious ideals so that the people from outside will not be able to harm their religious sentiment and at times of crisis they can stand against outside interference. Nepal, thus, needs to build up its own model of secularism in order to accommodate the existing plural character of the society and cope up with the challenges that it is going to face in the days to come.

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Secularism and the Challenges Faced by Nepal

Prakash Rimal¹

Secularism is the belief that government should exist separately from religion and/or religious beliefs². Secularism is a political principle, under which people belonging to different faiths are treated as equal before the law, or constitution and government policy.

The concept of secularism stemmed from the separation of church and state in Europe. The concept – separating church and state – is often credited to the writings of English philosopher John Locke (1632-1704)³.

In his principle of the social contract, Locke argued that the government lacked authority in the realm of individual conscience, saying it is something rational people cannot allow the government or others to control.⁴

Secularism draws its intellectual roots from Greek and Roman philosophers such as Marcus Aurelius and Epicurus, medieval Muslim

1 Author is Deputy Editor, The Himalayan Times daily.

2 <http://en.wikipedia.org/wiki/Secularism>

3 http://en.wikipedia.org/wiki/Separation_of_church_and_state: Feldman, Noah (2005). *Divided by God*. Farrar, Straus and Giroux, pg. 29 ("It took John Locke to translate the demand for liberty of conscience into a systematic argument for distinguishing the realm of government from the realm of religion.")

4 http://en.wikipedia.org/wiki/Separation_of_church_and_state: Feldman, Noah (2005). *Divided by God*. Farrar, Straus and Giroux, pg. 29

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polymaths such as Ibn Rushd, enlightened thinkers like Denis Diderot, Voltaire, John Locke, James Madison, Thomas Jefferson, and Thomas Paine, and modern freethinkers, agnostics and atheists such as Bertrand Russell and Robert Ingersoll.⁵

The term “secularism” was first used by the British writer George Holyoake (1817-1906) in 1851.⁶ Holyoake invented the term “secularism” to describe his views of promoting a social order separate from religion, without actively dismissing or criticizing religious belief.⁷ Holyoake argued that “Secularism is not an argument against Christianity, it is one independent of it. It does not question the pretensions of Christianity; it advances others.”⁸

Dr S. Radhakrishnan defines secularism as: “Secularism does not mean irreligion or atheism, or even stress on material comforts. It lays stress on universality of spiritual values which may be attained by a variety of ways.”⁹

WHAT IS A SECULAR SOCIETY?

In studies of religion, modern Western societies are generally recognized as secular. Among the first to delineate the nature of a secular society, D. L. Munby characterizes a secular society as one which:¹⁰

1. Refuses to commit itself as a whole to any one view of the nature of the universe and the role of man in it.

5 <http://en.wikipedia.org/wiki/Secularism>

6 <http://en.wikipedia.org/wiki/Secularism>: Holyoake, G.J. (1896). *The Origin and Nature of Secularism*, London: Watts and Co. p.51

7 http://en.wikipedia.org/wiki/Secularism#cite_note-22

8 <http://en.wikipedia.org/wiki/Secularism>: Secularism, Catholic Encyclopedia. Newadvent.org

9 Vijaya Kumar, “Secularism: The Concept and Practise in India,” in A. K. Lal (ed.), *Secularism: Concept and Practice* (New Delhi: Concept Publishing Company, 1998), p. 76

10 http://en.wikipedia.org/wiki/Secularism#cite_note-22

2. Is not homogenous, but is pluralistic.
3. Is tolerant. It widens the sphere of private decision-making.
4. While every society must have some common aims, which implies there must be agreed on methods of problem-solving, and a common framework of law; in a secular society these are as limited as possible.
5. Problem solving is approached rationally, through examination of the facts. While the secular society does not set any overall aim, it helps its members realize their aims.
6. Is a society without any official images. Nor is there a common ideal type of behavior with universal application.

Positive Ideals behind the secular society:¹¹

1. Deep respect for individuals and small groups of which they are a part.
2. Equality of all the people.
3. Each person should be helped to realize their particular excellence.
4. Breaking down of the barriers of class and caste.¹²

ROLE OF SECULARISM IN SOCIETY

While religion gives “collective identity”, secularism creates favorable conditions for “religious pluralism”. Religious pluralism ensures harmonious co-existence between adherents of different religions or religious denominations, but it needs tolerance on the part of the followers. In Europe, secularism is also regarded as a movement towards modernization.¹³

11 http://en.wikipedia.org/wiki/Secularism#cite_note-22

12 http://en.wikipedia.org/wiki/Secularism#cite_note-22: The Idea of a Secular Society, D. L. Munby, London, Oxford University Press, 1963, pp. 14–32.

13 http://en.wikipedia.org/wiki/Secularism#cite_note-22

Competition among religions has caused violent ethnic conflicts in many parts of the world. In the Islamic world, there has been tensions between Shiites and Sunnis. In Christianity, there has been tussle between Catholics and Protestants. The different sects of Buddhism contest against one another, too.

NEPAL: ROAD TO SECULARISM

The interim Constitution of Nepal, promulgated in March 2007, states: "Nepal is an independent, indivisible, sovereign, secular, inclusive and a fully democratic State."

The People's Movement of April 2006 changed Nepal's political course. Nepal turned into a secular state on 18th May 2006 through a parliamentary declaration. The same proclamation also set the stage for turning the nearly 240-year old (unitary) Kingdom into a federal republic, among others. It is not clear as to when Nepal was declared a Hindu Kingdom, though. Sarasanghchhalak (Paramount leader) of the Rashtriya Swayamsevak Sangh (RSS), M. S. Golwalker, had visited Nepal in 1962, paid a tribute to Pashupatinath and called upon king Mahendra. King Mahendra told him, "It is my desire to build up Nepal as an ideal Hindu Kingdom in the eyes of the world from every point of view." Some opine that it was king Mahendra that for the first time coined the term "Hindu Kingdom".¹⁴

Why Nepal was declared a secular state remains unexplained to the common citizenry. However, it may safely be stated that turning the Hindu Kingdom into a secular republic has appeased the religious minorities and several indigenous ethnic communities, who would not identify themselves with Hinduism. It is widely believed/or perceived that secularism declaration had to do with "powerful lobbyists from other religions."¹⁵ The Janajati movement, Maoist insurgency and increasing pressures from the religious minorities are

14 Nishchal Nath Pandey, "New Nepal : The Fault Lines", (SAGE Publications), Page 69.

15 Pandey, *ibid.*

also considered as “push factors” for secularism.

In 1989-90 the ‘People’s Movement’ overthrew the Panchayat regime. A new Constitution was promulgated in 1990, which placed sovereignty firmly with the people rather than with the King. However, despite the beginnings of republican rumblings, the position of the King was confirmed: the old definition of Nepal as “an independent, indivisible and sovereign monarchical Hindu Kingdom” was changed to “a multi-ethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom.”

Those who wanted a secular Constitution argued that non-Hindus were condemned to second-class citizenship and therefore the Constitution was not fully democratic.¹⁶ In the run-up to the promulgation of a new Constitution following the political change of 1990, there was some disenchantment, mainly among the Buddhists.

Before 1951, apart from banning cow slaughter, the Nepalese state did not impose cultural practices on its subjects, but rather led by example.¹⁷ During 1951 through 1990, the state focus was to ban cow slaughter and promote Dashain as the main festival of all Nepalese.

HOW RELIGIOUS GROUPS HAVE FAIRED IN NEPAL

Hindus make up the largest religious majority in Nepal – 80.6% of the total population, according to the national census carried out in 2001. The religious demography has changed over the past few decades, as the table below indicates:

The Hindu population was on the decline while Buddhist, Islamic and Christian population was on the rise but the new census of 2011 has stated that the Hindu population has increased to 81.3 percent.

16 Ethnic Rights and Politics in Nepal, David Gellner, University of Oxford

17 ETHNIC RIGHTS AND POLITICS IN NEPAL, David N. Gellner, University of Oxford

Nepal's Population in %

Religion	1952/54	1991	2001
Hindus	88.8	86.5	80.6
Buddhists	8.6	7.8	10.7
Islams	2.6	3.5	4.2
Kiranti	–	1.0	3.6
Christians	–	0.2	0.5
Jains	–	0.0	0.0
Sikhs	–	0.1	0.0
Others	0.0	0.1	0.4
Unstated	–	0.1	–

Despite Hindus accounting for the single largest religious majority in the country and the state remaining Hindu till May 2006, Nepal has shown resilience and a high degree tolerance towards other religions. That is why the other religions got to flourish, as the table above shows. Not just that the Hindu men and women, who took charge of the country's politics and governance all along, did not even try to stop the conversion that has by now reached every nook and corner of the country.

FUNDAMENTALISM

Fundamentalism is about reaction to injustice, or perceived injustice. Sometimes, the reaction takes violent forms. Emanuel Castells uses the term resistance identity, which is generated by those actors that are in positions/conditions devalued and/or stigmatized by the logic of domination, thus building trenches of resistance and survival on the basis of principles different from, or opposed to, those permeating the institutions of society. Identity for resistance leads to the formation of communes of communities. This may be the most important type of identity building in our society. It constructs forms of collective resistance against otherwise unbearable oppression, usually on the basis of identities that were, apparently, clearly defined by history, geography, or biology, making it easier to essentialise the boundaries of resistance. For instance, ethnically based nationalism, as Scheff proposes, "arises out of a sense of alienation, on the one hand, and

resentment against unfair exclusion, whether political, economic or social.”

Religious fundamentalism, territorial communities, nationalist self-affirmation, or even the pride of self-denigration, inverting the terms of oppressive discourse are all expressions of the exclusion of the excluders by the excluded. That is, the building of defensive identity in terms of dominant institutions/ideologies, reversing the value judgment while reinforcing the boundary.¹⁸

Fundamentalism is a Protestant term that originated in the United States. It comes from a series of twelve pamphlets called *The Fundamentals: A Testimony to the Truth*, financed by two Christian businessmen who were brothers, Lyman and Milton Stewart. They were published between 1910 and 1915. They wanted to give Christians strength to withstand the rising influence of liberalism, secularism, and Darwinism.¹⁹

CHALLENGES

Militant groups. Militant groups, particularly those belonging to religious organizations, are sources and threats to secularism in Nepal. But the good thing is, in Nepal, there are not very many strong militant religious organizations operational. Besides, the state has largely been successful in cracking down on the few that have showed up so far. For example, the Nepal Defense Army, which bombed the Assumption Church in Lalitpur in 2009 and also carried out a wave of violence across the country, including burning newspapers for supporting the cause of secularism. And, there are one or two armed groups in Terai, which, occasionally play up their anti-secularism agenda, but these are mainly criminal groups, engaged and indulging in extortion and contract killings, and do not have strong linkages with fundamentalist organizations beyond the

18 *The Power of Identity: Identity and Meaning in the Network Society*, Manuel Castells

19 *Islamic Fundamentalism in South Asia*, Jere Van Dyk, July 2007

border. So, we have, at least at this stage, not a lot to fear.

Weak policing and intelligence gathering. Nepal has been a very weak state in terms of the country's ability to swing into action to deal situations and developments that we believe are detrimental to society. The state has largely been unable to give the general public a sense of security; and murders, contract killings are on the rise. The security forces do not always have the necessary gears and logistics or a solid chain of command to tackle these problems. We have to improve these.

Diverse ethnic groups. Nepal has diverse ethnic/caste groups – an estimated 103 – each having own customs, needs/demands and priorities. The state depends overwhelmingly on foreign aid and remittance and the agriculture sector's contribution to GDP is dwindling by the day. Given the reality of the day, the state will not be able to respond to the demands of these ethnic groups for support for the promotion and protection of their culture and religion. The state's failure to provide the people with the kind of support that they want could gradually disenchant the people and, in some cases even alienate them, causing communal disharmony and religious discords.

Role of the political parties. While political parties have been cautious enough not to fan religious sentiments against other religions, they do not appear as sensitive to ethnicity-based politics. Ethnic consciousness, like religion, gives people "collective identity". There certainly is a risk of ethnic sentiments coming into play if utmost care is not taken. It's important that the political parties take every bit of caution while reaching out to masses for the vote bank politics.

Proselyte Movements. The Interim Constitution bans religious conversions in Nepal, but a proselyte movement has reached every nook and corner of the country.

Citing half a dozen international Treaties and Covenants, the French Embassy wrote to the government that the current constitutional provisions on religious rights are "limited." It urged the

government to broaden them and allow interested persons to convert their religion.²⁰ However, Article 23 of the Interim Constitution of Nepal-2007 on Right to Religion says that every person will have the right to profess, practice and preserve his/her own religion. "Provided that no person shall be entitled to convert another person from one religion to another, and shall not act or behave in a manner which may jeopardize the religion of others," a sub-title of the article says.²¹

Competition among religions. In Nepal there are mainly four religions: Hinduism, Buddhism, Islam and Christianity. Hinduism is accommodative, amorphous, pluralist, flexible and multicultural. It is quiet and personal rather than loud and demonstrative; meditative and ritualistic rather than disturbing others; it lets people of other faiths be who they are rather than impose itself on them in the name of the nation, monotheism and superior belief.²²

Besides, Hinduism does not believe in conversion. Buddhism is relatively quiet.

Nepal is a secular country and every individual, irrespective of gender, nationality and caste, has the right to follow and practice the religion of his/her choice. This is a fundamental right that cannot be encroached or trampled upon by any element or force under any pretext. It is an individual's prerogative whether to follow Hinduism, Buddhism, Christianity or Islam or to pray in a temple, church, mosque, monastery, synagogue or a gurudwara. Until now, Nepal has been one of the finest examples of a country where different religions have coexisted peacefully and in perfect harmony for centuries, except for a few stray incidents of communal violence in the Terai belt, particularly in Nepalgunj in the recent past. Perhaps, Kathmandu stands out as a shining example where Hinduism and

20 Anil Giri, The Kathmandu Post, 27 April 2010

21 EU urges govt. to allow freedom to proselytize, www.ekantipur.com.np, posted 28 April 2010

22 Pramod Mishra, Born Again Hindus, The Kathmandu Post, (published online 2010-04-07)

Buddhism are equally revered and followed, thus displaying exemplary religious tolerance. The state should not allow any individual or group to upset this fine balance.²³

Role of Court/Judiciary. Judiciary and courts by and large have been extremely sensitive while giving out verdicts. Their verdicts have not been contested on religious grounds so far. This has contained the chances of politicizing the religion.

Role of media. Nepali media industry has played a good role by not instigating ethnic or religious sentiments against one another. Of course, in the past, there have been some unconscious efforts, eg. Kavilvastu incident in 2007 and Rautahat incident involving Maoists and the Madhesis. But there is a huge risk that with so many TV news channels and FM radio stations obsessed to beat the rivals could play the music wrong somewhere. They could cause disharmony and ethnic and religious tensions.

The Real Threat: The real threat to secularism comes from unemployment, deprivation, political instability, and the politics of everything for all the wrong reasons, including the issue of federalism. “Federalism encourages cultural groups to use elections” because, even if they cannot win at the national level, they may have considerable clout in local elections²⁴.

CONCLUSION

Nepal became secular without adequate public discussion and debate on what it meant. Ethnic groups legitimately felt alienated by the Hindu character of the state. Liberal activists in Kathmandu championed the cause, and the Maoists made it a political slogan. Kathmandu’s NGOs wanted this clause changed in the constitution.

23 Editorial, The Republica, published on 5 May 2009

24 Secularization, Religiosity, and the United States Constitution, Christopher L. Eisgruber, University Provost, Laurance S. Rockefeller Professor of Public Affairs & the University Center for Human Values, Princeton University

The decision to declare Nepal secular was correct but it was done in a flawed manner. People did not know what to make of it and there were differing expectations. The parties never explained the issue when they went campaigning even though it was a key point in their manifestos. There was little public debate in the media²⁵

Why Nepal was declared secular, what it actually means, appears beyond the common citizenry's comprehension. Part of the reason could be because monarchy was thought to be synonymous with Hinduism. But the majority Hindus in Nepal are not fanatics; yes, they control the country's politics but do not indulge in the politics of religion. Hopefully, this will remain so in the coming years also.

25 Prashant Jha, Nepali Times, ISSUE #419 (26 SEPT 2008 - 02 OCT 2008)

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The Hindu Swayamsevak Sangh and Hindutva in Nepal

Amish Raj Mulmi¹

On March 18, 2011, the Supreme Court removed the existing ban on the burial of non-Hindus in the Shlesmantak Forest². In response, the Pashupati Area Development Trust (PADT), which put the ban in place last December, argued that the court order was biased against them. The trust has also played its trump card, with PADT treasurer Narottam Baidhya saying, “[t]he Court order is against us and against all the Hindu community across the world (sic).”³

As Pashupatinath is considered the patron-deity of all Nepali Hindus, that the controversy over burial rights in the Shlesmantak forest would turn into a debate on the cultural affiliations of the new Nepali state was a given. Moreover, the series of events surrounding the PADT decision has once again highlighted the dichotomy, and consequentially, the disconnect between the new secular state and the old pillars of Hindu culture that permeate Nepali society.

Since Nepal was legally declared a secular state in May 2006, four major groups, each with a different reason for opposing the country’s new identity, have emerged. These groups are not

1 Author worked with The Kathmandu Post as features writer.

2 The Shlesmantak forest across the Pashupati is considered to be a sacred forest by both Hindus and Kirantis. While the latter have used the forest as burial grounds traditionally, the use of the grounds by Christians led to PADT ban any non-Hindu burials.

3 PADT on the Backfoot, The Kathmandu Post, March 20, 2011

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necessarily organized into cohesive bodies with set political goals. They do, however, share a common Hindu identity, and the contention of each group is part of the public debate over secularism. The first group argues that Nepal does not need an official tag of 'secular' as its religious minorities were not persecuted due to the country's previous 'Hindu' identity. Second are those who see secularism as an agenda pushed by the Unified Communist Party of Nepal (Maoist). This group believes that vociferous assertions by various ethnic groups, who form the foundation of the Maoists' support base and saw the erstwhile Hindu state as a historical wrong, have undermined their own identities.

The third group threatened by the secular state is made of those for whom secularism represents an imported ideal, enforced upon Nepal through the machinations of various I/NGOs and donor agencies. This group believes that foreign financial support to agencies involved in proselytizing in Nepal has changed the country's demographics. The fourth group to rally against a secular Nepal is represented by the Rashtriya Prajatantra Party-Nepal, a party with four seats in the Constituent Assembly. Calling for a return to the 1990 constitution which ensured a constitutional monarchy in a Hindu state, this group has been restricted to the fringe of post-2006 politics, and constitutes the right wing, conservative faction of Nepali politics today.

With these four arguments incorporating the voices of a relatively wide cross-section of Nepali society, any organization looking to form a united front against secularism will have to address the separate grievances of each group. Consequently, only a group able to rally and organize the various elements threatened by secularism can present a forceful opposition to the future of a secular Nepal.

HINDU NATIONALISM IN SOUTH ASIA

Among the many political ideologies that have emerged in South Asia, no other has been as potent or carried more potential for revolution than Hindutva, the ideology promoted by the militant

Indian Hindu organization Rashtriya Swayamsevak Sangh (RSS). From its inception in 1925, the RSS has portrayed itself as the last bastion of the ancient Aryan traditions prevalent in the Subcontinent. It has been accused of promoting a strain of nationalism so xenophobic as to reject everybody except Hindus as invaders. The RSS has been accused of assassinating Mahatma Gandhi, engineering the demolition of the Babri Masjid, and instigating the 2002 Gujarat riots where more than 2,000 Muslims were systematically butchered⁴.

French scholar Christophe Jaffrelot argues that the RSS, despite its emphasis on discipline and a paramilitary structure, adopted a “more quietist *modus operandi* situating the movement’s work into a virtually messianic long-term: its objective was to transform Hindu society into a Hindu *rashtra* and its favorite methodology to achieve that aim relied on the *shakha* technique⁵.” From its earliest days, the RSS has sought to incorporate several sections of society⁶ into its fold. In this quest, it has always promoted a brand of nationalism whose ultimate goal is the creation of a Hindu *Rashtra*, the governing ideals of which would be derived from the Vedas.

It was only in the 1980s, however, that the RSS could transform

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- 4 Gandhi’s assassination was carried out by Nathuram Godse, an ex-RSS activist. RSS has always maintained that Godse had already left the RSS when he killed Gandhi, and as proof, offers a letter written by then-Home Minister Vallabhbhai Patel to Indian Prime Minister Jawaharlal Nehru which says, “It clearly emerges from these statements that the RSS was not involved at all (in Gandhi’s assassination).” (RSS releases proof of its innocence, *The Hindu*, Aug. 18, 2004) In the aftermath of Gandhi’s assassination, however, the RSS was banned until 1949.
 - 5 *The Militias of Hindutva, Armed Militias of South Asia*, Edited by Jaffrelot and Laurent Gayer, Foundation Books.
 - 6 Volunteers of the RSS have held prominent political and administrative positions in India including the Prime Minister, Vice President, Home Minister and Ministers in the Central Government, Governors and Chief Ministers of various states and the members of elected bodies at the state and the national level and also the Indian ambassador to the US.

the Indian polity through its political arm, the Bharatiya Janata Party (BJP), which had the likes of L.K. Advani and Atal Behari Vajpayee, both former RSS members, as its leaders. Originally formed as the Bharatiya Jana Sangh in 1951, the BJP galvanized Indian Hindus in the 1980s, creating a formidable vote bank by working on the insecurities felt by the Hindu middle class. The BJP also capitalized on the widespread popularity of religious television soaps broadcast during the times—*Ramayana* and *Mahabharata*—to up the ante for a Ram Mandir in Ayodhya⁷, arguing that the Babri Masjid was built upon an ancient Ram temple marking the spot where the Hindu god was born. This spin, not backed by any scientific or archaeological evidence, created a new communal wave in the subcontinent's political history, which ultimately resulted in the demolition of the Babri Masjid in 1992. In 2002, calls for a Ram temple were raised again, and communal violence erupted when 58 kar-sevaks (volunteers) of the RSS were burnt alive at Godhra in Gujarat by suspected Muslim extremists. This act led to the Gujarat riots, a “pogrom along the lines of ethnic cleansing⁸”, in which nearly 2,000 Muslims were systematically identified and murdered.

In recent years, however, the RSS and the BJP have kept their Hindu nationalism under wraps. There are two possible explanations for this scaling back of rhetoric: As a response to the BJP's defeat in the last two general elections or/and as a means to deflect negative attention. Several ex-RSS members are being indicted in terrorist attacks, leading to the term ‘Saffron terror’ being coined to describe the group's ideology. Further, a splinter group called the Abhinav Bharat, whose members include current RSS office holders, has been blamed for several bomb blasts targeting either Muslim populations and shrines or signs of increased friendship between India and

7 Politics After Television: Religious Nationalism and the Reshaping of the Public in India, Arvind Rajagopal, Cambridge University Press

8 The Militias of Hindutva

Pakistan⁹ (the 2007 Samjhauta Express bombing). Though the RSS has not been indicted openly in these cases, the confession of Swami Aseemanand, one of the co-conspirators in the attacks make it clear that several Hindu nationalists, either linked to or part of RSS-affiliated organizations, were part of the tactic to fight Islamic terror “bomb for bomb¹⁰”.

One of the men named by Aseemanand is Yogi Adityanath, a current MP and mahant of the Gorakhnath temple, who is also known for his support for a Hindu Nepali state. “The unifying force in Nepal, like the soul that unites the body, is the Hindu king and Hindu culture. The imposition of secularism and sidelining the king will lead to devastating consequences,” he said in a 2007 interview¹¹.

‘HINDU DHARMA KO JAI’

The RSS’ links within Nepal were first cultivated during the 1960s, after then King Mahendra overthrew the elected government and established Panchayat system. Mahendra saw the RSS as a friendly force, which he could use to counter Nehru’s opposition to him, and sought to cultivate “Hindu forces as his supporters in India¹².” For the RSS, Mahendra’s overtures were an opening to create in Nepal the Hindu state model it had always desired for India. But the RSS’ brand of militant Hindu nationalism found little takers in Nepal, where Hinduism was already identified with the ruling dynasty. The promotion of Hindu nationalism became a tool with which the Shah dynasty could gain legitimacy, and this was a process that could be seen in Prithvi Narayan Shah’s declaration of Nepal as an ‘asli

9 Apart from the Samjhauta Express bombing, Hindu terror groups have been blamed for bomb blasts in Malegaon, Maharashtra, and Hyderabad, Andhra Pradesh.

10 Ibid

11 Nepal should be a Hindu Rastra again, Interviewed by Prashant Jha, Nepali Times, Issue no. 365

12 Royal Hindutva, Prashant Jha, Himal Southasian, October 2007

Hindustan'¹³, which was guided by “his interest to gain legitimacy in newly-conquered lands.”

The Shah dynasty here in Nepal, at least after Mahendra, projected itself as protectors of the only Hindu state in the world, and used the religion as a counterforce to secular opposition from within and without. King Mahendra's son Gyanendra sought to capitalize on the Hindu identity after he became King, meeting Indian religious leaders along with those of the RSS and its affiliates. These attempts did not however result in the RSS' brand of nationalism becoming entrenched in Nepali society along the trajectory it followed in India. One of the major reasons for this was the emergence of the Maoists, who identified themselves with everything against the royal state, and as a corollary, against Hinduism. Further, with the emergence of identity politics as promoted by the Maoists, two new fronts opened up: the first, ethnicity-based, and the second, religion-based¹⁴. The Hindu Swayamsevak Sangh (HSS), and the RPP-Nepal to a lesser extent, are examples of the second front.

The HSS, its organizers say, was set up in 1992 by a “few Nepali students who had come into contact with RSS leaders while studying in India¹⁵.” Its ideology is derived directly from the RSS, its modus operandi similar to that of its parent organization, and its annual Falgun 7 function was addressed this year by Mohan Bhagwat, the current RSS chief.

HSS believes that Nepal was declared a secular state at the behest of certain interest groups¹⁶ which were against Hinduism. The organization holds particular contempt for communist ideology: “Just like the world's biggest lie is communism, secularism is as big a

13 Nepal: Confronting Hindu Identity, Krishna Hachhethu, South Asian Journal, October-December 2003

14 Ibid

15 Author's interview (AI) with Rakesh Mishra, HSS Prachar Pramukh

16 The HSS believes secularism was forced upon Nepal by I/NGOs who wanted to promote Christian theology in Nepal.

lie...no one can be completely secular¹⁷.”

The declaration of a secular Nepal was, in the HSS’ philosophy, possible only with the implicit support of missionary organizations. HSS leaders argue that secularism was not on the agenda of the 2006 Jana Andolan, and that there was no need for Nepal to be secular as religious minorities were never prosecuted here. A secular state, conversely, becomes a foreign imposition. To correct this, the HSS demands a return to a Hindu state, calling for an end to cow slaughter, and a law ensuring that only Hindus can be appointed to the nation’s highest posts. Further, while the group posits itself as a non-violent movement, it emphasizes that it has the right to self-defense. A shakha¹⁸ member told me, “What would you do if someone constantly prods you?” further seeking to convince me of the ‘right to self-defense’ by arguing that missionaries ask the converted to destroy temples in their localities, while mosques in Nepal produce fake currency notes and spread terrorism. “We can’t sit back and just watch. If the state cannot implement its law, if the state’s mechanisms fail, we have to act¹⁹.”

The member’s assertion that the HSS “will have to act” to protect Hindu interests is a reminder of the paramilitary characteristics of the RSS. Like its influential parent organization, the HSS believes in disciplining its cadre through physical exercise and a commitment to a Hindu Nepali state. It conducts exercises twice a day—in the mornings and evenings—where it makes children as young as nine chant slogans such as, “Sangathan Ma Shakti Cha/Hindu Dharma Ko Jai/Nepal Aama Ko Jai²⁰”, as well as trains them to become “politicians or journalists, so that they can

17 Why a Hindu State? Subedar Singh, Hindu Swyamsevak Sangh

18 A shakha is both an office as well as a social group within the organizational hierarchy of the HSS/RSS

19 AI with Govinda Sah, HSS member, and a student of Development Communication

20 Translation: “There is strength in organization/Long live Hinduism/Long live the Nepali motherland”

implement the philosophy of Hindutva²¹.”

HSS’ leaders say that the organization has opened offices in 35 districts (mostly in the Terai), and has networks in 53 districts. It is also opening a permanent office in Kathmandu very soon, though leaders were unwilling to divulge its sources of finance, except that “individual members donate whatever they can²²”.

HINDU NATIONALISM AND ITS FUTURE IN NEPAL

Among the misplaced beliefs held by Nepalese today is the conviction that the monarchy is attempting to rally Hindu forces in a bid to return to power. Though parties like the RPP-Nepal wish to see the country return to a constitutional monarchy, the idea that the monarchy is always associated with Hinduism is incorrect, and this can be seen in the HSS’ opposition to the institution as a whole. The HSS’ brand of Hindutva²³ believes in a federal republican system of governance, and the organization believes the King, though a Hindu, “did nothing for the Hindus²⁴”.

There are, however, other factors that can lead to an assertion of Hindu identity inside Nepal even without the support of the RSS or other external forces. For many Nepalese, the monarchy—around which many Hindu rituals revolved—was an extension of their Hindu identity. The popular uprising of 2006 signified ambivalence towards the institution of monarchy, but did not necessarily to a similar feeling towards the erstwhile Hindu state. Hindus also became insecure through incidents such as the 2009 attack on the priests at

21 Author's Interview with Mishra

22 Ibid

23 Hindutva was coined by Hindu nationalist Vinayak Damodar Savarkar in 1923 and is a term used to describe Hindu nationalism and its offshoots

24 Author's Interview with Mishra

Pashupati²⁵. Conversely, the Jana Andolan and the subsequent declaration of a secular state made the majority of Hindus jittery; once the Hindu identity was perceived as being under threat, Hinduism suddenly became a political identity, one that was challenged by the growing ethnic assertions. The demand for a federal state along ethnic lines furthered this insecurity.

Amid such an environment, incidents like the Shlesmantak controversy and the furor over the Pashupati priests will further polarize the Hindu majority, which will begin to see the secular state as being one that is against their interests. Part of the reason for the degree of suspicion heaped on the secular state is due to a lack of adequate debate on the issue before the declaration was made. Neither the term nor the nature of the relationship between the state and religion has been defined adequately—does secularism, for instance, mean that the state will withdraw itself from matters of religion completely or that it will intervene to ensure equal rights for all religions and members of different ethnicities? In such a befuddling environment, secularism has come to mean each ethnic group gets its own public holiday—a token symbol—while the president, as head of state, has taken over the socio-religious duties of the King. Issues like these have led to commentators questioning how secular Nepal actually is?²⁶

The confusion created by such a lack of clarity has created a space for the entry of an aggressive Hindu majority, which believes that organizing around religion is the only way to protect their interests. In this context, the HSS can offer its organizational capabilities to the disgruntled. Learning from the RSS will not be as

25 In January 2009, the Maoist government chose a Nepali priest to replace the Indian priests who have traditionally conducted all rituals at the Pashupati. The decision was reverted after week-long protests.

26 Note: Commentator Prashant Jha poses an interesting question in his piece, *Secularism in a Free State* (Nepali Times, Issue no. 419): “Is it right for the president to attend Hindu events? What if we have a Muslim or a janjati president?”

much of a challenge as mobilizing a population that has always practiced passive Hinduism. To inspire a Hindu revival, the RSS will have to exploit the polarization between ethnic demands and conservative elements within Nepali society, and between Maoists and other parties. For, as mentioned above, the Maoists have come to be the foremost proponents of a secular state, but the attack on the Pashupati priests did their 'secular' credentials no good. Instead, it polarized a certain section of the population into believing the Maoists were anti-Hindu.

The HSS then has to make its militant Hindu nationalism palatable to groups that have felt alienated by the 'New Nepal'. It will have to reinvent itself "radically²⁷" and use religion as a tool for political mobilization, as its parent organization did in the 1980s in India. It will also have to bring into its fold those ethnic groups marginalized by the current ethnic movement, and create an all-encompassing identity that incorporates their demands. The HSS will need to create political alliances, open more fronts, and make its movement a pan-Nepali movement if its ambition is to usher in the saffron wave that was seen in India.

TOO SOON TO TELL

The HSS, as of now, is still an incipient organization, while Hindu nationalism in Nepal is also at a nascent stage. Nevertheless, HSS' organizational structure—molded exactly according to that of the RSS—rests on the sole belief that mass mobilization can only occur once its cadres can permeate state structures or occupy a prominent voice in the current polity. In India, Hindutva became a potent political force nearly six decades after the RSS was set up. Whether it will take as long for the ideology to take root in Nepal is debatable.

Hindu nationalism as of now has found its followers in disparate segments in Nepal. There is a significant presence of Hindutva supporters in the mid-Terai, where apart from the HSS, groups like

27 The Creation of Space, Aditya Adhikari, The Kathmandu Post

the Nepal Shivsena (which denies any links to the Late Bal Thackeray-led party in India) exist. The challenge before the HSS is then to establish itself as the most dominant force among these groups, and then to create an alliance or a movement that rests on the demands of Hindutva. Incidents like Shlesmantak will only make it easier for the HSS to do just that.

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The Nepali State, Secularism and Minority Religious Groups

Monika Timsina¹

INTRODUCTION

Religion is a core concern in many people's lives. People following different faiths may live together peacefully. Sometimes, however, followers of one religion may dominate followers of other religions, and sometimes followers of different faiths may engage in violent conflict. Nepal has also seen an increase in religious violence in recent decades.

The Hindu religion saw an ascendance with the formation of Nepal. Prithivi Narayan Shah declared his newly enlarged kingdom asali Hindustan (pure Hindu land). The 1854 Civil Code further entrenched the Hindu religion in society. The code penalized lower castes with harsher punishment for the same crime (Hofer 2004). Followers of other religions were also treated unequally. Caste based discrimination was ended by the new Country Code of 1964 but the 1963 Constitution declared Nepal as a Hindu kingdom, whose king was to be a Hindu. This made followers of other religions unequal as the Hindu state went on to promote Hinduism at the cost of other religions, such as declaring public holidays overwhelmingly on Hindu festivals and not giving holidays in minority religions' festivals (Lawoti 2005).

MINORITY RELIGIOUS GROUPS

Buddhists, Muslims, Kiratis, Christians, Sikhs, Jains are other religious

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groups of Nepal. Hinduism, Buddhism and Kirati are old religions of the country. While Islam and Christianity arrived in Nepal later but they nevertheless have a long history in the country.

The history of Muslim settlement in Nepal dates back to the early 16th century. However, the recognition of Muslims as a separate religious group and consequently, of their cultural as equal citizenship was not granted by the Nepalese state until 1962. It is evident from the available historical accounts that from 1768 until the middle of the 20th century, Muslims along with their Christian counterparts were treated as virtual outcastes (both socially and politically) by the newly formed state (Gaborieau 1995). During the entire Rana period, which began in 1846, Nepalese Muslims held an impure and inferior status in a rigidly hierarchical social structure, based on the Hindu fourfold national caste system (Hofer 1979:40). In the following years, when Nepal, after a brief stint democracy (1959-60), slipped back into absolute monarchical rule, the Muslim community found that the new system presented it with a dual social status. Constitutionally, Muslims gained the status of equal citizens (i.e. equal before law); in practice, however, they continued to hold a low status in a tradition- bound society, and to be deprived of political and economic benefits (Gaborieau 1972).

The history of Christianity dates back to the 18th century when a few catholic monks from Rome came to Nepal and met with the then ruling Malla kings, with whose permission they started evangelizing the people in the Kathmandu Valley. During this period of evangelism of 54 years, around 600 Nepalese (Newars) were converted and Churches were established in Kathmandu and Bhaktapur. In 1767 king Prithivi Narayan Shah invaded Kathmandu Valley and he pressured the foreign catholic missionaries and the converted Nepalese to leave the country suspecting that they could be in league with the then British rulers in India who were expanding their territory. Since that point of time until a brief revolution leading to establishment of democratic rule in Nepal in 1951, the door to Christianity was totally closed.

Nepal re-opened the door to Christian's missionaries in the 1950s. According to the Nepal Resource and Research Network (NRRN), the total population of Christians in Nepal in 2007 is 379,042. It is 1.46 % of total population of Nepal (Gurung 2009). This is a huge increase from the past. The Nepal Government Census of 1971 had shown 2,541 Christians in the country. It was 0.02 % of the total population. The Census of 1981 reported 3,891 Christians (0.03 % of total population). The Census of 1991 had shown a greater change in the number of Christians (31,289 or 0.17 % of the total population). The greatest change was shown by the Census of 2001 (101,976 or 0.45% of the total population). This was more than 226 % of growth. The Christians are the most rapidly increasing religious group in Nepal today.

Christians started their work in the name of modernization and development, and invested money in different sectors like modern education, health service, communication and transportation (Shah 1993). Conversion from Hindu to Christianity, however, was still illegal in Nepal; and several arrests were made for acts of proselytism until 1990. The laws of the Hindu state banned proselytism. At the time of Panchayat's demise in 1990, there were 30 persons serving jail sentences for conversion related- charges, and another 200 had cases pending in different courts. All were granted amnesty when the interim Government took over from the Panchayat (Shah 1993).

After drafting the 1990 constitution, which awarded political rights and civil liberties, minority religious groups started breathing freedom to profess and live according to their faith and culture. However, the democratic constitution of 1990 maintained a religious character as a Hindu state, and a state religion meant domination of a culture, language and Hindu upper castes. It went against a society arising out of its pluralism. This is one of reason why Nepal passed through violent conflict in the following years.

The formal declaration of the state as Hindu by the constitution imposed particular restrictions on the religious minorities, including the ability to proselytize and convert. As a result, various minority

groups felt that their culture, religion, and language were curbed by the majority monolithic Hindu- elite backed state that spoke the Nepali language and wore the hill attire. The minorities wanted Nepal to become a secular state in order to make country more inclusive.

SECULAR STATE OF NEPAL

The interim government that was formed after the 2006 People's Movement overthrew the king's direct rule and declared Nepal a secular state. Non- Hindu citizens felt that they have been recognized and given respect by the state after Nepal was declared a secular state. The announcement was welcomed by ethnic and religious minorities like Christians and Muslims. Minorities hail the decision saying it ensured justice as they no longer will be dominated by a particular religion.

While religious minorities and ethnic groups in Nepal have voiced satisfaction about the historical parliament resolution declaring the country to be secular, Hindu leaders and activists have protested against the government decision. Demonstration and rallies were reported in places like Kathmandu and Birgunj. The rallies waved tridents and saffron flags and shouted slogans against some political parties. They claimed that the interim government's decision betrayed the expectation of 80 percent of the Hindu population.

Secularism is the separation of religion from the state, as begun and practiced in Western countries. It is usually understood as the state being neutral on matters of religion. All religious groups are free to practice their faith - unhindered. It neither supports nor opposes any religious belief or practice. A secular state treats all its citizens equally regardless of religion, and does not give preferential treatment to citizens from any particular religion. This is generally understood form of secularism in Nepal also. Another concept of secularism argues that the state should be active in making minority religious groups equal to dominant religious group and hence state intervention may be necessary in favor of minority religious groups because they are disadvantaged in everyday practices. This concept

has not become popular in Nepal.

After the declaration of secularism, the conditions for conversion have become more relaxed. Hindus allege that many poor people are being converted. This has developed a sense of anxiety among Hindus and Hindu extremists are using the rhetoric to attack minority religious groups.

RELIGIOUS CONFLICT BEFORE SECULARISM

Historically, Nepal has not seen a great deal of overt violent conflict among various religious communities. But still, there have been a few instances of communal conflicts, especially between Hindus and Muslims. A chronological study of cases of communal conflicts and the state's responses to them may be useful in analyzing a shift in the approach of the Nepali state to such incidents.

A communal clash occurred in 1958-59 in Bhawarpur village in the central Tarai district of Mahottari when the majority community desecrated a mosque and also indulged in arson and looting against Muslims (ANAI 1980:3, Ansari1981:26-7). In 1959-60, communal violence occurred in Adhyanpur village in Mahottari district. Riots broke out while a Hindu religious procession was making the round of the villages. Two people were burned to death and more than 100 houses were set on fire (ANAI1980:3). In 1971, gai kanda (cow-slaughter incident) riots took place in the central Terai district of Rautahat and Bara. This is the bloodiest Hindu- Muslim riot in the history of Nepal to date (Dastider 2000; 27). These violent incidents occurred during the autocratic regime. The next religious violence during an authoritarian regime was the arson against the Muslim community in the Kathmandu Valley in 2004 after some Nepali workers were killed by Islamic terrorists in Iraq. During the democratic years of the 1990s, Nepalgunj witnessed several communal conflicts.

RELIGIOUS CONFLICT AFTER SECULARISM

Hindu- Muslim riots occurred on September 21, 2007 in Tulsipur, Dang. Several Muslims shops were looted and their homes

vandalized. This was a ripple effect of the hill- Madehesi communal violence of September 16, 2007 in Kapilvastu where 14 people were killed, dozens injured and around 300 houses were set on fire after the murder of a Muslim civil defense group leader (Kantipur: September 17, 2007). The 2006 political transformation brought another group into the violent conflict dynamics. Since 2006, there have been several Hindu – Christian conflicts in secular Nepal. Earlier Hindu – Muslim violence was based on allegations of desecration, insult towards temple and mosque, pollution, impurity and so forth. The new Hindu – Christian violence has occurred over the issue of religious conversion. On July 2008, a Roman Catholic priest Father Johnson Prakash Mayalan was killed in Eastern Nepal. The attackers left pamphlets on the scene identifying themselves as member of the Nepal Defence Army (NDA), a little known fundamentalist group (Kantipur: July 02, 2008). On 31 March 2008, three people were killed and many wounded by bombs that went off in a mosque in Morang when the faithful had gathered for evening prayers (Kantipur: April 01, 2008). On 23 May 2009, a church blast killed three persons and fourteen others were injured when a pressure – cooker bomb went off inside a Catholic Church at Dhobighat, Lalitpur (Kantipur: May 24, 2009). The NDA owned up responsibility for these incidents. The NDA was formed by some of Hindu Fundamentalists after the declaration of Nepal as a secular state. The NDA was unknown before 2007. The NDA has warned churches several times to stop their alleged conversion activities. The Nepali Christians are taking the threats seriously and have asked the authorities to treat this matter seriously.

On 6th September 2009, Police arrested at least four leaders of NDA, including its chairman R.P Mainali in possession of arms from Jhapa (Kantipur, 7 September, 2009). After arresting the chairman of NDA there has been no direct involvement of any other organizations against Christians have been reported in Nepal. The Christians, however, still perceive discrimination against them at societal level. They feel as if they are treated as untouchables by members of others

religious groups. This may be due to misunderstanding and miscommunication among different religious groups.

LACK OF INTERFAITH DIALOGUE BETWEEN CHRISTIANS AND HINDUS

Interfaith dialogue means to learn from other religions and to give others a better understanding one's religion. Interaction among adherents of different religions can increase understanding of each other's faiths. In a secular state it is very important to promote peace, harmony, and tolerance among different groups, who may look different, follow different religions, and practice different cultures. Education, interactions, and inter faith dialogues can contribute in increasing understanding and promoting tolerance.

As mentioned above, conversion is no longer illegal after Nepal was declared a secular state. The religious institutions are now free to spread their religious missions in Nepal. Christians have established radio FM station: 105.1 MHz to spread religious messages to the people. They probably felt the need to establish a FM station because the government controlled Radio Nepal and Nepal Television overwhelmingly broadcast Hindu religious programs and messages. The establishment of the FM station and other forms public outreach program may have contributed in increasing awareness about the religion and may also have contributed in conversion but it is not clear whether it has contributed in inter faith dialogue and harmony. In fact, such activities may have created anxiety among Hindus who take it as normal when Radio Nepal broadcasts Hindu programs but find it unusual when other religious groups have to establish their own FM stations.

Even though six years have passed since the declaration of Nepal as a secular state, there is still a lack of interfaith dialogue among the Nepalese regarding each other's religions. Interfaith dialogue has occurred only at academic or intellectual level, if at all, it has. The state and societal actors have not feet necessary about starting interreligious and interfaith dialogues. The growing anxiety

among different faiths and emergence of extremists groups may pose challenge to the Nepalese to live peacefully together in the future.

Christians are aware that there is a growing demand among some sections of the majority Hindus to revert back to a Hindu state. They are worried about this trend and hence they strongly demand to retain Nepal as secular. They want a parliamentary commission of religious affairs and an article in the new constitution that will ensure their right to form NGOs and Church Trusts easily. They also want the state to institutionalize secularism.

FEELING OF DISPOSITION BY CHRISTIANS IN NEPAL

As a group, the Christians in Nepal feel conscious about their overwhelming minority status. They claim that that they have served the society by providing services and engaging in social activities. According to sources, Christians have made positive contributions in the Nepalese society by helping to break down the barriers of caste system, reducing the economic burden of people and providing health and education services through missionary agencies. Despite these contributions, the Christians feel that they have not received adequate recognition and equal treatment by the state.

There are no laws in Nepal for the registration of Christian Churches and organizations. It is high time the state does so to enable opportunities to follow and institutionalize ones faith. The Christians organizations are till date registered either as NGOs or social welfare foundations. According to the National Church Survey of Nepal, 2007 conducted by the Nepal Research and Resource Network (NRRN) there are about 2799 churches and congregation throughout Nepal. In the Kathmandu valley alone there are 309 churches.

CONCLUSION

1. Religious conflict is rising in Nepal.
2. The form of interreligious violence has changed. In place of communal arsons, fundamentalist organizations have

emerged and they use weapons.

3. New level of interreligious competition has been brought by the declaration of the state as secular. The state does not have the capacity to check and control violent activities of different groups.
4. Earlier Hindu-Muslim violence occurred on allegations of desecration and insults of temples and mosques, and the question of pollution and impurity etc. The recent Hindu Christian conflicts have occurred over the issue of religious conversion.
5. Interreligious conflict is likely to remain a potential challenge to social harmony in the future.
6. Christianity is still regarded as a religion of Westerners in Nepal. Nepalese Hindus see Christianity as a foreign, a “cow-eating” religion. Some even accuse Christianity of destroying traditional culture. People believe that when a Hindu becomes a Christian he/she will break the caste system. The caste system has personal, family, and social consequences for many Hindus and many upper castes do not like it to be challenged. On the other hand, for some low caste and poor people, Christianity may provide some hope. Nepalese living in poverty are half fed and half clad and low caste people are considered untouchables. For many poor and low caste Nepalese, converting means a chance to earn a better living, an opportunity to visit foreign lands and experience more prosperity.

The demand of secular state was not only by Christians. Indigenous nationalities, Buddhists and other minorities also demanded a secular state. In this context, why do the fundamentalist groups target only Christians and Muslims? It looks like the powerless minority religious groups have been made scapegoats.

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Maintaining Religious Harmony: Issues and Recommendations

Dr. Nishchal N. Pandey¹

Nepal is currently going through a phase of prolonged transition, and like every question related to state restructuring; the issue of religion too is becoming difficult to manage. Perhaps for the first time in its history, there is increasing schism, discord and suspicion among the various communities of Nepalese amongst one another. Yet the dream to restructure the state is firm. In the past, although Nepal guaranteed freedom of religion to each of the country's faiths, yet it prohibited efforts to convert others; foreign missionaries caught proselytizing were arrested and expelled. False charges were also framed deliberately to deter conversion from Hinduism to other religions, particularly Islam and Christianity. Muslims were not allowed to openly operate Madrasas, and majoritarian Hindu symbols gained supremacy over others.

Various religious minorities felt that their culture, religion and language were being knowingly curbed by the majoritarian, monolithic state-backed Hindu elite that spoke the Nepali language. They regarded this as a restriction imposed on them so that they wouldn't contest the centralized political structure, dominance over others by the Hindu religion, the Nepali language and caste hierarchy. Therefore, they wanted Nepal to become "secular" in order to make the country more inclusive in nature.

Although these assertions cannot be disputed, it is also a fact that

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at no time during the decades of being a Hindu nation had the country witnessed a major conflict based on religious lines as various communities lived in total harmony with one another. There was no conflict among various religious groups within the 'Hindu' character of the country simply because we never had any untoward incident by a specific group against another.

The proof of how several faiths lived side by side enjoying trust and mutual respect is in the fact that there had never been any big riot or civil disturbance in the name of religion in the past. Hindus regard Buddha as an incarnation of Vishnu even as it is customary for many Buddhist pilgrims to visit Hindu temples. There was absolutely no animosity between Hindus and Christians. Missionary schools — St. Xavier's and St. Mary's — were allowed to be opened in the 1950s and they are still regarded as respected institutions of learning producing some of the best doctors, architects, chartered accountants, businessmen and Army Generals. The secular nature of the Nepali people even during the days of being an official Hindu country was seen when they remained totally undisturbed while the Babri Mosque in neighboring Uttar Pradesh was demolished and religious frenzy between various groups spilled over to the streets. Would it have been so easy to abruptly declare Nepal as a 'secular' country if we had other religious group in the majority instead of Hindus? Ironically, after the country has become secular, communalism and secessionist forces are raising their ugly heads. Shall we simply wait and accept the tragic consequences of politicization of religion or shall we pledge to do something concrete about it?

CHALLENGE OF FUNDAMENTALISM

In fact, the entire South Asian region has been tormented on issues and controversies on various forms of religious fundamentalism such as Hindu militancy, Christian assertiveness, asserting of Sikh identity, overly nationalist Buddhism and the Wahabi brand of Islam from the last half century. One should not forget that Mahatma Gandhi was

assassinated by a Hindu fanatic and President S.W.R.D Bandaranaike by a Buddhist monk. Muslim fundamentalists continue to call for jihad in the name of Islam while harassments to women is routine in Afghanistan. The Taliban vandals destroyed the historic UNESCO site of the Bamiyan stating that the site was 'un-Islamic'. Pakistan has witnessed an increase in communal violence between Sunni and Shi'ite communities. Recently a Governor was assassinated for trying to uphold moderate and pluralistic principles in Pakistani society. An attempt on the life of a 14 year old girl Malala Yousafzai by Taliban gunmen in October 2012 underscores the brutal fact that militant groups can stoop to any level to create terror in society. Violence between Buddhists and Rohingya Muslims in Myanmar's Rakhine region erupted in June 2012 after the alleged rape and murder of a Buddhist girl by Muslim men. The scale of violence led to scores of deaths and mass displacement of tens of thousands of people but Bangladesh refused them entry. Even in The Maldives, known for its serene beaches and exotic islands, the government is lately facing increased pressure from fundamentalists. Politicization of religion and the regular addiction of political leaders to fan tension among communities for vote bank politics is nothing new in our sub-region. There are regular clashes between Hindus and Muslims even as Christian minorities are routinely attacked in India where there have even been cases of rape of nuns, demolition of mosques and attack on virtually every faith by the other. Hindus and their shrines in Bangladesh and Bhutan have also been subject to expulsion, violence and destruction. In most our societies, religious leaders have had special inclination in politics, there is a close nexus between various religious groups and political parties and the tendency to use religious discord for vote bank politics that has blurred the difference between a politician and a religious guru.

Indian mystique Osho Rajneesh once said poignantly:-

“I don't want to go to heaven. Just imagine a place where all the Monks, Shankaracharyas, Mullahs and Priests have gathered. I better go to hell. It will be far more interesting.”

In the midst of all these problems, the dilemmas of newly established secularism needs to be addressed in a manner that all communities in Nepal feel safe and accommodated without feeling left out. The pluralistic culture of the Nepalese needs to be nurtured but this does not mean that the majority need to be humiliated in the name of reforms nor does it mean that the inherent rights of religious minorities can be ignored or bull-dozed over. Centuries' old tradition of religious harmony cannot be allowed to be hijacked either in the name of state restructuring or in the form of safeguarding the rights of the majority. This is the type of drift away from the actual teachings of love, harmony, truth, compassion that all religions preach which must be watched carefully by a modern day state. "Why is it becoming so difficult for us to respect the right of others to follow any teaching or teacher of their choice? No one who claims loyalty to any faith that advocates compassion, tolerance and understanding can afford to ignore these tenets."²

What we need to understand is that there is a marked difference between religion and culture. While the state can be independent as regards to all religious beliefs, cultural practices can still be supported and preserved under secularism.

Secularism is often associated with what is known as 'The Age of Enlightenment' in Europe. These days, policy actions on issues such as abortion, same sex marriage, research on embryonic stem cells have also been lobbied by secular organizations in the U.S. On the contrary, "communalists are those who believe in the supremacy of their own religion over other religions and preach hatred against other religions. Communalism is the reverse of secularism. It, therefore, must be resisted at all costs."³ It is these kind of people that need to be dealt with. Unfortunately, caste and ethnicity based

2 Seema Burman, "The Path of Pure Love", Times of India, Feb. 14, 2011

3 Muchkund Dubey, "Challenges Facing Indian Secularism", in DD Khanna, LL Mehrotra and Gert W. Kueck (Eds.) Democracy, Diversity, Stability: 50 Years of Indian Independence. Delhi: MacMillan. 1998. p. 172.

politics has already made a grand entry into Nepali politics since 2008 C.A. elections which could further pave the way for religious and religious hatred trademark to be introduced in the future. “Germination of ethnicity based outfits, some of who are NGOs championing the cause of certain indigenous groups and Dalits, will gravely impact the traditional vote bank of major parties and introduce a separate set of challenges to the state.”⁴

THE 11TH NATIONAL CENSUS PRELIMINARY REPORTS

Released on Nov. 26, 2011, the new Census report unveils a lot of interesting facts about the demographics of the country. Nepal's total population is 26.62 million with 1.97 million Nepalese living abroad. A total of 46.6 percent of the population speak Nepali. A lot of curiosity was on the increase or decrease of particular religious clusters especially as Hindu groups had been fearful about the slow decline of their population. But the report's data shows otherwise:-

	2001	2011
Hindus	80.6 %	81.3 %
Buddhists	10.7 %	9 %
Islam	4.2 %	4.4 %
Kirat	3.6 %	3.1 %
Christians	0.45 %	1.4 %

The above data reveals that Hindus have actually increased over the ten year period of (2001-2011). Despite of all the hue and cry over conversion and mushrooming of mosques in the terai, Hindu population has not decreased. It is the Sikh population that is decreasing. There were a total of 5,890 Sikhs in 2001 whereas their figure has come down drastically to 609 in 2011.⁵ Christians have rejected the 2011 Census but what needs to be understood is that during household survey, individual interview is taken note of by the

4 Nishchal N. Pandey, “The State of Nepal” in D. Suba Chandran & PR Chari (Eds.), *Armed Conflicts in South Asia*. Delhi: Routledge. 2013. p. 193.

5 “Palayan Pathma”, *Nepal weekly*, Feb. 18, 2013.

survey team and not the official standpoint of the religious or ethnic groups. The same census has also revealed a tiny percentage of Hindi speaking people in the country in comparison to Maithili (11.7 %) and Bhojpuri (6 %). Islam is steadily increasing which could be both due to entry from the open border into Nepal or also because of the “Muslim rate of growth”.

Despite being located in this fanatical South Asian neighborhood, harmonization of religious practices and methods of worship in Nepal had been a factor of great admiration over the years. But things are changing swiftly and politicization of religion is making its rapid advance in the country. Contours of secularism remain ambiguous while disturbing trends have emerged. Hindu extremism is on the rise, and Christian and Muslim minorities have been subjected to violent attacks by fundamentalist groups hence they are also asserting their rights leading to friction and tension in the society.

The incident of Sep. 1, 2004 was the first in history in which Muslim institutions and mosques were targeted, and the holy Quran was burnt by angry mobs protesting against the killing of 12 Nepali hostages by Islamic militants of the army of Ansar al-Sunna in Iraq. However, it was viewed that this was an isolated incident that the Nepali Muslim Society together with Millat-e-Islamia Nepal condemned the brutal killing of the hostages.

The second incident that generated a separate series of bloodbaths was the murder of local Muslim leader Mohit Khan, triggering mayhem from Sep. 16-21, 2007 in Kapilvastu. Altogether, 14 were killed, at least 300 were injured and over five thousand people were displaced following this incident which can easily be termed as the biggest communal violence in the country. Within an hour of the news, homes belonging to people from the hills were gutted and businesses of hill people were attacked and burnt in Chandrauta and Krishnanagar. Muslim-owned shops and vehicles were set ablaze in retaliation. Eyewitness reports stated that altogether 300 homes and 100 vehicles were set afire by mobs.

Following this, communal riots ignited in Lamahi, Tulsipur and the Bhalubang area of Dang district. The Nepali state has not even arrested a single culprit for this deadly riot nor has anyone in power cared to take responsibility for failure of one of the deadliest security lapses in the country's modern history.

On May 23, 2009, a deadly bomb attack on Lalitpur's Catholic Church of the Assumption, claimed by the National Defence Army (NDA), killed three people and wounded 12 others. Days later, the NDA issued a call for all Christians to leave Nepal. The main accused in the blast, Sita Thapa Shrestha, said that she "regretted having been able to kill only three people". This bomb blast has become a scar on the face of all Hindus who have traditionally been living in this country as a truly secular, broad-minded community and never considered fanaticism or physically attacking others as proof of their devotion towards their Almighty. However, a minority cluster among the Hindus dissatisfied with the abrupt parliamentary decision to turn the country secular regard it as faulty as it was done without a popular referendum. These are the people that we must vow to control before it gets too late.

Quite a few armed outfits and organizations with peculiar names are active in the Terai with the sole aim of restoring the country to a Hindu state. One of the reasons for this craze for reverting back to the previous state is because the Nepali translation of the word "secular" has been stated as "dharma nirapeksha", which is not only incorrect but has sent a wrong signal to the people that their government had now become atheist instead of becoming uniform or equal to all religions. Some radical groups have also been telling people that secularism actually means "anti-Hindu" in our context. They are citing recent examples of the removal of the priests from the Pashupatinath temple, government decision to stop allocations in the budget for traditional festivals like the Kumari Jatra or Indra Jatra, easy availability of beef and the repeated attacks on the Pashupatinath temple whether it is the attempt to remove the Indian priests or robberies- the latest one on Feb. 16, 2013. Sit-in programs

and small-scale protests by militant Hindus have already become regular features of contemporary politics; as a result Muslims and other minorities have also begun to organize themselves. This will only turn the country into a hotbed of extremism, fanaticism and religiously motivated clashes at a time when the state security forces are already grappling with a myriad of challenges. Since the perpetrators of first two incidents went scot-free, it is doubtful whether the state will be able to provide justice to the victims of the church blast in a timely manner.⁶ Impunity is a real problem of contemporary Nepal which is the international community has been clamoring for the formation of a Truth and Reconciliation Commission.

“Ironically, though Hindu philosophy is very liberal and tolerant, the social framework that is associated with the Hindu religion, displays rigidity in its extreme. For instance, the hereditary caste system, or the ban on re-conversion into Hinduism of those who had got themselves converted or were forcibly converted to other religions.”⁷ The multiplicity of Hinduism, also reflected itself in the absence of any terms to identify Hinduism. The term ‘Hindu’ itself is a result of corruption of the word ‘Sindhu’ by the Persians who could not pronounce the word Sindhu as the letter ‘S’ was missing in Pahelavi, the language of the ancient Persians.

But Hinduism practiced in Nepal was never associated with hatred towards other communities which seems to be slowly changing. Just like the Wahabi brand changed the character of Islam in Pakistan and is seen to be slowly making in-roads in Bangladesh, assertive and intolerant Hindu character sneaking in from the Hindi heartland into the terai will transform the tolerant Hinduism of Nepal. Ironically the government neither has a commission to safeguard or promote secularism nor any strategy to curb the ugly tentacles of fanaticism. Instead, these extremists have no dearth of resources and

6 Nishchal N. Pandey, 'The Kathmandu Post' July 22, 2009

7 http://www.hindubooks.org/sudheer_birodkar/hindu_history/secularroots.html

funds that come from nooks and corners of the world. The result will be disastrous. But we should not feel hopeless. "History is not merely a series of accidents. It is a constant struggle between the reactionary, divisive war mongers and the people striving to realize their dream to live peacefully in cooperation with each other in a society where men and women love reason, despise hatred and violence, shun darkness, turn towards light, praise virtue-people whose minds are sensitive, hearts generous and spirits free."⁸

MEASURES

Undoubtedly, Nepal must remain a nation where pluralism, differences, ethnic and linguistic variety and religious diversity is respected at all times, and it should not bandwagon with the Uttar Pradesh variety of politics⁹ where religion and caste are elementary ingredients of electoral arithmetic making politicians captives to various "devout" committees or organizations. This will only facilitate the entry of ambitious and intolerant cultists into the affairs of the government. No community should feel unsafe, and this includes the Hindu upper castes not to mention dalits, indigenous nationalities, Christians, Buddhists, Muslims, Jains and Sikhs. "The rule of law is the 'glue' that binds all aspects of the state, the economy, and society. Each of the state's functions is defined by a specific set of rules that creates the governance arrangements - decision, rights, processes, accountabilities, freedoms, and duties - for that function."¹⁰

There are a few critically sensitive issues where long-term planning is needed so that various religious groups don't feel victimized or disgraced with the incorrect interpretation of the term 'secular principles'. Utmost caution is required in these issues as they

8 Madanjeet Singh, "SASIA Story", South Asia Foundation, Delhi: 2004. p. 213.

9 Note: Even in Uttar Pradesh and Bihar, the election slogans are slowly turning into development issues rather than religion and caste.

10 Ashraf Ghani & Clare Lockhart, Fixing Failed States, New York: Oxford, 2008. p. 125.

are easily intertwined by fundamentalists into thorny problems for their own ill-motives. Whereas the state must not waiver from its primary obligation to uphold the rule of law, it also must be mindful of certain special requirements such as:-

Proper Burial Site for Christians: Christians require a proper burial site and this is of course, their fundamental constitutional and inherent right both as an important religious group and as human beings. The Nepali state must not be irresponsible by not heeding to their demands nor can it be reckless to demarcate the Hindu sacred place of the Pashupatinath jungle for this particular purpose. Thousands of acres of government land is idle, misused and encroached all across Kathmandu valley which can be easily allocated to the Christian community. Such a burial site must be earmarked by the government without further delay.

Cow Slaughter: The Hindu legends invariably treat the cow as sacred. Even some of the Muslim kings who ruled India decided to impose a ban on their subjects eating beef as it was considered offensive to the majority Hindus who revered the cow. The Delhi Agricultural Cattle Preservation Act, 1994, prohibits the sale and storage of beef and using this Act, the hosts did not allow serving of beef during the Commonwealth Games held in 2011. Probably in a first of its kind, the fast-food giant McDonald's outlets in India have no beef on their menu. Since this is a state subject, most states allow beef products but some don't - most notably in Gujarat where beef is banned and other minorities have no qualms about it.

In a letter to Nehru in 1925 Mahatma Gandhi said, "Cow Protection to me means protection to the weak, the helpless, the deaf and the dumb." The Supreme Court of India also in its verdict had said, "Since Muslim religious texts do not make it obligatory to sacrifice a cow on religious days, total ban on slaughter of cows of all ages is quite reasonable, valid and in consonance with the Directive Principles laid down in Article 48 of the Indian Constitution."

The Nepal Government must have a position on this issue

before a strong sense of emotional injury is bolstered in the Nepali Hindu psyche´.

Madrasaas and Monasteries: Madrasaas are schools for Muslim children that have sprung up all across the terai in recent years. There are published reports that these Madrasaas receive regular funding from abroad. Ideally, these Islamic Centres of learning teach the holy Quran which is not a problem but critical questions arise if they are suspected of teaching hatred or jihad as a political weapon towards which the state has to be extra vigilant. Similarly, Madrasaa education should also include subjects such as mathematics, science, geography, history and English otherwise it is merely producing unemployed youths who will be a burden to the Nepali society and a headache to the sub-region. The government has already established a Madrasaa board which is a step in the right direction but regular inspection and evaluation is required. The same goes with numerous Buddhist monasteries and Gumbas that have been constructed across the country. Some sort of regularization and standardization is required so that what they teach is not contravening to state policies.

CONCLUSION

Secularism is not a situation where the state turns its back on religion. Unfortunately, there is no institution in the country set up to safeguard secular principles and ideals hence a Commission on Secularism is a good idea. Secular beliefs have to be taught in schools, practiced in communities, educated to leaders of various faiths and constantly nurtured by everyone. Simply proclaiming it once is not enough. Similarly, there is no strategy to check militancy among various faiths, no practice of regular interfaith dialogues or preaching of a code of behavior and absolutely no plan to maintain religious harmony. If these are not done at the earliest, our trust with secularism can turn into an ugly inter and intra-religious conflict of an unimaginable scale.

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Between the Media Agenda and the Public Agenda

Dharma Adhikari, Ph.D.¹

Too often we get to hear that the news media are not interested in genuine public issues. Critics point out that the medias are overtly concerned about their own freedom or security, both physical and economic, often at the cost of larger public interests or professional responsibilities. They lament that the press, in general, is sensationalist, shallow, and it has not been able to attend to the deeper needs of democracy in the country.

Others tend to agree that our relatively young media system does exhibit some flaws; despite resource constraints and limited reach, it has historically played an important role in political change.

Occasional public remarks by our highest placed public servants echo that feeling. They express dissatisfaction over inadequate coverage of public issues and their tendency of hitting below the belt. In an op-ed piece President Ram Baran Yadav commented that media people in Nepal seem “superficial”; they do not go deep into issues. He urged reporters to write about “national interest,” suggesting that now is the time to help people understand about the Constitution, the CPA and the Special Committee on PLA Integration—the guidelines for completing the peace process. He wished reporters focused on regional diversity and not on ethnic divides (Nagarik, January 1, 2010, p. 6).

1 The author is a co-initiator of Media Foundation, a research and policy organization based in Kathmandu.

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Other critics tend to see media as generally “anti-intellectual”, focusing much on the mundane, and rarely on substantial issues of the country.

On their part, journalists and media establishments do not hesitate to ridicule the public officials and cite their shortcomings. They usually characterize officialdom as lethargic, corrupt, and uncommunicative, without the basic skills of public relations. In fact, they cite the lack of press capabilities in the government spokespersons, who mostly remain dysfunctional.

Critics point out that the best our public officials do in communicating on topics of public interest is to issue a cryptic statement after the damage is done, or to spurt out a few dithering words to ward off an invasive reporter. While the private sector is slowly awakening to the methods and tools of “strategic communication” as a means to utilize or influence the media, the public sector, despite many gratifying stories to share as well as resources to recruit PR professionals to do the job, remains largely irresponsive to the existing state of affairs. In fact, reporters often complain that government officials try to control information, and only those journalists who maintain inside contacts get some information by way of “off-the record” and leaks, shared mostly for personal influence rather than for public good.

Some of these critiques may sound too harsh to be true, but others are not totally unfounded. Indeed, the gap between the media and policy makers or enforcers persists. Both sides appear vague, and the “public agenda” appears more chaotic and overwhelming than the other. The continuing divide has had serious implications for the state of freedom, accountability, and ultimately, the health of our democracy. In this paper, I first try to examine these implications. Then I propose some strategies aimed at cultivating responsiveness from both sides.

PUBLIC AGENDA

A genuine public agenda constitutes a set of shared public priorities

that come to the attention of the government or the governed, informed by public choices and built on or constituting public policies formulated by government. James Anderson (1976) defined public policy as “a purposive course of action followed by government in dealing with some topic or matter of public concern” such as unemployment, economic monopoly, housing, the use of national forests, crime, etc. (p. 2). Hug Hecló (1974) defined it as “a course of action or inaction pursued under the authority of government” (p. 4). Thomas Dye defined it as “whatever governments choose to do or not to do” (p.18).

The emphasis is on putting politics in action. Alternatively, it is deciding not to take a particular policy initiative. Clark and Ingram (2010) write that when public policy analysis formally began in the United States in the 1960s focus turned to “outputs” and “outcomes” instead of on formal institutions, processes, systems, and political and social behavior (p. 567).

Scholars note that public policy gains importance during times of political conflict or debate. The founder of public policy, Aaron Wildavsky, emphasized that the purpose of public policy is to solve problems by means of shared understanding or compromise: “The mark of doing better as a society, or improvement in public policy, is to ask whether today’s problems are less divisive and more soluble than those society previously faced” (Clark and Ingram, 2010, p. 573).

Historically, policies in Nepal were created in the service of “national development” and the Nepali nationalism under authoritarian governments. Since the establishment of the (National) Planning Commission in 1956, formal policy formulations began during the 1960s, with the first five-year plan starting the same year. Besides annual policies and programs of government, there are also policies that emerge from documents pertaining to the UN goals and multilateral plans of action. However, these policies have always been derived from experts and leaders with little or no input from the various publics. These remain scattered, incoherent and largely

inaccessible to non-experts.²

Public interest, on which policies should rest, has often been determined by experts. For the public, policies remain a domain of abstractions, remote from their daily lives. There is a gap between policy creation and its implementation, with the result that there is no sense of public ownership of policies. The “larger interest” paradigm so often invoked on behalf of the public also constitutes the notion of “national interest” built on the “nation first” principle, suggesting that without nation, there is no public. However, with the continued blurring of national boundaries and identities in a global world, the actual nation may reside within the people, whose participation in the policy process is crucial.

Critics argue that, so far, policy making has not aggregated and articulated preferences of the general public, and there has not been a serious debate over “public” policy making in Nepal. One “sore thumb in policymaking in Nepal is policymakers have long ignored

2 For example, some of these policies reflect in the UN Millennium Development Goals (MDGs) for Nepal (by 2015, eradicate extreme poverty, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, and develop a global partnership for development).

Similarly, the policy outlines appear in the government’s development strategies submitted to the donor community. For example, the March 2, 2009 draft outline of one such strategy outlines the goal to “Build a Peaceful, Prosperous and Just New Nepal”. The seven goals listed include: 1) peace building, 2) harness international cooperation and regional economic prosperity (trade integration, FDI), 3) employment-oriented and broad-based high economic growth- agriculture, infrastructure (hydro, roads, airports), ICT, tourism, cooperatives, investment climate including security, 4) improvement in governance and service delivery systems (empowerment of people, institutions, judiciary, free basic health care, compulsory education to secondary level, inclusion, social security), 5) investment in infrastructure (physical, social, economic), 6) social development, and 7) inclusive development and targeted programs

‘reconciliation’ of public policies,” Pokhrel (Thoughts on Policy Making in Nepal, p. 4-5) writes, “We must keep in mind that in a rapidly changing world, to which Nepal resides, sectors frequently intersect making the need for multidisciplinary policymaking and negotiation an imperative.”

In recent years, there has been a resurgence of interest in public policymaking. A number of non-governmental organizations, academic programs, youth initiatives and a few journals devoted to public policy have given a new impetus to the debate on public-focused policy making in Nepal.

Since we are hammered by news headlines and clips and speeches by political leaders so often, right now transitional issues like the peace process, state restructuring, constitution writing, etc. constitute the top agenda. But one may ask about other critical issues which remain scattered and largely overshadowed by the transitional issues. Suppose we ask the general public an open-ended question: What is the top-most issue before you? It may not be peace; it could be poverty or health or something else. Or perhaps unemployment since they may consider poverty merely a condition, and unemployment or means of income the real issue.

Thus, gauging public opinion is the starting point in building a public agenda. However, lacking regular, reliable public opinion polls, surveys and other methods of aggregating public preferences, the real public agenda remains illusive. I would argue that only a checklist of topmost public priorities, derived from public surveys or deliberation, and preferably in the form of easily graspable themes, can help put the policy map in public or media perspective.

MEDIA AGENDA

Closely related to public policy is the concept of “public interest”, the conventional normative compass for many media outlets. McQuail (2000) has proposed a list of conditions for media working in the public interest. These conditions include factors such as plurality of ownership, freedom of publication, wide circulation and access. He

writes that media that serve public interest "... carry out a number of important, even essential, tasks in a contemporary society and it is in the general interest that these are performed and performed well." (p.142)

Although the "public interest" value of journalism gives insight into the normative orientation of media toward public policy, it does not necessarily constitute the agenda of individual media outlet. Just like the public agenda, media agenda remains chaotic, incoherent and ambiguous. Yet, the agenda setting role of the press stresses that the media influences the pictures of public issues people carry in their heads. In other words, the press emphasizes a topic or issue by way of agenda-setting and thus influences an audience to regard that issue as important. McCombs and Shaw (1972) observed that the press does not only tell us what to think, but they also tell us what to think about (McCombs & Shaw, 1972). As an example, it was only after the press pursued the story of two Hollywood HIV/AIDS victims that the disease was widely covered and later thrust into public health policy map.

Lacking local studies on agenda-setting, it is impossible to identify the key topics that Nepali media may be telling our publics to think about. So far, we can only speculate or make generalizations based on our anecdotal experiences and observations. But there is no doubt that the media influences public opinion and in the process they also affect the public policy process.

The issue here, however, is not if the media covers public policy issues, but it is how, and how should they cover them? Increasingly, with the growth of media outlets, channels, including several hundred radio stations, it has become almost impossible to discern the nature and volume of policy issues covered by these media. For example, what news conventions (timeliness, prominence, novelty, drama, relevance, etc.) affect their choice of public policy topics, how do these values influence the news decision making in this process? What is the correspondence between the public policy topics and news topics? How do the public perceive or retain them?

McCombs noted that people are able to focus on only five to seven issues at a time, hence media access is key to highlighting public issues and problems. Yet, it is widely agreed that crime, violence, entertainment, natural disasters and other public catastrophes are the top agenda of the media.

On a broader paradigmatic scale, we can say that Nepali media have pursued one or more of the five agenda, deliberately or unwittingly. First, most news outlets or journalists (scarcely the government press) have pursued a revolutionary agenda, focusing on political change inspired by one ideology or another. Second, commercial agenda forms the overriding factor for many private outlets with significant investments. Third, some investors and public figures who run media outlets for social or political influence have the status agenda as their guiding force. Fourth, identity agenda offers the motivation and purpose of journalism for some individuals and groups. This may also include partisan journalism. Finally, a section of the media, including some government outlets, reflects the public good agenda.

Yet, by and large, we can say that news beats, unlike policy issues, remain confined to politics and crime within all these agenda. There is now some movement toward specialization, toward connecting coverage with public issues topics, but the nature of engagement with the public policies needs more exploring. There is a real need for a dialogue between journalists and policy analysts/scholars or public officials. One recurrent complaint is that the media rarely frame the government or bureaucracy in a positive light. This has, in many cases, widened the gulf of mistrust and suspicion between media professionals and public officials.

A recent conversation I had with a senior government official helps highlight this chasm of faith. This public official said that the government had initiated a major e-village project in various parts of the country, including several villages near Nagarkot. He lamented that the media paid scanty attention to the ICT project aimed at empowering rural people, although, he said, many seemingly

insignificant, low-scale “showcase” projects in ICT undertaken by non-governmental organizations often generate unusually large volume of coverage.

Also, let’s take the government’s management of a public health disaster. It never organized a formal press meet with experts and journalists to explain the scope and dimensions of bird flu or other epidemics like the mid-2009 Jajarkot diarrhea. This task was largely left to private individuals and groups.

Keeping a tab on topics like this and others and engaging the media and via them the public with the issues is a way of serving public interest. In this way, media’s own agenda can be integrated with public agenda.

FREEDOM, ACCOUNTABILITY AND DEMOCRACY

Nepal’s revolutionary press has for long been preoccupied with negative freedom (freedom from control) characteristic of a libertarian media system. It has maintained a love-hate relationship with the government, sometimes being overtly adversarial (watchdog role) and at other times an ally (lap dog).

No doubt, negative freedom and media pluralism offer the conditions for media to reflect the range of diversity of public opinion and policies, without fear or prejudices. Policy makers also rely on free media to make informed choices and to disseminate policies. Most often, the role of the free press is limited to disseminating those policies. Sometimes the press has taken a more pro-active approach in public interest topics like the aborted Arun III hydropower project or equal property rights to women (during the 1990s), and more recently, Melamchi drinking water project. However, most policy topics go uncovered if they do not converge with the media agenda.

Increasingly today, as official controls continue to diminish or vanish, the focus has gradually shifted to internal professional constraints and their impact on freedom. Concerns like the partisan interests within the media, narrow commercial interests and disregard

for professional ethics highlight the degrading status or credibility of media in public life. Such narrow and divisive interests reflect in the choice of partisan expert sources, disregard for public interest topics, or misplaced importance.

Neither the principle of “marketplace of ideas” nor the laws of the land—formal provisions imposed on the media—can fully correct such anomalies. Hence, political and commercial freedom, though necessary in open societies, are not enough. What is also needed is the internalization of self-regulatory principles of responsibility and accountability with the object to serve the public interest. This is where the principle of positive freedom (freedom to act) comes.

Accountability means much more than responsibility—the obligations and expectations directed at the media. For the public officials, it means an obligation to give an account of their works, or to be liable for some kind of sanction in case of violation of a norm. For the media, it means self-regulation. McQuail (2000) defines it as “all the voluntary or involuntary processes by which the media answers directly or indirectly to their society for the quality and or consequences of publication, with particular reference to the matters of the general public good” (p. 180).

Thus, accountability is the cornerstone of a democracy, a society of self-governing public. Historically, media tended to be unaccommodating with the notion of accountability or media ethics. Today, as more and more media persons become educated they show a desire for introspection. The increased frequencies of media scandals and cases of ethical lapses on the part of the media have also forced the media professionals and their institutions to embrace self-assessment.

As the Nepali media matures, as it deepens its sense of introspection, and as our government becomes fully democratic and public-focused, the positive freedom may gradually be unleashed. That is the step closer toward bridging the gap between media agenda and the public agenda. Once the transitional preoccupation

with news about political structures is settled, media persons and public officials can focus on more substantive issues of public interest.

WORKING TOGETHER

The gulf between the media agenda and the public agenda invites both sides and other relevant constituencies to consider “working through” differences. The work can begin from the ground up, first, with the identification of major “public issues” via opinion polls representative of the entire population. The media can administer the opinion polls independently, or in collaboration with public officials, policy or academic institutes. Most world newspapers and television stations conduct their own opinion polls to measure people’s priorities and preferences in public issues.

Results on “public issues” gathered from the systematic opinion polls can be compared with the existing policies or policy priorities to identify the gaps and lines of convergence between those two. This will help foster evidence-based, participatory policy making. They add to the lessons learned from the polls.

It is the government's responsibility to communicate its common policies to the people, to enlist the support of journalists, and encourage cooperation among all so the policies can be implemented and realized. One example of participatory policy making, and the first such case in the country, was the formulation of ICT policy. It was created collaboratively by the government, private sector and civil society.

Journalists can internalize policy topics in news decision making; however, they may do so with the freedom to pursue the stories of their choice. One way to follow public policies is to integrate them with news beats. Some beats like “climate change” (“beat of the century”) could converge with policy topic of the same name. In addition, journalists need more exposure to the methods of public policy analysis as well as training in public affairs reporting.

Conduct dialogue among policy makers, government officials,

public policy scholars and news editors/reports to better understand the complexities of policy making, and to translate policies in the common language of the public and the popular media.

Develop case studies of policy coverage in media, both positive and negative ones, easy and difficult issues. These case studies can help to foster a better understanding of the policy process, the types of public policies, the policy cycle, and problem solving models, etc. Other tools, such as a checklist of national policies, will also be useful.

Professionalize public communication system, such as strategic communication or public relations, within the officialdom. Develop a media outreach mechanism focused on an initiative such as this.

The future will require negotiation and compromise in public life, hence better public policies. Experts and professionals may want to develop the skills and knowledge to meet those needs as well as to be conversant in emerging public policy topics like regional autonomy, secularism, indigenous rights, dual citizenship and so on.

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7

From Conflict to Peace: Changing Face of Danger for Nepalese Journalists

Sanjaya Dhakal¹

INTRODUCTION

By their very profession, journalists are supposed to throw stones at others even as they must reside in glass houses themselves. It is, therefore, to protect them from getting hit back or at least provide cover from the falling shards that the world over, democratic regimes have ensured constitutional guarantees and freedom. But these legal provisions are not always the best cover. The continuation of incidents of threats and harassment to Nepalese journalists even after the democratic political changes of 2006 stand testimony to this fact.

Everyone agrees that it was after the restoration of democracy in 1990 that the professional media industry began to take shape in Nepal. In the subsequent two decades, there was an explosive growth in this industry. The latest figures from Press Council of Nepal state that there are over 2,000 registered newspapers in the country including dailies and periodicals. The number of FM radio stations is said to have crossed 300 while over a dozen television channels operate.

Along with this growth, the challenges, too, have grown. In the first decade of the 1990s, Nepali journalists were mainly accused of partisan writings. Since it was the beginning period for the journalists to explore their newfound freedom, many portrayed this as teething problems.

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But their challenges grew scarily once the country was engulfed in the armed conflict. As the conflict flared up, the incidents of journalists getting killed by either the state or the rebels became common. According to statistics compiled by the Federation of Nepalese Journalists (FNJ), 31 journalists have been killed in the first decade of 21st century as a direct consequence of their work.

During that period, getting caught at a wrong place at a wrong time could turn fatal for the reporters who often had to scout to the conflict-hit regions for reporting. Then there was the threat of drawing ire from the parties that did not like the tone or the take.

Hundreds were routinely harassed, threatened, intimidated and even physically assaulted. Dozens of journalists were displaced from their working place after they could not stand the level of intimidation and threat to their lives.

While the rebels abducted, threatened, maimed or even killed journalists they didn't like, the state was no better. Journalists considered pro-Maoists were even killed in an extra-judicial manner while many were intimidated and/or jailed. It was around then that the Paris-based Reporters Sans Frontiers (RSF) actually termed Nepal as "the largest jail house for journalists."

The subsequent royal takeover of the governance further complicated the situation of media freedom. "Since the royal proclamation on Feb. 1, 2005 all constitutional and legal safeguards available to the media were paralyzed through government directives. Censorship was imposed directly for the first time in 15 years and security personnel were stationed in the editorial room and censored all news items, articles etc," stated a press freedom report by the Kathmandu-based monitoring body, Center for Human Rights and Democratic Studies (CEHURDES).

The signing of the Comprehensive Peace Agreement in 2006 that ended the armed conflict along with the promise of the political parties to consolidate democratic system of governance was hailed by media fraternity as a turning point that could create an environment

conducive for free and fair reporting, which, in turn, could further strengthen the democratic ideals of the country. Their expectations, however, have not been met as yet. The incidents of assaults and threats to journalists have not reduced. Only their forms have changed.

In a report titled 'Protecting a Fledgling Democracy' published in the book "Freedom in Solidarity: Media Working for Peace in South Asia" jointly published by the International Federation of Journalists (IFJ) and USIP in 2010, it is stated that despite the political change of 2006 and establishment of peace, the situation of Nepalese journalists has not improved.

"Alarming, almost as many media workers were killed after the Comprehensive Peace Agreement of 2006, as at the height of the conflict," it states.

ALARMING NEW TRENDS

In recent times, Nepalese journalists have been subjected to new and more dangerous challenges that underscore the changing face of dangers that face them. The recent case of attack against Biratnagar-based journalist Khilanath Dhakal is a case in point. A reporter with *Nagarik*, a national daily, he was brutally attacked on June 5, 2011. He accused that a gang of local CPN-UML activists attacked him with intention to kill him in relation to a story he wrote about an attack by local UML-affiliated Youth Force chief Parshuram Basnet on a police team and prisoner on the premises of the Morang District Court.

In subsequent days, Nepalese media carried extensive reports about Basnet and how he was seemingly involved in smuggling under political patronage. But the nexus and the political blessings he received seemed so strong that he could not be arrested by police. The case is currently sub-judice. Apart from journalist Dhakal's case there have been a number of other cases that point to definite shift in the nature of challenges facing Nepalese journalists. From traditional challenges emanating from political considerations, journalists now face equal—if not more dangerous—threats that emanate from

economic considerations.

There have been quite a number of cases which point out the changing face of such dangers. Some of them are listed below:

- On July 21, 2011, The Himalayan Times daily reported that a huge cache of red sandalwood, allegedly hidden by a UCPN-Maoist leader, was found in Maharaja Community Forest Area, in Pragatinagar VDC-3 of Nawalparasi district in western Nepal. Two days later the daily reported that UCPN-Maoist Nawalparasi deputy in charge Dronababu Siwakoti issued death threats to district-based correspondent of THT, Shreeram Sigdel, over that report. According to Sigdel, who is also a council member of the Federation of Nepalese Journalists, Siwakoti called him on the phone and threatened him saying, “We will finish you off.”
- On July 10, 2011, a journalist based in eastern hilly district of Tehrathum found himself in a similar quandary. According to Freedom Forum, a Kathmandu-based press freedom monitoring body, Krishna Gautam, chief editor and publisher of the local Nawabihani daily received a phone call from a person calling himself a shareholder of a local financial institution, Commerce and Trust, who inquired why he did not write ‘good news’ about the institution. Talking to Freedom Forum’s media monitoring desk, Gautam said the person who refused to identify himself warned him to write only positive stories about the Commerce and Trust, otherwise he would face negative consequences.
- On June 22, 2011, Uday Singh Shrestha, the publisher and editor of local Nispakchhya Dhvani daily newspaper based in western city of Nepalgunj, received a death threat from a trader named Raju Shrestha in relation to a story he wrote about increasing ‘irregularities in the export of coal and rice chaff’. According to an alert issued by the Freedom Forum,

the trader threatened Shrestha with life stating that his news compromised his coal and chaff business.

- In January 2011, Reporters Without Borders listed one incident that occurred in Morang district where two journalists Arjun Janneli Rai, correspondent of the daily Aujar, and Bibek Bhattarai, correspondent of Janabidroha, had to stop work after receiving death threats. Threatening text messages warned them of their imminent death for their reporting on illegal building projects in the district.
- On January 14, during a news conference on quarries in Lalitpur district, journalists came under attack. According to RSF, a group of men tried to intimidate the media and prevent them from publishing stories on the issue. Most of the Lalitpur mines are operated illegally and are thought to be a major source of finance for some political parties.
- On December 7, 2010, a criminal gang captured radio station Ramaroshan in far western region of Nepal for two days due to reports that smuggling was taking place, according to Freedom Forum.

These incidents are enough to indicate a definitive shift in the trend. Whereas Nepalese journalists were fearful of political conflict and their consequences in the past, they now have to remain vigilant about the machinations of politico-economic nexus. Worse, the impunity that was the main problem in dealing with past incidents that had direct political involvement still seems to be reigning supreme. The politico-financial nexus that is haunting the journalists appears so strong that the long hand of law is still too short to catch them. The Paris-based Reporters Without Borders (RSF) has given a grave warning about the existing media rights situation in Nepal.

In its statement dated February 15, 2011, the RSF writes, “Nepal has reached an extremely worrying level of attacks on the media, mostly the responsibility of political parties and religious groups.”

THE TERAI TANGLE

While new trends have emerged as dangerous challenges, Nepalese journalists continue to face the problem of conflict in many parts of the country. After the Maoists ceased their armed insurrection, there was a mushroom-like growth of numerous underground armed outfits in southern plains of Nepal. These groups have become the single-most dangerous source of threats to the journalists operating in the region.

Worse, the law and order vacuum and the emergence of such groups have created, have led to a situation where journalists have to face grave risks.

The assassinations of a woman journalist Uma Singh, and media entrepreneur Arun Singhaniya are high profile cases that received wide coverage. On January 11, 2009, Uma Singh, 29, became the first female journalist to be killed in Nepal. She worked in a community radio in the city of Janakpur. She was killed by around 15 men who broke into her apartment and stabbed her multiple times, mutilating her body. A year later in March, 2010, Arun Singhaniya was killed by masked gunmen riding motorbikes. He was a media entrepreneur and chairman of Today Group, which owns two of the media outlets that Uma Singh worked for.

Day in and day out, journalists working in terai have to face the threats for just doing what they are supposed to do. The then president of Federation of Nepalese Journalist (FNJ) Dharmendra Jha once noted in his paper that “professional journalism in mid Madhes (mid Terai) faced serious crisis due to impunity, insecurity and self censorship.”

DOG WON'T EAT DOG SYNDROME?

The recent phone hacking scandal that killed Britain's largest selling tabloid, News of the World, shows to what level media can stoop down in the rush to improve their sales figures. If such a scandal can occur in a country with a long history and tradition of media and its check and balance, it is anybody's guess how things could turn out

elsewhere.

Notwithstanding the twin problem of changing face of dangers and the risks that Nepalese journalists are subjected to in the Terai, there is one issue that has been rarely discussed. The issue of media responsiveness is one of the least talked about topics in the country but is the one that is going to have far-reaching ramifications especially in course of the country's journey towards democratic governance.

Free and responsible journalism has been tried, tested and found as the most vital pillar that sustains democracy and pluralism. Therefore, this issue cannot be neglected. The constitution, media laws and press council act, all aim to strengthen the hand of free media – with best of intentions. But there have been incidents that demand at least a second look in order to introduce a culture of responsiveness in Nepalese media.

A fresh incident that occurred in eastern Nepal is a stark reminder of this darker side of journalism. On July 29, 2011, The Himalayan Times daily published a news report about how a journalist from a news television channel was arrested in Jhapa district for trying to blackmail police after he shot a video footage of some police personnel asking for bribe from commoners entering into Nepal from India in the border custom point.

Press Council, the body that has been formed to monitor media and even hear complaints against media, regularly checks the adherence of journalists' code of conduct. Its reports are not exactly 'glowing' for Nepali media. According to the legal unit of the Council that hears the complaints against media, over the last two years it received, on average, 25 complaints against various media outlets every year. Most of the complaints are related with character assassination, followed by discrediting peoples' honor and blackmail, the council data suggests.

Despite the change in political system, the number and nature of complaints have not reduced. The Council officials themselves say

that this number may be a tip of iceberg since many 'victims' do not care to complain with the Press Council amid general feelings that the Council lacks teeth to deal with media-committed atrocities.

The current complaint and punishment system is actually based on moral rather than punitive approach. The Council can only do so much as bring to bear its moral pressure. Rest depends on the whims of concerned media. This is not to cast aspersions to anyone but to shed light on what many call as 'dog won't eat dog syndrome' or 'cover each other's back system.' Atrocities committed by a section of media are often ignored by rest of the media. That seemed to be what happened even in Britain regarding the case of phone hacking by the News of the World. For years, media had simply closed their eyes towards what clearly was unpardonable offence committed by one of their own.

RECOMMENDATIONS

The challenges and risks faced by Nepalese journalists demand immediate attention. From legal provisions to ending the culture of impunity and improving law and order situation, there are numerous things that must be done to preserve and promote freedom of expression and press freedom.

Some of them are listed below:

1. The immediate need is the consolidation of democratic system of governance with a constitution that guarantees press freedom and freedom of expressions.
2. There should be firm political will to promote press freedom.
3. Law and order situation must be improved to create minimum conducive environment to allow the free media to flourish.
4. The culture of impunity that has been haunting Nepalese media for years must be ended and perpetrators of acts against press freedom must be brought to justice.
5. Free media must be recognized as a part and parcel not only

of democratic system of governance but also of vital national interest.

6. The remnants of political conflict found in Terai region must be ended preferably by the application of political negotiations.
7. State security apparatus in Terai region must be strengthened to ensure an environment where journalists can work without fear.
8. Media responsiveness must be dealt by the media fraternity as an important issue.
9. Code of conduct of journalists must be adhered to and its monitoring must be stringent.
10. Bodies like Press Council Nepal or the Federation of Nepalese Journalists should have more teeth in dealing with atrocities committed by the media.

The efforts to write a new constitution and strengthen democracy provides unique opportunity to promote free and responsible media in the country. It is during such periods of transition that best of things can happen.

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8

Media Situation in Post-Conflict Nepal

Kosh Raj Koirala¹

BACKGROUND

Though the history of Nepali journalism begins with the publication of Sudha Sagar in 1898 and Gorkhapatra three years later in May 1901, journalism could not prosper due to authoritarian rule persisting in the country during those days. Professional journalism in Nepal seems to have begun only after the establishment of democracy in Nepal in 1951. The first Nepali Daily 'Awaj' started in February 19, 1951, a day after the establishment of democracy. Several other newspapers, including in Newari and English languages, began to hit the newsstands. Unfortunately, media had to bear the brunt of political instability. Most of the newspapers folded up in due course of time due to economic crisis, illiteracy and limited press freedom.

The situation turned worse after party-less Panchayati system that took root in 1961. The 30-year long Panchayati system represented repressive press system. The newspapers that voiced against party-less Panchayat government were closely scrutinized and also punished. There was no other broadcast media except for Radio Nepal. The local administration would call and hold journalists in detention if they went against the system. Most publishers would always be obsessed with a fear of getting summoned or have their license revoked and also, at times, their printing press would be seized. Nepali press then had to exercise heavy self-censorship. This environment of insecurity also led to prospective investors shying

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away from putting any investment in the media. As a result, there were no daily newspapers except for the state-run *The Rising Nepal* and *Gorkhapatra* during the Panchayat era. Most newspapers published during Panchayati rule were weekly tabloids.

With the restoration of democracy in 1990, Nepali journalism witnessed a drastic change as private sector with sizeable investment entered into the field. The constitution drafted after the 1990 popular movement created an environment conducive to organized private sector investment in the media, apart from removing from the government the power to close down newspapers.² Media sector was able to draw investment from private sector as the Constitution of the Kingdom of Nepal promulgated after the establishment of multi-party democracy formally guaranteed complete press freedom. The 1990 Constitution ended the country's 30-year history of arbitrary press controls. Article 13.1 barred censorship.³ The article stated:

Provided that nothing shall prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of the kingdom of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, or communities, or any act of sedition, defamation, contempt of court or incitement to an offence, or any act which may be contrary to decent public behavior or morality.

The government formed after the establishment of democracy, set-up a 16-member Task Force to recommend a communication policy in May 1992. This further helped to boost morale of private investors to enter into the field of media. As a result, Kantipur Publications Private Limited was born in 1993 setting a milestone in Nepali journalism. Kantipur Group established, for the first time, that

2 Binod Bhattarai (2006) "Nepal's Media: Dictatorship and Back" A Crisis Within, Inter Press Service, Asia Pacific.

3 Constitution of the Kingdom of Nepal (1990) Kathmandu

journalism could be an attractive profession in Nepal.⁴ During the entire decade of the 90s, the press witnessed a tremendous rise. New and more competitive broadsheet daily newspapers came to the market. Broadcast and online media from private sectors also started making their vibrant presence. This was but not without challenges.

The bad days for Nepali media started earnestly after the CPN (Maoist), now UCPN (Maoist), launched “people’s war” in 1996. Journalists were trapped between Maoist insurgents and security personnel as the conflict reached its peak. The Maoist insurgents took away the lives of several journalists in course of their violent armed insurgency. The Maoist highhandedness against journalists ranged from seemingly harmless and ordinary acts such as barring reporters from collecting news to threats, intimidation, abductions, and at worst, even killings. At least seven journalists were killed at the hands of Maoists during the decade-long conflict and eight others were killed at the hands of security personnel.⁵ The days that followed the gruesome massacre at the Narayanhiti Royal Palace in June 2001 exacerbated the scene. The country got a new monarch and political atmosphere also took a gradual turn as then King Gyanendra chose to dismiss the government led by Sher Bahadur Deuba in October, 2002. During the first State of Emergency (Nov 26, 2001 to Aug 29, 2002), eight journalists were killed, six of them by the security forces and two by the Maoist insurgents. And more than 150 were arrested and tortured in various ways.⁶

The absence of parliament and unstable political situation culminated in the King’s direct intervention on February 1, 2005. King Gyanendra dismissed the Deuba government and assumed all

4 Mohan Mainali (2006) “Kantipur Publications: The Perils of Concentration” A Crisis Within, Inter Press Service , Asia Pacific.

5 Sanjaya Ghimire and Ramjee Dahal (ed) (2007) *Bandukko Marma Kalam* [Pen under the shadow of guns], Federation of Nepalese Journalists

6 From the website of Nepal Press Freedom www.nepalpressfreedom.org, accessed on July 31, 2011

state powers in him. This came with a declaration of a nationwide State of Emergency, massive censorship drive and curbs on freedom of press as well as arrests, threats and prosecution to journalists and other media professionals. The government also enforced various restrictive and controversial ordinances aimed at curbing press freedom. Private sector press was subjected to acute censorship and FM radio stations were totally banned to broadcast news and current affair programs.⁷

The government imposed ban on news reporting on FM radios, a primary source of information in Nepal, especially in rural areas of countryside.⁸ Newspapers were asked by the government not to print any material on security operation or Maoist insurgency without getting the facts scrutinized by the [Royal] Nepal Army. Most newspapers outside Kathmandu suffered intimidation or arbitrary suspension at the order of local government authorities. Nearly 50 percent of local publications were closed down owing to unfavourable conditions created by the State. Many journalists were rendered jobless.⁹

ISSUES AND CHALLENGES OF MEDIA AFTER CONFLICT

The situation has seemingly come to a change again after the success of people's movement in 2006 that restored democratic system and formally ended the decade-long armed insurgency. Acknowledging the role played by mass media particularly FM radios to make the democratic uprising a success, the government formed after the democratic uprising in 2006 allowed FM radios to air news and current affairs without any restrictions. It also adopted more liberal

7 Binod Dhungel (2007) "Shahi Shasanma Swatantra Radio: Daman ra pratirodhko katha" (Independent Radios Under Royal Regime: A case of suppression and Retaliation), Martin Chautari

8 Daniel Lak (2005) "A country silenced: Nepal after the coup", www.cpj.org/briefings, accessed on July 28, 2011

9 From the website of Nepal Press Freedom www.nepalpressfreedom.org, accessed on July 31, 2011

policies toward private media. This has contributed to an exceptional growth of newspapers, FM stations and TV stations. Altogether 5,873 newspapers have been registered with Department of Information. Of them, 860 are being published regularly.¹⁰ Likewise, 380 FM radios and 28 televisions have acquired broadcast licences. Altogether 319 FM radios and 19 TV stations are currently in operation.¹¹

But the hopes that things would improve once the democracy is restored and the Maoists, who waged decade-long armed insurgency, lay down their arms and come into mainstream politics have been dashed. The ceasefire of 2006 and the Constituent Assembly (CA) elections held in 2008 were widely seen by journalists as an opportunity to create an environment for free and fair press and promote healthy growth of media. Though the journalists have secured legally protected rights to freedom of speech and freedom of association and passage of Rights to Information Act, situation of journalists has remains more or less the same even after peace has been restored in 2006.

With the restoration of multi-party democracy, various ethnic and marginalized communities began expressing their voices; started demanding fair share in the state structures and in all decision making bodies. Unfortunately, the governments formed after the success of Janandolan II failed to address their demands and concerns properly. As a result, there was Madhes movement in January, 2007. Thousands of Madhesi people spontaneously came out in the streets demanding various rights. Many Madhesi youths ended up adopting violent means for what they called to 'liberate Madhesh from internal colonization.' Various other ethnic groups in different parts of the country followed the suit. As the government failed to properly address their demands, these groups felt cheated from the government and ended up forming armed groups to meet their demands. These relatively smaller and uncoordinated armed

10 Nepal Press Council Report (2010), Kathmandu

11 Ministry of Information and Communications (2011) "www.moic.gov.np"

outfits have proved more dangerous to ordinary public including journalists. This has made the situation of journalists working outside Kathmandu Valley, particularly those working in restive eastern hill and Tarai districts, highly vulnerable.

As noted in a report prepared recently by International Federation of Journalists (IFJ), anger in the southern plains, eastern hill districts and western regions is increasingly directed against journalists and media outlets for their coverage or lack of coverage of events or issues related to the political transition and minority interests. The statistics of media rights violations as collected by FNIJ in the year 2010 alone shows the fact that Nepali journalists are still forced to work under adverse situations. While one journalist was murdered, 20 other journalists were physically assaulted. Likewise, 42 journalists were threatened by different pressure groups, criminal gangs and armed outfits and 33 others were harassed or manhandled. The year recorded a total 33 cases of burning newspapers and there were seven cases of the obstruction of free flow of information.¹² This situation continues to exist even these days. In the first six months of 2011, there were a total 18 cases of physical assault against journalists. There were two incidents of vandalizing the vehicles of media.¹³

Nepali press is currently undergoing heavy self-censorship as journalists risk their lives if they dared to raise critical, but important issues. Indeed, the rising level of impunity has put a serious question mark over the sustainability of democracy in the country. What is sad to note is that political parties themselves are found giving protection to criminals and thugs that attack journalists. Physical assault against Biratnagar-based journalist Khila Nath Dhakal by CPN-UML affiliated cadres on June 5, 2011 is a case in point. Despite mounting pressures from various quarters, Parshuram Basnet, the mastermind behind the attack on journalist Dhakal, is still at large.

12 Federation of Nepalese Journalists (2011) "Media Rights Monitoring"

13 Ibid.

The post-Janaandolan II years have seen the killing of five journalists and two media entrepreneurs. Journalist Birendra Shah in Bara was killed after abduction on October 4, 2007 at the hands of Maoist cadres. A woman journalist Uma Singh was murdered in Janakpur on January 12, 2009. Media entrepreneur Arun Singhaniya was killed on March 1, 2010 in the same town. Another journalist J P Joshi of Kailai has disappeared since October 8, 2008. Journalist Shankar Panthi, who worked as a reporter for local Naya Satta Daily, was found dead in Nawalparasi on September 16, 2007. Yet another journalist Prakash Singh Thakuri in Kanchanpur also remains disappeared to date since July 5, 2007. Sources close to local Maoist cadres say he was killed five days after his abduction in Chandani-Dodhara area of Kanchanpur. Likewise, a group of unidentified assailants shot dead the president of Tulsipur FM, Devi Prasad Dhital, at Jashpur of Urhari VDC-4 of Dang District in July 22, 2010. These facts show that journalists in Nepal are facing threats not only from criminal groups and armed outfits but also from responsible activists of political parties and their sister organizations.

Though attacks and threats against journalists are found to have relatively come down amid initial peace making efforts, violence targeting the media has been on the rise amid new sources of tensions and insecurities. Journalists continue to confront intimidation and psychological pressures. Editors are pressured through discriminatory allocation of advertisements. And journalists face constant threats of dismissal from their jobs by the media proprietors being altogether too susceptible to political demands.¹⁴

It is certainly good to note that the number of media houses in Nepal is growing despite all these challenges. But the country is yet to see the growth of quality media houses. Despite having secured a law that protects their entitlements, journalists are forced to work for

14 International Federation of Journalists (2011) Reporting for All: Challenges for the media in Nepal's Democratic Transition, IFJ Asia Pacific

minimum wages. Investment in quality and skills remain low or non-existent. Most journalists feel that they do not have their future in journalism. Majority of media houses do not provide salary to journalists on time. Even if they provide salary on time it is meager; not enough to make their descent livings met. Many journalists are found to have changed their profession out of a feeling of insecurity. Once veteran journalists are now seen working with I/NGOs or UN agencies.

Nonetheless, there are some grounds to be satisfied with. Media education is growing in the country. More and more talented and well-educated young people are entering journalism with enthusiasm. Media sector has also been able to draw good amount of investment in recent days. This gives us grounds to be optimistic that Nepali media will attract more skilled and professional journalists and develop as a vibrant industry in the future.

GOVERNMENT -MEDIA RELATIONS

Media and government, by nature it seems, often run in a hostile collision course. Professional media do not spare chances to criticize the government on its wrong doings. Likewise, government makes every effort to hide its wrong deeds that may potentially turn harmful to the government. Nevertheless, a journalist with his/her personal rapport can acquire vital and at times critical information from the government. This solely depends on journalists' individual capacity.

Yet, compared to the situations elsewhere, government and media relation in Nepal is relatively smooth. The government has made some initiatives to facilitate journalists to access information. There has been an arrangement of spokesperson in each government ministry and department concerned. A Right to Information Act has also been enacted to provide easy access of information to journalists. During the budget for the fiscal year 2011/12, the government has also unveiled insurance scheme to journalists.

The government's commitment to press freedom, however, has been questioned from various quarters as it continues to run media.

The chiefs of state-run Gorkhapatra, Nepal Television, Radio Nepal, Rastriya Samachar Samiti are appointed by political parties in power. These media are run largely in the interests of the ruling political parties. Additionally, there are also concerns that there has been discrimination in the distribution of government advertisement to media. The one which is not much critical to the government is likely to get more advertisement while others are likely to be denied altogether. This makes clear that though the media have been left free legally, media in general, save for few exceptions, are not still free from the influence of government.

Likewise, the government has also largely failed to work towards providing safety to journalists. Despite their commitment, none of the governments have taken any substantive measures to ensure press freedom and safety to journalists. A journalist can write independently only when s/he feels secured from potentially hostile groups. Impunity for the worst crimes against journalists through the years of the war and the unsettled truce that followed remains an overwhelming reality. The state of impunity has only emboldened such elements.

RESPONSIVENESS OF MEDIA

Despite political change and beginning of peace process after the formal end of Maoist conflict in 2006, media continues to be dominated by the issues of political parties, government and business enterprises. The media has largely failed to bring out the issues that really matter to ordinary people. Media seems to be preoccupied with the feeling that the failure to serve the interests of political parties, business houses and the government could jeopardize their very sustenance. As a result, meaningless speech of leaders continues to dominate coverage in the media ignoring the burning issues of ordinary people. It is high time, Nepali media started changing their orientation. As a fourth estate, media should be able to make people feel sense of ownership. They should be able to listen and give due coverage to the genuine concerns of people whose voice is not heard

by the government. Equally disturbing trend in Nepali media is that most newspapers, radios, televisions seem very much Kathmandu Valley-centric in their content.

With the country turning a federal democratic republic, different groups of people have come up with their legitimate concerns and demands. The feelings and aspirations of these groups of people are best grasped by journalists who belong to the same community. However, our news rooms are yet to be fully inclusive in terms of gender, caste and ethnicity. A key factor in understanding how responsive the media is to the widest possible range of social concerns is the extent to which it reflects the diversity of the society in which it functions in its language, staffing and other such parameters. With the growth of the media and its relative inattention to the issues of human resource development, there has been a concentration in the existing markets and relatively less priority for moving into areas that are not very well served.¹⁵

There have been several cases of people resorting to vandalism against media houses alleging that they did not report or misreported their concerns. These kinds of incidents can greatly be reduced if newsroom diversity is ensured. Another equally disturbing trend in Nepali media is that a good number of them, mainly FM radios, are aligned with political interests and do not seem to pay due heed to the needs, views and sensitivities of all groups in Nepali society. In the lead-up to the Constituent Assembly election in 2008, certain media outlets were found to be engaged explicitly in partisanship and the denial of opposing voices. On the whole, we can say that media responsiveness has improved considerably in recent years. But there are enough rooms for further improvements.

CONCLUSION

Nepali media could never realize the state of complete press freedom due to the prolonged fluid and unstable political situation in the

15 Ibid

country. The media sector is facing the brunt of the problem in the course of fulfilling its sacred duty of informing people. The incidents of murder, beating, threats, kidnappings, tortures, lootings and obstructions against journalists continue to take place even after the end of Maoist conflict and restoration of democracy.

A large number of journalists were physically harmed, while over one and half a dozen journalists were killed in the course of Maoist conflict for writing news. The number of journalists receiving mental threats and physical assault stood equally high. The situation remains more or less the same. Altogether five journalists and two media entrepreneurs have been killed and there are hundreds of cases of media rights violations reported in the aftermath of Janaandolan II. The main reason behind the attacks against journalists seems to be motivated by the desire to prevent their crime reaching to the public or to bully journalists into disseminating news in their favor. Cadres of major political parties and armed outfits operating in various parts of the country are found involved in all these incidents. Sadly, perpetrators of these kinds of incidents largely go unpunished due to political protection.

Hence, formulation of laws alone is not enough. Unless the political parties themselves recognize media as a means to take their voice and opinion to the public and respect it accordingly journalists are not going to be free in true sense of the word. Political parties should stop providing protection to their errant cadres. And government should also take strong administrative measures to curb the activities of armed groups behind the attack against journalists to ensure press freedom in the country.

Nepali politics has remained unsettled even as six years have passed since the peace process began formally in November, 2006. Despite journalists' bodies achieving far-reaching legislative changes in the period of the Interim Constitution, such changes remain yet to be materialized into practice. Impunity for the worst crimes against journalists through the years of the war and the unsettled truce that followed remains an overwhelming reality. Despite having secured a

law that protects the entitlements, Nepal's journalists continue to work for low wages. Investment in quality and skills of journalists remain low or non-existent. Media owners should give due consideration to improve these conditions.

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Security Challenges for Journalists in Nepal

Chandra Shekhar Adhikari¹

Even with democracy ushering in the country in 2006 AD, Nepali media and press freedom has not seen the signs of improvement due to the effects caused by a series of confrontation and clash in the name of identity politics. Nepali media and media workers did not feel relief because of the brutal attacks and blatant violation of press freedom perpetrated by the state, CPN (Maoist) including other political parties and agitating groups even after the restoration of democracy and signing of the Comprehensive Peace Accord (CPA). The personal safety and professional and institutional security of journalists and media house continue to remain at stake.

Particularly in the Terai region, journalists faced death threats during strikes and protests called by Madhesi Janadhikar Forum, the Terai Janatantrik Mukti Morchas, the Madhesi Tigers, the Chure Bhawar Ekata Samaj and other groups. Following death threats or threats of physical action, journalists were forced to write favourable reports of these groups' activities. Dozens of journalists were attacked, manhandled, threatened, their offices ransacked, their vehicles set ablaze and distribution or transmission were obstructed during the movement. It was often alleged to the leading Media operating from the central level that they failed to maintain accuracy, balance and credibility in the news while covering the first movement launched by

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the Madhesi community.

After the CPA, more than 410 journalists have had to face various incidents of harassment and press freedom violations across the country due to their works. The Maoist leadership has repeatedly expressed its commitment to freedom of the press but at the same time has continued to obstruct journalists' activities. Both Maoist party activists continue to harass, threaten and abuse journalists, with the Maoists and Madhesi Janadhikar Forum posing the greatest threat to the media.

Professional journalism in Nepal could contribute significantly to political mediation. The press in the country like in other democracies has the potentiality of serving the public as the fourth Estate, as a guardian of public interest and a forum for public discussion and debate. It has the expertise in gathering quick information from vast areas, process it quickly and disseminate the same to a broad and diverse mass in time. Security of journalists has today emerged as a major challenge. The trend to make the media or individual journalist target is increasing day by day.

Some unidentified groups and illegal business pressure groups try to either manipulate the media in their interest or benefit from the silence of press. As a result, an atmosphere of terror will be created into the news room for practicing the right to inform. This has adversely affected the practice of editorial freedom and media users. Various types of pulls and pressure from political sector, commercial front and interest groups compel them to take sides or favor one at the cost of the other. Financial vulnerability does not allow the press to pursue independent course. This has raised the issue of media accountability.

The government revealed its programs and policies on July 3, 2011 for the fiscal year 2011/12. In spite of various provisions in terms of press and media freedom, it lacks basic and the real needs of the sector at the moment. "The guiding principles of the government plan on media rights and development is not clear, which has

apparently created suspicion”, say media experts in Nepal. “At a time when the Ministry of Information and Communication is in the hand of Maoist party that has the schooling to increase state role on media, there is a fear whether free and professional media can grow with unrestricted freedom and working environment in the country.” Similarly, government programs and policies have failed to ensure media freedom, right to information, and public service broadcasting. It also does not guarantee the dissemination of information but merely focuses on the protection of information which is another sign of autocracy.

DURING MAOIST INSURGENCY

During the first State of Emergency (26 Nov. 2001-29 Aug. 2002), eight journalists were killed, six of them by the security forces and two by the rebels. And more than 150 were arrested and tortured in various ways.

The government enforced various restrictive and controversial draconian ordinances that curbed press freedom despite the fact that the nation’s constitution guaranteed full press freedom. Private sector press was subjected to acute censorship and FM radio stations have been totally banned to broadcast news and current affair programs.

Newspapers were asked by the government not to print any material on security operation or Maoist insurgency without scrutinizing the facts from the Army. Most newspapers outside Kathmandu have suffered intimidation or arbitrary suspension at the order of district authorities. Nearly 50 percent of local publications were closed down owing to unfavourable conditions created by the State.

Due to prohibition on news and news-based programs over private radio stations and strict censorship even on TV channels, several media managements either closed or curtailed programs and relieved staff members. As a result, many journalists became jobless. People were completely deprived from right to information and other civil rights such as right to free movement inside the country and

freedom of expression and of opinion.

Following the February 1 Royal takeover and the imposition of State of Emergency for the second time since 2001, journalists repeatedly faced arbitrary arrests, detention and interrogation. Many journalists were re-arrested even after the Court's order for their release.

AFTER RESTORATION OF DEMOCRACY IN 2006

Despite of being a historic year for Nepali politics, the country's media faced significant harassment and obstruction; however it contributed enough in bringing the country back to democratic path being a part of the 2006 April Uprising. During the period from April 25, 2006 to April 12, 2008, altogether 676 journalists and media workers (266 in 2064 BS and 410 in 2065) experienced various incidents of press freedom violation. Likewise, three journalists were killed during this period.

During the Terai movement launched by Terai-based various agitating parties and groups, Nepali media witnessed another setback as it was manipulated and numerous incidents of attack and atrocity in the series of political confrontation and clash erupted in the Terai region. In short, there is still need for Nepali media to wage struggle for their professional and physical safety as well as to establish freedom of press and of expression in Nepal.

In the series of anti-press incidents, director of Kantipur Publications Rameshwor Thapa was issued a death threat. Thapa received two SMS on his cell phone from an unidentified foreign number. Earlier on Feb. 11 and 12, Publisher and Editors of The Kathmandu Post and Kantipur were threatened with life over phone and email for covering news on the killing of media entrepreneur Jamim Shah. In yet another incident, Netra Kumar Sunuwar, an acting editor of Udaypur Post published from eastern district Udaypur, Gaighat, received death threat from an unidentified person. He received such a threat on March 3, Wednesday night. The reason behind the threat is yet to be cleared.

Similarly, Young Communist League (YCL) cadres attacked and injured Saroj Thapa, a local reporter of mid-western Dolpa district of Nepal, on March 11. Blaming that journalist Thapa was supporter of ruling Communist Party of Nepal (United Marxist Leninist), YCL cadres brutally thrashed him while he was sleeping in his home. Journalist Thapa sustained injury seriously and he was rushed to Nepalgunj by helicopter for treatment.

Further, constituent Assembly (CA) members Baban Singh threatened Rautahat-based journalist Rajendra Kshetri. Following a news published in a local newspaper CA member Singh threatened him of killing him over the phone. A news report of capturing his motorbike by police personnel was published on local Crime Express daily recently. Freedom Forum deplores all above mentioned incidents. Regarding the threat to director of Kantipur publication Thapa, the Forum wants to remind the deteriorating security situation for journalists of Nepal to the government. 'This is not the first incident but one among the series', the Forum says. The Forum urges the government to investigate the incident in serious manner. 'The culprit behind the incident should not be left without legal action', asserts the Forum.

As far as other incident is concerned, the Forum asks the local administration to provide security to journalists and bring the guilty to book. The Forum also asks the CA member Singh to act in responsible manner and to ensure that such incidents do not recur.

DURING KING'S TENURE

The journalist's community, led mainly by the Federation of Nepalese Journalists (FNJ), was at the frontline of this battle against the suppressors of press freedom in Nepal. After the Royal takeover on 1 February 2005, the state was bent to demolish the infrastructure upon which the Nepalese media grew. Despite the government effort and action to curb media freedom and impose state control over them, Nepalese journalists constantly fought to retain or regain their freedom. Journalists had to launch several movements to protect

their rights and freedom, not only in the present (post-February 1) situation but even during the tenure of the elected governments.

Immediately after the Royal proclamation on February 1, the army was mobilized against the media. For the first time in the five-decade long history of Nepalese media, media houses and journalists were directly interfered with by the security personnel, who monitored and censored the news in editorial rooms. Armed soldiers went to newspapers and radio stations with instructions to prevent publication or broadcast of anything that violated “the letter or spirit” of the February 1 proclamation. The army was stationed for about a week in the majority of the media houses, creating panic and humiliating media personnel. This direct interference by the army ended the existence of independent press in the country.

Nepal was cut off from the outside world as all the means of information. Mobile phones, internet service, international TV channels and newspapers were all prohibited as the King declared state of emergency for 3 months. There was no BBC World, no CNN, and no Star or Zee TV news from India. The remaining television stations offered soap operas and pop videos, leaving the nation without access to independent news immediately after the Proclamation. In the following days, most television stations were restored to cable networks, but a few Indian channels—blamed in the past for sensationalist reporting on events in Nepal—were still not available till the third week of June. The situation outside the Kathmandu valley was even worse as the newspapers were ordered to stop publication without saying when they would be allowed to resume. The army ordered some FM stations to shut down for a few days, while others played only music or clips of the Kings speech.

The FM radio stations were hit hard by the government’s decision after February 1. The government banned broadcast of news and news-related programs over FMs for six months. As a result over 1,000 journalists working in 47 FM stations all over the country were reportedly laid off initially. Some of the journalists thus laid off were recalled to service after some months but many had to look for

alternative jobs.

After the imposition of the state of emergency on February 1, the editor of Dharan Today, a newspaper published from eastern town of Dharan, Khagendra Shrestha, was shot by a group of unidentified assailants. There is also a growing fear that the state is committing targeted assaults on journalists, whilst hiding its identity, creating terror amongst the media community and beyond.

STATUS OF PRSS FREEDOM

In last 15 months, from May, 2010 to July 29 2011 there were 125 incidents that directly target media houses and journalist across the nation.

SN	Nature of Incident	Number of Cases
1	Murder	1
2	Attacks	37
3	Reported Threats	34
4	Manhandling	31
5	Arrests	3
6	Abduction	2
7	Newspaper burnt/seized	14
8	Obstruction in free flow in information	4
9	Press vehicle vandalised	1
	Total	127

Source: FNJ Media Monitoring Unit

Apart from the obstruction in free flow of information and manhandling of journalists, the state is not involved in those incidents. One of the most alarming issues in those incidents is the growing involvement of various political parties and political protection to the perpetrators.

POLITICAL PARTIES AGAINST MEDIA

There are numerous cases where journalists are attacked for what they have written and in a couple of cases, for what they choose not to write. The increasing involvement of political parties is a big and a grave concern. There are some incidents of three months, May to July, 2011 where responsible political parties were visibly involved:

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Politburo member of UCPN (Maoist) ordered seizure of New Koshi monthly magazine for publishing opinions with differing voice on May 5.

Cadres of Madhesi People's Rights Forum (MPRF) seized and burnt copies of Kantipur dailies and threatened journalists for publishing news against them on May 10. Young Communist League of UCPN (Maoist) burnt copies of Rasuwa Khabar and threatened publisher and journalist for publishing news critical to them on May 14.

Nagarik/Republica journo Khilanath Dhakal survived an attempt to murder in Biratnagar on June 5. Those involved in the attack are cadres of the CPN-UML. The accused were leaders of the Youth Association the youth wing of the party. The attack on Dhakal, who had excellent relationship with some of the attackers, who carried out solely because of the news reports that was published in Nagarik and Republica national dailies regarding involvement of Parshuram Basnet, the accused mastermind of the attack and also the chairman of youth association district committee in an ugly incident of attack on police detainee inside the court premises. Dhakal was fortunate to survive as police found him and admitted him to hospital. Police arrested Rohit Koirala one of the accused, on the same night and Manoj Rai, a few weeks later. But Basnet is yet to be arrested. "The accused has not been arrested because of Basnet's relationship with the local administration and some leaders of political parties," the preliminary report of the FNJ probe committee states.

The case is currently being heard by district court which has issued a warrant for Basnet. Koirala and Rai were denied bail and are in judicial custody. Dhakal meanwhile, permanently lost the original shape of his nose and after spending three weeks on hospital, has now returned to work.

IMPUNITY CONTINUES

Hareram Patel, Lal Bahadur Chaudhary and Kundan Faujdar who were accused of involvement in murder of journalist Birendra Saha,

and Umesh Yadav, the main accused of murder of Singh, are yet to be arrested and trailed. However, the environment of impunity continues leading to the forced self-censorship in media and journalists. The state's inaction towards arrests of attackers is giving rise to such incidents. In most of the cases of press freedom violations, the state failed to act. Police ignored most of those cases involving attack and threats and closed down investigation, if there were any, without any substantial progress.

The concern however is that the state has remained mostly inactive in prosecution of attackers on media and journalists. The number of planned harassment and attack on media from state had decreased substantially however the state has failed to stop threats and attack on media from unidentified gangs and identified organizations leading to impunity; and thus prompting self-censorship among journalists.

CENSORSHIP AND SELF-CENSORSHIP

Reporting what one sees on the ground in the line of duty or reporting truth has become a dangerous business in Nepal. Journalists have started practicing self-censorship. As the state is turning intolerant and mobilizing its resources to punish the media or media personnel that do not fall in line, simply discharging one's duty by upholding maximum professional/ethical standards has become challenging, if not impossible.

Intimidation and demoralization by the security personnel is rampant both in Kathmandu and outside. The authorities, not legally competent to regulate the media, are interfering with the daily working of media without being accountable to a legally competent authority. Given the ambiguity of the scope of censorship, the officials at various tiers of civil and military administration are making the life of working journalists difficult. The orders are often verbal and, in most cases, violate all tenets of law. Editors and journalists are summoned to the police stations where they are humiliated, pressurized and in some cases tortured.

Even the local authorities are censoring the news in the remote districts, while reporters have to fax their stories from the government facilities. Free press has contributed a lot towards strengthening democracy and ensures the constitutionally granted right of free - expression in Nepal. The flow of quality, independent information, especially from community radio stations in remote districts, cannot be given a dollar value. It was, in many ways, a priceless asset to those in Nepal struggling to develop the country and restore peace to the countryside. Freedom of press, equality and diversity are essential conditions of democracy. Freedom here refers to the situation where media can express its views without fear or intimidation.

With the latest curbs in press freedom, the state is moving to dismantle the very foundation of free press in Nepal. At a press conference on April 12, 2011, CPJ called on the government of Nepal to end the harassment and imprisonment of journalists and to repeal restrictions imposed on private media, including the ban on FM radio news broadcasts.

PROTECTION AND SAFETY OF JOURNALISTS

The key issue before the Nepali press today is the sense of insecurity stemming from government's attitude towards the press. In terms of direct impact, up to 2,000 reporters, editors, and other news people have lost their jobs. An even larger number are working without pay or for a fraction of their former wages due to falling advertising revenues.

Uncertainty is hanging over the media community and media houses. Safety of journalists has become more critical, especially those living and working outside the Kathmandu valley and in zones of conflict.

Reporting from rural and remote areas of the country has become even more dangerous. Reporters are risking their lives, without having proper security and insurance. Dozens of journalists have been picked up by the security forces and interrogated.

CONCLUSION

Media houses are opening at the present time merely to fulfil their own vested interests. However we in the media field should not blame the state rather media houses should be more responsible towards the state. Nevertheless, state also must give security and encouragement to the media workers and civilians.

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High Time for Media to Become Responsive

Anil Giri¹

The recent controversy leading to the closure of renowned British tabloid News of the World has triggered an intense global debate on 'limitation and ambit' of free media and subsequently an academic debate about the role of free, clean and responsible media.

Given the self-perceived fact that the parameters of free and responsible media can be different from one school of thought to another and according to the economy, polity, religion and culture of different societies, the global media fraternity was expected to come under serious scrutiny in the aftermath of the controversy sparked by News of the World.

The global debate is finding no takers in Nepal. Isn't it a matter of worry that Nepali media fraternity has not started a debate even weeks after the fall of New of the World?

Following the opening of a public inquiry into the phone hacking scandal that gave birth to the controversy, British judge Brian Leveson had told the media in London that his panel would focus on culture, practices and ethics of the press in the context of News of The World's with the public, the police and politicians. Also the panel is authorized to take a look at media ethics, media law, journalistic ethics, investigative journalism, press freedom and press regulation.

It clearly shows that even in the west, where media practices are

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considered advancing in many ways, are still debating on clean and responsive media. Now, here comes a question. How often did we or our media organizations, government bodies, FNJ or Press Council held such a debate? The answer is very little. Since our media law or practices have do's and don'ts, now time has come to start a fresh debate on creating free and clean media atmosphere in Nepal.

Before any public debate, the message left behind by the shutdown of News of the World needs to be borne in mind: Unethical journalism will not be tolerated no matter how big a media organization is and how many media the company owns. Murdoch, the CEO of Newscorp, has ownership of 175 newspapers worldwide, satellites that deliver TV programs in five continents and is known to own about one-third of the world's media.

We must and should calculate the risk if the similar kind of incident occurs here. Nepali media can also learn a few lessons from the fallout of News of the World.

The liberalization of mass media in Nepal is for freedom of speech and safeguarding democratic practices. Media, after the restoration of democracy, became a fiercely competitive enterprise, proving that the monopoly of the mass media was a thing of the past. Competition within and outside both print and broadcast mediums is indeed necessary for a healthy media environment. But amidst lack of proper journalistic training and accountability, the risks of unethical practice in media remain higher. The phone-hacking incident can be a must-known lesson for all those in the media industry that the consequences of yellow journalism are not only detrimental to the democratic society, but go in contrast to the very essence of journalism: The search for truth.

Seeking a free, clean and responsible media is not a new demand as such. It is a tool to build robust, empirical and democratic society. Although we have a long history of healthy and unhealthy media practices with the many outlets hitting the market, it is true that the change in Nepal's political regime of 1990 had brought about a

fundamental shift. The media owners have already realized that there is no alternative to competition. A case in point of how competition leads to media harmonization is the establishment of Kantipur that posed a big challenge to the traditional media houses. Kantipur has always stood against the direct alignment with the government and political parties. Visibly and symbolically, the publication of Kantipur was a major blow to the monopoly of the government over information.

Without a code and independent policy, media cannot flourish and progress. But at a time when Nepal was waiting for a leapfrog from traditional media to new media, the government media policy was directed to “Communication for Development” rather than revamping the media sector in general and upgradation of professional integrity in particular.

There are some guidelines, parameters, codes, ethics and standards to define the free and responsible media. Media houses have their own code of ethics for journalists. Certain rules, ethics, code and regulatory bodies have been imposed by governments around the world to suit their political setup. Still, media pundits have been debating nitty-gritty of the four press theories—authoritarian, libertarian, the Soviet press and social responsibility. Where do we stand here?

Countries have their own press ethics and codes. We too have separate laws and by-laws related to the press code and separate code of journalistic ethics (2003), applicable to all journalists for the protection and the promotion of press freedom and safeguarding and reinforcement of the right to information. International conventions such as UNESCO Declaration on Mass Media (1978), European Convention on Human Rights (1950), American Convention on Human Rights (1969), Helsinki Final Act (1975), Arab Charter of Human Rights (1979) and African Charter of Human and People’s Rights (1986) are also in the list.

We are in the statute drafting process. At such a juncture, as

some political parties have been questioning the credibility of free press or are reluctant to the idea of free press, it is the right time to talk about the prospect of free press in Nepal. What kind of institutional, legal and administrative arrangements we need in the new federal political set up needs to be discussed simultaneously. Along with this, the integrity of media, the professional ethics of media persons, an environment to build a responsive and clean media atmosphere and capacity building of journalists in mofussil, should be taken into account. It's high time we dwelt on the roles of media in the federal setup.

Press council, press arbitrary council or a regulatory body is established according to the political system of a particular country. The development of free and responsible media in the light of the right to free press, and the freedoms of thought and speech are fundamental and universal human rights that ought to be enjoyed by all people sans condition.

A publication house free to publish content and editorials, critique and inform are fundamental prerequisites of any [vibrant] democracy. That is why free and responsible media is called the pillar of democracy. Too often, governments use state-controlled media to present distorted facts. The press should eschew publication of inaccurate, baseless, misleading or distorted materials. The core issue or subject should not go unreported. Unjustified rumors and surmises should not given a room in lieu of facts.

In short, free media presses governments to represent the interests of their citizens so that the latter many hold the former accountable. Free press allows expression of editorial opinions, plays vital role for agenda-setting, gives boost to economic prosperity and builds a robust, free and accountable society. A recent World Bank publication entitled "The Right to Tell" documents the role open media plays in supporting economic growth. The president of the World Bank Group, James D. Wolfensohn, wrote in the book that "to reduce poverty, we must liberate access to information and improve the quality of information. People with more information are

empowered to make better choices.” Free media promote the exchange of successful business practices, create trading partners, and can make economies more efficient by disseminating useful technology. Open reporting also earns the support and trust of investors, both domestic and foreign.

Free and responsible media can have a positive influence in any country, including those that are newly emerging democracies. Free press is essential in achieving stable and democratic governments, like that enjoyed in the west.

Though it was not a new practice, the aftermath of the New of the World controversy brought an insidious nexus between politicians and media persons to light. How do the media prepare for this onerous task? In the changed global economic and political scenario, the Nepali media too underwent rapid changes, some desirable and quite a few undesirable. Fortunately, there is a growing realization, especially in the print media, that market forces cannot purely dictate newspapers.

But quantity has not translated into quality given the mushrooming of the media outlets. Defying conventional norms of capitalism, the intensification of competition in the media has been accompanied by a discernible lowering of ethical standards. The race to grab eyeballs has seen a simultaneous ‘dumbing down’ of content as TV channels have become prisoners of a highly inadequate and flawed system of ascertaining audience sizes through TRPs (television rating points).

On the pretext of growing consumer culture, cut-throat business and advertisement environment, growing numbers of affluent middle-class, the outreach of media and its increasing clout in the society and importing the global media culture in the domestic market could jeopardise our journey. Also, we cannot compromise professionalism of the media and journalists, who are always on the edge of financial catapult.

Regulations can be the answer to this problem, particularly

competition regulation to prevent cartelisation and anti-competitive behaviour, especially since the Press Council's writ is confined to the print media and the quasi-judicial body has no punitive powers. Important persons in all governments, be it in Nepal or elsewhere, like to cultivate the media even as they have a love-hate relationship with journalists and their employers. So the economic prosperity of a nation is very vital and backbone for sustainability of media. The Nepali media sector has been grappling with underpaying culture and lack of professionalism, journalism is still deemed an unsecured profession, perennial problem of job security and entrance of semi-skilled manpower. So the urgent need is also to make the occupation more secured, highly paid inviting fresh and talented people to avoid malpractice and misdeed.

The media landscape in Nepal has a combination of various structures, resembling a community having family setups ranging from nuclear to joint. Statically, it has an impressive figure of over 300 licensed radios, nearly 18 TV stations, over 3,000 newspapers (dailies, weeklies and fortnightlies registered in Nepal Press Council), and over a dozen on-line news sites. The human force in Nepali media stands, according to FNJ, over 7,000. In terms of management, it has a complicated mixed formation extending from single person management to sophisticated corporate system. Its ownership remains from government, private limited companies, special interest groups, non-government organizations, village/district development committees, private individuals to politicians. They operate media for service or profit or for no profit. The demarcation line among the three exists in theory, but in practice it appears extremely blurred.

So the lack of clear demarcation has sowed a seed of clash. Whether or not the government should own the media has never been the talk of the town.

CODE OF ETHICS/GOVT-MEDIA RELATIONSHIP

Ethics are accepted beliefs of code of conduct which prevents misuse

of any strength and tells about what is morally right and wrong. In human life, ethics plays a great role by leading us to a positive direction. The same applies to the journalism field. No journalist can serve a purpose without certain rules or code or ethics. In case this doesn't happen, chances of misinformation, defamation and losing credibility is certain.

If we took our cue from the global practices, ethics shouldn't be formulated to suit vested interests or to the convenience of a certain coterie of journalists. This is because two wrongs don't make a right. Editorial policy of any publication or broadcasting house may have its own ethics for their staff. It can be called internal ethics determined by the editorial board. On occasions, the court or press council or a gathering of media giants may formulate their own set of ethics or code of conduct of journalism. But by whatever means ethics are brought to public, the very purpose should be for the welfare of journalists and promotion of free press.

We loudly say press should be free and right to impart information to people. But what if the government shuts its door for the media in the name of regulation? This is certainly an aim to clip wings of media through imposing ethics that it likes.

The first thing that comes here is that journalists should have an antenna to judge what they can write about and what they cannot. In the name of getting big byline in bold letters or to be the man of the talk of the town next day, no acts are tolerable that aim at hurting others' sentiments.

There are lots of positive things left to be explored and many journalists in countries like Nepal are still not capable to dig them out. Heading towards the positive direction is the first step that good ethics of journalism demands. No matter for what cause they stand for, journalists should avoid negativism. Then comes law, code of conduct, court, value, press council and the government.

Our practice and experience is somehow different. Government often tries to muzzle the media because it doesn't want the vibrancy

and dominance of private newspapers, news channel and FM stations. The nexus between politicians and media persons is not a new thing in our media. It can often be seen manifested while reporting, particularly in government-owned media.

The government, corporations and powerful individuals might be bent on cutting off access to information. Governments believe whatever they do, their activities should remain secret; corporations think their commercial interests may be compromised if too much information is fed to journalists; and for individuals, their privacy might be the matter of their utmost concern. This is why a tussle always remains between the intention of revealing information in the interest of democracy and concealing information for both good and bad.

We are heavily dependent on government sources for news stories. This often brings our reports under the scrutiny of audiences.

So far as the government, local authorities and other organs/institutions exercising governmental power are concerned, they cannot sue the reports critical of their acts for defamation and initiated their own action process unless the official confirms that the publication made reckless disregard of the truth. However, judiciary, which is protected by the power to punish for contempt of court, and the Parliament and legislatures, should be more responsible in this respect. It remains to be seen how the new constitution settles these provisions and discourages government officials' hegemony enjoying prerogatives.

According to Reporters Without Borders, more than a third of the world's people live in countries where there is no press freedom. Overwhelmingly, these people live in countries where there is no system of democracy or where there are serious deficiencies in the democratic process. Press freedom is an extremely problematic problem/concept for most non-democratic systems of governments since, in the modern age, strict control of access to information is critical to the existence of most non-democratic governments and

their associated control systems and security apparatus. So our journey to free, accountable, responsive and clean media largely depends on future course of the political setup. Therefore, it will be a wise step to start lobbying by the media fraternity to ensure press freedom.

Once we can make free press our national agenda, than we can start institutionalizing the achievements by various means and methods. News reports of attacks by various armed outfits to our friends across the country continue to pour in. This is also an attempt to muzzle the media. Thus, without a solid institutional and legal restructuring, our fruits of labor to ensure free media won't serve.

HOW CAN WE DEVELOP A CULTURE OF RESPONSIVENESS IN THE MEDIA SECTOR?

First of all, the media fraternity itself should come with its professional integrity and ethics and should build culture of responsiveness at one level. One should not think that the business community or the police headquarters or the apex court or the government would work for making the media sector a clean, responsive, credible and an honored profession. Someone from within the media fraternity should take the lead. It can be the FNJ, the Ministry of Information and Communication or any publication house.

Media doesn't flourish on its own. Many social pillars contribute to the growth of media. So the society too has certain responsibility towards the development of media. Every cultured and dissent society expects responsible, clean and credible media. The robust growth of democracy, media and society only can go in parallel. The advancement of democracy and society cannot alone nurture the media fraternity. In our case, our media sector needs a complete revamp to make it responsible to the society, people and the nation building process.

There can be no excuse for the non-implementation of the code of conduct prepared by the Nepali's media regulatory bodies. The right to information has to be implemented in practice, not in paper.

Every government agency should have a nodal or press official who have access to information. Ministries should hold regular press briefings and inform the media on a periodic basis. The political parties also should develop the culture of media briefings time to time. Major ministries, which are supposed to be the sources of information that are in the interest of media and people such as PMO, Home, Finance, Foreign should hold regular press meets. It is interesting to say that PMO, the government office highest in authority, hardly convenes a press briefing even once a year.

Media too has an equal responsibility. Certain parameters, qualifications and requirements for the jobs in demand have to be fixed. Reporters should be savvy and be experienced to the designated beat and have the ability to properly verify news stories. On the other hand, media houses should invest in the professional development of journalists.

In many countries, laws have the provisions of protecting the sources if any journalist suffers from his/her published story. Our law also should encourage journalists to move to court in case anyone feels that he or she gets cheated news sources. We have miles to go before taking a rest. Cases of people victimized from published stories knocking the court doors are very few.

It must be noted that good attempts have been made since the establishment of democracy in 1990 to empower the press. Nepali journalists are working with various free press theories in their mind being restricted to carry out their reporting job amid insecurity. Seriously, isn't it high time we all lighten up a bit and care deeply about making our media more responsive?

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Issues and Challenges Concerning Nepali Migrant workers in the Gulf

Dr. Shambhu Ram Simkhada¹

BACKGROUND

Nepal has a long history of foreign labor migration. Nepalese started working abroad and sending remittance back home since over 200 years back. In the early 19th century, for instance Nepalese men migrated to Lahore to join the army of Sikh Ruler, Ranjit Singh. That is how they earned the nick name “Lahure” which is still in use for Nepalese employed in foreign armies, mainly Indian and British. In 1815/16, Nepalese were recruited in the British Army of India for the first time and are since then called “Gurkhas.”

Every year 450,000 workers enter Nepal’s labor force out of which 100,000 are skilled.² Nepalese economy cannot absorb this large number of new labor force entering the market. Consequently many naturally are forced to seek employment abroad. But more recently, the long years of violent conflict, political instability and protracted transition has led to serious stagnation in the economy and mass outflow of skilled and semi-skilled Nepalese workers. Official data shows there are around 2.7 million Nepali migrant workers in different countries across the globe.³ The largest flow of

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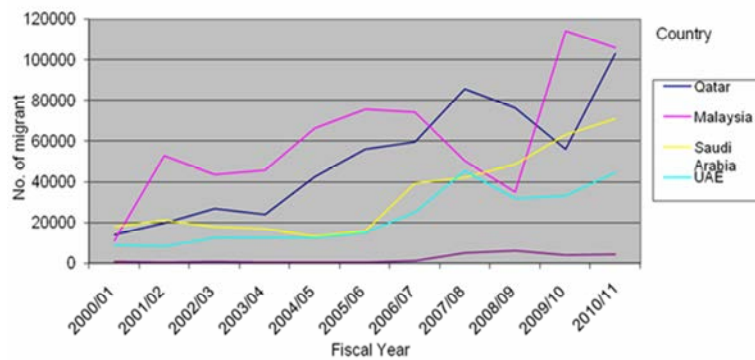
2 Lost Labor, Nepal, 4 December 2011, retrieved from <http://www.nepalitimes.com>

3 Internal report: 1,357 migrant workers died in 3-and-a-half years, published in The Kathmandu Post on January 12, 2012.

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Nepalese migrant workers is towards Malaysia (7 Lakh). The six countries of the Gulf Cooperation Council (GCC) account for over 60 percent of the total Nepalese migrant workers. Qatar alone absorbs almost 40 percent of the total Nepalese workforce in the GCC countries.

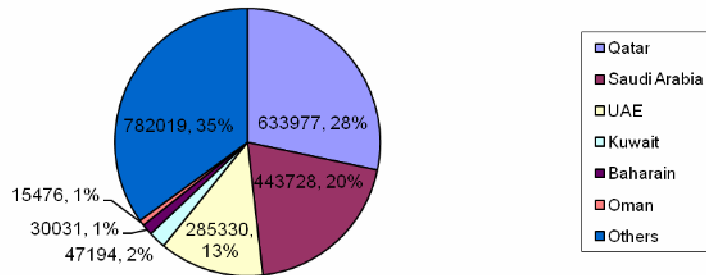
Major destination of Nepal's Labor Migration (2000-2011)



Source: Department of Labor, 2011

Interestingly, even amidst political and social upheaval, the Middle East and the Gulf countries continue attracting millions of migrant workers from South Asia, including Nepal. A historical account of trends of labor migration in the Gulf has been presented in the following chart. Various phases of international migration since the 1970's Oil Boom to Post 1991's Gulf War has also been elaborated in this paper. Finally, some reflections on the possible consequences of the Arab Spring or such strife in the Gulf are presented in this paper.

Total exodus of Nepalese workers (Department of Labor, 2011)



PHASES OF LABOR MIGRATION IN THE GULF⁴

The first phase in the modern history of migration to the Gulf occurred in the period prior to the 1970s oil boom. During this phase, more than 80% of migrant workers were Arabs, mainly from Egypt, Syria, Yemen, and Palestine. Asian workers, at that time were employees of European companies and government agencies.

During the second phase, particularly after the oil price hike of 1973, migration to the Gulf intensified. This phase was marked by increase in number of migrants from poorer Arab countries such as Egypt and Yemen.

In the third stage, GCC countries launched massive development plans as the government revenue rose sharply in a single year after the second oil price hike in 1979. Such massive development projects led to a sharp surge in demand of additional workforce. It was during this period that the inflow of South Asian workers to the Gulf region was remarkable. The GCC countries also favored South Asians leading to the gradual replacement of Arab workers by migrant workers from South Asia.

As revenues of the GCC countries subsided, some development

4 Migration and the Gulf (Viewpoints), The Middle East Institute, Washington DC, February, 2010 retrieved from www.mei.edu on January 14, 2012.

activities slowed down. Demand for foreign workers also started to decrease. However, the preference for South Asian and of course skilled workers was unaffected. This shift after the decline of oil prices in 1982 could be described as the fourth phase of the history of migrant workers flow to the Gulf countries.

With the end of the Cold War, migrant workers from newly independent states of the former Soviet Union and China began to arrive in the Gulf marking the fifth phase. This phase created a new competition for other Asian migrant workers in the Gulf labor market. Yet another factor was the 1991 Gulf War caused a massive displacement of about 1.5 million people. This mass displacement however created job vacancies in GCC countries with the South Asian migrant workers quickly filling the demand. During this phase, Asians exceeded the non-Gulf Arab workers by leaps and bounds. At present the South Asian workers, including Nepalese is growing rapidly in the GCC and it is highly likely that this will continue.

MIGRATION: ISSUE AND IMPORTANCE

Migration both within and beyond borders, has become an increasingly prominent theme in domestic and international debates, and was the topic of the 2009 Human Development Report (HDR 09). The global distribution, demand and supply of capital, goods, services and labor force is unequal. This is a major driver for the movement of natural persons. In view of the chronological phases of labor migration into the Gulf region presented earlier, what are some of the key issues and the importance of such issues for Nepal?

NEPAL'S REFLECTION AND RESPONSES

Migration as an issue is slowly being recognized as an important form of livelihood, economic development, political significance, academic discourse and policy planning in Nepal. Nepal's economy today depends largely on migrant workers. The fact that Nepal ranks as the fifth largest remittance receiving country in the world proves just how

indispensable migrant workers and their contribution really are.⁵ Remittance they send back has not only helped in sustaining livelihood but is also raising the prospect of transforming lives by alleviating poverty (increased household income) and improving access to education and health care services.

The earnings abroad have a firm support in sustaining Nepalese. The contribution of remittances to GDP remained at 17.4 percent at the end of 2008.⁶ Its share in total foreign exchange earnings increased from 36.6 percent in 2003/04 to 46.7 percent in 2005/06.⁷ As over 60 percent of Nepal's labor force is located in that region, obviously Nepal has a great financial stake in the remittances sent by migrant laborers working in the Gulf.

Yet there is not much the government has done to address the loopholes prevailing in the labor migration process in the country. The Government is always expected to take the lead but as always, there is a gap between the expectation of the people and performance by not just the government but also employment agencies which are the biggest beneficiaries of the increasing labor migration patterns. Given the current state of the Nepali state and pre-occupations of the major political parties it would be too much to expect much creative initiatives. However given the very sad state of the Nepalese workers in the Gulf region, it is necessary on the part of both the state and the private sector to try and address some of the most serious issues without getting bogged down by political transition. It is in this direction that the following reflections on challenges concerning Nepali Migrant Workers in the Gulf are focused.

5 Migrant Workers' Rights and Social Media, Friday, 22 July 2011 retrieved from <http://futurechallenges.org/local/migrant-workers-rights-and-social-media> on January, 12, 2012

6 Migrant Workers' Rights and Social Media, Friday, 22 July 2011 retrieved from <http://futurechallenges.org/local/migrant-workers-rights-and-social-media> on January, 12, 2012

7 Ibid

KEY CHALLENGES-LIFE AND HEALTH, WAGES AND ABUSES

Migration is expected to expand the choices of people with regard to employment, incomes, accessing services and participation in socio-development. But the opportunities available to Nepalese are minimum for they are not endowed with skills needed to enjoy the best of the choices available and possible in all of the above. The key challenges could be categorized into Life and Health, Wages and Abuses. Survival, health related problems, heat stroke, accidents, sanitation and proper shelter, insurance and minimum safety net, many forms of exploitation and sexual abuse of women are major challenges of Nepalese workers in the Gulf.

LIFE AND HEALTH

The right to live is the most vital of all human rights. But the reports of Nepalese workers in the Gulf returning in body bags tell the story of the risks to life of the Nepalese migrant workers there. Reports suggest the deaths of many Nepalese working abroad could have been avoided.

Over 1,300 Nepali migrants working abroad have died in the past three-and-a-half years, a study has revealed. While most of the 1,357 deaths were related to road and work place accidents, suicides and murder, a significant number of the cases could have been avoided, a survey conducted by the Foreign Ministry in coordination with the Foreign Employment Board states. The report prepared for “internal use” has blamed lack of pre-departure orientation classes on workplace safety, road safety or rules, climatic conditions and precautions to be taken in the countries for the unprecedented number of deaths.⁸

As yet another example, most of the workers in Qatar, the popular job destination have died due to cardiac ailments. In 2011 53.8 percent of the total death was caused by excessive drinking of

8 Internal report: 1,357 migrant workers died in 3-and-a-half years, published in The Kathmandu Post on January 12, 2012.

alcohol and sharp difference in temperature in working and residential places.⁹ Majority of Nepalese labor migrants in the Gulf are working in unskilled positions and they live in labor camps. Almost all men and women in these labor camps have no control over the selection of their dwelling. The Kafala¹⁰ (sponsorship system) that organizes and governs the flow of labor to the region contractually binds laborers to their employers; these employers typically place laborers in cramped camps they either own or rent. Despite efforts pressing all labor receiving countries that the migrant workers are given greater rights, the workers in the Gulf irrespective of their nationality are often trapped in horrible living conditions and denied justice and their basic rights.

The challenge is not just about staying alive as even after death, the families at home have difficulties in receiving the corpse of their kin.

Nearly 70 bodies of Nepali migrant workers are waiting in various Gulf countries and Malaysia to be repatriated back to Nepal when this paper was being written. Most of these countries require exit visa even for a dead body. Statistics at the Migrant Resource Centre (MRC) show that 50 bodies are awaiting exit visa from Saudi Arabia, while 20 bodies are lying in Malaysia, the UAE and other countries.¹¹

According to a study conducted in three major destinations in the Gulf, first and foremost, there is a lack of adequate information for the migrants regarding awareness on health risks and rights to

9 Less Nepalese died in Qatar last year, published on The Himalayan Times on January 19, 2012.

10 Kafala is a system whereby a migrant is sponsored by an employer who assumes full economic and legal responsibility for the employee during the contract period. The system requires that the migrant only work for the sponsor and, in some cases, the sponsor will keep the passport of the migrant as insurance that the migrant will not try to leave the employer.

11 Migrant workers: 70 families awaiting bodies of kin abroad, retrieved from www.ekantipur.com on January 22, 2012.

health services in the destination countries. At the same time lack of access to medical services is equally rampant. The findings have given an important message to migration policy makers and have sought government's responsibility to provide the information regarding health risks and ways to protect oneself. It is, however, also the responsibility of the employers to provide correct information, orientation on possible health risks and appropriate training for preventive measures as well as ensure all necessary access to health care services in the country of employment.

WAGES AND ABUSES

Numerous cases of intolerable sufferings of the Nepalese migrant workers have been highlighted in many news reports and studies. It is a bitter reality that Nepalese workers are accepted in East and South East Asia as well as in the Gulf region primarily because they are cheap and they do whatever job they are given. In terms of wages, Nepalese workers are the worst paid in the Gulf. They receive some US \$125-200 per month. The low pay is not just an example of exploitation but most of the times the reason is the lack of education, knowledge and skill. Nepalese migrant workers are mostly unskilled and lack proper language training.

Desperate and poor, they are compelled to receive low pay and are at high risk of abuse and neglect. Nepalese newspapers often carry news of migrant workers being denied their salary, forced to live in inhumane conditions and sometimes abused and exploited physically. No doubt, migration can empower traditionally disadvantaged groups, in particular women. But the situation of women workers in the Gulf and elsewhere is alarming. Hundreds of incidents of abuses and violence against women working as maids and hotel staff are being reported. Over 10,000 Nepalese women work in Lebanon and 3,000 in Israel. A typical case of the abuse and exploitation of a Nepali woman in Saudi Arabia is presented below.

Recently a National daily reported that a woman held hostage for twenty-one months by her employer has returned home. The

woman said that she was kept in confinement and tortured by her employer and his brothers every other day. Her employer had even demanded 6,000 Saudi Riyal from her family members back home for her release. Nepalese embassy in Saudi Arabia has rescued her after news about her plight was published.¹² But most such cases of abuse go unnoticed and unreported.

NEED OR GREED?

Nepal needs to survive economically and its people not having the chance to earn their living at home are compelled to go in search of work abroad. Motive for migration usually include rid of debt, buying land, building a house, repaying loans and alternate arrangements for family support and childcare. As a positive change, migration has helped reduce unemployment among the poorer segments of Nepal's population.

To facilitate their employment and serve them at times of need is the responsibility of the government and the employment agencies involved in the lucrative business of labor export. But there are enough evidences to suggest that both the government and the private sector have failed to adequately fulfill their responsibilities towards Nepalese migrant workers in the Gulf. It is often found that in the fear of spoiling cordial relations with the host countries, concerned Nepalese authorities fail to take up the cases of exploited and abused Nepalese workers even after receiving complaints and grievances. Often it is a result of the lack of political will and diplomatic responsibilities rather than the limitations of resources and skill that has impeded our efforts in protecting the migrant workers and their rights abroad.

There is another significant issue that needs attention. Many of our upscale and educated young people are leaving for the U.S., Australia, UK, Japan etc. in search of employment or never return

12 After four-month ordeal, woman arrives home from Saudi Arabia; www.ekantipur.com, January 19, 2012.

after completing their education and training there. Other able-bodied young unskilled labor force is leaving for Gulf, Malaysia and Korea. As a result it is often difficult to find enough manpower to continue the traditional work of farming and other manual labor related work in Nepal. If this trend accelerates, who then will play the part needed for building the nation, and sustaining the economy at home? It sometimes feels as if the nation is sinking in the vicious cycle of the dire need of the people to sell their labor abroad and the unbridled “greed” of the people in positions of power and authority ignoring the plights of the helpless people at home or those migrant workers working in the Gulf.

In a globalised world of borderless economy, everyone has the freedom to work anywhere across the globe. The Government of Nepal may not have the power to make huge demands on the countries that employ Nepalese workers. But at the minimum, the Government can make sure that the people who go abroad with certain skills do so in a way that they get more pay and those that work do not get exploited and abused. If those things happen, the Government must stand willing and ready to take care of its citizens at the time of need. There are several international instruments, norms and standards designed to protect the rights of migrant workers. Nepalese government must not hesitate to seek redress from over exploitative and abusive employers. On the long run, of course, the government should step up efforts to create more employment opportunities at home and not overly depend on remittances from migrant workers.

SOME GOOD NEWS

Trade Unions of Nepal, Kuwait and Bahrain have joined hands to fight for the rights of Nepali migrant workers. Nepal's trade union-GEFONT, Kuwait Trade Union Federation and General Federation of Bahrain Trade Unions-coordinated by International Trade Union Confederation have signed agreements to protect the rights of

Nepalese migrant workers.¹³ The Himalayan Times also reported that the traffic Department of Qatar had organized awareness campaign for migrant workers to reduce their deaths in accidents.

It is reported that recruitment agents known as manpower agencies in Nepal have started providing basic pre-departure orientation to the workers before they travel abroad. During this orientation, workers learn about their duties and responsibilities while abroad. They are also provided with first hand information about work environment and labor laws of the host country. However, owing to increasing number of deaths of workers and fraudulence, manpower agencies and other stakeholders, together, should collaborate in activities ranging from awareness-raising on safe and legal migration to job orientation, culture of the host country to skills upgrading.

ARAB SPRING AND ITS REPERCUSSION ON NEPALESE MIGRATION IN THE GULF:

Six states of the Gulf Cooperation Council (GCC) have over five million migrant workers — one of the highest concentrations of migrant workers in the world. According to the World Migration Report (2003), 25% of the workers in Saudi Arabia, 65% in Kuwait, 67% in the UAE, and as much as 70% in Qatar are immigrants or non-nationals.¹⁴ Most of these immigrants are from South Asian countries including Nepal.

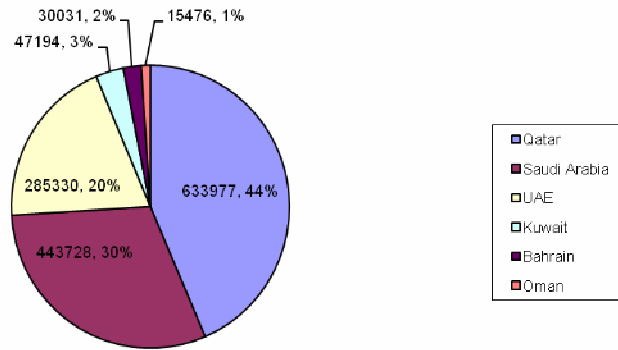
Nepalese migrant workers are concentrated in the Gulf and scattered in thousands elsewhere in the countries which are passing through civilian strife. In the year 2011, Libya faced a civilian uprising. Foreign migrant workers were evacuated from the country. Over two thousand Nepalese had to be evacuated, albeit late. Today,

13 Less Nepalese died in Qatar last year, published on The Himalayan Times on January 19, 2012.

14 Migration and the Gulf (Viewpoints), The Middle East Institute, Washington DC, February, 2010 retrieved from www.mei.edu on January 14, 2012.

there is no Nepali working in Libya.

Nepalese Migrant workers in the Gulf (Department of Labor, 2011)



Should the Arab spring that started in Tunisia, Yemen, Syria, Egypt affect the Gulf countries, the task of evacuating millions of Nepalese workers in the GCC is going to be very difficult. As tensions escalate in Arab countries, Asian workers could be replaced by Arab labor force as Saudi Arabia has already provided some large job quota to Jordan to ease the pressure on the royal regime there. In the past Egyptians and Yemenis working in the Gulf were replaced by Asians. The 1991 Gulf War caused the displacement of about 1.5 million people, including one million Yemenis (who were expelled from Saudi Arabia) and 200,000 Jordanians, 150,000 Palestinians, and 158,000 Egyptians (most of whom left Kuwait).¹⁵ Could the reverse happen to the South Asian, Nepalese workers?

Western countries are trying to isolate Iran and impose more stringent sanctions on it. On its part, Iran has gone to the extent of threatening to block the crucial Strait of Hormuz to which the US has warned that it will use force to keep it open. These developments show the escalation of tensions between the West and Iran. There are

15 Migration and the Gulf (Viewpoints), The Middle East Institute, Washington DC, February, 2010 retrieved from www.mei.edu on January 14, 2012.

serious speculations that Israel could bomb the Iranian nuclear facilities anytime. If these provocative statements and cold war turn into active armed hostilities, it could create tensions in the Gulf region. What impact will it have on Nepalese migrant workers? As the impact of such development would be significant for Nepal, it would be wise to make serious assessments of the impact and take precautionary measures in advance rather than crying for help in desperation should the need of actual evacuation arise.

On the other end of the spectrum, luckily, the GCC countries are trying to respond to the possible risks of popular discontent in a proactive way. Some countries are engaged in massive job creation programs to absorb all of their educated unemployed as well as planning more development work. This will create demand for more workers and if past experience is any guide, more South Asians and particularly Nepalese migrant workers may be sought. Nepalese private sector and government agencies involved in this area are well advised to prepare early to take maximum benefit from such a new and positive development.

TRAINING OF MIGRANT WORKERS

To do so however, there is a need for a whole paradigm shift. This would entail not just trying to send more able-bodied workers but enhancing their skills before sending them abroad. Migration is likely to continue in the future. Trends of migrant labor flows will, however, depend upon several factors: Nepal's political stability; its economic growth and availability of desirable jobs at home; and our enhanced capacity to send skilled workers but not just able-bodied ones and of course our internal need of human resource as we grow and the situation of supply of labor from the adjoining states of India.

Need for skills enhancement is sought as the migration phenomenon continues. Nepal current skills training capacity is just too low to avail trainings to all those intending to go for work abroad. Ministry of Labor and Transport Management has a capacity to provide training to a maximum of 25,000 persons per annum. The

Ministry of Industry can train up to 15,000 workers and the Council for Technical Education and Vocational Training caters its services to a maximum of 30,000 persons per year. When added up, Nepal's total capacity to produce skilled workers is 60,000 per year while approximately 3.5 lakhs Nepalese leave the country for foreign employment annually. Any wonder almost all our migrant workers are unskilled and they are worst paid? What prevents us from increasing the capacities in our training institutions or creating new skills training centers to provide the necessary training to those young Nepalese who seek to go abroad? This is what is meant by a paradigm shift.

ROLES AND RESPONSIBILITIES OF LABOR ATTACHES

For this the government of Nepal must prepare for skills enhancement at massive scale at home, negotiate for better minimum wage, social safety nets including insurance and workers compensation with the employers and labor importing countries. To assist the government in these tasks the government of Nepal decided to drastically increase the number of Nepalese embassies abroad, primarily in the countries with significant number of Nepalese migrant workers such as Malaysia, the Gulf-Countries, South Korea, Australia, Canada etc. It was then also decided that labor attachés would be added in many new embassies with large number of Nepalese workers. New embassies have been opened and labor attaches have been appointed. But have they performed according to the objectives? The issue of coordination between the Ministry of labor and the Ministry of Foreign Affairs has also emerged as a major problem. It is high time an evaluation is done.

The primary role of diplomatic missions is to protect the interests of its citizens in the host country. Nepal's labor attaches have a very important role to play in the GCC to tackle the issues of exploitation abuse and difficult living conditions of Nepalese workers there. The workers are not just earning to help their families' living at home and economic development of their country but more than that migrant

workers provide valuable services with their labor and furnish an often invisible subsidy to the national economies that receive them.

Migrant workers are engaged in every sector of development activity in the Gulf. They have been contributing substantially to the economic growth of receiving countries. Ironically, however, they are often exploited by unscrupulous employers, recruitment agents, and others. The primary role of diplomacy is to help its own citizens. The labor attaches could facilitate for a delegation to meet the stakeholders in the host country and raise our issues and concerns. The diplomatic mission in the GCC should lobby with the host country for better minimum wages, social safety nets including insurance and compensation for Nepalese workers.

However, not just the diplomatic missions in the host country but efforts of different stakeholders including government organizations, national & international organizations etc. must be mobilized for the improvement of the lives and working conditions of Nepalese migrant workers everywhere but particularly in the Gulf.

WELFARE SCHEMES

Besides looking after the welfare of the Nepalese migrant workers while at work, it is equally important to develop national mechanism to look after their welfare after they return home. Several such welfare schemes, a provident fund schemes, for instance or enabling them to contribute to the Citizens Invest Fund could be implemented. This proposal could of course be applied not just to Nepalese migrant workers in the Gulf but all over the world. Several other programs to promote the participation of Nepalese working abroad in Nepal's socioeconomic development could be devised under the scheme. Such schemes could be implemented jointly by the Government in coordination with the Non-Resident Nepalese (NRN) mechanism. Meanwhile by making use of these funds, the government could step up efforts to create more and better employment opportunities at home by utilizing the huge remittances sent by migrant workers.

CONCLUSION

A large number of Nepalese are forced to move to different parts of the world due to conflict, environmental degradation, in search of work as well as in their search for knowledge and better skills. In order to protect our workers and to assist others who are planning to go out in search of work, the government should prepare for skills enhancement at a massive scale, lobby with the host country for better minimum wages, make sure they are covered by social safety nets including insurance and compensation. When and where abuses do take place, the government should not hesitate to take all necessary steps including invoking the international norms and standards to redress these abuses. Remittances sent by the workers should be utilized in creating employment opportunities at home including providing incentives to those who want to invest at home. Welfare schemes for Nepalese workers returning home is another area that needs attention. The Government in coordination with the private sector and think tanks should also stay prepared to respond to new situations developing in the Gulf region. With these steps Nepal can maximize the potential offered to its citizens working abroad while minimizing the risks as well as assist its citizens at times and places of need.

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Managing Foreign Employment

Dhan Bahadur Oli¹

After the political change of 1990, following the liberalization and globalization of world economy, Nepal adopted the policy of permitting foreign employment. Foreign employment acts and regulations were introduced. The flow of Nepalese migrant workers began with the Government's opening up due to absence of employment opportunities at home.

The number of Nepalese migrant workers has reached a significant level covering more than fifty percent of total house hold. And contribution of remittance to Nepalese economy is becoming dominant, crossing twenty percent of total GDP. The trend is increasing and there are no signs to go down at least in near future. The Government has been establishing more Diplomatic Missions basically, focusing migrant Nepalese workers.

Comparing the increasing number of migrant workers, destination countries are limited and type of employment is basically the same, unskilled labor and the total process of manpower management is not transparent. These are more challenging issues and the main contributing factor for problems in foreign employment management. At the same time, the main player of foreign employment, the 'Manpower Agencies' are at the bottom of professionalism. They need to be more professional and institutionalized.

Therefore, we need to look in to different aspects of the foreign employment and their management. Each aspects of the process is

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equally important for making foreign employment more transparent, dignified and institutionalized. All these mean in total to make foreign employment safer and dignified for Nepalese people.

MIGRANT WORKERS

- Documented migrant workers: recorded and travelling with labor permission from Ministry of Labour and Transportation Management (MOLTM)
- Undocumented migrant workers: not recorded and no labor permission, most of them are women working as housemaids, and other workers travelling on the basis of personal contact or from third country. Generally there are more problems in this category
- Documented in Nepal but not recorded at the destination (kafeela).
- Undocumented in Nepal but legally recorded in receiving country.

SOME OF THE MAJOR PROBLEMS IN MANAGING FOREIGN EMPLOYMENT AFFAIRS:

- Lack of orientation about work and working environment to the workers
- Difficult and different work and less payment than assured
- Exploitation and misbehavior at work place
- Delay or difficulty in getting payment
- Accidents / death and problems in sending the dead body back home (Kafeela system)
- Treatments and basic health facilities
- Compensation and insurance
- Missing or out of communication
- Problem in rescue and repatriations.

REASONS FOR THE PROBLEMS

1. Lack of transparency in management of foreign employment.

2. Lack of database of Nepalese workers
3. Large number of undocumented workers
4. Open border: more workers still travel from India due to open and unregulated borders in south
5. Lack of system based coordination among Government agencies.
6. Most of the Nepalese migrant workers are unskilled, which means less pay, harsh working environment, prone to accidents, difficulties to be in communication with family etc.
7. Women workers as house maid: workers working in informal sectors and domestic workers are not considered as labor in many Gulf countries. They do not get equal legal treatment like other labor of the formal sector.
8. No labor agreements; we still do not have labor agreements with many destination countries. We are pursuing for, but it is not a one side affair. We only have with UAE and Qatar.
9. Kafela system of Gulf countries.
10. Lack of rescue fund for undocumented workers but we have more problems with undocumented and women workers. Most of the women workers are undocumented and the MOLTM have no provisions or fund to rescue them. MOFA has no fund at all for any rescue works.
11. Shortage of manpower and resources at the Missions comparing to the number of Nepalese workers in those countries.
12. No effective implementations of rules regulations related to migrant workers.
13. Unprofessional and weak manpower agencies.

MANAGEMENT OF FOREIGN EMPLOYMENT

Foreign employment has two parts of its management namely:- internal and external. Both sides are equally important and efficiency of either side directly affects the other. Internal part of foreign

employment is managed by the Ministry of Labour and Transportation Management (MOLTM) and its related department and agencies. External part of foreign employment and welfare of all Nepalese people abroad falls under the sole responsibility of the Ministry of Foreign Affairs and its missions abroad.

INTERNAL MANAGEMENT

At the home front, foreign employment is directly related to the Ministry of Labour and Transportation Management (MOLTM) and its foreign Employment Department. Main functions like registration of manpower and their regulations, acceptance of demand paper, approval of contract paper for foreign employment, issuance of foreign employment permit, maintaining the data base of Nepalese workers going abroad and welfare of Nepalese workers and their family back home are managed by Ministry of labour and other related agencies of the Ministry. But the undocumented Nepalese workers, Nepalese travelling not as labour or living in foreign land not as labour do not fall under the jurisdictions of the Labour Ministry.

EXTERNAL MANAGEMENT

Welfare and protections, compensation, rescue, repatriation of Nepalese workers abroad and consular service to them falls under sole responsibility of the Ministry of Foreign Affairs and its Missions. But all welfare and protection works of migrant workers abroad are dependent to the information and documents provided by the Ministry of Labour. Here is the problem within the mechanism. Further, the Ministry of Foreign Affairs and the Missions abroad are not in position to have the basic information of documented Nepalese workers abroad like visa, passport number, contract paper, employer companies in that country. It takes a lot of time for the mission to get all necessary documents to take up the case for welfare or rescue. Still we are following traditional system of documentations. Use of information technology can make the information management system easier and faster.

Similarly there are a large number of undocumented Nepalese workers and Nepalese people abroad. Most of undocumented Nepalese workers have travelled in their personal visa or from other country than Nepal. The Ministry of Foreign Affairs and Diplomatic Missions abroad have responsibility to protect and support all Nepalese citizens in the receiving country and the country accredited, regardless the categories they fall in. But without having basic documents and information takes more time and efforts to the Mission to reach out and rescue them. Especially, undocumented Nepalese migrant workers always remain in a more vulnerable situation of exploitation and bad behavior.

RESPONSIBILITIES OF DIPLOMATIC MISSION IN PROTECTING NEPALESE PEOPLE ABROAD

One of the major duties of our Diplomatic Mission is to protect our nationals abroad. This duty is defined in the Vienna convention on Diplomatic Relations and Consular Relations as follows;

Vienna Convention on Diplomatic Relations 1961, Article 3

Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

Vienna Convention on Consular Relations 1963, Article 5 has mentioned about the Consular functions which consist:

- (a) Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (e) Helping and assisting nationals, both individuals and bodies corporate, of the sending State;

As the conventions have mentioned, the duties of Diplomatic Missions, is to protect all nationals in the receiving country and countries of accreditation. Therefore, responsibilities of MOFA and the Missions abroad, regarding the migrant Nepalese workers begin when any migrant labor takes flight for other country. Basically safety

and security, basic rights like getting work and payment as agreed in their contract paper, working conditions, sending their earning back home, accesses to health facilities, safe repatriation after completion of term are equally important for the Embassy to follow and monitor. Protection and rescue from difficult situations, compensation for any damages and losses, sending back the dead bodies to the family are other important responsibilities of Nepalese Missions.

DIFFICULTIES OF THE MOFA AND NEPALESE MISSIONS

- Lack of data-base of Nepalese migrant workers abroad: it is affecting the entire rescue, repatriation, compensation and welfare work of the Missions.
- No rescue fund and mechanism for undocumented migrant workers and other Nepalese people abroad.
- Lack of resources basically manpower at the Missions and financial constraints etc.
- Lack of coordinated mechanism among the Government mechanism and stake holders
- No Diplomatic Missions in many Gulf countries having a large number of Nepalese workers.
- Lack of professionalism in most of the Manpower agencies

NEW INITIATIVES TAKEN BY THE GOVERNMENT TO MAKE FOREIGN EMPLOYMENT MORE TRANSPARENT AND ORGANIZED:

- Establishment of supporting mechanism for women workers at the Embassies: due to open border, sometimes it is difficult implement the Government policies. Government has discouraged Nepalese female workers to go to Gulf countries as housemaids. Because in most of the Gulf countries housemaids are not considered as labor, therefore they cannot get legal treatment like other migrant workers. But we could not stop them to fly from India and that policies created more problems for Nepalese women worker. Many

of them happened to be in prisons of India being charged for forgery of their own passports and visa papers. But for the safety and security Nepalese house maids in Gulf countries, the Embassies have made some arrangements like individual approval of employers for Nepalese domestic worker by the Embassy, secured home for rescued Nepalese women workers at the Embassy etc.

- Discouraging individual labor permits and establishing a rescue fund: to solve the problems of undocumented workers, the government now is discouraging individual labor permits and establishing a rescue fund for undocumented migrant workers is in the process.
- Web based data base of migrant workers: all rescue works are dependent on the basic documents of the workers like contract papers, passport, visa and other documents. Now a web site based information system is in process of its full operation. This will provide access to the Nepalese Embassy abroad. This will make the foreign employment management more transparent. At the same time, this will provide a database of Nepalese workers to the MOFA and related Nepalese Embassy abroad. But for the successful implementation of this system, all depends on the support of all stake holders, especially of the Manpower Agencies.
- Verifications of documents by the Embassy: to avoid possible mal-practice and establish uniformity in verification of demand papers, at the beginning Government has started this system from Qatar and Israel to accept only the documents verified by the Nepalese Embassies. Soon this will be applied to all other countries after some changes in the related acts.
- Well equipped and technology based Consular Section: MOFA has further been strengthening its Consular Section, which is the single door to handle all the welfare affairs of

Nepalese workers abroad. Electronic management of all requests for rescue and compensation has started. Web based information system for all rescue, compensation and welfare activities will be in operation soon.

- Strengthening the Nepalese Missions: Government is strengthening the Missions having a large number of Nepalese workers.

CHALLENGES IN FOREIGN EMPLOYMENT MANAGEMENT

- Reducing the casualties and accidents of Nepalese worker abroad is the main challenge
- Developing Nepalese workers as semi/ skilled workers.
- Identifying new areas of work and destinations for foreign employment
- Making foreign employment management more transparent
- Developing effective Consular Service for Nepalese workers abroad
- Compensation
- Strengthening Nepalese Missions
- Developing professionalism and strengthening the Nepalese Manpower Agencies

MAJOR ISSUES OF FOREIGN EMPLOYMENT

- Is foreign employment permanent solution for employment of coming generations? Are we only to produce manpower for other countries?
- What is the alternative planning for utilizing youth power at home in the future?
- Utilization of remittance in productive areas like hydro power projects, railways, any other national projects.
- Developing Manpower Agencies as a reputed industry.

WAY FORWARD FOR EMERGENCY

- Establishment of Emergency quick response mechanism in difficult situations,
- Using the Network of international humanitarian agencies,
- Creation of emergency fund,
- Utilizations of Nepalese organizations abroad,
- Taking support of neighboring countries and their Missions in those countries,
- Using the forum of sending countries like the Colombo Process,
- Using network of manpower agencies.

FOR SHORT TERM

- Increase manpower and resources at the Missions in those countries,
- Develop language skills of diplomatic staff as well as the local staff of the Missions,
- MOLTA needs to maintain the database of Migrant workers and their basic documents and that has to be shared with MOFA and the Missions abroad,
- Permanent arrangement of rescue fund,
- Rescue mechanism and fund have to be established for undocumented and women workers abroad,
- Efficient Coordination mechanism among the Ministries and related agencies,
- Strengthening the related section at the MOFA,
- Effective implementations of existing rules and regulations.
- Developing professionalism in Nepalese Manpower agencies

IN MEDIUM AND LONGER TERM

- Ultimate goal must be phasing out the foreign employment by creating satisfactory employment opportunities in the

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country. To achieve this objective, the country needs to plan how to utilize remittance in productive areas and the skill of migrant workers back home. But before that to improve the situation of Nepalese workers abroad here are some suggestive measures:

- Enhancing the skills of Nepalese workers,
- Developing training schools to meet the requirements/standards of international labor markets,
- Diversifying the destinations for migrant workers,
- Labor agreements with receiving countries,
- Searching new areas of work for Nepalese workers,
- Developing country specific policy, plan and strategies for welfare of Nepalese workers.
- Developing Manpower business as a reputed industry.

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Consumed But Not Invested:

An Inquiry into 'Remittance-Growth' Nexus in Nepal

Resham Bahadur Thapa Parajuli¹

INTRODUCTION

The volume of remittance receipts is ever growing these days because of increasing international labor migration. It is estimated to be \$ 440 billion in the 2010 and about \$468 billion in 2011. The Migration and Remittances Unit of World Bank expected it to reach nearly \$500 billion in 2012 and \$536 billion in 2013. In the year 2010 only, \$325.5 billion remittance is officially received by developing countries where South Asia shares \$82.6 billion. Top five remittance receiving countries in the same year stood India at (\$53.1 billion), China (\$51.3 billion), Mexico (\$22 billion), the Philippines (\$21.4 billion) and Bangladesh (\$10.8 billion) respectively whereas Nepal received only \$ 3.513 billion (World Bank, 2011). Though the receipt volume stands rather nominal, Nepal falls amongst top twenty remittance receiving countries in terms of its share to Gross Domestic Product (GDP). In the fiscal year 2009/10 itself, the share of remittance recorded at 19.8 per cent of her GDP, 89 per cent of foreign exchange reserve, 555 per cent of merchandise export and 292 per cent of total foreign aid in Nepal (MoF, 2010 and NRB, 2010) and 19.3 per cent of GDP in 2010/11 (MoF, 2011). This indicates the emergence of our economy as 'Remittance Economy'.

International migration is increasing day by day in Nepal due to

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pull and push factors. The high demand of labor in industrialized and developed nations in the East Asian, Middle East and Gulf nations are the main pull factors for it. It can be claimed that the dearth of employment opportunity at home, unstable political and security situation, low wage level, lack of agricultural development in rural areas, scantiness of basic services needed for survival, liberal government policies and demonstration effect are main push factors responsible for exodus of Nepalese skilled and unskilled labor force (Sangam Analysis, 2010). More than half a million to 1.3 million Nepalese are working in India (Graner and Seddon, 2004) of which around 0.2 million are working in New Delhi (Theime, 2004). Main destinations of skilled labor are developed countries like USA, UK, Canada, Australia, etc., whereas unskilled and semi skilled labor prefer countries like Malaysia, Qatar, UAE, Korea, etc. It is reflected in the preliminary findings of latest census conducted by Central Bureau of Statistics in 2011 that 1.9 million people are absent from the nation.

The number of remittance receiving households in Nepal is increasing as CBS (2011) reports it at 23.4 per cent and 31.9 per cent in the years 1995/96 and 2003/04 followed by a sharp increase in 2010/11 at 55.8 per cent. Nepal received NRs. 259 billion remittance in the year 2010/11 that was recorded only NRs. 13 billion and NRs. 46 billion in the respective years 1995/99 and 2003/04. In terms of per-capita remittance too, the data reveals a remarkable increase during these decades that stood only NRs. 625 and NRs. 2100 in the years 1995/96 and 2003/04 and jumped to NRs. 9245 in 2010/11 (CBS, 2011). Though these figures seem optimistic, it might not necessarily be catering for the overall development of the nation if it does not scale up the domestic investment and consumption levels. Thus, to decipher the clues on degree and direction of virtual impact of remittance on national economy, it is necessary to assess how remittance impacts on domestic investment and consumption levels. So, this study tries to assess the impact of remittance on domestic household consumption expenditure, domestic investment

expenditure and GDP of the country estimating system of simultaneous equations by Nepal Rastra Bank (NRB) produced time series data set. The term remittance used in this study is the volume received via formal channel only and published by Nepal Rastra Bank.

REMITTANCE AND GROWTH NEXUS: THEORETICAL REVIEW

It is argued that remittance propels economic growth mainly through three different channels. First, remittance may increase the investment in physical capital and domestic investment rate. Besides this, family members of remittance receiving household possess some informational advantage or expertise with respect to formal financial intermediaries and know-how through the foreign employee that directly and indirectly helps promote growth. Secondly, remittance might help physical capital accumulation and increase factor productivity. Besides consumption and residential investment, a productivity spillover effect of remittance improves factor productivity of the remittance receiving households that foster growth. And, thirdly, remittance may also have a positive impact on growth through their effect on the recipient economy's financial system. By increasing the recipient country's demand for money, remittance is likely to expand the supply of funds to the banking system. This in turn may lead to enhanced financial development thus to higher economic growth either through economies of scale effect or through a political economy effect or both (Neupane, 2011).

Contesting against the arguments for unproductive use of remittance, Baruah (2006) reveals that remittance leads to an excessive consumption, import dependency or unproductive investment in housing and land. Remittance inflows are the source not only for foreign exchange receipt which can be used to finance balance of trade deficit or the current account deficit but also of the productive investment and social development. Moreover, Banain and Roberts (2006) argued that there is a high propensity to save out of remittance and thus the impact of remittance on growth is

expected to be positive.

There are scores of literature believing the negative impact of remittance in the recipient economy, basically hampering investment and growth. The economic impact of remittance in recipient economy depends on its end uses. In general, research suggest that recipients use remittance in family consumption rather than investing in businesses or other directly productive activities that boosts up domestic consumption level but not investment. Amongst the consumption domain, the remittance receipts are basically used for daily household consumption followed by land and jewelry purchase (Oberai & Singh, 1980; Durand, Parrado & Massey, 1996).

The remittance may not promote economic growth if the functional channels of the very economy are unfavorable. Firstly, the remittance might cause 'Dutch Disease Effect' by enhancing the productive capacity of traded goods sectors of remittance receiving economy. It might ultimately appreciate the real exchange rate that hampers economic growth. Secondly, remittance might hamper economic growth inviting 'Moral Hazard' (Chami, Fullenkamp & Jahjah, 2003) in the economy that remittance recipients are likely to reduce their labor market effort and make riskier investments. According to Trital (2008), it may invite (a) 'Ghost Town' phenomenon with possible collapse of small local economy due to vicious circle of remittance dependence, (b) 'Easy Money' hazard, (c) widen the inequality, and (d) hamper the real economic growth in the developing countries.

REMITTANCE AND GROWTH NEXUS: REVIEW OF EMPIRICAL WORKS

Various empirical studies have established evidences that remittance encourages domestic consumption and investment and thereby growth. In this regards, Faini (2006) regressed the average annual per capita GDP growth rate during 1980 to 2004 with corresponding total remittance-to-GDP ratio for 68 countries using Ordinary Least Square (OLS) technique and found the coefficients positive and

significant. He concluded that remittance definitely promotes growth. This study used remittance as a proxy for investment instead of deploying investment as a separate variable; and the aggregate measure of remittance was obtained by summing workers' remittance, employee compensation, and migrant transfers like IMF (2005) did. Similarly, Catrinescu (2006), regressed per capita GDP growth measured in logarithmic form with total remittance-to-GDP with gross capital formation and some institutional variables covering 114 countries during 1991 to 2003 using OLS technique for various cross-sectional data sets and static and dynamic panel regression technique for panel data sets. They found that capital formation and some of the institutional variables are positively responsible for growth in most of the regressions estimated. Although they revealed some degrees of positive relationship among growth and total remittance, the regression coefficients were found not that robust that suggests that the remittance definitely matters for growth but indirectly through capital formation and prevailing institutional set ups of the very economy.

The World Bank (2006) regressed GDP growth of 67 countries during the years 1991 to 2005 with the total remittance-to-GDP ratio. Same set of equations were also regressed with investment as explanatory variable first and again by adding investment also as an explanatory variable; and found definite positive relationship among growth and remittance in both the estimates however the coefficients lost their significance when investment excluded. They also calculated the contribution of remittances to growth rates and found nominal. Moreover, in the same study they included interaction terms for remittance & education, remittance & financial depth, and remittance & institutional quality indicators in separate growth equations with same specification as the previous growth equations, aiming to see whether remittance augment growth in the presence of complementary policies that enhance education, financial market depth, or institutional quality. They found positive and significant coefficients on each of the inter-action terms. The study argued that

this implies a net positive impact of total remittance on GDP, when the complementarities are included. In addition, the study included an estimate of total remittances' impact on investment, finding a similar pattern of coefficients. Remittance enables recipient households to ease their consumption over time. This implies that if the volume is large enough, remittance will reduce economic fluctuations in a remittance-receiving country.

But, we do have plenty of pessimist arguments in hand about the use of remittance and the nexus between remittance and growth. A study done by Gilani, Khan and Iqbal (1981) found that most of the remittance in Pakistan was spent on consumption followed by residential investment. About 60 to 80 percent of the remittance in Latin American countries is used for consumption purpose only (World Bank, 2006). Moreover, a significant portion of remittance in Egypt (Adams, 1991), Pakistan (Alderman, 1996; Adams, 1998) and Western Samoa and Tonga (Brown, 1994) is spent for land and house purchase. It reveals that remittance rarely enhance domestic investment and growth in developing economies. This argument is further justified by Chami, Fullenkamp, and Jahjah (2003) who found significantly negatively relation among growth and remittance globally. Similarly, the IMF (2005) and Giuliano & Ruiz-Arranz (2005) found no statistically significant effect of total remittance on economic growth.

REMITTANCE AND GROWTH NEXUS: LITERATURE REVIEW IN THE NEPALESE CONTEXT

Within the Nepalese economy, financial institutions are growing fast. Remittance earner may save his/her received amount in financial institutions. If not, they spend their money after consumption of goods as well as services like health and education. Dahal (2007) descriptively stated that the remittance transfer was a crucial source of income to developing economies as well as to millions of households, particularly poor women and their children. He argued that unlike the aid or private investment-flows, remittance reached to the poor directly and the poor were the ones to decide on how to spend the

money. According to him, more importantly, remittance services also offered a means of financial institutions to increase their outreach and relevance to poor clients.

There is dearth of relevant literature on Remittance-Growth nexus in Nepal. In this context, Sharma (2006) argues that the remittance and growth are negatively associated in Nepal but Gaudel (2006) and Shrivastava & Chaudhary (2007) argued it has a positive bearing. However, they all agreed that the Nepalese remittance receipt is still to be diverted towards productive sector. According to Pant (2006), remittance can generate a positive effect on the economy through various channels such as saving, investment, growth, domestic consumption but increases poverty and income inequality as well. Moreover, Mishra (2007) reveals that the effect of remittance on long term growth remains inconclusive in economies where the financial system is underdeveloped, remittance appear to alleviate credit constraints and may stimulate economic growth. In the same line, Shrestha (2008) argues that the remittance helped to (a) maintain balance of payment, (b) relax the foreign exchange constraint, (c) substitute foreign aid, and (d) reduce poverty in Nepal, and hence kept the economy afloat and maintain macroeconomic stability. Likewise the study has pointed out that remittance create inequality in distribution of income and remittance is typically spent on land and housing which are non-productive assets with no lasting impact on the country's real income.

Among the literature surveyed here, some pointed out positive impact of remittance on consumption, investment and growth; others have highlighted more on the negative impact and some revealed a mixed result. Most of the studies are qualitative ones and constrained to only OLS and Panel estimates. There is limited literature in Nepalese context explaining the impact of remittance on growth and whatever available is mostly theoretical. It is urgent to gauge whether remittance promote economic growth examining whether remittance encourages consumption and investment while remittance being vital source of income.

METHODOLOGY AND MODEL SPECIFICATION

The simultaneous equation system, best available method to examine the mutual relationship among the variables is used to evaluate the impact of remittance upon domestic investment, domestic consumption and GDP of Nepal during 1974/75 to 2010/11. The estimation procedure adopted is Two Stage Least Square (2SLS) as specified below.

Various studies argued that major share of remittance earning in Nepal goes to private consumption expenditure like food and services items. According to CBS (2011), major portion of remittance receipts were spent for Daily Consumption (78.9%) followed by Loans Repayment (7.1%), Household Property (4.5%), Education (3.5%) and Capital Formation (2.4%). In this regards, it is customary to explore the degree of association among the volume of remittance and domestic private consumption; hypothesizing the Nominal Gross Domestic Product (Y_t), its one year lag (Y_{t-1}) and Remittance Earning (RE_t) besides other less influential factors are responsible for Domestic Private Consumption Expenditure (PC_t) in Nepal. This equation, where 't' stands as the time superscript, can be expressed symbolically as:

$$PC_t = f(Y_t, RE_t, Y_{t-1}); f'_{(Y_t)} > 0, f'_{(RE_t)} > 0, f'_{(Y_{t-1})} > 0 \quad (1)$$

Moreover, this paper aims at exploring whether the remittance induces domestic investment in Nepal. The gross domestic investment expenditure is positively correlated with business profit and business profit again is positively correlated with level of national income. That means domestic investment would definitely be influenced by national income. Similarly, current investment level depends upon past investment as well and past investment is directly dependent upon the past level of GDP, suggesting lagged GDP also influences the current investment level. There are sufficient theoretical as well as empirical evidences in hand revealing the interest rate as one of the major determinants of domestic investment, which is the cost of capital too. Thus, the degree of association among the remittance and domestic investment can be assessed by establishing

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the relation considering the Nominal Gross Domestic Product (Y_t), its one year lag (Y_{t-1}), Remittance Earning (RE_t) and Industrial Lending Rate of Commercial Banks (ILR_t) besides other less influential factors are responsible for the level of Gross Domestic Investment Expenditure (I_t) in Nepal. This relation can be expressed symbolically as:

$$I_t = f(Y_t, RE_t, ILR_t, Y_{t-1}); f'(Y_t) > 0, f'(RE_t) > 0, f'(ILR_t) < 0, f'(Y_{t-1}) > 0 \text{ ----- (2)}$$

The aim here is to assess the degree of association among remittance and national income in Nepal. For this, the remittance is added with usual national income identity. It is assumed that the degree of association among the remittance and national income can be assessed by establishing the relation considering Gross Domestic Consumption Expenditure (C_t) which is the sum total of private and public consumption expenditures, Gross Domestic Investment Expenditure (I_t), Remittance Earning (RE_t), Export (X_t) and Import (M_t) besides other less influential factors are responsible for the level of Nominal Gross Domestic Product (Y_t) in Nepal. This relation can be expressed symbolically as:

$$Y_t = f(C_t, I_t, RE_t, X_t, M_t); f'(C_t) > 0, f'(I_t) > 0, f'(RE_t) > 0, f'(X_t) > 0, f'(M_t) < 0 \text{ --- (3)}$$

For the estimation purpose, the functional form and expected signs of the coefficients for equations (1), (2) and (3) are expressed as below where \ln signifies the natural logarithm; \mathbf{a}_t , \mathbf{b}_t and \mathbf{g}_t are parameters to be estimated and e_t, u_t and \mathbf{m} are usual stochastic residual terms for respective equations; and written as:

$$\ln PC_t = a_0 + a_1 \ln Y_t + a_2 \ln RE_t + a_3 \ln Y_{t-1} + e_t \text{ ----- (4)}$$

$$\ln I_t = \mathbf{b}_0 + \mathbf{b}_1 \ln Y_t + \mathbf{b}_2 \ln RE_t + \mathbf{b}_3 \ln ILR_t + \mathbf{b}_4 \ln Y_{t-1} + m_t \text{ ----- (5)}$$

$$\ln Y_t = \mathbf{g}_0 + \mathbf{g}_1 \ln C_t + \mathbf{g}_2 \ln I_t + \mathbf{g}_3 \ln RE_t + \mathbf{g}_4 \ln X_t + \mathbf{g}_5 \ln M_t + \mathbf{m} \text{ --- (6)}$$

We have necessary (order) and sufficient (rank) conditions in hand to claim that equations (4), (5) and (6) used in this system are identified. The coefficient of determination of all estimated equations are significantly high suggesting more than 99 percent variation in all three dependent variables are due to the variation in the respective

sets of explanatory variables even at one percent level of significant measures in chi-square specification.

IMPACT OF REMITTANCE ON CONSUMPTION, INVESTMENT AND GROWTH: ANALYSIS

The simultaneous equation system specified above is estimated and the results are reported below. The equation (7) states that the remittance promotes private consumption like nominal GDP do and unlike lagged GDP. The GDP coefficient followed the expected sign that as GDP increases, the level of employment and government expenditure increases positively affecting the per capita GDP which ultimately promotes private consumption, *ceteris paribus*.

$$\ln \hat{PC}_t = 0.1373 + 1.0235 \ln Y_t + .0327 \ln RE_t - 0.0780 \ln Y_{t-1} \text{ ---- (7)}$$

SE	(0.0761)	(1.0235)	(0.0326)	(-0.0779)
z-value	(1.80)	(17.53)	(5.04)	(1.30)
p-value	(0.071)	(0.000)	(0.000)	(0.194)

The regression results reported above further reveals that as remittance increases by 1 percent, the private consumption which constitute the expenditure made for food, non food, services use and nonprofit institutions increases by 0.03 percent, *ceteris paribus*. It is to believe that when households receive remittance receipts, their purchasing power for food, non food and service definitely increases. These households build their capacity to make expenses upon education, medicine and so on. It ultimately compels government and nonprofit institutions to increase their expenditures. These are some reasons why there is a positive relationship established between remittance and domestic consumption expenditure. Following this formula, it can be claimed that remittance promoted private consumption in Nepal during last two decades, casting doubt whether it promoted investment and growth. It is explained based on the regression results below.

Similarly, the regression equation (5) describing the determinants of investment in Nepal including remittance is estimated

and the results are reported in equation (8) below. The analysis of the data made in this study showed that the nominal GDP as well as lagged GDP coefficients are significantly positive to bring change in domestic investment in Nepal. It is straightforward that domestic investment increases if GDP and its lag value record high. Higher lagged GDP results higher saving which ultimately promotes investment. The coefficient of industrial lending rate of commercial bank, the cost of capital, is unexpectedly positive and not significant against theory in general. But, the positive sign of this coefficient can be interpreted following Neupane (2011) that the cost of capital is not primary determinant of domestic investment in Nepal. The investment depends upon other various elements besides industrial lending rate. It can be argued that, given a conducive investment environment, Nepal can have higher domestic investment even at high cost of capital.

$$\ln \hat{I}_t = -4.2621 + 1.0487 \ln Y_t - 0.1755 \ln RE_t + 0.0034 ILR_t + 0.2989 \ln Y_{t-1} \quad \text{----- (8)}$$

SE	(0.3696)	(0.2934)	(0.0263)	(0.0056)	(0.3080)
z-value	(-11.53)	(3.57)	(-6.67)	(0.60)	(0.97)
p-value	(0.000)	(0.000)	(0.000)	(0.547)	(0.332)

The remittance coefficient is negative and significant, owing to majority of the literature. We have sufficient evidences in hand to claim that as one percent remittance enters in the Nepalese economy, domestic investment decreases by 0.17 percent.

Finally, this paper tries to investigate the direct role of remittance on growth complimented by indirect contribution through consumption and investment as stated in equation (6), and reported in equation(9). The consumption expenditure (private and public both together) promoted growth as relatively larger marginal propensity generated larger multiplier effect. This fact is apparently reflected in the regression coefficient that one percent increase in consumption results 0.88 percent positive and significant change in GDP, *ceteris paribus*. The domestic investment coefficient also stands positive and significant that one percent increment in investment

expenditure results 0.12 percent increase in GDP, other things remaining the same. When investment level increases, consumption level also increases that promote GDP and further regenerating investment capacity. It generates multiplier as well as accelerator at growth promoting stature. Both export and import coefficients are significant as expected by the theory here. There are sufficient evidences to claim that as one percent export increases, the GDP increases by 0.54 percent. When export increases, production activities do the same motivating more production generating employment opportunity. It further enables domestic consumption expenditure and domestic investment, sources of growth. Whereas, one percent increase in import hampers 0.06 percent GDP in Nepal, *ceteris paribus*. Final goods are imported instead of machines, tools and equipments resulting exodus of scarce resources mostly available due to remittance. Adequate capital is never formatted during last two decades and investment capacity weakened that resulted poor growth.

$$\ln \hat{Y}_i = 0.4141 + 0.8764 \ln C_i + 0.1081 \ln I_i + 0.0043 \ln RE_i + 0.0426 \ln X_i - 0.0392 \ln M_i \quad (9)$$

SE	(0.0705)	(0.0177)	(0.0175)	(0.0040)	(0.0060)	(0.0184)
z-value	(5.87)	(49.41)	(6.17)	(1.06)	(7.02)	(-2.12)
p-value	(0.000)	(0.000)	(0.000)	(0.289)	(0.000)	(0.034)

Though there appears a positive relationship among GDP and remittance, it is statistically non-significant as reported in equation (9). As remittance increases by one percent, GDP increases by only 0.006 percent, *ceteris paribus*. The remittance is found significant to enhance domestic consumption expenditure but not domestic consumption one. Altogether, remittance was found to be weakly promoting growth through indirect channel by enhancing consumption and investment. The remittance differently mattered for consumption, investment and growth which is evidently justified by the joint test of Remittance common coefficient simultaneity even at one percent level of significant (Chi-square = 47.83; $P > \chi^2 = 0.0000$). Thus, remittance is necessary but not sufficient condition for

growth in Nepal.

CONCLUSION

We are exporting cheap labor at the cost of stagnant domestic production. It has been evidently proven that remittance income is consumed but insignificantly invested. Though positive, its contribution to growth is meager. Thus, remittance is necessary but not sufficient for growth in Nepal because it is consumed but not invested.

To check high domestic consumption expenditure out of remittance and divert it to production investment, it is urgent to formulate and endorse set of policies which guarantee the mobilization of remittance towards investment. This will boost up economic growth of the nation thereby increasing employment opportunity in the nation itself.

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Remittance from Arab Countries: A Question of Sustainability

Jayaraj Acharya, Ph. D.¹

1. REMITTANCE

A landlocked country with rugged mountains, poor agricultural and industrial productivity, Nepal is beset with a nagging political instability and severe economic problems. The decade-long Maoist insurgency (1996-2006) is supposed to have been left behind but the peace-process is too slow and there are too many stumbling blocks such as the reintegration of Maoist combatants in cantonments. Uncertainty looms large. Despite being surrounded by the fastest growing economies of Asia (India and China), Nepalese economy is in shambles. Banking, business and all other economic sectors present a gloomy picture. Remittance is a major source of support to the national economy which may collapse any time if things go further wrong in Nepal and in the Arab countries, many of which are now facing political challenges. One of the concerns is the specter of instability in the Arab world which has experienced what one may call the “Fourth Wave” of democracy after Samuel Huntington’s “Third Wave.”

According a recent World Bank Report, Nepal is one of the top five countries to receive remittance. The growth rate of remittance to Nepal may have slowed from double digits to single digit in recent years, but the country ranks among the top five in terms of the share

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of remittance in the country's GDP. The World Bank's report Migration and Remittance Factbook 2011 says Nepal's remittance amounting to 23 percent of the GDP in 2010-11. Tajikistan, Tonga, Lesotho and Moldova are ranked ahead of Nepal. Among the least developed countries, Nepal is placed second behind Bangladesh.²

With export declining over the years, money sent back by migrant workers has become the main source of foreign exchange. Remittance growth has slumped since the last fiscal year following the global financial crisis of 2008. Nepal's remittance growth remained at 10.5 percent in the fiscal year 2009-2010, down from 47 percent in the previous year. Remittance growth has not kept pace with the rising number of migrant workers leaving for foreign employment.

Remittance inflow to Nepal US\$ millions

2003	2004	2005	2006	2007	2008	2009	2010
771	823	1,212	1,453	1,734	2,727	2,986	3,513

2. TRADE DEFICIT

However, Nepal's economy is characterized by a huge trade deficit and a very high unemployment rate. The total amount of trade deficit in the year 2010 was NRs. 332,973,498,000.³ The country's

2 Along with agriculture which contributes more than 30 percent of the GDP, remittance and the service sector have emerged as major contributors to GDP. Remittance has contributed significantly to the reduction of poverty in the last 15 years.

Also, according to UNDP's 'Human Development Report 2010', remittance was one of the factors behind Nepal's remarkable success in human development in the last 40 years. Nepal emerged one of the world's fastest movers in Human Development Index (HDI) since 1970, coming in third among 135 countries studied.

3 In the year 2010 the trade deficit with India alone was NRs. 216,294,169,000; with China it was NRs. 45,704,277,000 and with other countries it was NRs. 70,975,053,000. US\$ 1 is about 80 Nepalese rupees.

economy is sustained by remittance, ex-soldiers' pension, foreign aid (coming through government ODA and INGOs), custom duties and a negligible amount of internal revenue. Almost 80 per cent of Nepalese industries are shut down because of labor problems, power shortage and lack of security beside the less competitive quality of products and other aspects such as marketing. Unemployment rate is reported to be as high as 46 per cent.

3. ECONOMIC DIPLOMACY

It is, therefore, natural for the Nepalese to talk about Economic Diplomacy to deal with this situation. In case of Nepal, economic diplomacy is related mainly to four main areas: foreign aid, foreign trade, foreign employment and foreign direct investment (FDI). Obviously, Nepal has no control over the amount of foreign aid as it depends on the donors' capacity and generosity. Nepal also does not gain much from foreign trade since it does not produce much tradable merchandise and suffers heavy trade deficit as indicated by the figures published by Trade Promotion Center of Nepal. Because of the political instability in the country, there is not much FDI coming. The only area where Nepal can depend and is depending is foreign employment of its unskilled laborers despite heavy odds faced by them particularly women.⁴

4. CHALLENGES FOR THE NEPALESE LABORERS

Major destinations for Nepalese laborers are the Arab countries

4 Rogue Nepalese recruitment agencies are trafficking Nepalese for exploitation and forced labour in the Gulf States and Malaysia, Amnesty International said in a report released in December 2011; it called on the Nepalese government to improve protection of its migrant workers.

There are numerous evidences of violations of the law by recruitment agencies, including failure to provide contracts, changing terms and conditions and overcharging for services. But the Government of Nepal is failing to enforce the legislation, and no recruitment agency has been punished.

namely Qatar (633,977), Saudi Arabia (443,728) UAE (285,330), Kuwait (47,194), Bahrain (30,031), and Oman (15,476).⁵ Malaysia is the largest Nepalese manpower employer with 709,234 Nepalese working there. South Korea employs 10,945, and Hong Kong 4,648 Nepalese. Other countries employ about 57,738 thus totaling 22,37,755 men and women.⁶

The challenges for the uneducated and unskilled laborers are related to the difference of language, culture, and local law. Lack of training is another major challenge. Arab countries ranging from Morocco in the far north-western Africa to Yemen in South-west Asia have experienced some sort of upheaval in their national politics.⁷

One cannot definitely say how the democratic transition (?) in the Arab countries will take shape. The question is how much of disruption in economic activities will they suffer? And how much of its impact will the Nepalese or other foreign migrant workers have to bear? Will the Arab countries be more democratic? Will they respect human rights of foreign workers in the future? How long will it take for them to be stable, democratic and respectful to people's rights?

Luckily for the Nepalese, major destination countries Qatar, Saudi Arabia, UAE, Kuwait, Bahrain, and Oman do not suffer as much political instability as other Arab countries do. However, the recent developments regarding Iran, particularly the oil embargo by

5 According to a recent editorial in the Kantipur (Nepali daily), there are about 40,000 Nepalese workers in Oman.

6 Official figures show that 294,094 Nepalese migrated abroad for work in 2010, compared with 55,025 in 2000. The majority go to Malaysia, Saudi Arabia, Qatar, and the UAE to work in construction, manufacturing and domestic work. True figures are thought to be double this amount. In the Gulf region, Qatar is the largest employer of Nepalese workers, largely due to construction ahead of the World Cup in 2022.

7 They are Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Saudi, Arabia, Syria, Tunisia and Yemen. Further details are discussed in the following sections.

the US and European Union (EU) has aggravated the tension in the region. Iran, in response, has threatened to block the export of oil by the Gulf countries through the Strait of Hormuz, which is a matter of serious concern for us.

5. THE ARAB SPRING

The popular uprisings that started from Tunisia first engulfed all others. Recent political developments that have been referred to as the “Arab Spring” affecting almost all the Arab countries from Algeria to Yemen are briefly described in alphabetical order in the following paragraphs.

1. Algeria. On February 19, 2011, Algerian police thwarted a rally of pro-democracy supporters, breaking up the crowd to keep them from marching. Police brandishing clubs but no firearms, wove their way through the crowd in central Algiers, banging their shields, tackling some protesters and keeping traffic flowing. Earlier on February 12, heavily outnumbered by riot police, thousands of Algerians defied government warnings and dodged barricades to rally in their capital, demanding democratic reforms a day after mass protests toppled Egypt’s autocratic ruler Hosni Mubarak. Protesters chanted “No to the police state!” and “Give us back our Algeria.” Though no violence was reported, more than 400 protesters were briefly detained.

2. Bahrain. On July 5, 2011 a Bahraini opposition figure said reconciliation talks between the Sunni monarchy and the Shiite opposition started for the first time since anti-government protests erupted in the Gulf kingdom. The protests that began in February, inspired by wider Arab uprisings, have been the gravest challenge to any Gulf ruler in decades. According to the data registered in the Ministry of Labor, there were 2575 Nepali citizens in Bahrain.

3. Egypt. Encouraged by the protests that overthrew the long-term leader of Tunisia, mounting popular anger burst to the surface in huge anti-government demonstrations in Cairo in January 2011, which eventually led President Mubarak to step down. He was

arrested and put on trial in August 2011 over deaths during the demonstrations. Officially, there were no Nepalese working in Egypt as laborers so the great changes taking place there did not matter much to them.

4. Iran. On March 1, 2011, Iranian security forces clashed with demonstrators and shot tear gas to break up a rally in support of two opposition leaders who had been targeted in a new crackdown on anti-government protests. Witnesses said large crowds marched along the main Enghelab (Revolution) Street, where large numbers of professional and voluntary security forces were stationed. Earlier on February 20, 2011 Iranian security forces dispersed anti-government protesters who tried to gather in Tehran's main squares to commemorate the deaths of two men killed during a protest.

5. Iraq. There are almost 25,000 Nepalese in Iraq whose legal status is in limbo. Violence and political instability have escalated across Iraq since the withdrawal of American forces, as political and sectarian factions have fought for power and influence in a struggle that, within weeks, threatened to undo the stability that allowed the pullout of the American forces.

In January 2012, a Shiite governor threatened to blockade an important commercial arterial road from Baghdad to the semi-autonomous Kurdish region in the north if Kurdish officials did not hand over Vice President Tariq al-Hashimi to government authorities. The Shiite-led national government has accused Mr. Hashimi, a Sunni, of running a sectarian death squad.

6. Jordan. On April 15, 2011 hundreds of protesting Islamic hard-liners clashed with supporters of Jordan's king, wounding dozens, in the latest move by the extremist movement to assert itself amid the country's wave of anti-government demonstrations. A crowd of about 350 extremist Salafi Muslims faced off with a slightly smaller group of king loyalists in the town of Zarqa. Salafis beat the government supporters with clubs and fists, and the two sides hurled stones at each other, leaving people bloodied on the ground. Earlier

on April 7, 2011 a Jordanian man had set himself on fire outside the prime minister's office in the first such act since political unrest hit the country in January. The protests calling for political reform in Jordan have generally been smaller and more peaceful than in other Arab nations.

7. Kuwait. On Feb. 20, 2011 Kuwait's parliament speaker had appealed for an end to three days of protests by the descendants of desert nomads demanding citizenship and the generous state benefits that go with it. Police fired tear gas to disperse the demonstrators, who held no nationality but had settled in Kuwait for generations. They sought access to Kuwaiti benefits such as free health care and state jobs. Kuwaiti authorities had used tear gas, rubber bullets and water cannons to break up a demonstration by about 1,000 stateless residents west of Kuwait City. The protesters were demanding greater rights for residents who are not citizens of the country. On Feb. 6, 2011 Kuwait's Interior Minister had stepped down amid calls for street demonstrations on social media sites. The organizers claimed corruption and perceived attempts to limit political freedoms. After the resignation of the interior minister, Sheik Jaber al-Khaled al-Sabah (who is replaced by a relative of Kuwait's ruler), protesters rescheduled planned demonstrations to March 8 and did so.

8. Lebanon. On June 13, 2011 the prime minister formed a new Cabinet that gave Hezbollah far more power five months after the Iranian-backed militant group and its allies brought down the Lebanese government. Hezbollah has seen a steady rise over the past few decades from a resistance group fighting Israel to Lebanon's most powerful military and political force.

9. Libya. On October 23, 2011 Libya's top opposition leader declared the country officially "liberated" from the four-decade rule of Moammar Gaddafi, pledging to replace his dictatorship with a more democratic but also a more strictly Islamic system. Moammar Gaddafi was killed on October 20, after being seized in a sewage tunnel in his home town.

10. Morocco. On June 12, 2011 thousands marched through Morocco's largest city calling for greater democracy and an end to corruption even as the king prepared to unveil new constitutional amendments to address calls for reform. King Mohammed VI said earlier (on March 9, 2011) that Morocco will revise its constitution for the first time in 15 years, aiming to strengthen democracy in the face of a push across the Arab world. In a rare TV and radio speech to the nation, the monarch said a new commission would suggest constitutional revisions to him by June, and the overall project will be put to Moroccan voters in a referendum.

11. Oman. On June 28, 2011 fifteen protesters were sentenced to jail terms for taking part in violent demonstrations calling for more jobs and other reforms from Oman's rulers. The one month to one year sentences were linked to unrest that included looting and damaging government buildings after protests broke out in February. Security forces tightened their hold in Oman since storming protester encampments. Earlier on Feb. 27, 2011, police killed an anti-government protester in Sohar, after demonstrations turned violent. Several government buildings and a supermarket were set on fire.

12. Qatar. Qatar is relatively calm amidst the Arab Spring. It has a large number of Nepalese workers whose number so far is reported to be 633,977. But it has deported 100 Nepalese recently accusing them of labor unrest.

13. Saudi Arabia. On March 11, 2011 hundreds marched in Al-Ahsa, an oasis town in the country's largely Shiite Eastern Province, and several protesters were arrested, but there is no violence, says Ibrahim al-Mugaiteeb, president of the country's Human Rights First Society. Marches were held in three small towns outside Qatif and that late in the evening hundreds of people marched in Qatif itself. The number of Nepalese who have gone to Saudi Arabia so far is reported to be 443,728.

14. Syria. Syria has been on the headlines of international newspapers continued violence. Opposition activists reported corpses

littered the streets after advancing troops waged a relentless artillery barrage on four of the city's outlying districts. At least 19 people were said to have been killed, 14 of them civilians caught in the crossfire. The latest deaths came days after Syria's 10-month uprising entered a particularly violent phase that some observers attributed to regime nervousness following a string of rebel gains, both in Damascus and elsewhere. For the first few weeks of an Arab League observer mission, the Syrian armed forces showed relative restraint when compared to the blood-letting that gripped the country in autumn. Thousands have been killed as violence has swelled in 2012 and is continuing in 2013.

15. Tunisia. The Tunisian uprising inspired similar pro-democracy movements elsewhere around the Arab region, setting off what has been called the Arab Spring in the Middle East. The left of centre Ettakatol, the Democratic Forum for Labor and Liberties had been pushing for its leader Mustapha Ben Jaafar to become president, but negotiations had ended in deadlock. A court convicted the former Tunisian president of smuggling drugs, guns and archaeological artifacts and sentenced him to 15 years in prison in the latest trial in absentia of the deposed autocrat.

16. Yemen. On Feb. 11, 2011 anti-government protests began in Yemen, inspired by revolts in Egypt and Tunisia. Outgoing President Ali Abdullah Saleh arrived in the United States in late January 2012 to seek medical treatment. Mr. Saleh arrived at an unspecified location in the United States after a stop in London. His staff said he would be treated for injuries suffered during the assassination attempt last June, after which he spent several months recuperating in Saudi Arabia.

6. ARAB SPRING BALANCE SHEET

The events of 2011 in Egypt and Tunisia drew the curtain on the old order and delivered much of the Arab world into a long-awaited new era. But what that new era will look like remains very much an open question, given the many challenges that the region still faces.

According to some analysts, the old order that has begun to vanish extends beyond the former regimes. The region's entire value system— a political culture forged by autocracy – is being transformed. This transformation, far from complete indeed may well last years.

An Arab analyst says: “It is past time for the West to accept the Arab people’s will and to stop exaggerating the repercussions of change. The West must support genuine democracy in the Arab world. If the Arab Spring is aborted, the result will be not dictatorships that are loyal to the West, but rather, a tsunami of rage that will spare no one. There is nothing more dangerous than aborted dreams, especially when those dreams may be the last chance for change.”⁸

7. THE QUESTION OF IRAN AND THE STRAIT OF HORMUZ

The European Union imposed an oil embargo against Iran and froze the assets of its central bank, part of sanctions to pressure Iranian officials into resuming talks on the country’s controversial nuclear program. The measures, approved in Brussels by the EU’s 27 foreign ministers, include an immediate embargo on new contracts for crude oil and petroleum products. Existing contracts with Iran will be allowed to run until July, 2012. Some 80 percent of Iran’s foreign revenue comes from oil exports and any measures or sanctions taken that affect its ability to export oil could hit hard at its economy. With about 4 million barrels per day, Iran is the second largest producer in OPEC.

Iran says its nuclear program is peaceful, but the United States and other Western nations suspect it is trying to build nuclear weapons. Iran is now under several rounds of U.N. sanctions for not being more forthcoming about its nuclear program. Two Iranian lawmakers stepped up threats that their country would close the

8 Wadah Khanfar, who is former Director-General of Al Jazeera, and Chairman of The Sharq Forum, an NGO promoting reform across the Arab world.

strategic Strait of Hormuz, through which a fifth of the world's crude flows, in retaliation for the EU oil sanctions. Lawmaker Mohammad Ismail Kowsari, deputy head of Iran's influential committee on national security, said the strait "would definitely be closed if the sale of Iranian oil is violated in any way."

Tensions over the strait and the potential impact its closure would have on global oil supplies and the price of crude have weighed heavily on consumers and traders. The U.S. and Britain both have warned Iran not to disrupt the world's oil supply. Many analysts doubt that Iran would maintain a blockade for long, but any supply shortages would cause world oil supplies to tighten temporarily. For its part, the United States has enacted, but not yet put into force, sanctions targeting Iran's central bank and, by extension, the country's ability to be paid for its oil. EU diplomats are calling the measure part of a twin track approach toward Iran: increase sanctions to discourage what they suspect is Iran pursuit of nuclear weapons but to emphasize at the same time the international community's willingness to talk.

8. THE CONSEQUENCES

8.1 Shortage of Oil

The significance of the Arab world lies in the fact that 56% of the world's oil reserves are in this region, and if we take Africa into account the proportion rises to 65%. Besides the other countries, that Saudi Arabia is at a risk of revolution contagion has deep implications indeed. It has the largest known oil reserves in the world today and at a time when the world already feels a need for greater energy security, it is indeed worrisome. Already, geo-political strife in the Middle East and rising demand from emerging markets has placed stress on crude prices. After the latest unrests, crude prices are already hovering above US \$ 100.

For Nepal, the first impact will be on the oil import bill. At least in part because of its energy dependence on the oil rich Middle East countries, India has strong trade ties with these countries, and Nepal

imports oil entirely from India. The UAE, Saudi Arabia and Iran are among India's top 10 trading partners. Of the Unrest Economies in the Arab world, India's strongest ties are with Iran, with which it had a trade of US\$ 13.3 billion in 2009-2010.

8.2 Return of the Nepali Laborers

If the situation in the Arab countries deteriorates, the Nepalese workers may be forced to return home. The official records show that there are about 2 million Nepalese working in the Arab countries. Their return will certainly be a great challenge for the government of Nepal which is facing issues of serious consequences already at home. The situation will fuel continuous instability in the country.

8.3 Unemployment

As stated above, there is a very high unemployment rate almost 46 per cent in Nepal at the moment. That is the reason for almost a thousand Nepalese youths leaving the country everyday by air seeking employment abroad. For just a dozen vacancies in the government offices there are almost 50,000 applicants.

8.4 Eruption of New Conflicts

Nepal's overall situation characterized by political instability, social unrest based on dire economic condition, and simmering ethnic divisions among its people is worrisome. It may lead to new waves of conflict in Nepal that may have implications for regional peace and security in South Asia in general.

Unfortunately, Nepal has no plan A or B or C for its citizens working in precarious conditions in the Arab countries. Hoping that the workers will not have to return home because of violence in the Arab countries, there are a number of immediate tasks to do: (a) Nepal should have programs of language, culture and skill training for foreign employment seekers; (b) Nepal should train its bureaucrats and diplomats in the law of the destination countries and international human rights law; (c) Trained labor attachés must man

the Nepalese consulates in the countries where there is a significant presence of Nepalese workers; (d) There should also be greater coordination between the Ministries related to foreign employment, and (e) the Government of Nepal must maintain a computerized and up-to-date data on each laborer employed in a foreign country; (f) There should also be co-ordination with other SAARC countries especially those which have a number of their citizens working in the Arab counties. Nepal can learn from the experience of India, Pakistan, Bangladesh and Sri Lanka whose workers have better skill and more education and are better off working even in the same situations. In fact, SAARC experience sharing can be a useful idea in this respect.

The main question for Nepal is: How sustainable will this foreign employment and our economy supported by remittance be? How will it support the transformation of Nepalese economy? What is the remittance being spent on? According to a report the distribution of spending of foreign-earned money by the Nepalese households is the following: Food and clothing (78.9%), Debt repayment (7.1%), Building house (4.5%), Education (3.5%) and Capital Formation (2.4%).

Such distribution of expenditure is a matter of concern.

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Introduction to Co-Editors

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