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## **Aims and Scope**

Armed Police Force Command and Staff College is established to enhance the professionalism of mid-level officers of Armed Police Force Nepal. Journal of APF Command and Staff College (JAPFSC) is an annual peer-reviewed journal launched by APF Command and Staff College, Kathmandu, Nepal since 2018. Journal is one of the most-important sources of producing and disseminating the knowledge to the related subjects. In order to be scientific, knowledge must be (1) systematic, (2) methodical, (3) general, and (4) critical. The journal will be an impetus for carrying recent theoretical, conceptual, methodological and new paradigms of security, development, and peace studies. The journal welcomes original, academic and research from multi- and interdisciplinary perspectives. Professors, academics, researchers, policy makers and students may see learning opportunity and will highly benefited from the research based articles included in the journal.

## **Call for Paper**

Every year there will be announcement of **Call for Paper** and the last date of paper submission will be by the end of September of the following year. After receiving the evaluation report, it will be sent to the author for its revision. Finally the author will submit his/her paper to the research committee. The Editor-in-Chief has right to accept or reject the articles for publication. The author has to acknowledge to the organization or institution if the research has been financially supported by them. The authors receive three copies of the issue in which their article appears. The audiences are suggested to go through [www.nepjol.info](http://www.nepjol.info) for reading the papers published in this journal.

It aims to identify the areas of research which are as follows: national and regional security, national integration, national and international law, peace, development, planning, foreign policy, ecology, environment and climate change along with global commons (but not limited to:).

The research article should have more than 5,000 words; 3,000 words for book review and research notes; and 300 words for abstract including five keywords. The research work should be based on global research methodology. After receiving the research papers, it will be first consulted by the editor-in-chief and then it will be sent to the expert(s) for evaluating the paper. The last date of paper submission will be by the end of September of the following year. The authors will not be charged any fee for publishing their articles. Views expressed in the articles are purely personal and the academic opinion of the authors and are not necessarily endorsed by Armed Police Force Command and Staff College and Editorial Board. The editorial board reserves right to edit, moderate or reject the article submitted.

## **Editorial**

The Editorial Board is pleased to publish and disseminate the “Journal of APF Command and Staff College”, Volume 3, Issue 1, 2020. We believe that the contributions by the authors in this issue reflect conceptual, theoretical and empirical research works in their respective fields. The researches have been confined to ethos of security, development and peace spectrum. It encompassed articles from scholars, researchers and practitioners aligning it with contemporary issues and security related dynamics of modern era. Professors, academics, researchers, policy makers and students may seize learning opportunity and will highly be benefited from the articles included in the journal. The editorial board reserves the right to edit, moderate or reject the articles submitted.

The articles included in this journal are mostly research based. Views expressed in the articles are purely personal and academic opinion of the authors and are not necessarily endorsed by APF Command and Staff College and the Editorial Board. We would like to express sincere thanks to all the contributors for their respective inputs.

### **The Editorial Board**

Journal of APF Command and Staff College  
APF Command and Staff College  
Sanogaucharan, Kathmandu, Nepal

# **Journal of APF Command and Staff College**

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# Message




It gives me an immense pleasure that Armed Police Force Command and Staff College is publishing its pioneer journal (Volume 3, Issue 1) on the auspicious occasion of graduation ceremony of APF Command & Staff College 4<sup>th</sup> Batch.

Establishment of Armed Police Force Command and Staff College is a milestone to develop the career of the mid-level officers to meet the challenges of global commons. In addition, the college has been providing a platform to examine the wider spectrum of security management, human security challenges, terrorism, leadership issues, disaster management, border management and non-traditional security paradigms of 21<sup>st</sup> century. The efforts to publish academic journals, like Armed Police Force Command and Staff College Journal, reflects its endeavor to produce the professional officers for future leadership. This effort will definitely pave the way to establish the college as a center of excellence for professional courses.

Understanding the different dimensions of peace, security and development along with strategic thoughts is essential to achieve the organizational goals. Leadership quality, managerial skill and empirical knowledge are the major criteria to be a competent and successful leader that can only be enhanced through the high level of professional courses. I believe that the academic knowledge and the professional skills acquired by the student officers of APF Command & Staff College will definitely help to achieve the national motto of "Prosperous Nepal & Happy Nepali".

Finally, I congratulate the graduates from the 4th APF Command and Staff Course for the successful completion of the course and wish you all the best in future endeavors. I wish for the successful publication of this special edition of the journal and hope it will be a good resource for the academicians and professionals.

  
Shailendra Khanal  
Inspector General  
Armed Police Force, Nepal

# Contents

<b>S.N</b>	<b>Author</b>	<b>Page No.</b>	<b>Journal Topic</b>
1.	Ramesh Raj Kunwar, Netra P. Sharma	1-20	A Preliminary Study of Yoga Tourism and Its Prospects in Nepal
2.	Rajendra Sharma	21-34	Contract for Peace: Peace Agreements and its Security Implication
3.	Narendra Raj Paudel Srijana Pahari	35-48	Local Election in Nepal: Means for Ensuring Electoral Accountability
4.	Neeru Karki	49-71	Tourism: A Tool for Track-two Diplomacy in Promoting People-to-People Relations Between Nepal and China.
5.	Bishnu Psd Bhatta, Ramesh Kumar Pandey	72-89	Bhaktapur Urban Flood related Disaster Risk and Strategy after 2018
6.	Rabiraj Thapa	90-105	The Guiding Principles of Police: Use of Force
7.	Narendra Bam, Ramkrishna Maharjan, Raju Shrestha	106-119	Importance of International Humanitarian Law (IHL) Training in Armed Police Force, Nepal
8.	Sanjeev Humagain Girdhari Subedi, Tikaram Aryal	120-136	The Perils of Parliamentarism: Chasing the Flows of the Third Wave of Democratization in Asia
9.	Narayan Adhikari Manoj Thapa	137-151	Enter to Neo-Realist Era? Major Trends of Nepali Diplomacy in Federal Republic Era

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**A Preliminary Study of Yoga Tourism and its Prospects in Nepal**

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*The rhythm of the body, the melody of the mind & the harmony of the soul create the symphony of life.~ Iyengar (2005)*

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**Abstract**

*This article attempts to reveal the prospects of yoga tourism in Nepal. Yoga is gaining popularity worldwide due to its inherent quality to transform a person from illness to wellness. This is the reason yoga tourism is studied in academia under the umbrella term of wellness tourism. There are potentialities how Nepal can be one of the best destinations for yoga tourism. Nepal is spiritually saturated country being the birthplace of Gautama Buddha and playground of Lord Shiva, the Yogishwara. At the same time, Nepal is a Himalayan country including the highest mountain, Mt. Everest. The cultural heritage is another attraction. The simplicity of people attracts tourists who aim to learn yoga practices while visiting places for refreshment. This article has dealt about how yoga tourism is spreading, what are its theoretical and philosophical background, prospects and potentialities and so on. The major methodology applied in this article is library research, case studies and visiting actual places where yoga tourists from all over the world gather. Yoga retreat survey has revealed actual scenario of yoga tourism. Historicity of yoga philosophy is uncovered using original Classical Sanskrit Cannons. A sample survey identified yoga retreat centers in Kathmandu, the facilities available and potential aspects of tourism and income generation. The finding section documented the actual problems and prospects faced by the hosts, i.e., travel agencies, owners of yoga retreat centers, hoteliers, and yoga masters. The research has reached in conclusion: if right policies and facilities are generated, Nepal will gain a new identity as best destination for yoga tourism in the world. There are potentialities to develop internal yoga tourism as well. One can visualize Nepal being famous and prosperous from yoga tourism and Nepalese people gaining health, wealth and wellbeing by living yogic lifestyle and collecting reputation as yoga masters by guiding tourists into yoga life.*

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## Introduction

The word yoga comes from Sanskrit root 'yuj', which means 'to yoke, to join together or union.' (Fish, 2006, p. 191). This joining is the union of the individual consciousness with the universal consciousness. On a more practical level, yoga is a means of balancing and harmonizing the body, mind and spirit (Lehto, Brown, Chen, & Morrison, 2006, p. 25; Cheer et al., 2017; Smith and Kelly, 2006). Yoga is about self-inquiry, self-encounter, self-surveillance and dismantling barriers to realizing full human potential (Smith, 2007; in Ponder, Patrick & Holladay, 2013, p. 28). For many, yoga means spiritual nourishment. But for others, it is just, well, nourishment (Lehto, Brown, Chen, & Morrison, 2006, p. 27). This is done through the practice of asana, pranayama, mudra, bandha, shatkarma and meditation (Satyananda, 2006, p. 1).

Yoga practitioners are healthy and they look young. Yoga is the fountain of youth. Yoga practices ensure blood flow all over the body, toxin releases and body becomes healthy. A yoga posture makes the spine flexible. As long the spine becomes flexible, the practitioner remains young for long. Yoga is a holistic way of life leading to a state of complete physical, social, mental and spiritual wellbeing and harmony with nature (Taneja, 2014). Yoga is not just repetition of few postures – it is more about the exploration and discovery of the subtle energies of life. In recent time, yoga practitioners are exploring inner and outer world in search of the same. Yoga also can be clinically therapeutic for depression either in combination with meditation (Waelde et al., 2004; in Butler, Waelde, Hastings, Chin, Symons, Marshal et al, 2008, p. 808). Meditation includes a variety of attention-control practices that enable practitioners to focus attention and maintain awareness of the present moment (Waelde, 2004; in Butler et al., 2008). Many studies reported that meditation programs could significantly reduce anxiety and depression, and improve general functioning in a variety of patients (Boorstein, 1983; DeBeri, Davis, & Reinhard, 1989; Kabat – Zinn, 1995; Shapiro, Schwartz, & Bonner, 1998; in Butler et al., 2008).

Meditation is proven to help with sleep, stress, anxiety, body images, hot flashes, irritable bowel syndrome, emotion regulation, loneliness, depression, compassion, relationships, self-knowledge, cognitive function, attention, will power, heart disease, inflammation, blood pressure, immune response and pain management (Landau, 2011; Marchant, 2011; Maxted, 2014; Shocker, 2014; in Norman & Pokerny, 2017, p. 3). Yoga in Hindu tradition is more than physical exercise. It is a multifaceted philosophy, medicine system and way of life. The *Asanas*, or 'poses', that people perform when they go to their local class are one part of several other practices – including meditation, abstention and liberation – that are considered as a philosophical school in Hinduism (Muddagouni, 2016). That is not to say somehow that yoga belongs only to Hindus or to all Hindus. It is undeniable that yoga has Hindu roots.

In popular understanding, yoga is practiced in two ways: non-physical yoga and physical yoga. Non-physical yoga – Non-physical yoga is known as *Raja Yoga* which is a spiritual practice focused on stilling and controlling the mind through meditation. Other branches of non-physical yoga include *Bhakti Yoga* (Religious devotion), *Jnana Yoga* (The Path of Knowledge) and *Karma Yoga* (Discipline of Action).



Hatha Yoga: Though physical yoga has been connoted as Hatha Yoga, it is also a warm up practice or a preliminary practice for Raj Yoga. Some scholars understanding of Hatha yoga is limited as physical yoga or postural yoga.

It is modern postural yoga in which there is the practice of *asanas* or physical postures designed to strengthen the body, increase flexibility, and link the breath with movement. Singleton (2010; in Maddox 2015, p. 335) contends that the modern postural forms of yoga are the result of reframing of practices and beliefs frameworks within India itself over the last one hundred fifty years, in response to encounters with modernity and the west (Singleton, 2010; p. 16; in Maddox, 2015).

In Patanjali's *Yoga Sutra* (Chatarji & Datta, 1939; in Ponder & Holladay, 2013, p. 99), the Eight Fold path is referred to *ashtanga*, which translates as 'Eight Limbs' (*ashta* – eight, *anga* – limb). The eightfold path is laid out to seek balance of strength and compassion within the individual (Chopra & Simon, 2004; in Ponder & Holladay, 2013, p. 99). The first limb, *yamas*, represents five ways in which to stop the causes of suffering; they are commonly referred to as 'rules of social behavior' (Farhi, 2000; in Ponder & Holladay, 2013). The *yamas*, promote positive interaction with others through peaceful living and honesty. The second limb, *niyamas*, represents five 'rules of personal behavior'. The observances of *niyamas* stimulate positive interactions with self through a set of personal ethics (Farhi, 2000). The third limb, *asana*, engages the corporeal body; physical practice through postures. *Asana*, means 'seat' or 'posture' and creates strength, flexibility, balance and calm within the body and mind (Desikachar & Cravens, 1998; in Ponder & Holladay, 2013). This serenity leads to positive intentions in social and emotional actions. The fourth limb of yoga, known as *pranayama*, or conscious breathing (Jois, 2002; in Ponder & Holladay, 2013). *Pranayama* is a form of breathing exercise. The other limbs of yoga are explained by the following scholars.

The depending engagement with one's selfhood and the resulting forms of 'ecstasy' (Eliade, 1969) are reflected in Patanjali's account of Ashtanga Yoga, which outlines the various stages or 'limbs' (organ) of the aspirant's achievement. According to Patanjali, these final limbs involve the restraint of the outward orientation of the senses (*Pratyahara*), the direction of the mind towards a single object (*dharana*), the linkage of the mind with the object (*dhyana*), and finally Samadhi, an involvement with the object so complete that nothing except its comprehension is evident (DesikaChar, 1998, p. 70; Whicher, 1998, pp. 190-199; in Smith, 2007, p. 40). However, according to Patanjali, the *yamas* and *niyamas* are the rules to purify personal and social behaviors. Patanjali defines yoga (S. Vivekananda) as "a spiritual practice for "restraining the mind-stuff (*chitta*) from taking various forms (*vrutti*)."

At least three research questions are formulated for this article: what is yoga tourism and how is the existing scenario of it in Nepal? Why Nepal can be a perfect place for yoga tourism? What are the problems and prospects of yoga tourism in Nepal? The article postulates following objectives:

Yoga tourism is gaining popularity all over the world due to its transformative powers. The world population is compelled to eat toxic food and having sedentary life style. Everyone is in need of health, happiness and wellbeing. Yoga offers all these wellness aspects in easiest and organic way. The first objective of this study is to clarify the importance of yoga tourism. The second objective is

to identify how Nepal can be the best destination for yoga tourism. This objective will analyze the existing scenario and dig out the potentialities. The third objective is to identify the problems and prospects of yoga tourism in Nepal. This study highlights on the concept of yoga, yoga tourism, motivation, transformation from illness to wellness through yogic learning and practices, emergence of yoga tourism in Nepal and Nepal as sacred landscape for yogic activities.

## Yoga Tourism

Yoga tourism is studied under the umbrella term of wellness tourism, which is studied under health care tourism and ultimately, health tourism is studied under transformational tourism. In this way, yoga tourism transforms from illness to wellness, from restless person to peaceful being.

In tourism studies, motivation is very important to attract the visitors. In the study of yoga tourism, the operators follow the customer motivations; *physical motivators* such as losing weight or improving flexibility; *cultural motivators*, related to engaging with the principles of yoga and experiencing different cultures; *interpersonal motivators* such as desire to meet new people, desire for escapism or spiritual healing; and *status and prestige* – yoga is fashionable, it is an individualistic, personal experience (Ali – Knight, 2009; in Kelly & Ensor, 2017).

The transformation of yoga is referred to as yoga tourism. Yoga tourism is defined as travel to destination to engage in the practice of yoga in related activities that will enhance the physical, mental and spiritual wellbeing of the tourists (Ali – Knight, 2009, p. 87). It comes under the domain of special interest of tourism (Ali – Knight, 2009, p. 87) under the domain of special interest of tourism (Ali – Knight & Ensor, 2017; Sharma & Nayak, 2019). Therefore, it is a niche market (Ali – Knight & Ensor, 2017; Sharma & Nayak, 2019). Yoga tourism is different from mass tourism because it requires tourists to provide intensive devotion to the yoga practices in the destination (Gupta, 2002; Lheto, Brown, Chen, & Morrison, 2006, p. 27; Kim et al., 2017).

There is plethora of literature available in yoga tourism or related subject in the academia. Scholars have researched on the authenticity of yoga tourism, its prospects in global scenario and potentials for the future development. Consistency in the literature regarding the concept of wellness tourism is lacking. A confusing array of terms such as “wellness tourism”, “health tourism”, “health-care tourism”, “medical tourism”, “holistic tourism”, “well-being tourism”, and “spa tourism” are used interchangeably, but often describe different concepts. The term “health tourism” can be used as a comprehensive umbrella term that subsumes medical and wellness tourism. Medical tourists primarily travel to cure or treat a certain illness or medical condition. In contrast, wellness tourists go on vacation to maintain or improve their health and well-being (Mueller & Lanz Kaufmann, 2001; in Voigt, Brown, & Howat, 2011, p. 17). This distinction between “illness” and “wellness” is consistent with recent wellness tourism definitions and typologies (Henderson, 2004; Mueller & Lanz Kaufmann, 2001; Nahrstedt, 2004; Puczko & Bacharov, 2006; Smith and Puczko, 2008; Voigt, 2010; in Voigt, et. al., 2011).

The destination literature on yoga and yogi tourist has been subsumed by meditation tourism (Smith & Puczko, 2009), holistic tourism (Smith & Kelly, 2006 a; Sheldon & Bushel, 2009), Spa/Health

tourism (Gustavo, 2010), spiritual tourism (Mansfield & Machentos, 2009), medical tourism (Sziva 2010). Frequently, yoga tourism is considered a 'niche' under wellness tourism (Smith & Kelly, 2006). These citations are excerpted from Ponder & Holladay (2013).

The authors Kelly (2012) and Ali – Knight & Ensor (2017) show that there is a significant difference between retreat visitors and general visitors in terms of what are often the very personal experiences encountered. The research shows the typical yoga tourist as being predominantly professional females, aged 35-54, with high levels of education and higher than average income. They tend to be spiritual but not religious, interested in vegetarianism and organic food as well as alternative medicines (Ali – Knight & Ensor, 2017, p. 6). Currently, over 300 million people practice yoga accounting four percent of the worldwide population (Shift, 2016; in Ali – Knight & Ensor, 2017, p. 4). The transformative power of yoga tourism manifests itself in a desire to actively engage in the building of Bourdieu's (1986; Ali – Knight & Ensor, 2017, p. 4) positive capitals (psychological, emotional, spiritual). India has recognized yoga as its important sports discipline and placed in the priority list of sports. UNESCO inscribed yoga in international platform as an intangible cultural heritage of humanity. United Nations Organization proclaimed that June 21 would be celebrated as the International Yoga Day to highlight the benefit of yoga to the people at global level.

In the past five decades' cosmopolitan consumers, mostly in the United States, Europe, Japan and Australia, who are attracted to indigenous and Orientalized alternative health and exercise practices, have created a market demand for transnational commercial yoga. This market draws mostly from *Hatha Yoga*, a style that emphasizes the physical parts of practice; *asanas* (postures), *pranayams* (breathing exercises), and *pratyahara* (abstraction, a preliminary practice to meditation) (Fish, 2006, p. 191). However, here the term *pratyahara* not only denotes the abstraction, it also denotes to control the sense organs. Yoga is widely believed to provide an avenue to reduce stress, improve breathing, build strength, and gain flexibility (Lehto et al., 2006). Yoga is not only limited to physical wellbeing practices but it also encompasses meditation, mindfulness and spirituality (Bowers & Cheers, 2017; in Sharma & Nayak, 2019). It adds in healing from some health related issues such as stress, arthritis, chronic back pain (Lehto et al., 2006). Traditionally, yoga is several thousand years old South Asian philosophy that trains the embodied mind to accept truth through a combination of physical and mental practices (Fish, 2006, p. 191).

### **Yoga tourism motivation**

Modern age life has given too many new things to humankind. It has made people's lives easier in many ways. However, more than that, it has also increased the stress levels, the complexities and mental pressure under which we keep going on. What we immediately do not realize is the impact of living such a lifestyle on our health. But those who do care about their lives and want to live it the healthy way, what could be a better way to distress from the distresses of life than to relax in the soothing and therapeutic balm of yogic and meditation practices. Many people believe that yoga and meditation are mystic arts that demand complete devotion to the exclusion of everything else. However, the truth is that yoga and meditation are not the hard taskmasters they are often made out to be. Yoga and Meditation can easily be incorporated into our daily lives, requiring no more than a few

minutes, if not more, every day. Their benefits on the other hand are wide-ranging and restorative (Aggarwal, Guglani, & Goel, 2008, p. 460).

While there has been no empirical research on yoga tourism, there has been some initial exploration in trade articles on yoga tourist typologies based on travel motives (Spence 2001). While spurred by the broad environmental changes and lifestyle movements, yoga tourism motivations were seen as being derived from three important 'push' factors that served as the drawing factors for people to go for yoga trips and vacations and thus fueled the demand for yoga tourism (The Best of Kerala 2005; Spence 2001; in Lehto et. al., 2006, p. 27). The first push factor is to 'get away from routine work' that could help balance work with wellness and relaxation during or after work. The second push factor is to 'seek an authentic yoga experience' in which yoga lovers look forward to quality and specific care and authentic yoga training courses. Travelers in this group tend to be very knowledgeable in the subject area of yoga and practice it frequently. The yoga tours promoted by entities such as the yoga associations and magazines are mostly targeted at this group of travelers (Hill 2004; in Lehto et. al., 2006, p. 27). The third push factor is to 'enjoy yoga fun', which motivates travelers to enjoy yoga as a fun activity while they spend their vacations away from home. Individuals with these motivations constitute the majority of the yoga tourist group; however, they may participate in different activities and travel in various patterns. The escape or 'push' from a mundane, alienating urban environment has been recognized as a major motivating force in tourism; the desire for a healthy lifestyle, which is a significant intrinsic reward of travel, is also a major contributor (Weiler & Hall, 1992; in Lehto et. al., 2006, p. 27). From this overall framework of SIT, the 'special-ness' of the activities and the 'specialness' of the tourists can be discerned.

Around the mid-1990s, yoga started to hit the mass-market showing up at the front of the airport magazine racks and on television. As yoga's visibility in the international public eye grew, it became an integral part of the marketing opportunity associated with the LOHAS or "Lifestyles of Health and Sustainability (Ray & Anderson, 2000; in Strauss & Mandelbaum, 2013, pp. 176-178) consumer sector, with some US dollar 290 billion 2008 (Ray & Anderson, 2000; in Strauss & Mandelbaum, 2013, p. 178).

Push factors for yoga existed in human society since time immemorial. *Bridhadaranyaka Upanishad* records a beautiful anecdote about push factor for yoga. A sage named Yanyjvalkya wants his wife Maitreyi to accept all his property and stay at home. However, Maitreyi asks, "Does all this property give me freedom? Does this property help me find liberation? Does anything material help me gain immortality?" The sage replies in negation. He declares that if anyone wants immortality or freedom, one should know who he or she is. One should discover one's own Self by austerity or other spiritual practices (*The Brihadaranyak Upanishad* 2000, 2.4.5. p. 143-144). A deduction can be made that genuine push factors existed in the society several thousand years before.

### **Yoga tourism as wellness tourism**

The term yoga tourism is interchangeably used with related terms of wellness tourism such as holistic tourism, spiritual tourism, spa tourism (Smith & Kelly, 2006).

**Holistic Tourism:** Tourism that provides the visitor with a range of activities and/ or treatments, which are aimed at developing, maintaining and improving the body-mind-spirit. Holistic tourism covers the broadest scope of engagement: ranging from weekend hotel-spa breaks that include massage treatments, to intensive month-long yoga retreats in basic conditions in South and South-east Asia (Smith & Kelly, 2006).

**Spiritual Tourism:** Tourism, which focuses on the spiritual quest of the individual. This may or may not have a religious affiliation, but it is often likely to include rituals, ceremonies, and traditions that are derived from Eastern religions (e.g., Buddhism, Hinduism) (Smith & Kelly, 2006).

**Yoga Tourism:** Tourism which focuses on the union of body, mind and spirit, but which is essentially areligious. Techniques include the practicing of physical *asanas*, meditation and breathing techniques to strengthen the body, calm the mind, and eventually lead to spiritual enlightenment (Smith & Kelly, 2006).

**Spa Tourism:** Tourism, which focuses on the relaxation or healing of the body using water-based treatments, such as pools, steam rooms and saunas. Emphasis tends to be focused on relaxation and health and beauty treatments rather than the spiritual aspects of certain exercises such as yoga. Surroundings are usually sumptuous with pricing schemes to match (Smith & Kelly, 2006).

**Religious Tourism:** Tourism, which has as its primary aim the furthering of religious understanding and enlightenment. Most tourists will be closely affiliated to one religion and will actively seek out collective religious experiences, usually centered on meaningful locations, sites or monuments (Smith & Kelly, 2006).

Geeta, the Hindu scripture, records a broad definition of yoga. It says, "Yoga is the very dexterity of work" (Sworupananda 2004, p. 58). The dexterity of work means doing or involving in any yogic activity so that the *law of karma* does not create bondage. Yoga transforms the practitioner's activity into an efficient means of freedom. From the very ancient time, yoga was understood in broad sense. There were various forms of yoga such as *bhakti yoga*, *gyana yoga*, *karma yoga*, *hatha yoga*. At the same time, the term yoga was interchangeably used with these different forms of yoga.

There are innumerable studies on yoga tourism; however, almost none of them have tried to reveal the relation between yoga and tourism. It is important to explore the relation between yoga and tourism because awareness of this relation may inspire more people in yoga tourism. The spirit of yoga is uniting or connecting people with the whole creation. This connection is best possible while people travel places with healthy body and peaceful mind. Yoga tourism offers these very things: travelling places with healthy body and peaceful mind. People visit places, practice yoga and experience this connection. This is the relation of yoga and tourism.

In Ayurveda, there is a proverb about health, which says, 'physical health is accomplished if body movement is ensured, mental health is accomplished if mind remains calm.' The practice of yoga tourism ensures these both conditions. Body movement and mental calmness are best accomplished if a person travels places and practices yoga. The question asked is whether yoga tourism has the

capacity to transform communities towards enlightenment and acceptance, while building psychological, emotional and spiritual capital (Ponder, Patric, & Holladay, 2013, p. 98).

Yoga holds innermost opportunities for tourism development (Bowers & Chheer, 2017; in Sharma & Nayak, 2019). The practice of yoga during the touristic expedition called yoga tourism (Lehto, 2006). In recent years, the research in yoga tourism is emerging as an important tourism theme (Ali-Knight, 2009; Cheer et al., 2017; Maddox, 2015). Yoga tourists senses a unique kind of emotional experiences in the destination they visit (Aggarwal et al., 2008; in Sharma & Nayak, 2019). Yoga tourism has emerged and grown with the 'travel to feel well trained. Yoga tourism can be viewed as a subset of wellness tourism (Lehto et al., 2006, p. 25). The phenomenon of yoga tourism is relatively new and academic research in this area is in its infancy stage (Lehto et al., 2006, p. 26). There is an unfortunate dearth of academic writing in this arena. Pritchald (2011, p. 12; in Ponder Patrick, & Holladay, 2013, p. 98) posited:

(The) suppression of the emotional in tourism enquiry has produced a relatively sterile scholarship which marginalized and excludes many of the complex emotional and passionate geographies from the knowledge worlds created in the field: worlds of pain – pleasure, fear – comfort, hate – love and despair – hope. As early as 1985, the world tourism organization placed yoga within five groups of special interest and active holidays. Under the category of social life and competition (WTO, 1985; in Lehto et al., 2006, p 26). For destinations, yoga tourism is a product concept that is based on celebrating your destination with yoga (Concept of Yoga Tourism: Online; in Lehto et al., 2006, p. 27).

Yoga tourism destination should make use of emotional contents in their offerings and promotions. This technique is applied by numerous destination all over the world to instigate positive emotions. For example, "yoga tourism – a way for healthy living." This argument is supported by a study which found a connection between the emotional content of the advertisement and tourist's motivation and intention to visit a destination (Min et al., 2013; in Sharma & Nayak, 2018).

Pal (2016) says yoga tourism is an act in which people from all around the world travel to other countries to obtain salvation & medical care while at the same time touring, vacationing, and fully experiencing the attractions of the countries in which they are visiting. A yoga tourist practices yoga during travel or travels for this purpose (*Encyclopedia of Tourism*, p. 1036).

According to Kumar (2017), yoga tourism has witnessed a secure growth in recent years around the world. As the number of the world's population is becoming more aware of health care options and the quality of health care, yoga is becoming a best choice of many tourists. Yoga tourism is a journey of self with transformative capacities on physical, psychological, spiritual and social awareness. Together they integrate mind, body and spirit (Kelly & Smith, 2009: in *Encyclopedia of Tourism*, p. 1036).

Basnet (2016) has written a thesis on 'Types of tourism in Nepal and their prospects' in which he has mentioned the potentiality of five types of tourism: adventure tourism, religious and cultural tourism,

leisure tourism and business tourism. He has mentioned yoga and meditation can be part of leisure tourism (p. 13), but he has failed to see the prospects of yoga tourism in Nepal.

Yoga tourism can be the catalyst for transformation for a person and society. Ponder & Holladay (2013) say, shifting perspectives on life through yoga tourism will spur positive transformation that will affect the psychological, emotional and spiritual well-being of individuals and communities with mutual reinforcing positive feedback. Theoretically, as the influence of the creative yoga tourist gains momentum within a community, a critical mass of positive change on community capitals will be realized. The spiritual quest is seen as a more abstract one in which tourists seek meaning, engagement and peace through a variety of different activities, such as meditation, chanting and breathing (Smith and Kelly, 2006, p. 18).

## **Literature review**

In this review, articles closely related to yoga tourism are taken into account. Lumbini, the birthplace of Gautama Buddha, is developing as popular destination of Meditation tourism. The monasteries from different country run meditation sessions for foreigners. Nepal government has yet to develop meditation centers in Lumbini with the purpose to promote meditation tourism (Sharma, 2019, p. 2). Khanal & Shimizu (2018, 2019) have briefly touched some aspects of yoga tourism in their two research articles. Although, the detail study has not been carried out by any scholar in the case of yoga tourism in Nepal. Similar is the case with yoga tourism. Yoga practices are already flourishing all over the country and there are several hundred yoga retreat centers running. Thousands of tourists arrive in Nepal every year for yoga trekking, practices and other health benefits. However, there is hardly any academic study of yoga tourism in Nepal. Scholars or researchers have yet to be aware of this field of study.

## **Methodology**

In this research, qualitative methodology is applied to support the arguments raised. Qualitative research is considered best for researching questions such as why and how of human experiences. This method focuses mostly on human elements, concepts and characteristics of social sciences. In this article, qualitative research methodology is applied and textual study is followed mostly to collect theoretical basis of the study and other observations. While studying the development of yoga tourism and while depicting the present scenario at this specific moment of time, diachronic and synchronic approaches are applied respectively. This study quotes yogic philosophy from the original Sanskrit texts. Concisely, this is a qualitative research, which applies diachronic and synchronic approaches quoting Patanjali and other yoga philosopher's teachings from original texts and first-hand experiences from a field visit. In this study, the data has been collected phenomenologically however the researchers could not follow in depth study. Therefore, this study has stated as preliminary study. The second author of this article is yoga master as well who collected first-hand information about yoga retreat centers and yoga trekking in Nepal by field visit. The yoga practitioners who participated in case study are the yoga students of the second author.

## Yoga tourism in Nepal

Nepal is one of the most important tourist destinations in South Asia. Nepal has been succeeded in offering many different activities to the people visiting Nepal. Its mountains, natural landscapes, cultural landscapes, sacred landscapes, age-old heritage and religious diversity are the major attractions for the tourists. For the first time, tourism was historically introduced in Nepal in 1950 AD. Since then Nepal innovated many different tourism products. Nepal is still in a process of identifying tourism products and developing infrastructures. Tourism has become economic powerhouse for Nepal and Nepalese people.

Tourism statistics shows 1173072 tourists visited Nepal in 2018 (*Nepal Tourism Statistics 2018*). It is 24.77 % increase in numbers from the previous years. The tourists are categorized into holiday/pleasure, pilgrimage, trekking and mountaineering and other on the basis of their purpose of visit. Historical data showed more than 60 percent of the tourist arrived with purpose of holiday celebration and pleasure. Year 2018 showed higher proportion (60 %) visited Nepal for holiday and pleasure followed by adventure including trekking & mountaineering (16%), pilgrimage (14.4%) and other purpose (9.6%) (*Nepal Tourism Statistics 2018* (2019), p. 37).

However, it has not been recorded how many tourists visit Nepal for yoga retreats and yoga trekking. Since this trend is increasing overwhelmingly in recent years, it has become essential to record the actual number of tourists and future potentialities of this emerging yoga tourism sector. Nepal aims sustainable development in tourism for fast economic growth. To meet this goal, increasing the number of quality tourists could be an important factor. Exploring the prospects of yoga tourism in Nepal would be worthwhile attempt for the same.

The initial survey about yoga tourism in Nepal has revealed that there are total eighty-five "Yoga and Wellness retreat centers" registered in Kathmandu valley only. There are equal numbers of travel agencies who accept bookings for yoga trekking. Most of them are located in Thamel, the only tourist area in the capital city. There are a little more than one hundred certified yoga masters in Kathmandu. Nearly half of them are graduated from yoga universities in India, others competed yoga-training course run by Nepal Sanskrit University since more than two decades.

The academic study of yoga is running in two universities: Nepal Sanskrit University and Tribhuvan University. Along with yoga comes the Meditation. Buddhist meditation is more popular than every other kind of meditation. A tourist who is interested in yoga is also interested in Meditation. Lumbini Buddhist University, Nepal Sanskrit University and Tribhuvan University run Buddhist philosophy courses, which incorporates meditation as well.

Pokhara is another famous destination for yoga trekking and retreats. While writing on yoga tourism in Nepal, the research article cannot be complete without incorporating Pokhara and other cities (Sauraha, Lumbini) as well.



## Prospects of yoga tourism in Nepal

In Hindu scriptures, Nepal is depicted as a playground of Pashupatinath who is also known as Lord Shiva. Shiva is the founder of ancient yoga system. *Shiva Samhita* states that Shiva is also known as *Adiyogi*, regarded as the patron god of yoga, meditation and arts (Varenne 1976, p. 81). Nepali people grow up listening spiritual teachings of Shiva, Krishna, Rama, Gorakhnath and other renowned yogis of Vedicperiod. The greenery, the pleasant weather, the hillsides, the mountains are the best places for yoga tourism. If a good number of trained yoga instructors can be produced from universities or other authorized institutions, Nepal can be a popular yoga tourism destination in the world. Because, in recent time, people all over the world are aware that yoga and meditation are helpful to relax and explore the spiritual side of oneself. To achieve the same, Nepal, the country of Everest and Buddha, can be the first choice for yoga tourism for many.

In present time, about 20 yogaretreat centers offer yoga training in Kathmandu valley, yoga trekking and other related wellness services and courses as well. These centers have trained and certified yoga instructors. Other yoga centers lack the trained and certified yoga instructor. In recent days, some reputed hotels offer yoga classes to their guests. They too have yet to find certified yoga instructors. The following are the glimpses of popular yoga retreat centers in Kathmandu.

According to Smith and Kelly (2006), a retreat may be defined as a purpose build center, which accommodates its guests for the purpose of learning/improving a body-mind activity (Yoga, Pilates) and/or learning-receiving complementary therapies or treatments whilst there. Group programming of classes is the norm a retreat will usually have no other type of tourism/visitor activity besides that of a holistic nature (p. 20).

## Yoga Retreats in Kathmandu

There are many yoga retreats in and around Kathmandu valley. The most popular of them are: Nepal Yoga Academy, Nepal Yoga Home, Himalayan Yoga, Nepal, Shanti Yoga Ashrama, Mandala Yoga Studio, Sri Aurobindo Yoga Mandir and Hamsada Yoga Ashrama. There are countless yoga centers in Kathmandu, in other major cities and all over Nepal. Some well-known centers are as follows: Naturopathy Hospital, Bhimsengola runs yoga training since 1998 AD (2055 BS). Patanjali Ayurveda Samiti Nepal, Karkhanachowk runs yoga training since 2010. Other yoga centers are Institute of natural medicine, Osho Divine Zone, Tapoban, Kathmandu, Pranamaya yoga community, Thamel, Chetana yoga, Thamel. Some reputed hotels also run yoga training and retreats. Among them, the popular places are Dwarika's hotel Battisputali and Dwarika's resort, Dhulilkel, Chhahari resort, Narayanthan, Kathmandu Eco Hotel, Heritage home hotel and guesthouse, sat-ghumti, Kathmandu, Hotel Nepalaya, Thamel.

The above-mentioned major yoga retreat centers are briefly introduced below:

## **Nepal Yoga Academy**

Nepal Yoga Academy (established in 2012) is situated at Changunarayan Municipality, ward no. 5, Chhaya Basti, Chaling. This academy runs regular yoga teachers training on monthly basis. Besides, it runs yoga retreats, yoga detox program, sauna, massage, Ayurveda healings, and corporate yoga and so on. Traditional hatha yoga is followed as a main practice for the trainee.

Among the trainees, almost all are foreigners. Tourists who join the yoga teachers training have to stay four weeks in the yoga academy to complete 200 hrs. course. The academy has lodging, food and other facilities equal to good hotels. Each trainee pays \$50 per day. Those tourists who visit for the retreat, they stay 3 to 7 nights and pay \$70 per day. According to the academy authority, in average, 50 tourists visit every month. This number fluctuates based on season.

The academy has its website as a main source of contact. Beside the website and social media, the academy does not do any marketing. They say their center is running in full capacity without marketing. However, the academy owners are concerned about unauthorized people running yoga retreats in home stay and any place they find. Once a bad impression is created, it will hinder the flow of yoga tourists in Nepal. It is government's responsibility to regulate authenticity of yoga programs in yoga centers. If the governments run some activities to promote yoga tourism in Nepal, it would flourish even more in future.

Yoga master of this retreat completed his PhD in yoga from Gurukul Kangri University, India. Gautam and the institution both are associated with International Yoga Alliance. The trainee receives certification of the Alliance.

The main programs of Nepal Yoga Academy:

Yoga teachers training – 200 hrs

Yoga teachers training – 500 hrs

8 days yogic detox package

Weekend rejuvenation package

4 days Ayurveda pamper package

5 days' yoga deluxe retreat

## **Nepal Yoga Home**

Nepal Yoga Home (established in 2008) is situated at Tarakeshwor Municipality, ward no. 5, Goldhunga. At the lap of Nagarjun Jungle, Nepal Yoga Home is yoga school, yoga ashrama and yoga studio as well. The programs here are yoga teacher's training (200 hrs. and 500 hrs.), yoga retreats, detoxification and massage. International Yoga Alliance USA, Yoga Alliance Australia and World Yoga Alliance, India, certify this yoga center. This center provides Yoga Alliance certification to the trainees who complete the above stated courses.

The founder of Nepal Yoga Home Completed Master's Degree in Yogic Science and Human Consciousness from Gurukul Kangri University, Haridwar. Per month, 100 tourists visit this retreat. The 200 hrs. yoga teachers training costs \$1400. In most cases, the price depends on the yoga package the tourists buy. This yoga home does not run any marketing activity. The visitors themselves spread the popularity and facilities of this place to their friends and relatives in respective countries. This yoga home has started a hotel in Thamel (Hotel Nepalaya). Tourists can stay in luxury rooms in this hotel and go through the yoga trainings they prefer. Yogi Prakash says: the future of yoga tourism is very bright in Nepal due to its greenery, the simplicity of people, less costly yoga retreats, spiritual culture and environment of Nepal.

### **Himalayan Yoga, Nepal**

Himalayan Yoga (established in 2007) is situated in Raniban, the northwestern side of Kathmandu valley. Himalayan yoga academy is affiliated to International Yoga Alliance, US. In average eight person visit this academy for 200 hrs. yoga training. The cost for yoga training is \$1400 per person. The academy runs yoga training for eight months every year. The academy also runs yoga retreat programs in which average 60 persons per month visit. The academy's website is the main marketing tool. Besides, they take help of global online websites.

The owner of this academy completed his master's degree in Human Consciousness and yogic science from Gurukul Kangari University, India. Mr. Simkhada sees bright future of yoga tourism in Nepal. Promotion and publicity from government sector and stakeholders would be much helpful. The stakeholders are expected to promote different types of yoga such as Shiva yoga, Patanjali yoga, Buddha yoga, Janaka yoga and so on. The yoga center runs arogyagriha – healing chamber, anna – griha, food mess, Chaitanya griha – supreme consciousness chamber, suddhigriha – cleansing chamber and swagatgriha – the welcome home.

### **Shanti Yoga Ashrama**

Shanti Yoga ashrama (established in 2001) is situated in the lap of Chandragiri, Kathmandu. Nestled in the foothills of the Himalayas with a picturesque view, Shanti Yoga Ashram is the perfect sanctuary to practice yoga and realize the essence of the same. This ashrama focuses classical tantra yoga. This ashrama offers 200 hrs. yoga teachers training and yoga retreats. International Yoga Alliance, US certifies this ashrama. Less than a dozen tourists visit this ashrama per month to practice yoga teacher training or enjoy the yoga retreats.

### **Mandala Yoga studio**

Mandala yoga studio (established in 2014) is situated in Sagarmatha Marga, Thamel, Kathmandu. This center runs yoga teacher training and many yoga retreats programs such as Reiki healing, Sound healing, Ayurveda healing, Spa courses, yoga trekking, hiking and so on. World Yoga Alliance, India certifies this studio. The founder of this yoga studio has completed Master's degree in yoga from Gurukul Kangri University, India.

## **Sri Aurobindo Yoga Mandir**

This yoga center (established in 1993) is situated in Chandragiri, Kathmandu. This center follows the integral yoga system of Sri Aurobindo. Besides, this center runs yoga retreats, yoga trekking and Ayurveda facilities to the guests. The yoga instructors are certified by Bihar Yoga Center, India. In average, they have a dozen guests every month.

## **Hansada Yoga Ashrama**

Though the established date has not been found yet, this yoga ashrama is situated in Banepa. This institution runs yoga training and retreats as well. This ashrama was developed by late yogi Visuddhadeva, the writer of *Characterology: The Science of Character*. This yoga center is best place for those who prefer rituals, mantra chanting, devotion and spiritual teachings along with yoga practices. This center runs yoga trekking inside and outside the valley as well. The price varies according to yoga package. This center is popular among them who cannot spend much money.

Valmiki Vidyapeeth (Nepal Sanskrit University) runs six months' yoga training program since 1993 AD (2050 BS). This year, Sanskrit Bibhag in Tribhuvan University also runs one-year postgraduate yoga course. In academic courses, the classification of yoga is as following:

1. Astanga Yoga (Patanjali developed eight limbs of yoga – yama, niyama, asana, pranayama, pratyahara, dharana, dhyana, Samadhi)
2. Hatha Yoga (focuses on body postures)
3. Karma Yoga, Bhakti Yoga, Gyan Yoga
4. Sankhya Yoga (prakriti and purusha)
5. Tantra Yoga (incorporates mind, body and spirit)

## **Yoga trekking in Kathmandu and around**

Nepal Hiking, a travel agency at Naya Bazar, runs regular yoga trekking for foreigners. BMS Adventure Nepal runs yoga trekking to Annapurna base camp, Mount Everest Base camp and many other regions. Hiking Adventure Treks runs yoga trekking in hillsides of Kathmandu and out of valley as well. The popular routes for yoga trekking are on the hillside of Kathmandu valley. One route starts from Kathmandu – Sundarijal – Chisapani – Nagarkot–Dhulikhel – Namobuddha – Balthali – Kathmandu. Another route starts from Balaju bypass – Tapoban – Panchmane – Tarakeshwar – The waterfall – back to Kathmandu through same route. Another route starts from Budhanilkantha (Narayanthan) – Muhanpokhari – Nagi Gompa – Danda Gau – Tare Bhir – Nagi Gompa – and back to Kathmandu. Similarly, yoga trekking starting from Tribhuvan park in Thankot to Chandragiri hill is also a popular route.

## **Case study of yoga participants**

Following is the case study of yoga-retreat participants at Osho Divine Zone, Tapoban and Kathmandu. Yoga master Dr. Netra Acharya, the second author of this article, conducted the yoga-

retreat from 12 September 2019 to 20 September 2019. The participants were from three different countries: America, New Zealand, Hong Kong (China). Below is the sample study of three participants representing each country. During the interview with the participants, they expressed their physical and mental status before they started yoga practices or meditation sessions. They also expressed what kind of changes occurred in their health or mental state due to the practice of yoga and meditation.

### Case study 1

Yoga Participant Cross David (pseudo name) is a US citizen who visited Nepal for yoga practice. Aged 29, he had very little practice of yoga postures beforehand. It was for the first time in life Mr. David joined a yoga-retreat. In the beginning days of the yoga practice, he could practice only basic yoga postures. At the end of the retreat, he was able to practice advanced yoga postures. While asked about the yoga-retreat experience, he expressed his happiness and satisfaction on overall practice. He said, *"Body postures were amazing practice for me. After yoga session, I could feel more relaxed and more peaceful."*

In the yoga-retreat, he practiced several yoga techniques and yogic life style such as yogic cleansing, yoga postures, breathing exercises and different techniques of meditation. The yogic life style consisted of eating fresh vegetarian food, living in nature, hiking in hillsides/green forest and practicing mindfulness meditation every moment.

He expressed his sense of fulfillment eating fresh food, living in quite place, walking in nature and practicing mindfulness. He realized a sense of rejuvenation at the end of the yoga retreat. He has expressed his commitment of practicing yoga postures and sitting in meditation in a regular basis in coming days. He was thankful to the yoga masters, the yoga home and the nature. It was a non-stop blessing living a yogic life among yogis in the middle of forest.

Before practicing yoga, he was just like any other ordinary human being: full of health problems in body and mind, restlessness, fragmentation, loneliness and a sense of futility of life. After the completion of yoga retreat, he expressed,

I could not believe yoga lifestyle could change everything in my life. My body is becoming more and more healthy and strong. My digestion has improved. My choice of food has changed. I no longer eat meat or drink alcohol. I love vegetarian food now. It gives good health, enough nutrition and a sense of fulfillment as well. I find peace and serenity deep inside me. Yoga, breathing exercise and mediation practices are wonderful techniques developed by ancient yogis, which are equally helpful to us to find health, happiness and see the purpose of living.

### Case study 2

Yoga Participant Issu Teller (pseudo name) is a citizen of New Zealand. She is 24 years old healthy lady. Miss Issu had practiced few yoga postures before joining this yoga retreat. However, she found

opportunity to practice new yoga postures, which were very much soothing to the body and mind. Her body became more flexible by new postures. While asked about her overall experiences in the yoga retreat, she said,

I learned the proven ways and techniques of health of happiness. The journey to happiness begins from the body. The body is the gross part of a person. One has to keep it flexible and fit. The subtle part is breathing body. One has to practice breathing exercise to regulate the breathing. Breathing is connected to the mind. Once the breathing is regulated, the mind can be regulated. The subtler is the mind body. There is a wonderful meditation technique to keep the mind calm and quiet. The technique is breathing awareness. I learned these all techniques and now I can practice all of them myself. I have realized that a yoga practitioner can always maintain his perfect health and be happy and peaceful no matter what happens around him or her.

Isabel expressed her happiness and satisfaction of learning yoga in the retreat. She further said,

After returning New Zealand, I will continue my yoga practices regularly. I think every person should practice yoga and meditation. The present time is full of pollution and toxic food. Every person has to live in air pollution and eat food that is grown by using so many pesticides. This situation is very risky for health. If we practice yoga and meditation every day, we will be able to release much of the toxins from the body. I am thankful that I am habituated to practice yoga. I will live a yogic life onwards. This was a wonderful yoga experience.

She is a new person because of the yoga practices. She elucidated her feelings as:

Before practicing yoga, I was totally lost somewhere. I never could feel a sense of being. I used to live totally in unawareness. Thankfully, the yoga practices helped me find myself. The peace and happiness that we seek in outside world are already there inside us.

### Case study 3

Yoga Participant Monika (pseudo name) is a Chinese citizen living in Hong Kong. She is 27years' old who is practicing veganism. She avoids all kind of animal products in her diet. She eats only fruits, salad, and sprouts. It is her eating habit since two years. She came to Osho Divine Zone to learn yoga and meditation practices. After learning yogic ways, she realized newness in her body and mind. She expressed her satisfaction as, "*Yoga sessions made me feel like a newly born baby. I am so relaxed, refreshed and peaceful.*" Before practicing yoga, she used to feel rigidity in her body. She used to be restless for simple reasons or no reasons at all. Many times, she used to feel meaninglessness in her life. After learning yoga and meditation, everything changed for the better.

After successfully completing yoga retreat, she expressed her experience like this:

The yoga postures made my body flexible. Rigidity is no longer in any part or organ of my body. As my body got relaxation, my mind also got relaxed. I am no longer restless. I feel peace and serenity every day, every moment. I started seeing meaning and purpose in life. Yoga is not only a physical practice. It is spiritual practice as well. It helps us know 'who we are' and for what purpose we are here in this planet as a human being. This is the most important lesson I learned in yoga retreat. We are pure awareness. We are already enlightened beings. Being in peace and happiness is our nature. Developing compassion towards all living in our nature, once we realize these truths, we feel blessed. We feel a sense of fulfillment in life.

## Discussion

The above study reveals several aspects of Nepal and prospects of yoga tourism. Nepal is a spiritually saturated country. Different forms of yoga are practiced in everyday life of millions of Nepalese people. In the early morning, the Nepalese people take bath for body purification and sit in meditation (*Japa*) for mental purification then follows the recitation of Geeta or other spiritual texts. The Buddhist population engages in slightly different rituals. For instance, the Buddhist community in Kathmandu valley recites *Manjushree Nama-Sangiti* in regular basis. However, yoga is an umbrella term for every spiritual practice leading to emancipation from worldly bondages and regaining peace of mind and happiness. Lord Buddha who developed spiritual practices such as Sila (moral conduct), Samadhi (meditation) and Prajna (wisdom) was born in Nepal in 623 BCE. Mythically, Nepal is well known as the playground of Lord Shiva, who is known as the God of Yogis. In the high Himalaya, caves of Nepal, countless sages and saints practiced yogic techniques for health, happiness and longevity of their life.

In Nepal, there are number of traditions reciting and chanting ancient spiritual texts. Almost every people is well known of the stories, history, and myths of ancient Yogis who practices yoga and attained several hundred years of life. Yoga is culture and nature of Nepalese people. Sanskrit is the language in which ancient knowledge on spiritual philosophy and practices are stored. Nepali language is very similar to Sanskrit. It is easy and convenient to learn Sanskrit and be aware of yoga and other spiritual philosophies. Because of the above-mentioned resources and aspects, Nepal can be a significant and popular place for yoga tourism. Nepalese people are spiritually socialized from their very childhood chanting the mantras, reciting sacred texts like various *Purana* and visiting sacred and secret places.

The case study reveals that foreigners experience wonderful benefits in physical, mental and spiritual levels. They wish to involve in longer courses. They also expect some authentic certification of their yoga training so that they could be yoga trainers in their respective countries.

Resources and capacities are lacking in every aspects of yoga tourism. Available yoga retreats are not enough to accommodate tourists who want to visit Nepal for yoga trekking or training. In this concern, Nepal government may take initiation to build few ideal yoga retreat centers in nearby hillsides of Kathmandu or elsewhere. The yoga masters are not enough to run required yoga classes. Due to lack of manpower, a yoga master visits different retreat centers to train yoga practitioners.

More education institutions focusing on academic level study of yoga should run. The yoga trekking routes are not well paved. There are not enough tea houses in considerable distance. The tourists have expressed their experience not finding a shop or tea house to buy a bottle of mineral water. To cash the yoga trekking trend, the concerned authorities has to spend some time and invest to develop the minimum required facilities. Observing all these aspects of Nepalese society, one can say with confidence, there is a wide prospect of yoga tourism in Nepal. The researcher suggests the concerned authorities to expand the volume of yoga tourism in Nepal and make it source of employment and income generation. By conducting research in existing literature, first hand survey of yoga retreat centers or trekking routes, meeting the participants, tourists and involved yoga masters, the following conclusions are drawn.

## **Conclusion**

Yoga tourism is an emerging genre in tourism industry. Nepal may catch the trend as it has deep philosophical, cultural and natural roots and resources matching the exact needs of yoga tourism. Nepal's spiritual heritage reflects in people's beliefs, conventions and devotion of people in search of higher life than mere physical existence. Nepal government or the concerned authorities should develop a clear vision and build up the infrastructures, train the yoga masters and enlarge academic study of yoga tourism in schools and colleges. If the country can produce trained manpower, develop required facilities and formulate yoga-friendly rules and regulations, Nepal can be a best destination of yoga tourism in recent future. Creating awareness of yogic lifestyle in Nepalese people is the first important step that should be taken immediately. It is very essential because the western culture is spreading widely in major cities and it is entering in villages as well. If necessary steps are not taken in developing yogic awareness in villages, there will remain particularly nothing original, there will be nothing at all Nepalese people can take ownership. The prospect of yoga tourism in Nepal is high, but the declining of its original culture, spiritual awareness and yogic lifestyle is also high. Initiation needs to be taken to expand the volume of yoga tourism in Nepal and make it more professional so that it can be a noble source of employment and income generation. By this preliminary study, the authors realized a need of extensive research on yoga tourism in Nepal.

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**Contract for Peace: Peace Agreements and its Security Implication**

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**Abstract**

*Negotiated settlements have been increasingly accepted as the preferred way of ending civil wars. Studies show that only 50 percent of negotiated settlements last beyond five years, while in others, negotiated settlements have been shown to keep the peace for only three and half years. Contrary to this, the peace agreements/understandings were universally considered as the pivotal blue print for conflict transformation and peace buildings.*

*In our case, the management of arms and armies, reintegration of few former rebels in the national army, promulgation of the constitution from the constituent assembly etc. are the crucial tasks of the peace process. In this context, this paper highlights the major peace agreements (2005-2010) reached between the then Communist Party of Nepal (CPN)-Maoist and the seven parliamentary party alliance's government and simultaneously tries to analyze these agreements' influence on security.*

**Keywords**

*Peace agreements, security dilemma, national security, post conflict turmoil, Nepal*

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*The 12-point understanding of 2005 concluded in New Delhi is the guiding framework of the Nepalese peace process and has its geostrategic implication as well. Likewise, the Comprehensive Peace Accord (CPA) of 2006 is a milestone in bringing about an end to the decade of old civil war and beginning an inclusive, secular, peaceful and democratic nation-building process. Despite everything, delaying the transitional justice process and staling the social reconciliation can be the potential reason for a reprisal of conflict.*

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## Context

Modern Nepal has witnessed numerous attempts of rebellion, arms unrest and massacre at the state level. The significant popular uprisings can be traced back to the first popular movement of 1950, the second of 1990 and the third of 2006. The then Nepali Congress initiated an armed rebellion which ended with the tripartite agreement between the Ranas, the pro-democratic forces led by Nepali Congress and the King in 1950 mediated by India. Unfortunately, in the name of the modernization of the Nepal Army, the army was downsized based on the recommendation of the Indian military mission in Nepal after the political change in the 1950s (Adhikari, 2015; Basnyat, 2018).

In 1960, King Mahendra imposed a state of emergency, outlawed political parties and dissolved the parliament with a military coup (Basnyat, 2018). After the restoration of the multiparty democracy in 1990, the then constitution transformed Nepal into a multi-lingual, multi-ethnic state but the Hindu state and the constitutional Monarchy remained unchanged. On the fourth of February 1996, Baburam Bhattarai submitted a 40-Point demand to the then Prime Minister (PM) Sher Bahadur Deuba, in reaction to which the CPN-Maoist started a people's war on the 13<sup>th</sup> of February 1996 (Patel, 2019) three days before the given deadline, attacking the police post at Holeri (Rolpa) and Thibisikot (Rukum) (Rizal, 2012; Shukla, 2003). The data of the Ministry of Peace and Reconstruction shows human cost of this armed conflict: deceased persons: 17,886; disappeared persons: 1530; displaced persons: 79,571; abducted: 3,142; widowed: 9,000; disabled: 8,935 (Ministry of Peace and Reconstruction, 2013 in NIPS, 2013).

Ultimately, the Monarch consolidated the state power and imposed the state of emergency in 2005. On this backdrop, the 12-point understanding between parliamentary political parties and the Maoist signed in India provided a basis for the April 2006 movement and served as a guiding framework for subsequent compromises. Its goal was to implement the concept of full democracy through a forward looking restructuring of the state and resolve the problems related to class, caste, gender, region and so on in all sectors including the political, economic and cultural by bringing the autocratic monarchy to an end and establishing full democracy (ASPECT, 2011; Rizal, 2012; 236).

Simultaneously, Nepal's Seven Party Alliance (SPA) government and the CPN (Maoist) signed a Comprehensive Peace Agreement (CPA) on November 21, 2006 promising to end the decade old Maoist insurgency and begin an inclusive, secular, peaceful and democratic nation-building process. Subsequently, the Madesh Uprising of 2007/ 2008 introduced the inclusive proportional representation of unrepresented groups in state affairs, and Nepal was accepted as a Federal Democratic Republic (ASPECT, 2011; 111). The clear sweep majority of the CPN-Maoist in Constituent Assembly (CA)-I (2008) resulted in change in the political environment under which the Nepalese military had to suffer psychologically. For instance, the decision of the then PM Dahal to sack Chief of Army Staff (COAS) Katwal and the president's intervention against the government decision, are examples of vulnerability in the countries emerging from violent civil wars. After all, the new Constitution was promulgated in 2015 by CA-II, and after the completion of three tiers of election in 2017, Nepalese politics got new momentum with the two-third majority of the Nepal Communist Party-NCP.

## Literatures

Negotiated settlements are increasingly accepted as the preferred way of ending civil wars (Bekoe, 2005; 43). Some studies show that only 50 percent of all negotiated settlements last beyond five years (Licklinder, 1995; 685); while in others, negotiated settlements have been shown to keep the peace for only three and half years (Hartzel, Hoddie, and Rotchild, 2011; 195 in Bekoe, 2005; 44). Many of the remainder enter a 'no war, no peace' limbo (Bell, 2006; 375). The current literatures and practices generally emphasize the role of the international community for successful negotiated settlements (Hampson, 1996), but the experience of the UN missions in Cambodia, Angola and Somalia contradict this point. Alternatively, the civil war in Nicaragua ended without a significant involvement of outside organizations (Bekoe, 2005; 45). In short, the existing literature does not clarify what role the international community should play in ensuring stability during the implementation of peace agreements (Ibid). Even work that emphasizes power-sharing strategies does not provide satisfactory answers to a successful implementation (Horowitz, 1985; Lijphart, 1977; Sisk, 1996; Wippman, 1998; Hartzel, 1999 in Bekoe, 2005; 45).

The post-cold war years have witnessed the rise of the peace agreement as a tool for addressing protracted social conflict within existing state borders (Bell and O'Rourke, 2007; 293). Wallenstein and Sollenberg have classified peace agreements as 'full and partial' agreements. Partial peace agreements are 'those concluded between some of the parties, but not all' (Wallenstein and Sollenberg, 1997; 342). If then, the 12-point Understanding concluded between the CPN-Maoist and the Seven Party Alliance (SPA) in 2005 is a partial agreement, because it has excluded the traditional power center, the Monarch, in the peace process and did not end the conflict definitely. Similarly, Bell has also classified peace agreements as, pre-negotiation; framework/substantive and implementation/renegotiation agreements (Bell, 2006; 375-376). This clearly depicts that social scientists and conflict resolution analysts have a diverse understanding of peace agreements.

Similarly, the existing literatures have precisely examined what makes peace agreements succeed or fail. For instance, Bell has emphasized the nature and legal status of peace agreements (Bell, 2006; 374); whereas O'Rourke with Bell, have analyzed them from the lens of civil societies and participatory democracies (Bell and O'Rourke, 2007). Similarly, Bekoe's study of Mozambique, Angola, and Liberia highlights that, 'the implementation of many peace agreement, the promised concession may result in changes to military or political vulnerability, making each step towards implementation contentious (Bekoe, 2005; 43). Also, analyzing the case of Sudan, Sheeran argues that the importance of the right of self-determination and other commitments in the CPA (Sudan, 2005) is the one reason for the formation for the South Sudan (Sheeren, 2011; 423).

Research suggests that a significant number of conflicts have been resolved through peace agreements. While examining what makes peace agreements succeed or fail, existing literature has tried to cover a diverse spectrum such as nature and legal status; role of international communities, civil societies, and influence of participatory democracy. It is already known that the literature on peace agreements is slowly emerging (Zartman, 1995; Hampson, 1996; Licklinder, 1993, 1995 in Wallenstein and Sollenberg, 1997; 342) and that the short-term view of how peace is achieved can undermine the success of an agreement. However, the study analyzing the vulnerability of the state in

the transition period in terms of territorial integrity, sovereignty, national unity and human security per se was in negligible number.

Therefore, the research design incorporated in this study is descriptive and qualitative in nature. Furthermore, this article highlights the major provisions of peace agreements and their impact on national security. To analyze the impact of such provisions, this study further incorporates the explanatory research design. In terms of methods of data collection, this article mainly depends upon the secondary data accumulated through desk and desktop review of the relevant literatures.

### Peace Agreements

The peace accord is the blue print for peace (Ginty, 2006) and the problem of the post accord society stem from the failure to properly implement the accord. The majority of the peace accords concentrate on ending direct violence rather than addressing the structural factors underlying the conflict. Roland Paris findings in 'At War's End...' emphasize institutionalization before liberalization rather than transforming war shattered states into market democracies (Paris, 2004).

**Table: 1 Major Peace Agreements in Nepal**

Agreements	Date Signed
1. Twelve-Point Understanding between Seven Political Party Alliance (SPA) and the CPN (Maoist)	22 November, 2005 (India)
2. Proclamation of the House of the Representatives (HoR)	18 May, 2006
3. The Code of Conduct on Ceasefire Agreed between the Government of Nepal (GoN) and the CPN (Maoist)	26 May, 2006
4. 8-Point Agreement between the Leaders off the Seven Political Parties and the CPN (Maoist)	16 June, 2006
5. Joint Letter to the United Nations	9 August, 2006
6. Six-Point Agreement between Seven Political Party Alliance and CPN-Maoist on arms management and other political issues	8 November, 2006
7. Comprehensive Peace Accord (CPA) concluded between the GoN and the CPN (Maoist)	21 November, 2006
8. Agreements on Monitoring of the Management of Arms and Armies (AMMAA)	8 December, 2006
9. Promulgation of the Interim Constitution	15 January, 2007
10. Arrival of United Nations Peace Mission in Nepal (UNMIN)	23 January, 2007
11. Agreement between the GoN and Nepal Adivasi Janajati Mahasangha and Adivasi Janajati Samyukta Sangharsha Samiti	7 August, 2007
12. Agreement between the GoN and Madhesi Janadhikar Forum, Nepal	30 August, 2007

13. 23-Point Agreement between the Top Leaders of Seven-Party Alliance	23 December, 2007
14. Agreement between the GoN and Samyukta Loktantrik Madhesi Morcha	28 February, 2008
15. Declaration of Republic by the HoR	28 May, 2008

Source: Asian Study Centre for Peace and Conflict Transformation (ASPECT), 2011; Bhandari, 2017.

The Twelve Point Understanding signed by SPA and Maoist in 22 November 2005 focuses on keeping the democracy, peace and prosperity and on forward-looking social transformation and the independence, sovereignty, and the dignity of the country in center. The 12-Point Understanding created a positive political environment for peaceful demonstrations against the autocratic despotic regime imposed by the then King Gyanendra in February 2005 (NIPS, 2013).

The 19-day long mass protest, which finally forced the King to surrender political power to the Nepalese citizens on April 24, 2006, by restored people's sovereignty and reinstated the dissolved House of Parliament (HoR). On the 18<sup>th</sup> of May 2006, the historical proclamation made by the reinstated parliament stripped the King of all his power, declared Nepal a secular country and changed the name of the Royal Nepal Army to Nepal Army (ASPECT, 2011).

The armed conflict formally ended with the signing of the CPA on the 21<sup>st</sup> of November 2006, in which the CPN (Maoist) agreed to renounce violence, follow the rule of law, and honor universal human rights principles and democratic norms and values. This CPA reaffirmed its total commitment to the previous agreements, understandings, codes of conducts concluded between the GoN and the CPN (Maoist) as well as the decisions made at the Summit Meetings of the SPA and the CPN (Maoist) adopted on November 8, 2006, the letter of similar spirit sent to the United Nations by the GoN and Maoist, the 12-points understanding, and the 8-Point agreement concluded between the SPA and the CPN (Maoist) and the 25-Point Code of Conduct.

**Table 2: Maoist Combatant Integration and Rehabilitation process/agreement**

Activities	Date
1. Arrival of UNMIN	23 January, 2007
2. Start of the Verification process of the ex-Combatants	15 June, 2007
3. Completion of the verification process of the ex-Combatants	27 December, 2007
4. Formation of the Special Committee (SC)	28 October, 2008
5. Formation of the Technical Committee (TC)	16 April, 2009
6. Agreement to discharge disqualified-Combatants	16 December, 2009
7. Start of the discharge process	7 January, 2010
8. Completion of the discharge process	8 February, 2010
9. The CPN (Maoist) formally handed over the cantonments and the	22 January, 2011

Ex-Combatants to the SC for Supervision, Integration and Rehabilitation	
10. Seven-Point Agreement on integration and rehabilitation of the Maoist Combatant	1 November, 2011
11. Categorization of the Combatants	16 November- 2 December, 2011
12. Voluntary retirement (first installment) Voluntary retirement (second installment)	1 January-14 January, 2012 31 October-10 November, 2012
13. Integration process into the Nepal Army	5 July-20 November, 2012
14. The SC dissolved following the completion of the integration and rehabilitation process	12 April, 2013

Source: Nepal Institute for Policy Studies (NIPS), 2013; Bhandari, 2017.

Another milestone of the peace process was the Agreement on Monitoring of the Management of Arms and Armies (AMMAA), which was signed on the 8<sup>th</sup> of December 2006 between GoN and the CPN (Maoist). Here, both parties agreed to seek the United Nations assistance in monitoring the management of the arms and armies. Also, they agreed to confine arms and armies and to not recruit additional armed forces or conduct military activities. The Seven-Point Agreement of November-2011 outlined a framework of rehabilitation and integration of the combatants. Major peace agreements and the combatant integration and rehabilitation processes are presented in the tables 1 and 2.

### Provisions in peace agreements

The initial peace accords have portrayed the monarchy as the only hurdle of the full fledged democracy in Nepal. This is not the first time in Nepalese politics that the monarchy has consolidated its grip in state affairs. King Mahendra's takeover of the absolute rule by sacking the elected prime minister and introducing his party less Panchyat system (1960-1990) backed by the then Royal Nepal Army, may be one reason. But King Birendra's compliance towards the aspiration of citizens, the multi-party democracy and the constitutional monarch, despite of that, the then political parties failed to meet the aspiration of the people. Similarly, the monarch has consolidated its command in the military through the Principal Military Secretariat- a hub of National security and the defense in Palace. The King was also the Supreme Commander of the military and traditionally the military is loyal to the Monarch. The nascent democracy came to a halt after six year in 1996, when the then CPN (Maoist) declared the People's War (Patel, 2019).

In the 12-Point Understanding, the then seven political parties and the CPN (Maoist) fully agreed that the autocratic monarchy is the main hurdle of the full democracy and that peace, progress and prosperity in the country is not possible without bringing the absolute monarchy to an end (Point 1). In the name of conducting the constituent assembly election free and fair after abolishing the monarchy, the then parliamentary parties and CPN (Maoist) agreed to keep the Maoist armed force and the Royal Army under the United Nations or a reliable international supervisor (Point 3)



recognizing and awarding equal status to the rebel army, the People's Liberation Army-PLA (Gautam, 2009, 8).

The proclamation of the House of Representatives on May 18, 2006 declared itself a sovereign entity for exercising all rights until other constitutional arrangements are introduced. It vested all executive power of the state to the Council of Ministers, declared Nepal a secular state, renamed the Royal Nepal Army Nepal Army" and restructured the National Defense Council (ASPECT, 2011; 8).

The CPA concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) on November 21, 2006 declared the official cease of the civil war in Nepal (Clauses 6, CPA, 2006). It not only transformed the rebel force into a political party, but also retained and glorified the previously concluded agreements. The CPA is the congregate of the prior agreements and a milestone in the Nepalese peace process. The provisions related to the management of arms and the armies were the copy paste of the eight point agreements (Clauses 4 of CPA, 2006).

In Management of Army and Arms in Clauses 4 of CPA, the Royal Nepal Army in line with the spirit of the 12-Point Understanding, 8-Point agreements, 25-Point code of conduct, the 5-Point letters sent to the United Nations, has to be democratized and restructured to assure a free and fair CA election (Clause 4 of CPA).

Under the Clauses 4.6, the NA was not only confined to the barracks, but the CPA and the Interim Constitutions of 2007 has also excluded the national army's duties to protect the territorial integrity, independence, national unity and sovereignty of nation and confined it to the securing conversation areas, banks, airports, VIPs etc. only (Clauses 4.8 of CPA). Democratic restructuring and democratization of the Nepal Army (Clauses 4.7) and the right sizing of the NA on the one hand and the integration of the Maoist combatant in the NA on the other hand doesn't seem scientific. The Nepal Police and the Armed Police Force shall continue the task of maintaining lawful arrangements and peace and order as well as that of criminal investigation in line with the peace accord (Clause 5.1.6 of CPA). The lingering in the transitional justice process may be due to this provision in CPA.

Both sides have agreed to publicize the status of the people under the respective custodies and release them within 15 days (clause 5.2.2); disappeared or were killed during the conflict within 60 days (clauses 5.2.3); and to constitute a National Peace and Rehabilitation Commission (Clause 5.2.4); a High-Level Truth and Reconciliation Commissions (Clause 5.2.5). Regardless of this, the transitional justice mechanism was still in comma, and hasn't dared to investigate a single war crime case.

The Government of Nepal and the Communist Party of Nepal (Maoist) agreed to seek UN assistance in monitoring the management of the arms and armies by employing qualified UN civilian personnel. Also, both sides agreed to confine arms and armies, and to not recruit additional armed forces or conduct military activities by signing the Agreements on Monitoring of the Management of Arms and Armies (AMMAA) on 8 December, 2006.

The Agreement between the GoN and Nepal Adivasi Janajati Mahasang and Adivasi Janajati Samkukta Sangharsha Samiti on the 7<sup>th</sup> of August 2007 and Madhesi Janadhikar Forum, Nepal on the 30<sup>th</sup> of August 2007 neither of the agreements clauses deals with the Nepal Army but GoN agreed in

federal structure with autonomous provinces, proportional representation in all political appointments (ASPECT, 2011).

But the agreement between the GoN and Samyukta Loktantrik Madeshi Morcha (United Democratic Madeshi Front) on February 28, 2008 did not only replicate the previously concluded agenda of 'Nepal as Federal Democratic Republic' with controversial autonomous Madesh State (Clauses 2). It also ensured the inclusive and proportional participation of Madeshi people, Adivasi, Janajati in all state bodies, including the security bodies (Clauses 4). In the name of giving national character to the Nepal Army and making it more inclusive, both parties agreed to establish a 'proportional, inclusive group entry of Madeshi people and other communities into the Nepal Army' (Clauses 5).

The recent constitution of 2015; part 28 is related to the 'provision related to national security', article 266, have the provision related to the National Security Council (NSC). The provisions of NSC were clearer than those of previous ones. The objective of NSC was also broadened this time, as it recommends the formulation of a policy on overall national interest, security and defense, and mobilization and control of the Nepal Army to the Council of Ministers. The provision read like (GoN; Constitution of Nepal, 2015),

- There shall be a National Security Council for making recommendation to the Government of Nepal, council of ministers for the formation of a policy on overall national interest, security and defense of Nepal, and for the mobilization and control of the Nepal Army, which shall consist of the following as the chairman and members; Prime Minister-Chairman, and members are Defense minister, Home minister, Foreign minister, Finance minister, Chief Secretary, Chief of Army Staff (Art. 266 (1)).
- The secretary at the Ministry of Defense be act as the member secretary of the NSC (Art. 266 (2))
- Annual report must be submitted to the President
- Other as Federal Law

### **Debate of national security in Nepal**

Dibya Upadesh-divine doctrine of Prithvi Narayan Shah is the first document which explicitly deals with securing the national interest of Nepal. At the same time it cautionary advices to maintain cordial relations with India and China. Theoretically, Nabilo (1988) defines national security as an intricate interaction between political, economic, military, ideological, legal, social and other internal and external social factors through which individual states attempt to ensure acceptable provisions to maintain their sovereignty, territorial integrity, the physical survival of its population, political independence and possibilities for a balanced and rapid social development on an equal footing (Grizold, 1994; 40). Thus national security can be defined as a state of security of a nation-state. It involves security of the national territory, protection of the lives and property of its population, existence and maintenance of its national sovereignty, and exercise of the basic functions of its society (economic, sociopolitical, cultural, ecological, social, etc.).

With this background, security can be defined as a conscious human endeavor to establish the state of security through social activities organized in an adequate system. Security is thus a lever of development and involves deliberate, conscious human activity to establish a state of security. A

modern concept of security must take all significant and diverse aspects of security into account; thus a definition may include three basic dimensions; state, societal and human security (Knudsen, 2012; 135). The notion of security is connected to a series of different aspects of human existence and to the processes and activities in society and nature (Grizold, 1994).

The security terminology in this paper aspires to reflect the understanding mentioned above. But the spirit of each agreement has excluded the economic, sociopolitical, cultural, ecological, social and other aspects of security. Traditionally, the Monarchy is perceived as a synonym of national security and military has the upper hand in the security realm. The traditional notion of security was prevailing during the Monarchy in Nepal. The King was the supreme commander of the military and head of the state. Consequently, the security of the King was taken as the security of the nation and vice-versa. Hence, all the agreements only focused on the containment of the Nepal Army and the reintegration of Maoist Combatant in NA and missed the major aspects of human security.

Furthermore, for the first time defining the security of Nepal as a nation-state, the National Security Policy (NSP) of 2016 incorporates the diverse aspects of security; such as sovereignty, national integrity, physical, social, economic, cultural and humanitarian aspects of a nation (NSP, 2016; 3). National security further incorporates the security and protection of public and private norms and values, national respect and dignity, lives and property and socio-cultural norms and values, aspects of environment, good governance, development and human rights (Ibid). The law of the land and the policy of the land both have conceived traditional and non-traditional security threats. The elements influencing national security, threats and challenges (political, law & order, socio-economic, disaster & natural resources, extremism and external) also relate to an internal and external spectrum of security (NSP, 2016; 10-12).

Interestingly, Nepal has never had a National Security Policy till 2016. The military Act (1959) was amended for the first time after the popular political movement in 2006. The military was confined to barracks and it was brought completely under the civilian control and parliamentary oversight. Regardless of that, it was made dysfunctional because neither the NA was mandated for any military drill, training and procurement of arms and ammunition nor recruitment. Overall the regular military activities were restricted by major peace agreements.

Almost all the peace agreements were concentrated only on the political self-serving interpretation of security. This paper argues that human security should be the core essence of each peace agreement. There is no doubt that the NSP is the first comprehensive security policy of the land, even though it has missed many contemporary security threats such as cyber security, climate change, violence against women and many more. The NSP is itself vague and blurry in terms of defining the objectives of the state and the roles of the law enforcement agencies, which also mean the NSP had not imagined about the goal of the nation, and had not indicated precisely about the vital national interest for short-term and long term respectively. The new security policy, approved by the Council of Ministers in 2019 was not yet unveiled, because of which the security strategy of Nepal is in conundrum.

## **Impact on national security**

The experience of war in post- conflict countries depicts the security chaos. But in Nepal, the 1990's political transition of the Nepal Army (then RNA) was perceived as hurdles for democracy, and the parliamentary parties have also perceived military as a threat to their existence. The confrontation between the military and democracy since 1950 and the military's loyalty towards the King may be one reason for perceiving RNA as an anti-democratic King's army. In another spectrum, being one of the oldest military institution in South Asia, the Nepal Army has a deep stigma of humiliation and downgrading after the political change in the 1950's and the recommendation for modernization of the Indian Military Mission in Nepal (Basnyat, 2018). In return, the Army may have perceived the political leaders as anti-national. This dichotomy may have been the most influential dynamic for the security dilemma from 1950 to 2005.

International practice shows that securing territorial integrity, maintaining national unity, sovereignty, and independence against international aggression falls into the military realm. Also, being the fifth troops contributing nation in the United Nations peacekeeping operations, it ultimately has to confine in barracks under the surveillance of the United Nations Peace Mission in Nepal (UNMIN). What would be more humiliating than this for any national army? Moreover, the signatory parties of the majority of the peace accords didn't take it as necessary to mention these roles in the Interim constitution of 2007 as well. The NA was partially isolated from political domain, but after the Katwal incidence in 2008 the same political parties have accepted NA as the ultimate guarantor of their existence except CPN (Maoist). Contrary to this, the Maoist army combatants, got international attention and certain privileges during the peace process (Gautam, 2009; 8). From 2006 to 2011, there was a dual military (NA and PLA) in Nepal, because of which we can say that the entire national security of Nepal was a dilemma.

Previously, the Ministry of Defense was depicted as a 'post-box', rubber-stamp, forwarding station etc. The military affairs were overseen by the palace and the then government didn't want to initiate any confrontation with the palace. The security and the military affairs were handled as the exclusive domain of the palace. After the abolition of the monarch in 2006, the NA automatically came under civilian control and under parliamentary oversight. For the first time, after the inception of Ministry of Defense (MoD) in 1950, it was restructured in 2006. Similarly, the National Security Council (NSC) was restructured and the new Military Act was enacted to facilitate the military affairs and the national security.

The peace process of Nepal is taken as a home grown unique model in comparison to other international practices. In some aspects it is. But the cases of human right violation, war crimes and the transitional justice an issue has been are challenging this model. For instance, the discharge of disqualified combatants (child soldiers, injured, disabled, etc.) has become the exercise of ticking boxes, counting heads, and awarding financial incentives. Both sides had agreed to make public the disappeared or killed during the conflict, yet many conflict victims remained unknown. The ex-combatants who took the voluntary retirement along with financial incentives were struggling for livelihood. Data shows that out of 32,250 combatants, 19,602 were verified by UNMIN, 8,640 were absent during verification and further 4,008 were disqualified for being minors (2,973) or late recruits

(1,035). Only 1422 were opted in NA while 15,630 sought to integrate back into society (Bhandari, 2017).

The cases of violence, rape, extrajudicial killing, torture, disappearance, grave breaches of human rights and conflict era crimes were not addressed yet. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) were dysfunctional to impart transitional justice. The frustration of the disqualified combatants has been the strength of some splinters of the CPN (Maoist). The recent address of the home minister in the parliament mentioning the formation of four company militants of the CPN-Maoist led by Biplop faction can depict possible threat to the national security in the days to come.

The modernization of the military with its resizing has been the fairy tale, and democratization of the Nepal Army has been an unsolved conundrum for political masters. Due to the self-serving interpretation of the clauses in the peace accords and the lack of common understanding, the implementation phase has many lapses especially in reconciliation and rehabilitation. The attempt of unionization of the Nepal Army and extreme politicization in security agencies was the common impact in post conflict Nepalese politics. Considering the over meddling of the political masters in the name of the civilian supremacy, the deepening elite civil-military nexus and economic orientation of the NA, one can say that the national army is on the way to becoming corporate army. These accelerating involvements of the military in non-military activities and the over politicization in the security agencies in post 2006 indicate the sequential deterioration in national security agencies.

The Katwal incidence of 2008, which gave the momentum of the civilian supremacy/democratic control over armed forces in Nepal. This case has not only questioned the rule of law, separation of power and other established norms of the democracy, but has also invited foreign actors in the internal defense affairs. The Katwal case and the involvement of his Indian counterpart has questioned the CMR dynamics of Nepal, adding geopolitics in it. Additionally, the recent yes and no puzzle game of the government over the participation of the NA in the BIMSTEC level military drill is an example of the geopolitical complexities in the Nepal. With the increasing involvement of China, India and the USA in the banner of the military assistance in the Nepal army, confessing the competing interests of Belt and Road Initiatives (BRI) and Indo-Pacific Strategy (IPS), the government has welcomed turmoil in the security of the Nepal.

The ethno centric politics in the post conflict period and the categorization of the citizens (as Dalit, Tharu, Muslim, Madeshi, Janjati etc.) in the new constitution of 2015 reflects the continuation of the divide and rule strategy of the colonial power. The traditional harmony, nationality, and social cohesion (Nepalese values) etc. are eroding, whereas the ethnocentric political culture is mushrooming. Inter-communal, religious, and resource conflicts are serious future security threats in the federal democratic Nepal.

**Table 3: Impact of Agreements in National Security**

Positive	Negative
1. Ended the decade long Maoist insurgency	1. Security Dilemma: Dual Army (NA and PLA) from 2006-2011
2. Defense Reform: restructuring of MoD, NSC and enact Military Act	2. Extreme politicization in security agencies/ Unstable CMR

3. Established civilian supremacy and parliamentary oversight	3. Transition: foreign intervention in state affairs (state diplomacy vs. military diplomacy)
4. Inclusive and proportional representation; ended all forms of discrimination	4. Erosion in social harmony, nationality, cohesion and rise of ethno nationality
5. Promulgated constitution, security policy	5. Arms proliferation: incentives for non-state actors
	6. Conflict victims/TJ: potential threats for National Security

### What next: Justice, reconciliation and social rehabilitation

Studies show that transition to democracy (democratization) is more likely to lead to war. The institutionalization of democratic institutions, periodic and free-fair election, rule of law, and accountability and transparency are fundamental principle of democracy. After overthrowing the autocratic party less feudalistic and suppressive political system in 1990, nascent democracy is yet to cradle; the communist party of Nepal (Maoist) aspired to establish people's rule through

Violent civil war in 1996 and the institutionalization of democratic institutions is in void. In this backdrop no one can clarify why the then CPN Maoist were attracted to violent movement.

The peace agreements can be taken as successful if each and every word is implemented unconditionally. It has been nearly thirteen years since the CPA was signed, but still a single stone is unturned in reconciliation, rehabilitation, transitional justice and sustainable peace building. Similarly, one of the most immediate concerns in the aftermath of violent conflicts is rehabilitating the network of social interactions, torn by the deep and wide-spread effects of violence. In setting up future goals, communities have to move beyond meeting immediate physical survival needs and build renewed ties between groups (Jeong, 2006; 155). The reconciliation and social rehabilitation is the bottom-up approach of reconstructing post conflict relations. But in the case of Nepal it is limited only to counting heads, ticking boxed and awarding monetary incentives (ad-hoc Top-Down Approach). Besides this, neither of the parties has managed to socially rehabilitate the networks by repairing relationships at a psychological level, nor have they tried to address the structural factors underlying the conflict.

The peace accords lack full fledge implementation: Issues related to state restructuring are still debatable, the diverse vice of the Terai-Madesh political parties are yet to be recognized, the structural inequalities still prevail, and the Security Sector Reform (SSR) is left unaddressed. Due to the incomplete transition, the agreements were connoted as a contract for peace. In the word of Johan Galtung still negative peace prevails in Nepal. In this situation, the probability of using grievances of people for the next episode of conflict is very high. It will be a wise decision to address the genuine expectation of the citizens as well. On this backdrop, this article draws the inference that peace agreements can resolve the conflict and at the same time can leave room for the reprisal of conflict.

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**Local Election in Nepal: Means for Ensuring Electoral Accountability**

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**Abstract**

*The electoral accountability is considered a mechanism through which voters hold the government responsible for their performance. The main assumption in this article is that the more performance of local representatives as per their promise before elections under prevailing laws likely leads to more electoral accountability. To test this hypothesis, 455 questionnaires were collected from ordinary citizens and 28 interviews were taken with respective Rural Municipalities and Municipality's chief, deputy chief, and an executive from Sindhuli and Surkhet district of Nepal. The result showed that the performance of Surkhet districts' local governments have a better significant relationship with the electoral accountability index rather Sindhuli district. Despite this relationship, people were neither satisfied, nor unsatisfied with the performance of the local representatives. There are a lot of hindering factors associated with the performance of local representatives which include lack of financial resources, lack of knowledge on how to handle local government, lack of employees, lack of infrastructure, etc. Therefore, the study concludes that electoral accountability in Nepal is in the transitional stage.*

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**Keywords**

*Election, electoral accountability, performances, local bodies, Nepal*

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## Electoral accountability

The electoral accountability is considered one of the mechanisms through which voters hold the government responsible for their performance (Fumarola, 2016). The notion of periodic election allows sanctioning political parties if they do wrong and reward if they perform as per citizens' mandate. Electoral accountability depends on two sets of conditions: voters' ability to assign responsibility for performance outcomes to incumbents and voters' ability to act upon those assignments of responsibility (Hellwig and Samuels, 2008). The voter's ability to hold governments to account is greatly influenced by the contingent characteristics of the political context (Fumarola, 2016). Schedler (1999) defines the concept of accountability which is equal to *answerability* plus *enforcement*. Answerability is about the obligation of government to provide information and justification for the performances or series of performance carried out by political parties whereas enforcement stands for the sanction. Voters evaluate and judge the performance of political parties whether political parties act according to citizens' mandate or not. It is said that power holders are free to act as they choose without any checks and balances in the absence of answerability. In the absence of enforcement, where there are no consequences for failing to provide a satisfactory account, so the process of demanding and providing an account is undermined.

In European democracies, voters' ability to express dissatisfaction with economic performance is affected by specific characteristics of political context (Fumarola, 2016). Government clarity of responsibility (Hobolt et al, 2013), the existence of available alternatives (Anderson, 2000), the influence of the electoral system (Powell, 2000), pluralistic mass media may contribute to the functioning mechanism of accountability, ensuring information about the political acts promoted by the incumbent and the possibility for voters to identify and potentially to sanction it (Fumarola, 2016, 56). In the absence of the competitive environment for politics would be fatal and other institutional environments would inhibit electoral accountability (Besley, 2006, pp. 124-128). Because conventional assumptions about electoral accountability hold that elections enable voters to sanction governments, it is important to recognize that the power of sanction might, in theory, lead to control or to influence, or to something in between (Maloy, 2015). The wave of democracy is spread throughout the world since 1990. However, there is questionable between democratic accountability and competitive election (Maloy, 2014). Problems of voter judgment may have no solution at all or no institutional solution, but theories of and experiments with deliberative assemblies are laudable efforts to investigate that question (Maloy, 2015).

Federalism and intergovernmental policy making may reduce the voter's ability to hold their government (Cutler, 2004). Landa & Duell (2015) argue that social identities increase the weight of representatives' efforts in voters' reelection decisions. When economic conditions are bad, citizens vote against the ruling party (Lewis-Beck, Michael S., 1991). The majority/minority status of the government, party cohesion, opposition committee chairs, and opposition control affects electoral accountability. Hellwig and Samuels (2008) argue that regime type determines the ways and extent to which election enables voters to reward or sanction incumbents. They reveal that voters have greater potential to hold incumbents to accounts under the separation of powers than under parliamentarism. Micozzo (2012) argues drawing experiences from Argentine Senate that electoral

accountability makes a difference in the election system, career ambition, and legislative performance.

Despite wide theoretical and comparative discussion in government's performance and electoral accountability there lacks systematic observation and analysis in Nepali issue. Nepal has experienced frequent political changes since 1990's (re) democratization. It waited for twenty years for third local election – held in 2017 – since 1997. Local government did not have elected representatives for fifteen years.

It is a general assumption that Nepali political parties prepare a very good manifesto but they the elected representatives hardly work in office following pre-election promises. Does it continue in federal Nepal? Nepal has adopted a federal republic system in 2015 explaining individual and common rights of three different tiers of government: local, provincial and federal governments. This study focus on the level and variances of accountability of local governments in changed context.

In this research paper, electoral accountability refers to the capability of elected government representatives to furnish the activities prescribed in their political manifestos as well as in-laws proactively. It also refers to their sensitiveness towards the needs and aspirations of citizens in general and specifically marginalized communities, women, and children and marginalized groups of the community. The performance of the elected representatives refers to the delivery of health, education, drinking water, communication, light services. It also includes drainage management, up-gradation, and construction of road, vital registration and certification and social allowances.

### **Political manifestos of Nepalese political parties**

All major political parties published written manifestos in 2017 local election. Communist Party of Nepal (United Maoist and Leninist) (CPN-UML) presented the main slogan given as 'prosperous, equality and strong foundation for national development: local to central level's government of UML'. According to UML's commitment, each Nepali Citizen will have a share in hydro-electricity. The connectivity will also be diversified. There will be roads, railways, cable cars, air route etc. Economic development will also be based on tourism development. The agriculture sector will be modernized. Arable farmland will have irrigation facilities. The more additional commitment as per UML manifesto includes 'one province on industrial areas'. Human resource development is also another area of commitment. Three international standards sports stadiums having more than 50 thousand capacities will be constructed. Foreign policy will be based on balanced international relations. Out of total revenue, 50 percent of revenue will go to the local government. Integrated settlement programs will be launched. Smart cities will be formed. Each citizen will get free education. 20 percent of the revenue will be allocated in the education sector. Health insurance facilities will be for all. Fifty percent premium will pay by the government for those who are below the poverty line. The local unit will have a well-equipped hospital having 25 beds in rural municipalities and 50 beds in the municipality. The economic policy is guided by the cooperative. As per its manifesto cooperative in each rural municipalities and employment opportunity for each household (*Gauggama Sahakari: Ghargharma Rojgari*). Nepal will be upgraded from least

developed country to medium level income through increasing per capita income more than 5000\$, 15 thousand MW additional electricity would be generated within 10 years.

The manifesto presented by Nepali Congress (NC), the ruling party during the election, has aimed to develop double-digit economic growth. 95 percent literacy rate will be achieved within 10 years. Less than 3 percent of people will be below the poverty line. There will be four international airports. 32 Lakhs tourist will arrive in Nepal. NC will make a 15 bed fully equipped hospital in each local body. Each ward will be connected by a blacktopped road. At least one bank will be installed in each local body. Integrated service the center will be formed.

Communist Party of Nepal (Maoist Center) (Maoist) has 'formally' unveiled its election manifesto for the upcoming local polls, promising swift social and economic reforms. The 30-point commitment letter was made public. Though the party had already made its elections commitment public at the local level, it was the first time the manifesto was formally unveiled. In its commitment letter, the party has pledged to give more power to local bodies. The party has also expressed its commitment to introduce various schemes to help the poor families, unemployed youths, farmers and workers. The party has also promised to provide free internet services. It has also declared to work in reforming the land laws to ensure land to the landless people. Similarly, it has also promised to work on developmental activities.

Instead of making big promises, the party has highlighted its role in institutionalizing historical achievements like federalism. The party has chosen its official election slogan as “Maoist Center’s gift: Singha Durbar in village and municipalities”.

### **Local election provision in Nepal**

753 local governments are in operation in Nepal excluding 77 district coordination committees. There are 293 municipalities and 460 rural municipalities in Nepal. In 2017, the local election was held in Nepal after a long gap of 20 years. There were only three local elections held in Nepal since 1990 (restoration of democracy). The first and second local election was held in 1992 and 1997 respectively. First, two local elections were held under the unitary system of government and the last one under a federal system. Decentralization was the central issue during the first local election. Political parties participate in third local election where constitution has guaranteed power and authorities as local government.

As per the constitution, there shall be a village or municipal executives elected on the basis of one person one vote in accordance with the first past the post-election system. Chief of the local body (chairperson and vice-chairperson in case of village municipality and the mayor and deputy mayor in case of the municipality), ward chairperson, women member, Dalit women member and member are elected through the election. The tenure of each elected member would be five years. As per this constitution, political parties should nominate different gender in case of the chief and deputy chief of the local body while contesting the election. This provision makes sure the representation of both men and women in the top two positions. Two women members including Dalit and minority women and two members are elected through direct election. One voter can vote for seven different candidates in seven different positions. According to this provision, there are 35,041 local

representatives in local government who have both executive and legislative powers. There were 14,054,482 (as of February 20, 2017) voters in Nepal: 7,069,714 men, 6,984,625 women and 143 third genders. These voters were increased by 16.2 percent from the last national constituent election 2013.

**Table 1 Election Result of Local Election 2017**

Positions	UML (%)	NC (%)	Maoist (%)	Others (%)	Total (%)	N
Mayors	42	36	11	11	100	293
Dy Mayors	47	29	15	9	100	293
Chairperson	37	35	16	12	100	460
Vice-chairperson	42	30	15	13	100	460
Ward Chairperson	39	33	16	12	100	6742
Women Members	41	32	15	12	100	6742
Dalit Women Members	41	32	16	11	100	6567
Members	41	33	15	11	100	13484
Total	40	33	16	11	100	35041

Source: Election Commission Nepal, 2017

In 2017, the local election was held in three phases viz. first phase (Province 3,4 & 6), the second phase (1, 5 and 7 provinces) and third phase (Province 2). The result of the election shows that 42 percent of mayors and 47 percent deputy mayors were won by CPN-UML. Likewise, NC won 36 percent mayors and 29 percent deputy mayors and stood second-largest party. Maoist (Center) became third largest party winning 11 percent mayor and 15 percent deputy mayors.

CPN-UML bagged 37 percent chairpersons and 42 percent vice-chairperson of the rural municipalities. Likewise, NC won 35 percent chairperson and 30-percent vice-chairperson in a local election as a second-largest party of the local election. Similarly, the third-largest party in rural municipalities is also Maoist –Center through winning 16 & 15 percent seats of Chairpersons and Vice-chairperson respectively. Likewise, 39 percent ward chairperson's seats are won by UML, 33 percent by NC, 16 percent by Maoist-center and 12 percent by others. In the case of women member and Dalit women, UML won 41 percent seats for each, 32 percent for each by NC, 15 percent for each by Maoist center and rest of 12 percent by other. The same kinds of trends are repeated in the case of members. In totality, 40 percent of seats were bagged by UML, 33 percent seats by NC, 16 percent seats by Maoist-center and 11 percent by others. Out of 11 percent seats, 4 percent seats won by Sanghiya Samajbadi Forum Nepal, 3 percent seats by Rastriya Janata Party Nepal and rest of 4 percent by Nepal Loktantric Forum, Ratriya Prjatantra Party and other fringe political parties. In particular, Sanghiya Samajbadhi Forum Nepal and Rastriya Janata Party Nepal won majority seats in Province No 2. These Terai-based parties were found closely nil in other provinces.

## **Duties and responsibilities of local government in Nepal**

Local government is formed as per constitution 2015 (Part 17 & 18). Right now, there are 753 local governments and 77 district coordination committees. Schedule 8 of the constitution has prescribed the functions that should be carried out by local bodies. There are 22 lists of functions which include police service, cooperatives, and operation of FM, taxations and, management of the local services. Similarly, records keeping and its analysis, basic health services, education services, local market, welfare activities, water supply, disaster management etc. are other functions which should be performed by the local government. Likewise, schedule 9 of the constitution also prescribes 15 types of concurrent power of federal, provincial and local government. On the basis of this constitutional provision, Local Government Operation Act 2017 made details of these kinds of functions. Municipal police service with the objective to enforce the laws can be constituted, operated, managed and set standards by the local government. Cooperative is recognized as one of the economic backbone. Local government can set policies and standards of cooperatives to mobilize local resources. Local government has the power to grant permission for operating up to 100 W local FM. Local government can levy the tax without making any contradiction with federal and provincial laws. These categories of taxation include property tax, house rent tax, land registration tax, vehicle tax, service charge, tourism fees, entertainment tax etc. Local government also formulates policies related to its human resource management. Record keeping and its analysis, designing the master plan for physical development, its implementation, monitoring and, evaluation; delivering health, education, etc are other vital functions of local government. Likewise, disaster management, the welfare of its citizens, management of natural resources, reduction of poverty, vital registration etc are other functions of local government.

Likewise, Inter-government Financial Management 2017 also categorizes the tax system separately for all central government, the provincial government and local government. As per this act, local government can be levied the direct tax which includes property tax, house rent tax, house land registration tax, vehicle tax, land tax, entertainment tax, advertisement tax and, business tax. Similarly, local government can also levy indirect tax such as service fee, tourist fee and, punishment fee. Local government can get 25 percent of total revenue raised from the natural resource. The natural resource here refers to mountaineering, electricity, forest, mining and water and the other resource.

Power, functions and, responsibilities of executives: Chief of village municipal or municipality shall call for meeting under his/her chairmanship to set plans, policies and, programs. He/she shall put forward agendas in the meeting. The chief executive shall allow preparing the budget and presenting it in the meeting. The chief of the local government will depute the deputy chief and executive officer. He/she need to handle the grievances of local people. Similarly, the deputy chief of the local government has to act as a coordinator of the judicial committee. He/she coordinates and supervises the function of local NGOs and 'consumer interest protection group'. He/she presents the monitoring and evaluation report of projects and the program in the meeting. Likewise, Ward chair is a prime position in the local government. The ward chair has to set plans, policies and, the program at his/her ward. He/she should supervise, monitor and evaluate the programs which have launched within

his/her ward. He/she is at the bottom where everything has to implement. Sole burden goes to Ward chairs and they are supported by ward members.

## Research methodology

This study was conducted in Sindhuli and Surkhet districts: two out of 75 districts of Nepal. Both districts had a unique feature. Both districts touch Terai and hilly ecological regions of Nepal. Sindhuli represents from the Eastern-part of Nepal had slightly less populous than Surkhet which is from the Western-part of Nepal. Both districts are different in terms of demographic compositions, literacy rate and, others. Regarding local governments, Sindhuli has 9 local units (7 rural municipalities and 2 municipalities) whereas Surkhet has 10 local units (4 rural municipalities and 6 municipalities). For the details comparison, see annex 1. Survey was conducted in randomly selected fourteen different local governments (five Municipalities and nine Rural Municipalities) of Sindhuli and Surkhet districts (6 from Sindhuli district and 8 from Surkhet districts). Four hundred fifty-five respondents (213 from Sindhuli and 242 from Surkhet) who visited local government for service have agreed to participate in survey during February 4-6, 2018 in Sindhuli district and January 15-17 in Surkhet district. The limit for respondents in each local government is thirty (Annex 2 &3).

In addition to this, 28 interviews with Chairpersons, Vice-chairpersons and Executive Officers of rural municipalities (two from three) and Mayor, Deputy Mayors and Executive officers of Municipalities (here too, two from three) conducted through open-ended questionnaire. To determine the level of electoral accountability, simple percentage tool was also used. To find out the relationship between the performances of local government with electoral accountability, Pearson's correlation technique was employed. The result was also validated through the interview with the authorities of local governments.

## Findings

### Electoral accountability

To find out the level of electoral accountability at the local level in Nepal, questions such as the capability of the local leader to carry-out the job as promised during the electoral campaign and prescribed laws; their reactivity towards citizens' need and aspiration, fairness for treatment, the satisfaction of local people, setting the priority of the function etc. were asked to the respondents.

**Table 2. Electoral Accountability in Nepal**

Variables	Sindhuli			Surkhet		
	Agree	Disagree	N	Agree	Disagree	N
I found local body's elected leaders are capable person to run local body.	69	31	207	30	70	227
I found their behavior is proactive towards ordinary citizens.	68	32	209	54	46	230
They treat citizens equally, impartially and fairly.	67	33	208	59	41	228

Employees of local bodies are sensitive towards citizens' needs and aspirations.	67	33	204	60	40	222
I found local leaders and employees are working as per rules and regulations of local body.	69	31	200	56	44	214
I am satisfied with local leaders and employees working style.	67	33	205	58	42	226
I found local leaders and employees give priority to women.	74	26	204	62	38	227
I found local leaders and employees give priority to elderly people.	79	21	211	62	38	223
I found local leaders and employees give priority to socially marginalized community.	67	33	201	43	57	224
I found local leaders and employees are working as per choices of local people.	65	35	202	58	42	221
I found citizens are holding local leaders and employees.	63	37	208	57	43	217
I found they advise the process of work to be done precisely.	62	38	208	62	38	213

Source: Field Study, 2018

About two-third respondents of Sindhuli argued that local leaders are capable to run the local level. However, the respondents of Surkhet doubt their capability. Relatively, leaders' pro-activeness towards ordinary citizen relatively better in Sindhuli district comparing to Surkhet district. The same kind of observation was found in their fairness, impartiality and equal treatment. The follow up of rules and regulations was found a bit of doubt in both cases. Two-third of respondents in Sindhuli told the leaders follows the rules and regulation whereas only 56 percent of respondents claimed so in Surkhet district. The level of satisfaction was in medium level in both districts. Priority for women, children, elderly people and the marginalized community was relatively better in Sindhuli district than Surkhet district. More than one-fifth percent respondents viewed that people were able to hold locally elected representatives. In sum, the level of electoral accountability relatively found better situation in Sindhuli district rather than in Surkhet district.

### **Local government's performance and electoral accountability index**

The opinion on commitment in pre-election promise (presented in manifesto by major political parties) and Local Government Operation Act, 2017 was asked to the respondents. As per their commitment, basic services such as health, education, toilet, drinking water, road, peace and security, vital registration, communication and light will make available to the people and access to all citizens. While testing their relationship with electoral accountability, some of the services which have significant relationship with the performance of local government are found. This was tested by Pearson Coefficient correlation methods. The health service delivery which was measured in terms of their accessibility, immunization, delivery by skill births attendants, had a significant relationship



with electoral accountability in Surkhet. However, some of the performances of these indicators were not have a significant relationship with electoral accountability index in Sindhuli district.

In the same line, delivery of education was also same nature in both districts. Surkhet district has better situation than in Sindhuli district. However, the issue of drop rate in school education was not addressed by the elected representatives in both districts. The data showed the relationship between drop rate and electoral accountability index had insignificant relationship. The availability of trained teachers and accessibility of disadvantaged groups both had significant relationship with the electoral accountability index in both districts.

In both districts, toilets, drinking water, houses of local inhabitant, cooking stove, house foundations etc had insignificant relationship with electoral accountability index. These services which were promised by elected representatives were not delivered by them at the significant level.

**Table 3 Local government performance and electoral accountability**

	Sindhuli			Surkhet		
	Pearson coefficient	Sig	N	Pearson coefficient	Sig	N
Health institutions are easily accessible.	-0.038	0.633	164	.198**	0.016	147
Children below five years in local body	0.052	0.519	157	.222***	0.008	142
Accessible for immunization	0.131*	0.094	163	.234***	0.005	145
Pregnancy check up	0.102	0.209	154	0.152*	0.07	144
Delivery by skilled birth attendants	.160**	0.048	152	0.106	0.205	144
Schools are easily accessible.	-0.07	0.377	163	.207**	0.013	145
Admission rate at the schools	0	0.998	159	.207**	0.012	146
Not admitted students.	0	0.997	161	.235***	0.004	147
Drop rate at schools	0.012	0.885	159	0.062	0.464	144
Availability of appropriate class room	.183**	0.02	160	0.103	0.22	144
Availability of trained teachers	.252***	0.001	159	.163**	0.049	147
Accessibility to DAG at school	.231***	0.004	156	.230***	0.005	149
Toilet	-0.022	0.776	165	0.08	0.337	148
Drinking water	0.021	0.792	165	0.037	0.658	146
Houses of local inhabitant	-0.057	0.47	165	0.096	0.244	149
Cooking stove/fuel	-0.095	0.225	164	0.02	0.81	148
House foundation	-0.096	0.223	162	0.15	0.068	149
Communication	-0.039	0.618	163	.185**	0.023	151
Light	-0.021	0.793	162	.201**	0.014	148
Drainage system at your localities	-0.006	0.941	153	.233***	0.005	147
Status of road	0.075	0.355	156	.240***	0.003	150
Peace and security	0.154*	0.053	159	.253***	0.002	150
Vital registrations	0.114	0.148	162	.205**	0.013	148
Certification of relation	0.089	0.263	160	.267***	0.001	149

Approval of map of the house	.178**	0.032	146	0.124	0.128	151
Other certification	.252***	0.001	159	.187**	0.023	148
Social security	0.132*	0.096	161	.191**	0.019	151
**. Correlation is significant at the 0.05 level (2-tailed).						
***. Correlation is significant at the 0.01 level (2-tailed).						
*. Correlation is significant at the .10 level (2-tailed)						

Source: Field study, 2018

Communication, light, drainage system, the status of road, vital registrations, certification of relationship etc had significant relationship with electoral accountability index in Surkhet but not in Sindhuli District. On the contrary to this, approval of the map of the houses has significant relationship with electoral accountability in Sindhuli district but not in Surkhet district. Peace and security maintenance, other certification and distribution of social security allowances had a significant relationship with electoral accountability index.

The result from ordinary citizens' remarks showed that some of the performances were better in Surkhet district rather in Sindhuli district. They viewed that lack of financial resources, lack of knowledge, lack of human resource as well as the lack of rules and regulations hindered for better performance of the local representatives are major reasons for variances.

The local government of Nepal was formed in 2017. These were led by elected representative after 20 years of long intervals. They had not formed financial base for the running local government, were dependent on central grants. The local representatives also did not have technical ideas to lead the local government. The supportive staffs were also found not sufficient as per requirement. Those who were in job were not capable to translate policy into realities through plans, policy, program and projects. Because of newly established local government, there were required hundreds of rules and regulations, were not formulated. Some of the performances were also hampered due to the lack of rules and regulation. Another important reason which was outlined by an employee, local representatives were also not much interested in the areas where they did not get benefits personally. Another executive officer outlined the reasons that hampered the performance of local government to ensure electoral accountability included more expectation of people, lack of financial resources, lack skilled human resources, insufficient infrastructure, lack of coordination between and among employees and local representatives.

## Conclusion

Electoral accountability is a vital-indicator whether democracy is functioning as per citizens' need and aspirations. Citizens need to hold elected representatives otherwise they act what they like. Elected representatives should give the answer whether they act according to their commitment made before election and existing rules and regulations. They should be able to sanction their promise and commitment when they come in power. Nepal formed the local government through the constituent assembly. There are 753 local governments. In 2017, the local election was held after 20 years long gap. From the elections, about 40 percent seats of local government won by UML, 33 percent by NC,

16 percent by Maoist Center and rest 11 percent by others. As the largest party in the local election, the major share of electoral accountability goes to UML. Translation of UML's manifesto under prevailing laws is a prime indicator of electoral accountability. From field study, it showed that elected representatives in Sindhuli district are accountable than Surkhet districts' representatives. However, both the districts' representatives are neither best nor bad. While testing, the relationship between performance and electoral accountability index, Surkhet district has a relatively better situation than Sindhuli district. Almost all performance except toilet, drinking water, building house etc has a significant relationship with electoral accountability index in Surkhet district. Outlined reasons not having desired electoral accountability at the local level as identified from the interview include lack of required laws, lack of human resource, lack of infrastructure, newly formed local government, and lack of coordination between and among employees and representatives etc. There is also a hidden factor not being serious about their performance at the local level include deceived attitude of the local representative. They have invested a lot of money in the election. They wanted to collect it during the tenure. Such factors have been hampering electoral accountability at the local level in Nepal. Therefore, it can be concluded that the local electoral accountability in Nepal is in the transitional state. Local representatives, employees and people are learning electoral accountability at the local level in Nepal.

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#### Annex 1. Comparison of Sindhuli and Surkhet District

Variables	Sindhuli District	Surkhet District
a. Population(number)	296192	350804
Male(number)	142123	169421
Female(Number)	154069	181383
b. Caste and ethnicity		
Ethnic groups (in percent)	64	24
Dalits (in percent)	12	25
Brahman/Chhetri (in percent)	23	50
Madhesi (in percent)	1	1
Others	>1	>1
c. Literate (in number)	165389	233794
Male (in number)	90721	125511
Female (in number)	74668	108283
d. Literacy rate (in percent)	60.53	73.12
d. Area (Sq. km)	2491	2451
e. Population density(Per sq. km)	119	143
h. Households (in number)	57544	72830
i. Rural municipality	7	4
ii. j. Municipality	2	6

Source: CBS, 2014

**Annex 2. Respondents from each local body**

Name of rural municipalities and municipalities	Name of district		Total
	Sindhuli	Surkhet	
Barahtal Rural Municipality	0	30	30
Bheriganga Municipality	0	32	32
Birendranagar Municipality	0	30	30
Chingad Rural Municipality	0	29	29
Golanjor Rural Municipality	30	0	30
Gurbhakot Municipality	0	30	30
Kamalamai Municipality	63	0	63
Lekbeshi Municipality	0	30	30
Marin Rural Municipality	30	0	30
Panchpuri Municipality	0	32	32
Phikal Rural Municipality	30	0	30
Simta Rural Municipality	0	29	29
Sunkoshi Rural Municipality	30	0	30
Tinpatan Rural Municipality	30	0	30
Total	213	242	455

Source: Field Survey, 2018

**Annex 3. Characteristics of respondents**

		Sindhuli	Surkhet
Types of respondents	Ordinary citizen	60	46
	Political cadre	7	9
	Local level employee	16	16
	Ethnic group	7	14
	Marginalized groups and Dalits	3	4
	Social workers or mobilizer	6	6
	Others	0	6
Gender	Male	58	50
	Female	42	50
Religion	Hindu	95	81
	Muslim	0	8
	Christian	1	7
	Buddhist	4	4

Literacy	Illiterate	8	4
	Literate	92	96
Occupation	Working	38	18
	Self-employed	22	25
	Unemployed	20	15
	Retired	2	2
	Student	8	30
	House wife/home maker	10	10
Monthly income	Upto Rs 10,000	42	32
	Rs 10001-20000	24	35
	Rs. 20001-30000	28	29
	Rs 30001-40000	4	3
	Rs 40001-50000	1	1
	Rs 50001 above	1	1
	Total	100/213	100/242

Source: Field Study, 2018

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**Tourism: A Tool for Track-two Diplomacy in Promoting People-to-People Relations  
Between Nepal and China.**

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**Abstract**

*This paper is a treatise on how citizen diplomacy between Nepal and China could be leveraged by adapting tourism industry as a track two intermediary sector. Believing that the apparent insufficiencies and repudiation created during inter-governmental deliberation through track-one diplomacy could be enhanced through track-two diplomacy as an effective measure, this paper attempts to recognize the role of tourism industry in establishing alternative political channel of communication which pulls the cooperation of track one decision-making that benefits people of Nepal and China. Both nations can draw strength from the diversity that prevails irrespective of uneven size, power potential, historical complexes and different speed in the development. This paper also tries to address the gap in the academic arguments regarding the conceptualization, essence, and practicability of citizen diplomacy in foreign policy processes and explores multiple micro-level themes and actors enhancing citizen diplomacy through the tourism industry in the context of Nepal-China relationships. Based on the aforementioned scene, the researcher situates the experience as an exchange fellow student, vis-à-vis tourism and the peace-through-tourism idea and mention ways of people-to-people engagement for multiple stakeholders.*

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## Background

A novel interaction between individuals from different states can forge one new friendship at a time this phenomenon is called citizen diplomacy. This form of diplomacy is about interstates connection through people-to-people relations where states try to showcase the best of its region through international business, educational and cultural exchanges, personal interactions, etc. These endeavors generate an amicable atmosphere that fosters mutual understanding and prosperous bilateral relations; hence citizen diplomacy is the idea that citizens have the right and duty to shape foreign relations. Tourists can be citizen diplomats if they are motivated to engage in dialogues with the host community. This paper unravels the several aspects relating to citizen diplomacy between Nepal-China and gives a special focus on the country image of both of the countries amongst one another in special reference to the tourism industry. The study discusses measures that Nepal needs to adopt for reaping maximum benefit from China's outbound tourism by projecting a favorable country image for tourists. The country image is the mental representation of a country that sums up the beliefs and impressions people hold about nations. Every nation has an image that can vary across time and space, Nepal has achieved a phase of political stability after many decades. There is a need for self-identification and revival of its unique country image in the international arena apart from just being known as a small country situated between India and China. Nepal is part of the Belt and Road initiatives (BRI) and the founding member of the Asian Infrastructure Investment Bank (AIIB). China has already nominated Nepal as a member of the silk road tourism cities and Shanghai Cooperation Organization (SCO) dialogue partner these affiliations will provide a platform to strengthen and develop trade, tourism, and investment in Nepal. The aforementioned initiatives are emphasized as the "Chinese dream" in international politics. Chinese dream refers to the social and political ideology proposed by Chinese President Xi Jinping, which entails aspirations like attaining well-being and happiness to achieving respected Great Power status, social unity and national success (Bhandari, 2019). The massive Chinese investment in South Asian region has increased Beijing's influence in South Asian neighborhoods (Wagner, 2017; in Pandit, 2019). Being a neighboring country to China, Nepal needs to materialize the concept. It is high time for Nepal to redefine its relations with China at the micro-level by creating mechanisms where the people from both nations can come together and share their stories, learn from each other, know about one- another despite the language barrier. Several image-building efforts, project, events can be attributed in the form of intellectual forums, informative campaigns, common experience sharing forum i.e. earthquake technology and lesson learning, dark tourism, combine research, educational projects, scientific research about mountains, trails, religious tourism, Buddhism, mountain people, cross-border tourism and trade. These linkages are the source of competitive advantage, promoting a positive image of tourism, exports, foreign direct investments and foreign policy of the country (Vicente, 2004; in Tafadzwa & Olabanji, 2014).

## Significance of the study

The concept of the research paper is inspired from Fullerton and Kendrick's (2017) 'Model of country concept' that offers a new and inclusive lens through which to view the fields of nation branding and public diplomacy to illustrate how a nation's image gets established, shaped and maintained in the minds of global citizens. Model describes how six elements: people,



tourism/tourism promotion, brand exports, governance/foreign and domestic policy, investment and immigration, and cultural exports have a direct effect on nation branding, governance/foreign and domestic policy directly plays into the public diplomacy realm. Among these major channels, researcher tries to debrief tourism as a tool that influences Nepal-China people perceptions.

In spite of the geographical proximity and close high-level contact China and Nepal had little trade and cultural exchange for most parts of the 20th century. For one, Nepal borders the most sparsely populated areas of Tibet, with poor transportation conditions that make border trade difficult; for another, Nepal has been under the overwhelming influence of India both economically and culturally, thus its relationship with China could hardly improve whilst China-India relations bumped along slowly. But over the past two decades, China has been enhancing political, diplomatic, economic and cultural exchange with Nepal, getting even closer (Sharma, 2019).

This research work explores on how Nepal and China can cooperate at the micro-level through tourism as track-two intermediary sector. Tourism is a vital part of the burgeoning bilateral relationship (Mulmi, 2020). Nepal's tourism industry got badly affected by the devastating earthquake in 2015 and decade long political instability. Now, that Nepal has promulgated a constitution on Sep 20, 2015, and achieved a stable government favorable for tourism development. The renaissance for Nepal requires more effort and investments than ever. As a historically intimate friend of China, Nepal needs to look north for development and cooperation issues, while China has already articulated more west policies to hold up its development string to the western region. Chinese outbound tourism is massive and Nepal is an enticing destination for tourists around the world with naturally blessed infinite natural resources, cultural diversification, and wildlife diversification. Hence, Nepalese tourism professionals need to lure more Chinese visitors partnering and cooperating with tourism promotional bodies in China. To sum of all, this is a ripe moment for enormous micro-level engagement that strengthens people-to-people relations.

## Research gap

How people-to-people contact actually meets the notion of foreign policy aim is hard to measure. The effectiveness of such exchanges cannot be exaggerated either. For instance, the expectation that tourists will serve as "ambassadors for country" is more a beautiful slogan than reality (Dynton, 2013; in Chen & Duggan, 2016). Tourists generally come in groups on packaged tours. Their destinations and routes are normally fixed. They meet locals who have been more or less trained to cater to their needs. Furthermore, cultural encounters are not always peaceful. Misunderstandings and cultural clashes can damage the relationships between people and create unpleasant impressions of one another. Again, how such individual-level and cultural-level of exchanges can affect state-level relations is unclear and difficult to measure. There is great ambiguity in evaluating the soft-power influence of China's outbound tourism to Nepal, a comprehensive measurement cannot be offered. The work identifies promising directions as well as weaknesses and gaps in existing knowledge and outlines a new research agenda. Nepal is a country strategically located, sharing a border with China in the North and with India in East, West, and South. It was tough to find literature on people-to-people relations between Nepal and its northern neighbor China. Nevertheless, Nepal's interaction with India has been more vibrant because of common religious and cultural ties, age-long friendships,

and open borders between the two countries (Bhandari, 2019, p.61). Hence, this research aims to fulfill the gap in the existing literature by exploring ways of leveraging people-to-people relations between Nepal and China.

## Review of literature

### China-Nepal relation

Nepal and China relations began between Nepal and Tibet (China) since the medieval. The princess of the *Lichhavi* regime (600 CE) named “*Bhrikuti*”, got married to Tibetan Emperor “*Songtsan Gambo*” (605-650 CE) and believed that she contributed a lot to explore Buddhism and Nepali Art and Culture over Tibet. Historical records show that friendly exchange of Nepal and China dates back to as early the mid-7th century and at that time China and Nepal had already started exchanging emissaries. Fahien, Chinese eminent monk in the Jin dynasty and Huen Tsang, another famous eminent monk in the Tang dynasty visited “Lumbini” the birthplace of Lord Buddha. While talking about the history of the Nepal-China relationship, one cannot forget the legend “Araniko” in Chinese “*ah nige*” (1245-1306)<sup>13</sup>, who contributed to ancient Nepali Art (pagoda) to explore in China. The relationship between Nepal and China is not only limited to cultural and religious aspects but also various streams, from the legend of Manjushree coming to Nepal and making Kathmandu livable by cutting out the gorge at Chovar to follow the drains to cross-border exchange for commercial motives. Nepalese traders used to travel to Lhasa for business purposes and the Tibetan traders also found coming to Nepal in connection with their business activities. The two countries formalized their relations on 1 August 1955 by establishing diplomatic relations. The relations between the two countries have been marked by friendliness, understanding, mutual support, cooperation and respect for each other’s sensitivities. Both countries have relentless faith in the ideals of the Five Principles of Peaceful Co-existence (MoFA, 2019).

### Public diplomacy and tourism

Earlier definitions describe public diplomacy as “direct communication with foreign peoples, with the aim of affecting their thinking and, ultimately, that of their governments” (Malone 1985, 199; in Palash, 2017). The definition also suggests a two-step influence process: first, direct communication designed to create supportive public opinion in another state; and second, pressure by the informed public on its government to adopt friendly policies toward the country employing public diplomacy. Tuch (1990; in Palash, 2017) defined public diplomacy as “a government’s process of communication with foreign publics in an attempt to bring about understanding for its nation’s ideas, institutions, and culture, as well as its national goals and policies. The definition of public diplomacy is updating along with development in international relations and communications. Public diplomacy means yielding soft power. A grand strategy today requires integration and application of three fundamental components: force, diplomacy, and communication. To achieve this outcome, an actor may employ two elements of hard power—coercion (sticks) and payments (carrots) and/or attraction (soft power). Soft power, according to Joseph S. Nye, occurs “when one country gets other countries to want what it wants”. For Nye, soft power primarily relies on three resources: a country’s culture, its political values, and its foreign policies (Nye 2005).

## Tourism and its development in China

The earliest Chinese outbound travel began in 1983. In 1995, the government of PRC established five-day workweeks and declared 1996 the Year of Leisure and Vacation. Accompanying such policy changes were the growth of *xiuxian wenhua* (the culture of leisure) and *luyou wenhua* (the culture of travel), as well as the growth of a leisure industry (Xiao, 2003; in Chan, 2006). *Luyou re* (the craze for travel) has certainly been a prominent cultural phenomenon in China; there are two levels of travel in the '*luyou re*'. One is a national tourism *benguo luyou*, the other is outbound travel *chuguo luyou*. Outbound travel came into vogue as China signed more and more agreements with different countries to open new destinations for Chinese tourists. Along with the acceleration of economic reform and development, Chinese people's freedom to move has simultaneously expanded. China's GDP and individual incomes have increased considerably during the last two decades and rising disposable incomes have triggered higher travel and leisure expenditure (Chan, 2006).

### China outbound tourism: A tool of soft power

Since the concept of 'soft power' was introduced to China in 1992, it has generated many discussions and has become a core concept in the Chinese Communist Party (CCP) policy framework. Diplomatic means, as well as cultural, economic and political mechanisms, have been used to exercise soft power over the Chinese populace for either agenda-setting or attraction (Cho & Jeong, 2008; Kurlantzick, 2007; in Xu, Wang & Song, 2018). In November 2003, Bijian Zheng, the Chairman of the China Reform Forum in President Jintao Hu era, promoted the term 'the peaceful rise' (*heping jueqi*), which has re-emerged as the 'peaceful development' in 2004. Soft power is now an important strategy in the development of contemporary China, which is a country in transition moving from socialism to quasi-capitalism with socialist characteristics (Kwek, Wang, & Weaver, 2014). There is growing agreement among scholars in tourism studies that both outbound and inbound tourism as a forum of people-to-people exchange is a tool of soft power (Stumpf & Swanger, 2015; Gou, Li & Wang, 2014; Weaver, 2015; Kwek, Wang & Weaver, 2014). Tourists are becoming unofficial ambassadors engaged in building soft power (Tse, 2013; in Xu, Wang & Song, 2018). According to the statistics of the China National Tourism Administration, 62.03 million outbound trips were made in the first half of 2017, which is an increase of 5% compared with the same period in 2016 and ranked the first among all countries in the world. One important reason for the growth is that the number of outbound tourism destinations included in the Chinese passport has greatly increased to 153 countries/regions. Among them, 65 countries/regions have provided convenient visa policies to Chinese tourists by July 11, 2017. Notably, the Chinese outbound tourism market still has great potential, since 90% of Chinese citizens still have not applied for passports for outbound tours. Although, the Chinese citizens have a very short history of traveling to foreign countries (Xu et al., 2018), yet at the present moment the outbound border-crossings reached 122 million trips in 2016 which have elevated China to the status of the world's largest outbound tourism market, and the expansion continues with an outbound tourism consumption of 109.8 billion U.S. dollars (CTA, 2017). Its effects are all-compassing and include projecting an image of a prosperous and strong China, showcasing the stability of Renminbi (RMB), refuting the 'China threat theory', boosting national confidence and enhancing the status of overseas Chinese (Fan, 2010; Xu et al., 2018).

It is found that tourism-based soft power is being built both through government policies, which include approved destination status, tourism culture activities, tourism foreign aid, and tourism cooperation as well as interactions amongst the tourists and hosts in addition to businesses, and depend mainly on its economic power, agenda-setting, and somewhere between hard and soft power, rather than upon the country's attraction (Xu, et al., 2018). Tourism and politics are highly intertwined (Butler & Suntikul, 2017; Hall, 2005; in Seyfi & Hall, 2018). On one hand, politics and political change have an effect on how tourism develops in a destination and, on the other, tourism has political consequences, that are international and/or domestic in scope (Hall, 2010; in Seyfi & Hall, 2018, p.5). China controls its outbound tourism through the Approved Destination Status (ADS) scheme, a series of bilateral agreements with other countries that allow Chinese tourists to travel overseas in tour groups and countries that are part of the ADS are only allowed to promote their tourism markets in China. This is a form of sanction by the government. Sanctions have significant implications for travel and tourism (Seyfi & Hall, 2018a, 2019a, 2019b; Hall, 1994; Seyfi, Hall, & Kuhzady, 2019; in Seyfi & Hall, 2019). However, a review by Hall (2017) shows that sanctions have not been noted as a significant theme in the tourism and geopolitics literature, despite the significance of politics and foreign policy in relation to tourism as well as the mobility of individuals within geopolitical systems (Hall, 2017; in Seyfi & Hall, 2019). Sanctions and economic boycotts have frequently been used as a means of international public and 'carrot-and-stick' diplomacy (Hall, 2005; Leyton-Brown, 2017; in Seyfi & Hall, 2018). Nepal is the first South Asian country to receive an "approved destination" for Chinese visitors in 2002 A.D (Mulmi, 2020). There are criteria to guarantee the principle of reciprocity, meaning that not only does the number of Chinese tourists to other countries increase, but the number of visitors from other countries comes to China. Additionally, according to Hall (2017a; in Bhandari, 2019), geopolitics is important in tourism because; i) tourism is implicitly geopolitical activity; and, ii) on many occasions' tourism is subject to the outcomes of the geopolitical activity. In such a situation a geopolitical approach to tourism allows us to better "understand world politics in terms of the ways in which elites and publics actively construct the spaces of political action that are then the medium for the policies of states and other actors" (Agnew, 2010 cited in Hannam, 2013, p. 184). In 2014, cultural similarities, geographical proximity, and hence lower travel costs continued to make Asia the most popular destination for Chinese tourists (*Travel China Guide*, 2014; in Chen & Duggan, 2016).

## Research methodology

This paper adopts an exploratory qualitative research design and examines research methods used to investigate linkages between public diplomacy and tourism. The secondary reviews include models, paradigms and comparative analysis. The primary information is acquired through surveys and interviews. To assess the track-two diplomacy and its tourism impacts, the researcher conducted a convenient survey about Nepal's country image to Chinese citizens with the objective to explore Chinese native's awareness of Nepal. The researcher wanted to discover potential effects of tourism openness on bilateral relations between Nepal and China hence the perception of tourism stakeholders from private sectors from both Nepal and China were interviewed to identify the current challenges and assess the recommendation for better relations. The response was collected in the duration of four months (March 2018 to June 2018) as a research fellow at Sichuan University, 137 respondents are interviewed. The researcher was interested in whether opinions differed according to

socio-demographic characteristics such as age, gender, education, etc. There were no differences in specific. The natives from both nations, who participated in the interview held very positive views about the tourism benefits between Nepal and China. Desk review was conducted, several speeches from the head of the state of both the countries were reviewed, tourism policies of both the nation were assessed, historical milestones forwarded to strengthen bilateral relation between Nepal and China was reviewed. Along with that several news about Nepal- China relations, diplomatic visits between Nepal and China since the inception of diplomatic relations in 1955 to 2019 was analyzed during the research process. Several kinds of literature on tourism working as a tool of track-two diplomacy to promote people-to-people contacts were reviewed which consisted of best practices on citizen-based diplomacy. With the amalgamation of the aforementioned techniques, the work identifies promising directions as well as weaknesses and gaps in existing knowledge and outlines a new research agenda that provides practical recommendations to several tourism stakeholders working in Nepal-China tourism field.

This study is based on the discipline of international relations. This work was initially a part of a research assignment submitted to the Institute of South Asian Studies (ISAS) of Sichuan University in 2018 as a research fellow. After the completion of the fellowship, the researcher further continued the study in Nepal and the work has been thoroughly revised in the form of a research paper.

### **Findings and analysis**

In the course of exploring Nepal-China informal engagement on the micro level, the researcher identified several themes that could acme the people-to-people relation between Nepal and China. The researcher has shaped the findings and analysis by positioning Nepal as tourism host to the Chinese guests.

### **Tourism theories in the context of Nepal-China tourism linkages**

This paper tries to analyze the interactions of an Asian host and an Asian guest, within specific social, cultural and historical contexts. The researcher uses two of the most widely quoted tourism theories in the context of Nepal- China tourism linkages, namely, John Urry's (2000) 'tourist gaze' and Dean Mac Cannell (1976) 'staged authenticity'. John Urry's tourist gaze is something socially organized and systematized by tourism and tourism-related institutions, including tourist agencies, television travel programs, travel books, advertisement, as well as all sorts of semiotic reproductions of touristic images that satisfy the quest of tourists for something extraordinary. The tourist gaze is a political one; it has framed a major type of power politics in tourism, concerning not only the power of tourists to travel to other places to gaze upon 'others' but also the power of those which authorizes and shapes such gazes. Based on Urry's (2002) gaze, this article analyses the gaze of Chinese tourists. But instead of looking into how the tourism industry structures such gaze, it illustrates the 'modernity urge' of the Chinese gaze intersecting with Mac Cannell's (1976) thesis of the quest for authenticity. Urry's tourist gaze solely focus on the tourist, it ignores the gaze of the host. In this article, the researcher tries to position the host gaze together with the tourist gaze in order to stress that the host's collective power of 'gazing' (at the tourists) and manipulating such a gaze is as important as that of the tourist gaze. Once the tourists reach a tourist destination, it is not only the local people who are on

display, the tourists also immediately constitute part of the visual reality of the local landscape, and are exposed to the close scrutiny of local gazes. The Nepalese gaze, in this case, is particularly ferocious when taking into consideration that it contains an accumulation of stereotypical perceptions of the language barrier. The host gaze received from tourism workers in Nepal about Chinese tourists mostly paraded issues of language barrier, comments included: they come in massive numbers and virtually fill up many tourism destinations in the region, stroll along the main streets, visit historical sites and temples, and shop a lot- souvenir shops and visit the markets where every group member buys similar things. Local people could still distinguish them through the way they dress, talk, speak or gesture.

In analyzing literature about Chinese tourists in Nepal, Dean Mac Cannell (1976) 'staged authenticity' is coincided with authenticity by Mac Cannell, which is not particularly a concern of Chinese tourists. Very rarely would they search for 'naturalness' and a simpler, purer form of life, nor is there an urge for deeper communication with local people in unfamiliar places. As many of them do not speak languages other than their own, many are actually 'afraid' of talking to strangers. The majorities of the Chinese tourists are travel abroad in package tours and are brought to places in air-conditioned tourist buses for sightseeing and shopping. Some might complain about the lack of fun and excitement of the scheduled programs, but seldom would they ask to check out the everyday life of people. Chinese tourists request for things to be touristic rather than the authentic. Nepalese tourism workers deem Chinese tourists not to be interested in visiting places and seeing mountainous region inhabited by the ethnic people. A travel agency manager explained, 'Chinese tourists are not interested in ethnic groups. They hate walking too much. They have a habit and eagerness to evaluate a place in light of its infrastructural development. In the last three decades, China has developed from a country of extreme poverty to a fast-growing economy and is now undertaking a rapid modernization process. Pervasive nationalistic discourses of modernization and getting rich and strong have invaded most public and private space in the whole nation. Being shaped by a heavy developmental mentality, the gaze of the Chinese tourists acts like a torchlight searching for signs and representations of development and underdevelopment.

### **Perspectives of stakeholders on Nepal-China relationship**

The leaders and stakeholders from both Nepal and China have been showing an affirmative response on people to people relations between the countries. This can be justified through statements from several stakeholders : Chinese President Xi Jinping (2017) urging the two countries to intensify people-to-people exchanges, cooperation between local governments, and collaboration in promoting Nepal's tourism in China; the Chinese Vice Premier (2018) Wang Yang highlighting Nepal and China as natural friends and partners in several interviews; Nepali Prime Minister K.P Sharma Oli (2018) highlighting the role of China to be very instrumental to enhance bilateral cooperation through cross-border railroad connectivity, energy, transportation, infrastructure development, investment, tourism, and people-to-people contacts under the Belt and Road Initiative; ambassadors from both nations conferring great importance to bilateral tourism cooperation in promoting people-to-people exchanges and creating harmonious relationships.

On top of that, the two-day (October 12, October 13, 2019) Nepal visit by the Chinese head of state President Xi Jinping after 23 years is the milestone for Nepal-China relations. President Xi's visit is

taken as a herald for new beginning in Nepal-China relations that deepens bilateral cooperation in multifarious sectors (Acharya, 2019). During the visit, President Xi and Prime Minister of Nepal KP Sharma Oli witnessed the signing of 20 memorandums of understanding and agreements to promote bilateral cooperation. The agreements include a boundary management system, the establishment of a sister city relationship between Chinese and Nepalese cities and the establishment of Confucius Institute at Nepal's oldest Tribhuvan University. The understandings and agreements were about cooperation on governance capacity building, traditional medicine, disaster risk reduction, and emergency response, a treaty on mutual legal assistance in criminal matters, promoting key projects on investment and cooperation, feasibility study of China-Nepal cross border railway project, and Sagarmatha protection cooperation among others. President Xi assured that China will assist Nepal in transforming itself from a landlocked country to a land-linked country by developing the Trans-Himalayan Multi-Dimensional Connectivity Network. This indicates opening of many trade transits with Nepal, the additional entry points will surely enhance the connectivity between the two countries (Bhujju, 2019). This demands on the need of improvement of tourism facilities for tourists in Nepal as conveyed by several private tourism stakeholders in Nepal who believe that the promotion should be focused on the quality services and sound infrastructure for the tourists. There's a misconception about the Chinese tourism market in Nepal as people perceive the Chinese market as a lower end based on larger quantity (Lee, 2019). Nepal has to open the market for high-end tourists from China. A country needs not a larger number of tourists, but quality customers.

### **Nepal's brand dimension amongst Chinese guests**

A place is a culture that makes it a place and there is no place branding devoid of an understanding of culture(s) that make a place (Evans, 2003; in Almeyda, 2017). Konecnik and Gartner (2007; in Almeyda-Ibáñez & George, 2017) proposed four brand dimensions: Destination awareness, destination image, destination quality, and destination loyalty. In this study, these dimensions are analyzed in the aspect of Nepal's country image as host and Chinese visitors' expectation and perspectives as a guest. Destination awareness represents the strength of brand presence in the mind of the target market (Pike & Page, 2014; in Almeyda-Ibáñez & George, 2017). Destination image is the multi-dimensional construct influenced by cognitive (beliefs and knowledge about destination/brand) and affective (feelings toward the destination/brand) images that jointly affect the tourist's behaviors (Qu, Kim & Im, 2011; Smith, 2005; Balojlu & Brinberg, 1997; in Silva, Castenholz & Abrantes, 2013, p.17; Almeyda-Ibáñez & George, 2017, p.12). Destination quality surfaces to how tourists perceive the quality of the environment surrounding the destination specifically, the quality of accommodations, food, atmosphere, and personal safety among others. Keller (2008; in Almeyda-Ibáñez & George, 2017) identified seven dimensions of product quality: performance, features, conformation quality, reliability, durability, serviceability, style, and design. Destination loyalty deals with the intention to revisit the destination and desire to recommend it to others.

Upon asking the question about country image of Nepal to Chinese citizens with whom the researcher got to interact with, Nepal's image was portrayed as a neighboring country having good terms with China, the birthplace of Lord Buddha, land of brave Gurkha warriors who carried '*Khukuri* (national weapon of Nepal), country with many mountains, countries hit by massive earthquake, country

featured on a Hollywood movie named '*Doctor Strange*' etc. These impressions prove Nepal's country image is so limited among the citizen of its northern neighbor. There needs to be a lot of effort carried out for its image rebuilding and tourism industry which is still in its infancy based on the service that should improve the quality of its service. One university student from Sichuan who traveled to Nepal in a tourist group said, 'I think the Nepalese tourism industry is not yet mature and has limited knowledge on packaging products and services that look more attractive to the tourists highlighting Chinese concepts of places receiving tourists to be decorated, well-dressed salesperson, eye-catching uniforms or ethnic costumes. To her, the market in Thamel was just too 'ordinary', in other words, too authentic and raw. The researcher interviewed a Nepali tourism professional whose work is based on China for Nepal tourism promotion. He said the promotional aspects of government are not being able to reach the Chinese clients due to the language barrier and are quite hopeful about the adoption of language inclusive advertisement and promotion campaigns of the Nepal government targeting the Chinese tourists. These microcosms of the larger tourism boom associated with the arrival of Chinese people in Nepal calls for the need for local entrepreneurs to adapt to this new reality by learning new skills (Mulmi, 2020).

### **Tourism cooperation at present**

There is growing agreement among scholars in tourism studies that both outbound and inbound tourism as a forum of people-to-people exchange (Stumpf & Swanger, 2015; Gou, Li & Wang, 2014; Weaver, 2015; Kwek Xu et al., 2014). The increase of Sino-Nepal interactions in trade, aid and investments has attracted Chinese tourists to Nepal. Hence, it is important to know the consumer needs, wants, policy and politics. China's cultural diplomacy in Nepal is delineated through a number of cultural cooperation: education; press, publishing and media; and tourism and people-to-people exchange programs in academia and think tanks among young people, women, and athletes. China could be vital to revive Nepal's tourism industry battered by earthquake and Indian embargo and political instability. Nepalese destinations are rejuvenating with the focus to rebound all potential tourist source markets to cover and develop more advance tourism industry in Nepal. On December 25, 2015, as an effort to recover the battered tourism industry, the Nepalese government announced the waiver of visa fees for Chinese tourists traveling to Nepal. Data of the Ministry of culture, tourism and civil aviation shows that there is an increasing trend of Chinese Tourists traveling in a Nepalese tourist destination and China is the second-largest tourist source market for Nepal after India. As per the data of the first eight months of 2019, 782,600 tourists visited Nepal of which 106,050 were Chinese. The number of Chinese tourists visiting Nepal has increased by 9.8 percent compared to the same period last year. In the year 2018, a total of 134,362 Chinese tourists visited Nepal (Bhujju, 2019). The tourism sector is hopeful that the agreements between Kathmandu Metropolitan City and Butwal Sub Metropolitan of Nepal with Nanjing and Xi'an of China for the establishment of a sister-city relationship will help in the promotion of tourism in Nepal and encourage Chinese to visit the sister cities. For the Chinese, being able to travel to exotic foreign places and having adventures is something that one can show off to family members, colleagues, and friends. The burgeoning of various Chinese social media platforms fosters this culture (Hou & Wang, 2014; in Chen & Duggan, 2016). The appreciation of China's currency is also the key reason behind Chinese people visiting Nepal. Nepal with its natural landscape and cultures that is starkly different from China could be benefited through extensive tourism cooperation.



## Cultural differences between the hosts and the guests

While the Chinese government is making attempts to build soft power through various policies, the effectiveness of this is achieved mainly through interpersonal and business communications. Chinese outbound tourists rank the top place in Nepal. Hence, Nepal as a destination should make an effort to understand these cultural differences and understand the Chinese ways of doing things. Tourist-host interactions may have great potential. But currently, the group tour dominant model limits interaction with the locals and even generates a negative image. Hence, the soft power building through the current form of Chinese outbound tourism, which is under government control and lacks individual contact, is more difficult to achieve, and it might be a long way to go before such tourism can flourish and soft power can be built. An important inhibitor, with global ethical implications that can affect China's soft power diplomacy, is the unethical behavior of Chinese outbound tourists (Guo & Zhang, 2008; in Xu, Xu et al., 2018). The unfavorable behaviors of Chinese outbound tourists have been identified by an official from Foreign Affairs, Pin Huang as below (China News, 2013; in Xu, Wang & Song, 2018): some Chinese tourists do not have good behavior, such as bathroom etiquette, spitting manners, etc. They lack understanding of the local customs and lack of respect; Intentional or unintentional breaking of local laws; improper guidance from travel agencies; overprotecting their rights and benefits. This type of behavior can be attributed to the fact that they are inexperienced in tourism and visiting other cultures. The Chinese government, realizing that these unethical behaviors constitute a bottleneck in increasing national soft power, has developed an intervention program on regulating outbound tourists' behaviors (Xu, et al., 2018).

Language is another important aspect that maintains and conveys culture and cultural ties. Learning a new language involves the learning of a new culture (Allwright & Bailey 1991; in TEFL, 2019). The Chinese language is closely tied to Nepali nationalistic ideology where learning Chinese is interpreted as a major weapon to maintain an adequate distance and optimum proximity with China (Sharma, 2018). The boost in outbound tourism of the world's largest economy signifies Mandarin Chinese as a lingua franca in tourism contexts and Nepal as a neighboring travel destination should employ bilingual tourism workers who can speak Chinese. There have been studies about the scope of the Chinese language in the context of Nepal's tourism and related businesses. Researcher borrows the findings of (Sharma, 2018) on ethnographic and interview data from Chinese language learners and users such as tour guides, hoteliers, vendors, and business people that there is a changing linguistic landscape of some places in Kathmandu noting that due to the recent boom of Chinese tourists to Nepal, a mini Chinatown has appeared within the winding streets in the city which are now covered with Chinese language signs, Chinese restaurants, and hotels. The findings as a whole highlight the power, prestige, and commodity value of Chinese in Nepal, regimenting another lingua franca alongside English in international tourism contexts. The Ministry of Education signed a memorandum of understanding with the Chinese Embassy in Nepal on the Volunteer Chinese Teachers' Program in Nepal (Ghimire, 2019).

The use of a dedicated tourist year is recognized by scholars as a means to comprehensively expand tourism cooperation and cultural exchange, promote bilateral relations and improve friendliness between nations. Tourism culture activities of this type include the establishment of 'Year of Tourism' (Xu et al., 2018, p.8). Nepal has dedicated "Visit Nepal 2020" in order to leverage

its tourism values. President Xi during his visit to Nepal in 2019 has committed to fully support the idea and agreed to encourage Chinese nationals to visit Nepal in the year 2020 and promote the Visit Nepal Year 2020. The statement by Xi is considered significant and the tourism entrepreneurs are enthusiastic that this will definitely help to boost the tourism industry of Nepal. The Chinese Government had announced the year 2017 as Nepal Tourism Promotion Year in China (MoFA, 2019).

### **Geopolitics and tourism**

Nepal is a country strategically located, sharing a border with China in the North and India in East, West, and South. Nepal's engagement with China is constrained by the Himalayas in the north and Nepal's interaction with India has been more vibrant because of common religious and cultural ties, age-long friendship, and an open border between the two countries (Bhandari, 2019, p.61). Nepal is situated in-between the two giant countries; hence role of Nepal is assumed to be important with respect to the geopolitical theory. In relation to geopolitics and tourism, it is important to note that there are heritage attractions in the geopolitically important border regions that connect Nepal, India, and China. One such attraction is the pilgrimage to Mt Kailash and Mansarovar in Tibet which is of great religious significance to a large number of Hindus in India, and to which Nepal offers a more convenient traveling route (Bhandari, 2019, p.67). Thus, a geopolitical perspective in tourism can provide important insights "on these interrelated practices by enabling nuanced studies of how, for instance, issues of territoriality, representation, and power over destinations become critical sites of struggle for economic and political sovereignty" (Mostafanezhad & Norum, 2016, p. 227; in Bhandari, 2019). One such site of struggle is Lumbini, Nepal as the other important aspect of geopolitics and tourism in the region is Buddhism. In 2011, a Chinese non-governmental organization named the Asia Pacific Economic Cooperation and Exchange Foundation (APECEF) came up with a proposal to invest three billion US\$ in Lumbini, the birthplace of Gautama Buddha, aimed at making it a tourism hub and a "Mecca for Buddhists" (Economist, 2011; in Bhandari, 2019). The tourism development plan included building an airport, hotels, convention centers, a highway, Buddhist temples and a Buddhist university in Lumbini. Lumbini has huge geopolitical significance for Nepal, as Buddha's dominance extends beyond Buddhism in Nepal (Bhandari, 2019). Hence, it is important to commence projects by ourselves to eliminate ownership and protect national sovereignty and integrity. Nepal as a sacred land for more than 535 million Buddhists and our neighbor China alone has 244 million of those potential religious pilgrims (Poudyal, 2019). If we could attract the Buddhist population in the region then it will definitely yield major tourism gain for the country. Over the past few decades, the Eastern movement of yoga has become increasingly popular in the Western world. Approximately 36 million Americans, more than five million Britons and 10 million Chinese are estimated to incorporate some form of this practice into their lives (Poudyal, 2019). Nepal can be highlighted as a spiritual tourism getaway highlighting yet another dynamic tourism niche.

### **Revisit citizen diplomacy**

The state no longer has a monopoly on foreign policy because the country's image is influenced by many stakeholders therefore, it is necessary to involve all stakeholders as diplomats to promote the country's image. Present world demands that state doesn't only communicate with the authorities of the states with which it maintains diplomatic relations, but also tries to create a direct connection with

their citizens, by using various channels of communication: written press and audio-visual, Internet, conferences, debates, cultural events, festivals, exhibitions, etc. Hence, citizen diplomacy needs to be revisited. In the context of Nepal-China relationship, both sides have been carrying out activities in culture and youth sectors as per the provisions of the MoU on Cultural Cooperation-1999 and MoU on Youth Exchange-2009. Both sides have been promoting people-to-people relations through regular hosting of the cultural festivals, friendly visits of the people of different walks of public life, exhibition, cultural and film show, food festivals, etc. Sister city relations between the cities of the two countries are growing (MoFA, 2019). Country image and perception can be changed via multiple engagements i.e. in areas, such as technology, environment, research and business opportunities for effective involvement of stakeholders in decisions that affect the country's image: non-governmental organizations, think tanks, businessmen, students. The use modern technology and communication tools for information dissemination are vital, given the fact that this is an age of information abundance. China has the largest online population in the world, and Chinese consumers heavily use the Internet when making travel decisions. China emerged as the number one source market for Nepal's tourism. Hence, appreciating the role and contribution of China in Nepal's tourism, Nepal launched an interactive tourism website [www.welcomenepal.cn](http://www.welcomenepal.cn) (2018) which is an initiative of Nepal Tourism Board, the main tourism promotion body, to communicate in the Chinese language to attract more Chinese tourists. The website comprises information on various tourism destinations of Nepal, photos and videos, different activities and things-to-do, and necessary information for the Chinese nationals visiting the Himalayan country. Nepal will increase air connectivity with China by adding flights to some new cities within a few months and the underway works with regard to road connectivity between the two countries can ease the flow of Chinese tourists via land route. This initiative plays a crucial role to meet the target to attract 1.5 million tourists during 'Visit Nepal Year 2020.'

A sustainable change can be achieved, only if it is implemented in a bottom-up approach. Institutions must first address the causes that generate the image problems: economic performance, tourism infrastructure, the behavior of the host. The study on the fluctuating perceptions of foreigners and take more or less effective actions in order to influence these perceptions in a positive direction needs to be carried out i.e. environmental pollution of Nepal is currently the most noted hindrance to the tourism industry of Nepal. Nepal's tourism brand should promote environmental concerns and address it through programs to reduce pollution or to introduce clean production technologies. The need for continuous monitoring of the perception of foreigners about Nepal, and to identify the reasons that led to the emergence and spread of these perceptions is really important. Implementing an inside-out approach can lead to a noticeable improvement in the country's image. Promotion of the country and the objectives of the foreign policy are a priority to be addressed through a well-planned strategy hence allocating more resources is significant. Allocating financial resources for public diplomacy and tourism promotion activities is limited in Nepal. There are a lot of inefficiencies in promotion because of lower costs and the use of resources from other sources (third-party) than the state budget. The intensive promotion will be possible only with the successful implementation of policies; there are several instances of policy illiteracy in the case of Nepal-China ties. Destination markets not only need to "know consumer needs and wants" but they must also "understand the policy and politics" at play. Nepalese stakeholders need to be aware of the tourism policies of china

and vice-versa. But the underlying problem is that Nepal's policy is unstable and even Chinese experts find Chinese policies "ambiguous" (Tse, 2013). Both governments should make visa applications easier and more convenient. There needs to be inherent stability in visa procedures. The negative reviews must be eliminated. There are macro-structural challenges that hinder in attracting Chinese visitors could be the immigration policy, visa procedures, trans border policy, language, tourist-friendly services, accommodation, accessibility, amenities, and food.

### **China as a priority: Nepal should look north**

China's soft power in Nepal is evident from both governmental and non-governmental actors. These actors accept the importance of increasing Chinese outbound tourism to Nepal and prioritize it in their policies. In other words, the target audiences of China's soft power, such as governmental and non-governmental agents have started to feel that they are stakeholders of the issue of promoting Chinese visits to Nepal. The contemporary strong political and high-level government's relationship is enhancing Nepal-China multivariate bilateral ties in a positive direction. As Nepal has officially become a Shanghai Cooperation Organization (SCO) dialogue partner it will provide a platform to strengthen and develop trade, tourism, and investment in Nepal. Nepal is the largest trade partner with China's TAR (Tibetan Autonomous Region). Their 58.6% trades remain with Nepal beside those spectacular phenomena relying on China-Nepal co-operation, Nepal-China frontier not only for two countries also can be a vibrant bridge for south Asian countries easier connectivity (Batala et al., 2017). The finding shows that Nepal's efforts to attract Chinese tourists - have different levels of capability to lure Chinese tourists. Travel and Tourism Competitiveness Index (TTCI) created by the World Economic Forum every two years. The TTCI is generated on the basis of a number of indicators, ranging from a country's general environment (e.g., business environment, safety and security, health and hygiene, human resources and labor market, availability of information, and communication technologies), to travel and tourism enabling conditions (e.g., prioritization of travel and tourism, international openness, price competitiveness, environmental sustainability), to infrastructure (e.g., air transport infrastructure, ground and port infrastructure, tourist service infrastructure), to natural and cultural resources. China grabs 15th position while Nepal is at the 103rd position in order of tourism competitiveness. Hence, Nepal needs to work on multi-level to leverage the tourism industry.

### **A surge in Chinese foreign direct investment (FDI)**

China's pursuance of soft power (Hollinshead & Hou, 2012; in Bhandari, 2019, p.61), which is defined as the capacity of populations and governments to achieve what they want to attain through influence and understanding rather than through the hard power techniques of coercion (Nye, 2004; in Bhandari, 2019, p.) Foreign direct investment is one of the many soft power approaches of China. According to the BOM5 (Balance of Payments Manual, 5<sup>th</sup> Edition), FDI refers to an investment made to acquire a lasting interest in enterprises operating outside of the economy of the investor. Further, in cases of FDI, the investors' purpose is to gain an effective voice in the management of the enterprise. The foreign entity or group of associated entities that make the investment is termed the direct investor (Basnyat, 2013, p.70). In addition to supporting economies through outbound tourism as diplomacy there is also an increment in the Chinese overseas tourism investment. A major shift of Chinese international policy has occurred by prioritizing the sectors of tourism cooperation amongst

member states that are part of the Belt and Road Initiative, at both central and local level. In general, these policy advocates strengthening cooperation in tourism, expanding tourism scale, arranging mutual tourism activities to produce international tourism routes and tourism products with features of the Silk Road, together with other countries (China Comment, 2016; in Xu, Wang & Song, 2018). In this strategic background, the Chinese government has deepened cooperation with neighboring countries by increasing infrastructural investments in tourism traffic facilities such as highways, railways and shipping. In addition, various Chinese tourism enterprises, like hotel operators, travel agencies, large tourism conglomerate, and real estate enterprises, encouraged by the ‘going-out’ policy and stimulated by outbound tourism market have been increasing their investments in major Chinese outbound tourism destinations in recent years (Li, Yan, & Chen, 2014; in Xu et al., 2018).

China has increased its Foreign Direct Investment commitments to Nepal in recent years (NRB, 2018), and has been projecting itself as a benevolent power as against the patronizing attitude of India towards Nepal (Bhandari, 2019, p.61). People and the government of Nepal look up to China as a resource for capital and investment. Nepal has also introduced a new Industrial Enterprise Act, the Special Economic Zone Act and the Foreign Investment Policy, seeking to create a more friendly investment environment. The policies and programs of the Nepali government aim to achieve double-digit growth in the next five years from current 5.9 percent by attracting investment in the areas of agriculture, energy, transport, physical infrastructure, information technology, tourism and civil aviation which are termed as the key areas driving economic growth in the country. A number of highways, hospitals, industries, cultural institutions, science & technological aid, and many more co-operations are enhanced by China. In terms of trade and transit of high-altitudinal geographic disadvantages in China and Nepal its trade and trade have positively risen. According to Nepal's Department of Industry, China has contributed around 58 percent of FDI commitment out of the total 137.30 million U.S. dollar pledged by foreign investors during the first half of the current fiscal year that began in mid-July 2017. Chinese FDI and Aid granted by China in Nepal are increasing dramatically. Reports show that in terms of a number of projects running by Chinese investors in Nepal listed number one position by surpassing Indian investors. Nepal and China agreed to a feasibility study of the free trade agreement (FTA), the historic MOU of Nepal's accessibility to Chinese port for outside trade and transit and understanding of enlarge Lhasa-Shigatse (Shigatse) railway to Nepal border port Gyrong (Kerong) by 2020 as well further extension to capital Kathmandu in future.

### **Recognizing tourism resources and minimizing weakness**

Marketers categorize “hard factor” such as infrastructure, economy, accessibility, availability of financial incentive and “soft factor” such as the environment, friendliness of local people, art, cultural traditions, and leisure activities are gaining importance as nation branding elements related with tourists and investors (Morgan et al., 2011; in Almeyda-Ibáñez & George, 2017). Nepal needs to look for visitors who are already coming to the region and determine what is attracting them. Identify what the community can do to gain more benefit from these visitors. It can be improving signage, providing more community information at places or businesses these people are already frequenting, or looking at services these visitors need that it would be easy to provide. When a sector is clear about what they have and know what they would like, it's time to ask for help from regional and state

tourism offices. Frequent changes in policy will act as a de-motivating factor for visiting the country. Development of a politically sustainable tourism policy can benefit the people. Campaigns and projects initiated by one leadership are often abandoned due to political changes in the leadership of the responsible institutions it brings about unjust use of resources and work duplication. To ensure continuity and avoid instability it would be wise if accountability for elaborating and promoting the country brand to be managed by an organization that is independent of the political changes. In order to implement a long-term branding strategy, it is recommended to avoid general approaches, which lack originality. Tourism policies must be contextual because nothing is permanent – even tourism and the way people travel can change. Also, particular importance should be given to clarifying and improvising the situations that could damage the country's image, through the diplomatic communication channels. Weak and fragile roadways connectivity, insufficient airport in Nepal, not enough direct flight, insufficient tourist infrastructure along border side, financial incapability, insufficient communication with both sides on central and local government level, lack of experience in cross border cooperation issues, inconvenience of language exchange at all, some of these compositions of natural and manmade obstacle the cooperation between Nepal and China.

### **Tourism and security**

The interrelationships between tourism and security have been interpreted largely negatively (Hall & Sullivan, 1996; Tarlow, 2006; Chhetri, 2018). Tourism has been referred to as “goose that not only lays a golden egg, but also fouls its own nest (Aramberri, 2001; in Kunwar 2010, pp.42-43). With the adoption of mass tourism practice in Nepal starting from late 60s and opening its border to the foreigners not only opened the opportunity in the country for its development but also exposed the nation to several vulnerability and crime (Kunwar & Barmashkha, 2014, p.10). Tourists may become victims of crime, may be accomplices of various offences, and they may commit offences against the tourism infrastructure and personnel (Tarlow 2011; in Lisowska, 2017). The negative effects of foreign arrivals concerning to developing countries underlines that for these countries' tourism is the easiest route to rapid development, overshadowing the negative influence on natural, social and cultural environments (Alejziak, 1995, p. 9; in Lisowska, 2017). There are several security concerns that come along with the influx of people-to-people exchanges between Nepal and China. There needs to be constant monitoring and investigation on aspects of criminal networks, violation of immigration laws and overstaying visas. Nepal and China have signed a treaty on mutual assistance in criminal matters. Recently, two groups suspected of carrying out cybercrimes and hacking into bank cash machines were detained by police in Nepal. It is a biggest crackdown on crime by foreigners where 122 Chinese nationals entering the country on tourist visas were caught on December, 2019. Similar incident in September 2019 had happened where police arrested five Chinese nationals on a charge of stealing money by hacking bank cash machines. Chinese citizens were also arrested with smuggled gold this year. Speaking in Beijing, Chinese Foreign Ministry spokesman Geng Shuang said Chinese and Nepali police had cooperated on the case and China was willing to increase law-enforcement cooperation with its neighbor (Sharma, 2019). The government is also concerned about the use of Chinese digital wallets, which were banned in Nepal in May 2019 because of its incompatibility to Nepal's banking laws with payments technically bypassing the country as the transactions are made between Chinese accounts. Hence, legalization of online payments, and transactions should be taxed in order to benefit Nepal (Mulmi, 2020).

## **Cross- border tourism cooperation and connectivity**

The world has examples of neighboring regions of different countries sharing priceless natural or cultural resources that have the potential for joint tourism development. In some of these regions, the principles of sustainable development can be implemented more efficiently through cross-border cooperation. However, all of these cases require the support and approval of the government. The importance of cross-border tourism and cultural co-operation is more pragmatic and obvious importance for the mutual strengthening of the tourism industries of neighboring countries. The Ansoff (1988; in Batala et al., 2017) product-market expansion grid can be used as a theoretical base to apply co-operative marketing strategies to cross-border tourism marketing growth strategies. The grid involves market penetration, market development, product development, and diversification. It is a useful tool to identify market opportunities. There is not an absolute destination marketing technique in practice, destination marketing is a collective effort that requires various organizations and businesses in a geographically limited area to harmoniously work together to achieve a common goal. There are many major and subjective issues for significant increments of Chinese tourists into a Nepalese tourist destination, to achieve tourism marketing growth strategy, Nepalese tourism authority and private tourist industry need to pay attention to Chinese promotion activities. Promotion refers to the communicative activity of marketing. It fills the perceptual and informational gaps that exist between suppliers of tourism (industry) and the tourists (market).

Nepal has road connectivity via Rasuwagadhi and Tatopani for trade and international travelers. There are four other border points designated for bilateral trade. Nepal has direct air links with Lhasa, Chengdu, Kunming, Guangzhou and Hong Kong SAR of China (MoFA, 2019). Air travel is burgeoning between China and Nepal, with more than 50 round-trip flights per week between China and Nepal. The two countries in June signed an agreement on air traffic control to enhance bilateral cooperation in air service (Huaxia, 2019). Political sensitiveness over TAR is yet a challenge in Nepal-China relations. The mobility and accessibility along frontier still not so convenient, since, 2002 people classified as “border inhabitants” only those who live within 30 km of border both sides have been issued border citizen cards which allow them to cross the border without any passport or visa and can travel up to 30 km on the other side. Although Nepal Government extremely supports one-China policy-coding the remaining Tibet separatist issue of China, it’s not so easy for the Chinese government to let freely tourism activates in the border area. Boundaries have most often been viewed through history as visible barriers to interconnectivity among people. Cross-Border Tourism can give benefits of border trading places: new economic geographies across the Himalayan borderlands in the context of Nepal and China. Both governments should prioritize cross-border coordination by respecting the sovereignty of both nations. A special tourism management structure needs to be set up in the border areas of Nepal and China. There is a possibility of Inter-trans-regional tourism circuit. The mutual cooperation initiative may create a way of progress (development) along with south-Asian countries. The researcher emphasizes the scope of further study in the new inter trans-regional tourism circuit along India’s Sikkim, Nepal’s Lumbini, Bhutan’s Paro and China’s Tibetan Plateau as a highly reunited Buddhist circuit. Cross-border cooperation in tourism has the potential to develop a more stable and secure environment for tourists.

## Conclusion

In spite of the geographical proximity and close high-level contact China and Nepal had little trade and cultural exchange for most parts of the 20th century (Sharma, 2019). The paper tries to explore the scope of the infrequent people-to-people relations between Nepal and China. Irrespective of uneven size, power potential, historical complexes and different speed in the development of Nepal and China, there are plentiful of micro-level cooperation that can be leveraged by adapting the tourism industry as a tool of track-two diplomacy. A sustainable change can be achieved, only if it is implemented in a bottom-up approach. Tourism as a track two intermediary sector can be used as an effective measure by using an alternative political channel of communication which pulls the cooperation of track one decision-making that benefits larger people.

Nepal is assumed to be an important partner to China with respect to the geopolitical theory. According to Hall (2017a; in Bhandari, 2019), geopolitics is important in tourism. Chinese outbound tourism is massive and Nepal is an enticing destination for tourists around the world with naturally blessed infinite natural resources, cultural and wildlife diversification. The study discusses the measures that Nepal needs to adopt for reaping maximum benefits from China's outbound tourism by positioning role of Nepal as a tourism host. Thus, the Nepal government should focus on bringing plans and programs and carry more interactions and engagements dedicated to Northern neighbor whose presence has been highlighted as the next great power and 'Chinese dream'(Bhandari,2019). Nepal's government needs to invest in tourism infrastructures, scientific destination management, provide the fame of securities among foreign and domestic tourists. Nepal needs to cooperate with international tourism forums and neighboring countries to cash its natural tourism endowment as tourism is one way for states to increase and maintain soft power. Tourism can be a platform of interaction and tourists can act as citizen diplomats in promoting people-to-people relations between Nepal and China. The multi-level engagements between China and Nepal which prepares citizen diplomats who represent their own culture and develop intercultural awareness to comprehend, respect, and represent the perspectives of another culture. It builds the notion of moral responsibility and civic engagement with the value of community beyond the borders entailing recognition of learning based on reciprocity, recognition of civic identities, and responsibility for one's actions and representations abroad.

The researcher concludes with a plea for more collaboration and open dialogue between policymakers, industry representatives, and scholars in order to facilitate people-to-people relations between Nepal and China. The tourism industry can shape a new form of Chinese– Nepalese interaction between people-to-people. Nepal as an (Asian) host deals with Chinese (Asian) guests implies a revisit to the historical relationships of China and Nepal, which necessitates Nepalese hosts tourism to balance between interpretive historical discourses and pragmatic tourism economics both at the macro tourism management level as well as micro interpersonal level. There are plenty of scopes to conduct another study within the same area of research, most importantly with the incorporation of tactics of cultural assimilation and intercultural communication between Nepal and China.



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**Bhaktapur Urban Flood related Disaster Risk and Strategy after 2018**

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**Abstract**

*The urbanization led urban flooding phenomenon of the Hanumante River over the last few decades is the subject of this article. The river flows in the middle of the Bhaktapur District and connects with all municipalities. Its catchment area is 97km<sup>2</sup>. The data offers deeper insights into sources, causes and impacts of the flood. All stakeholders are aware of their roles and responsibilities during the disaster. However, affected people have limited understanding and knowledge about the flood and remain in fear of another flood every year. The major cause of floods in the district is incessant rain and urbanization leads to the inundation of various low lying areas. However, increased urbanization, lack of proper planning and encroachment of river are supplementary causes of floods. Floods can be predicted and mitigated with appropriate information, tools and techniques by responsible agencies. Often disasters are a failure of responsible agencies to act timely and to understand the environmental changes and the urban push. Inundation is becoming a common phenomenon for urban people in most cities.*

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## Introduction

Nepal is prone to water induced disasters (Water and Energy Commission Secretariat, 2011) and therefore maintaining risk free infrastructure is expensive. Nepal's monsoonal season is prone to urban flooding and rapidly growing settlements and the growing numbers of urban infrastructures work as a catalyst. When government agencies fail to address urban disasters, it derails local government structures in cities and metropolitan areas to provide institutional and infrastructural services (International Federation of Red Cross and Red Crescent Societies, 2010). The urban flooding is a serious and growing developmental challenge because of demographic growth, urbanization trends and climate changes resulting into unwanted floods and subsequent shifting of impacts accentuating. The greater challenge for policy makers and managers is to really understand the issues in order to effectively address them. Generally, urban areas equipped with hospitals, schools and colleges, business areas and social hang-out places with appropriate built-in environment. It is such realities that support livelihoods of the people and linked to urban areas for appropriate societal function.

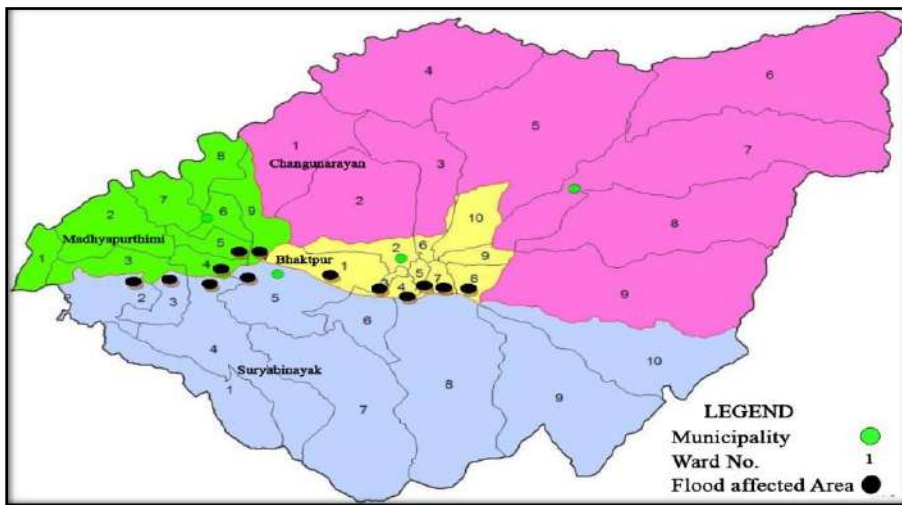
An urban area is an administrative criteria with political boundaries having a certain population and economic function (UNICEF, 2012). Countries around the world define urban characteristics based on their own experiences, requirements and judgments. An urban hazard is a risk that threatens a city, its population and related socioeconomic activities. If a risk threatens a capital or large city, the risk may resonate beyond the area of impact. The focus is mostly on major disasters, since smaller ones are less destructive and more easily absorbed, though much of the discussion is also applicable for smaller disasters (Kreimer, Arnold, & Carl, 2004). Around 54 percent of the world's population lives in urban areas, a proportion that is expected to increase to 66 per cent by 2050. Projections shows urbanization combined with the overall growth of the world's population could add another 2.5 billion people to urban populations by 2050, with close to 90 percent of the increase concentrated in Asia and Africa (United Nations, 2014).

Crisis may be defined as "an emergency situation arising out of natural or human activity which poses a threat to human life and property or leads to large scale disruption of normal life. A crisis may degenerate into a disaster if it is not properly managed, resulting in an avoidable loss of human life and property on a large scale (Patel, 2017). A disaster is a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts (UNISDR, 2017). "Disaster Risk Reduction (DRR)" shall mean the disaster risk analysis and evaluation, prevention and mitigation of disasters and mainstreaming of disaster risk reduction activities into the development activities (Ministry of Federal Affairs and Local Development, 2013). DRR means analysis and assessment of risks before a disaster happens, disaster prevention or reduction of harms to be caused by disaster and efforts concerning the minimization of disaster risks in development activities (Government of Nepal, 2074). Disaster Management (DM) refers to the entire activities concerning DRR, disaster counteraction and disaster recovery (National Disaster Risk Reduction Management Act, 2074). A disaster is the hazard's effect on society as a result of the combination of exposure and vulnerability. So strictly

said, disasters, not hazards, cause deaths and damage (UNISDR, 2009). A hazard is a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation (UNISDR, 2009).

The scenario of a flood is changing due to urbanization and growing number of cities and towns as part of the decentralization of development in Nepal. Rural areas are urbanizing and expanding without proper planning and effective implementation of prevailing laws and guidelines. Increased municipalities are rapidly converting from rural to urban areas with built environments. One of such example is the 'Bhaktapur Flood 2018' which created an urban havoc leading to livelihood, commercial and security concerns.

The Hanumante River, a tributary of the Bagmati River, passes by the Bhaktapur District and connects to all municipalities. In 2018, it flooded the lower Bhaktapur, Madhyapurthimi and Suryabinayak Municipalities. The meandering of the river is contracted in these areas. The study areas within Hanumante River are Ward Numbers 1, 3, 4, 5, 7, 8 of Bhaktapur Municipality, Ward Numbers 5, 4, 3, 2 of Suryabinayak Municipality and Ward Numbers 9, 4, 5 of Madhyapurthimi Municipality (Figure 1). Three locations respectively Chyamasing Hanumante Bridge (North), Barahisthan Pati and Barahisthan Bridge are taken as the sample to verify the encroachment of Hanumante River and pictures taken at the field visit are also used to analyze and describe the facts.



**Figure 1: Topography Map of Bhaktapur with Flood Affected Wards**  
Source: Ministry of Federal Affairs and General Administration, 2019

## Literature review

The land use pattern of Bhaktapur has changed dramatically from 1988 to 2015 due to the decrease in forest and agricultural areas and the large increase in urban built up areas. The urbanization in the nearby Arniko Highway, a section between Tinkune (Kathmandu) to Suryabinayak area, can be



observed in the six lane highway (Thapa Chhetri & Moriwaki, 2017). Outside of the highway, Right of Ways is followed by large scale semi commercial buildings. In some places, built-up areas increased by 120 percent with increased roads (Ishtiaque, Shrestha, & Chhetri, 2017).

Nepal's National Strategy for Disaster Risk Management covers the strategy and international commitment. It focuses on a 'One Window Policy' and the 'Cluster Approach' to coordinate with various organizations. It talks about the Early Warning (EW), existing challenges to mitigate the challenges and how to strengthen the response and preparedness activities. There is provision of monitoring and implementation of activities by concerned ministry, institutions and departments (Ministry of Home Affairs, 2011). The Bhaktapur District lacks appropriate implementation despite existing laws.

## **Methodology**

The qualitative case study method is used to describe, analyze and explore the underlying questions. Collected data is analyzed structurally and articulated it with the information received from interviews, KII and field observations. The secondary data and maps from appropriate agencies are also analyzed and interpreted.

## **Discussion and analysis**

Bhaktapur is the smallest district of Nepal covering 119 km<sup>2</sup>. It is located east of Kathmandu city and known for its Newari culture and tradition. The highest point is the Bagheswori Reserve Forest at 1800m and the lowest point is the Radhe Temple at 1298m (Survey Department, Government of Nepal, 2000). Around 17.93 percent of Bhaktapur's land is covered by forest (Madhyapurthimi Municipality, 2075). Bhaktapur has four municipalities namely Bhaktapur, Madhyapurthimi, Suryabinayak and Changanarayan. It has a population of around 304,651 with a 3.01 growth rate and a population density of 2560 (Central Bureau of Statistics, 2011).

The settlement, public property and highly fertile land along the river are at high risk of flood causing the loss of investment of farmers, land and property. The Hanumante River is a 6<sup>th</sup> order drainage, stretches for 18.30 km and confluences with 6<sup>th</sup> order Godawari Khola. It has a drainage area of around 97.051 km<sup>2</sup> with a 53.233 km long perimeter (Shrestha, 2010). Tabyakhusi Khola flows from the Bagheswori Reserve Forest (known as Mahadev Khola), Chakhu Khola flows from Tukucha Nala and Nalachhap and meet at Hanumanghat. Then, two streams called the Hanumante River. Hanumante River (River) receives water from Sipadol Khola, Kalka Khola, Khasyan Khusum Khola, Gakhu Khola and Ghatte Khola (Survey Department, Government of Nepal, 2000). Bagheswori Reserve Forest lies at 1800m, Telkot Reserve Forest at 1600m, Nankhel at 1776m and Gundu at 1719m. They surround the urban area of Bhaktapur. The populated and urban area of Bhaktapur lies at a height of below 1400m (Survey Department, Government of Nepal, 2000). That means that all rain water flows into the Hanumante River and sometimes goes beyond the bank or streams, thereby causing floods or inundations.

The government of Nepal (GoN) identified more than 19 open places in Bhaktapur for providing various services during disasters such as humanitarian assistance, security, rescue, relief and establishment of temporary camps (Kathmandu Valley Development Authority, 2014). In 2008, GoN decided the Hanumante River's width to be 20m on both sides of the river (Bagmati Action Plan, 2009), whereas a survey map of the 2021 BS shows that the width of the river varies. The banks of the river are treated as dumping sites by municipalities. The waste is spotted everywhere at bridges as well as in and besides the river banks. There is no equipment to measure the water level and the EW in the river. Sewer pipes are directly thrown into the river. Around 37 sewerage points from Chyamasing to Thimi area are directly thrown into the river and among them about 10 sewerage points (pipes) have a diameter between 1000 and 1500 mm (GIETC Lama Raman JV, 2015).

There were no strong measures implemented by government authorities to mitigate and prevent the flood prior to the 'Bhaktapur Flood 2018.' There is a lack of proper construction of embankments, levees and other measures to protect the soil erosion. The waste thrown by inhabitants filled the river and reduced its depth. It needs to be removed prior to the rainy season. The river bank is vulnerable in many places due to weak or not enough structures. The plain area of Bhaktapur is the lowest area. Water from the periphery gathers in this place and creates inundation.



**Figure 2: Garbage (A) at Chyamasing and Waste Management (B) at Barahisthan**

Source: Researcher, 2019

### **Flood Affected Municipalities and Urbanization**

The Bhaktapur, Madhyapurthimi and Suryabinayak municipalities cover the area respectively 6.88 km<sup>2</sup>, 11.47 km<sup>2</sup> and 42.45 km<sup>2</sup>. The population of Bhaktapur, Madhyapurthimi and Suryabinayak Municipalities are as follows: 83658, 83036 and 78490 people according to the Central Bureau of Statistics (CBS) 2011. The registration of houses in Bhaktapur Municipality (Bhaktapur Municipality, 2019), Madhyapurthimi Municipality (Madhyapurthimi Municipality, 2019) and Suryabinayak Municipality (Suryabinayak Municipality, 2019) in the last five years until Poush 2075 are shown in Table 1. The ratio of building new houses is high in Suryabinayak and low in Bhaktapur

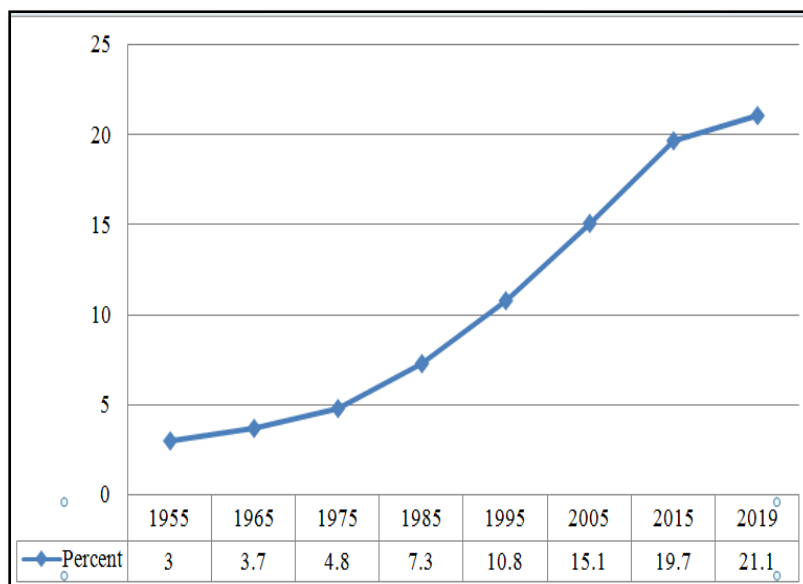
**Table 1: House Registration in Municipalities**

Municipality	2071/72	2072/73	2073/74	2074/75	2075/76*
Bhaktapur	440	467	966	994	322
Madhyapurthimi	484	508	969	1035	373
Suryabinayak	467	824	688	565	1387

Source: Bhaktapur, Madhyapurthimi and Suryabinayak Municipality, 2075

### Urbanization in Bhaktapur

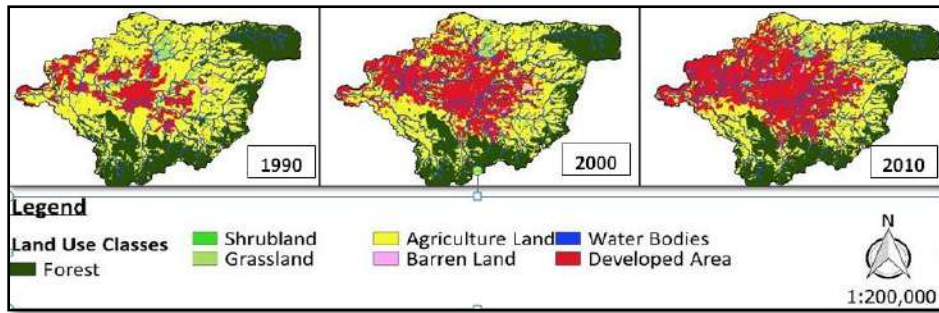
In 2011, Bhaktapur had two municipalities (Bhaktapur and Madhyapurthimi) with population of 3,04,651 people and 54.1 percent of the population living in urban areas (National Planning Commission Secretariat, 2014). The urban population of Nepal is rapidly increasing (Department of Economic and Social Affairs, Population Division, 2019).



**Figure 3: Urban Population Trend in Nepal from 1955-2019**

Source : [www.worldometers.info/world-population/nepal-population](http://www.worldometers.info/world-population/nepal-population)

Figure 4 shows how urbanization has increased from 1990 to 2000 and from 2000 to 2010. Developed (built-up) area is growing and agricultural land is reducing very fast. The growth rate of the population in Bhaktapur, Madhyapurthimi and Suryabinayak Municipalities are respectively 1.43, 5.67 and 3.5 percent according to the CBS 2011 (Central Bureau of Statistics, 2011). The data shows that the population is increasing rapidly in all three municipalities. There is a possibility of a further increase of the population growth rate in Suryabinayak in the near future because it is the largest municipality.



**Figure 4: Changing of Land Use along the Hanumante River Basin**

Source: Bagmati River Basin Improvement Project Office, 2019

The population and built up has become one of the indexes of the development of cities (Thapa Chhetri, Fujimori, & Moriwaki, 2017). Population is increasing and areas are highly concretized and equipped with tall buildings and infrastructure to accommodate the growing population and provide facilities to them.

**Table 2: Population Projection of Municipalities**

Municipality	Bhaktapur	Madhyapurthimi	Suryabinayak
2011	83,658	84142	78490
2018	92465	125136	100280
2020	95148	140163	107551
2030	109775	247103	152623

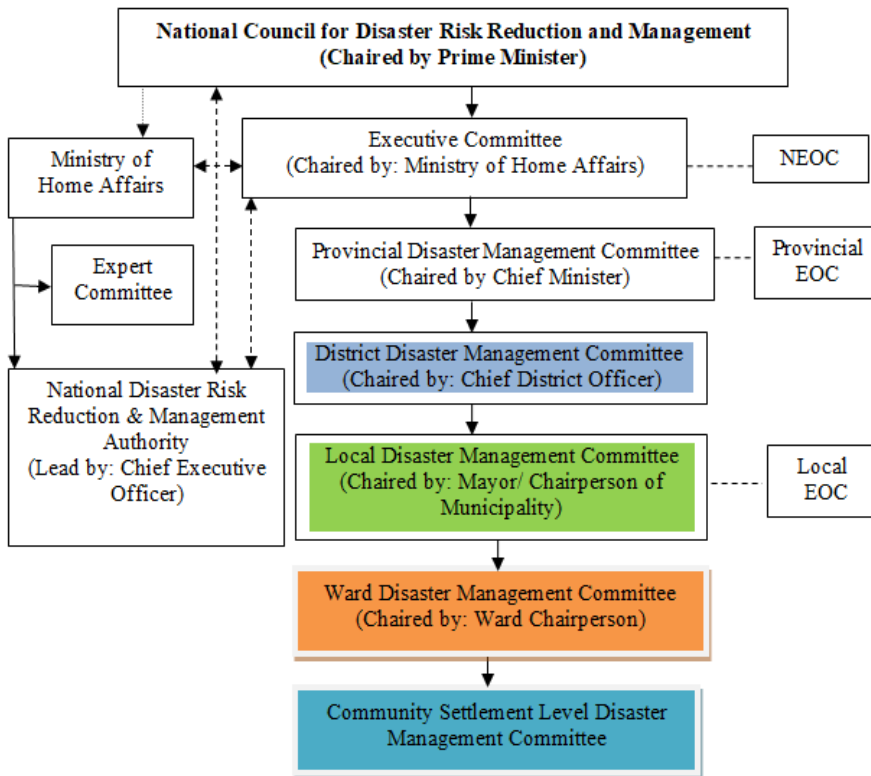
Source: Projected by Researcher

Figure 3, 4 and Table 2 show that the urbanization rate and the population are increasing day by day. That means that the arable land is changing into concretization. There is no community park or open place in the urban area except roads. The unplanned settlements and settlements near the river indicate that people are more vulnerable. Therefore, concerned authorities must work on the management of urban areas to diminish the vulnerabilities. Previously, the registration of houses was done by the Village Development Committees, which was no proper planning for recreational spaces, open spaces, or drainage systems. Now, municipalities are working on it to create a better organized city with proper architecture according to a clear plan.

### Institutional framework

The Disaster Risk Reduction and Management Act 2074 has received clear provision from various committees from federal, province, district, and local bodies and even on the ward level. All municipalities have formed the committee according to the provision, but there is still a lot of work to be done on detail disaster mapping and recognizing vulnerabilities. During field surveys, certain lacks in the disaster planning of concerned authorities have been found. There is a lack of community disaster mechanisms. A community settlement level management disaster committee would be very important to make the community more resilient (Figure 5). In 2019 most of cities and towns of the

southern and the Himali region inundated due to rain. This indicates that there is no proper planning prior to setting up the built up areas and those guidelines are not followed while constructing the infrastructure.



**Figure 5: Institutional Framework of Disaster Management**

Source: Disaster Risk Reduction and Management Act 2074

### Bhaktapur Flood 2018

The 2018 Flood inundated the lower part of Bhaktapur. The flood was felt by the residents of Bhaktapur municipality around 0300h and at around 0500h in the Radhe-Radhe area. The level of water was gradually extended to Arniko Highway and the lower part of Bhaktapur came under water. The water remained at the section of Arniko Highway from Sallaghari to Thimi Chowk till 1500h on the same day.

A major cause of the flood was the heavy rainfall and the blocking of drainage facilities with garbage. Cleaning and maintenance of drainage facilities are essential to their operational reliability. Storm water retention measures are vital for the mitigation of urban floods as well as for the prevention of downstream floods. The aim of urban flood risk management is to minimize human loss and economic damages. It can't be fully avoided but it can be managed.



The flood data shows that until 2016, around 3902 people lost their life due to damages following 4162 events. 571 people were injured people, 99,113 households destroyed and, 114091 affected more and 5,43,114 livestock were killed (National Society for Earthquake Technology, 2018). There were 338, 80 and 206 incidents in respective years 2017, 2018 and 2019 (Government of Nepal, 2019). Hundreds of dwellings in Bhaktapur and Thimi were inundated due to the flash flood following the torrential rain that morning. Most of settlements in Bhaktapur and Madhyapurthimi were fully inundated. The most affected areas were Jagati, Chyamasingh, Bhelukhel, Rammandir and Barahisthan due to the deluge (Republica, 2015).

**Table 3: Casualty by Flood from 1971-2016**

Year	Casualty	Year	Casualty
2008	127	2014	268
2009	119	2015	13
2010	136	2016	72
2011	114	2017*	166
2012	111	2018*	17
2013	52	2019*	73

Source: Desinventar 2008 to 2016

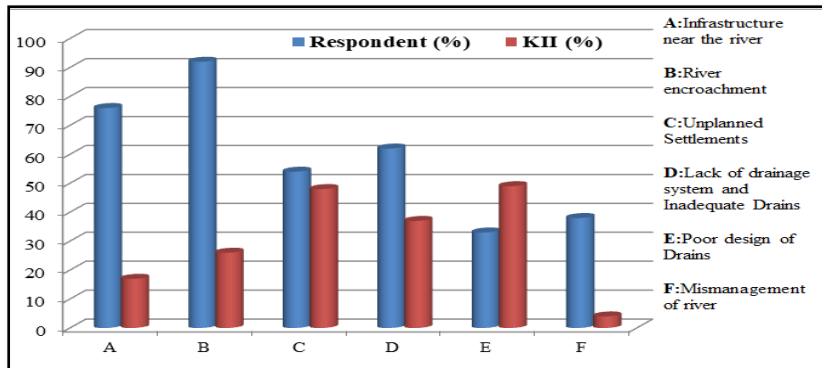
<http://www.drrportal.gov.np>

The flood affected three municipalities in the lower part also called the valley of Bhaktapur. Ward No. 8, 7, 5, 4, 3 and 1 ward of Bhaktapur was flooded in the 2018 Bhaktapur flood. Chyamasing, Rammandir, Barahisthan regularly come under water. The Sallaghari area was badly affected in 2018's flood. Three Wards (No. 9, 4 and 5) of Madhyapurthimi came under water during the flood. Two wards no. 9 and 4 were badly affected and ward no. 5 was slightly affected. Four wards (no. 5, 4, 3 and 2) of Suryabinayak Municipality were affected by the 2018 flood and among them no. 5 was badly affected. Ward no. 1 of Bhaktapur, ward no. 9 and 4 of Madhyapurthimi and ward no. 4 and 9 of Suryabinayak Municipalities were the most affected wards.

Flood means "Khusibaa" in Newari language ('Khusi' means water, 'baa' means extreme). Respondents (more than 65 years) have seen flood more than seven times but they have only memory of 2015, 2016 and 2018. Respondents stated "*Floods are common for us because a decade ago there were few houses and floods came and drowned the farmland. Now the houses are built everywhere and the water disturbs human life.*"

### **Causes of flood in Bhaktapur**

The respondents and KII were asked for the cause of floods in Bhaktapur. According to respondents, the main causes of flood in Bhaktapur are as follows (Figure 7):



**Figure 7: Causes of Flood in Bhaktapur around Hanumante River**  
Source: Field Survey, 2019

The causes of flood named by victims (respondents) and KII differ in infrastructure near to river (60%), river encroachment (70%) and mismanagement (40%). But there is less variation in unplanned settlements (10%), lack of inadequate drainage system (20%) and poor design of drains (10%). The views on infrastructure near to the river have a huge variation because both KII and respondents have their own perceptions. Among six, three causes are viewed similarly both by KII and respondents. The other three are subsidiary causes of the flood in Bhaktapur.

**Infrastructure near the River:** Around 70 percent of the respondents said the infrastructure is made too close to the river. Garment factory, washing, religious structures and houses are built very close to the river (Figure 8A, B).



**Figure 8: Encroachment by the Garment and Washing Factory (A), Pati build at the Bank of river at Barahisthan (B)**

Source: Field Survey by Researcher

**River Encroachment:** The Hanumante River is encroached in many places because it is not delineated. Around 90 percent of respondents and around 20 percent of KII gave their view on this. Figure 8A shows that the distance between the river bank and the garment factory is only four meters



(shown on round circle) when the gap is supposed to be 20 meter. At Barahisthan, the pati was built at a distance of only 7ft from the river bank (Figure 8B).



**Figure 9: Unplanned Drainage (A), Mismanagement of river (B)**

Source: Field Survey by Researcher

**Unplanned Settlements:** The Village Development Committee used to register houses without engineering and that created problems in the urbanization. There is no drainage system in the city to pass the water. Sewerage pipes are directly thrown into river (9B). The respondents stated “*Now there is no land but buildings everywhere, and added water is not charged by the land but of concretization so directly goes to river.*”

**Lack of Drainage System and Inadequate Drains:** There are very few sewerage management systems in Bhaktapur. The rain water travels directly to the river from everywhere due to the lack of drainage and canals. Around 60 percent of respondents and 30 percent KII support this statement.

**Poor Design of Drains:** City, town and water bodies are not managed and planned nicely so around 50 percent of respondents think that this is also a cause for floods in Bhaktapur.

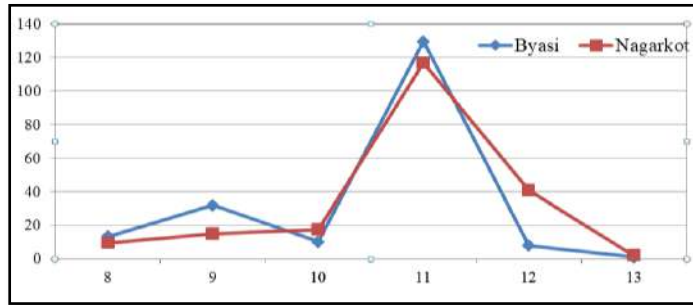


**Figure10: Idols of God in the river**

Source: Field Survey, 2019

**Mismanagement of River:** Around 40 percent of the respondents said that mismanagement of rivers is a cause of flood during the field survey. This statement is true as there is no embankment in many

places from where river easily enters into urban areas and causes inundations. The statue of Gods and Goddesses are also constructed in the river banks.

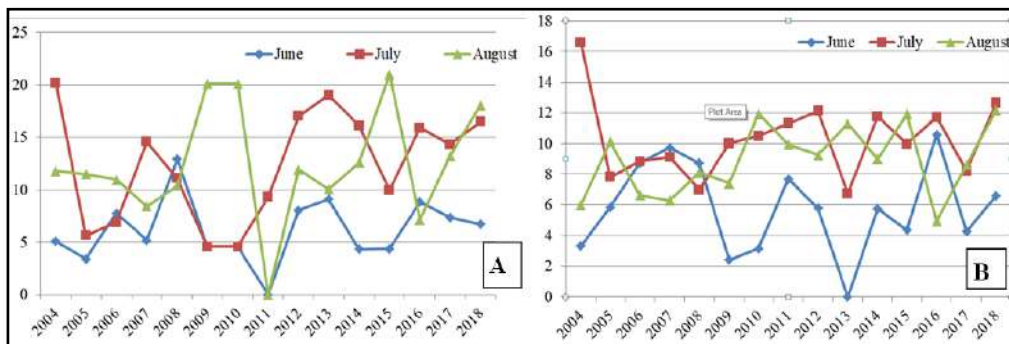


**Figure 11: Rainfall Recorded at Nagarkot and Bhaktapur Station from July 8-13, 2018**

Source: Department of Hydrology and Meteorology, 2019

Figure 11 shows, there was incessant rain prior to flood and on 11<sup>th</sup> July rainfall was recorded 129.6mm and 117mm respectively at Bhaktapur and Nagarkot station. According to respondents and KII, there are other causes of flood in Bhaktapur which are as follows.

- a. Urban constriction of outlet.
- b. Rapid urbanization.
- c. River depth is filled by urban wastes and erosion.
- d. Lack of drainage system.
- e. Decreased ground recharge.
- f. Reduced agricultural activities.
- g. Unplanned settlements and construction.
- h. Lack of long term effective planning.



**Figure 14: Precipitation Data Nagarkot (A), and Bhaktapur (B) Station**

Source: Department of Hydrology and Meteorology, 2019

June, July and August make up the rainy season in which Nepal receives most of its rain. The last 15 years of rainfall data of these three months are analyzed for effect and impact. The precipitation from the Nagarkot and Bhaktapur (Figure 14A, 14B) stations shows the rainfall data from 2004 to 2018.

July and August are the rainiest months but July receives more rainfall than the other two months. Prior to the 12<sup>th</sup> July 2018, Bhaktapur received incessant rain and that caused the flood in Bhaktapur. The rainfall data of the last 30 year shows that rainfall is very high in the months of July every year in Bhaktapur. So, the government needs to work on it to forecast the flood by establishing EW. It also indicates that the concerned authorities can predict if they want to because every year in July Bhaktapur receives a lot of rain.

Table 4 shows that there are encroachments of the river by community, people and other organizations which are not properly monitored. Field survey and survey map data are not similar. It is supposed to be similar if there are no discrepancies. It means there are encroachments and mismanagements of the Hanumante River and that the area near the river is not planned according to the water body criteria.

**Table 5: Length Comparison of Hanumante River in the Field and Survey Map**

Place	In Field (Feet)		Other Findings	Survey Map
	Width	Depth		
West side of Bridge	29	-	-	40
Chyamasing Bridge (North)	25	5	-	
East side of Chyamasing Bridge	23	-	-	36
Bridge Construction	43	6	No embankment, Sewerage point to	
Barahisthan (Pati)	64	3.6	Religious idol of Shivalinga and Goddess inside river and distance of Pati is 7ft from the river bank.	90
Gyantara School (Barahisthan)	91	10 *	*River bank to School	110

Source: Field Survey, 2019

### Impacts of Flood in Bhaktapur

**Water Level:** The water level reached up to 10ft in some houses as many houses were made underground. Most of Bhaktapur residents bored the water level up to 4ft, Madhyapurthimi 5ft, Suryabinayak 2ft and it lasted around one week.



Figure 15: Level of Water in Different Places: Outside (A) and Inside of House (B)

Source: Field Survey, 2019

**Destruction:** The flood damaged 522 houses, 28 industries and factories including petrol pumps, 133 retail and wholesale shops, a bridge, roads, two hospitals and two schools (Nepal Police Bhaktapur, 2075). It has also damaged water pumps of fields and houses, grains and utensils.

**Crops and Cattle:** The overflowing water from the Hanumante River swept the vegetables, crops and also brought sand into the agricultural field. The sty made near the river was blown away with pigs by the river.

**Livelihood:** The flood affected the life of thousands of people as the Arniko Highway as it was blocked for hours due to inundation. The hospitals and schools were remaining closed for many days because of the inundation. Around 90 percent of respondents said their daily activities were hampered by inundation.

**Sewer Management:** The sewerage management project has been running in Bhaktapur for four years but there was no progress due to various problems. After the 'Bhaktapur Flood 2018', the progress is tremendous and there are fewer disturbances by locals than ever before (GIETC-Lama Raman JV, 2014).

**Awareness Program:** The disaster awareness rate was very low in the affected area. Around 63 percent did not have any idea of the disaster awareness program. However, stakeholders said they do have a disaster management plan. It means that there is a huge communication gap between them.

**Hanumante Clean Campaign:** The Hanumante River cleaning campaign was started to clean the waste and garbage in and around the river. The concept emerged after the 'Bhaktapur Flood 2018'. The campaign is very fruitful to clear waste and garbage from the river and its surrounding. It also creates more awareness about disasters in the community (Hanumante Cleaning Campaign, 2018).

### **Flood mitigation measure**

The government is concerned about the flood and initiated many programs in flood affected areas especially to manage the Hanumante River. The river is not the only reason for the flood, so there are also other actions from municipalities regarding the management of urban areas. They are stricter in house registrations and engineering of houses. There are three big projects in Bhaktapur which should help mitigate the floods and manage the river:

**Hanumante Corridor:** The Hanumante Corridor is under construction for 2800m on both sides of the river. Construction is started from 200m north of the Radhe-Radhe Temple to Madhyapurthimi. The company has started the construction work including the work of building shoulder and tick drains (40cm) in between 30m to 40m to drain the rain into the river (Higher Powered Committee for Integrated Development of the Bagmati Civilization, 2018).

**Sewerage Management Project:** Kathmandu Upatyaka Khanepani Limited has started building a 12 kilometer long sewerage management project along the Hanumante River. Two water treatment plants will be constructed at Sallaghari and at Manahara River to clean the accumulated sewerage and

release it into the river. There are more than 80 incoming sewer pipes (ranging from 250 mm to 1500 mm) going into the river (GIETC-Lama Raman JV, 2014).

**Hanumante Cleaning Campaign:** The campaign committee is headed by the mayor of Suryabinayak municipality. He is starting an awareness program for disaster risk management in the city and along the river.

## Conclusion

Urban disasters are common due to rapid urbanization in Bhaktapur. The city frequently receives floods around the periphery of the Hanumante River; especially the lower part is affected. The minimal management of the river led to increased encroachment together with incessant rain. The poor sewerage operations and waste dumping in the river are the key causes for the river flooding.

The flood can be mitigated and prevented by constructing machinery walls, embankments, clearing the waste from the river and starting other environmental interventions such as building walls. The research identified that the river covers large catchment area and that water from various sources finally ends up in the river. The waterway to the river is altered because of encroachment and waste dumping.

There must be effective and sustainable interventions to manage mitigate and prevent future floods in urban areas. The drainage systems inside the urban area need to be managed with a proper plan. The government agencies need to manage waste products of the urban area through proper planning by constructing embankments and drainage systems and clearing waste from the river and its banks. Urban floods can be predicted by installing equipments at appropriate places and establishing warning mechanism on the community level.

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**The Guiding Principles of Police: Use of Force**

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*There can be no issue of greater consequence than the use of force for police and law enforcement professionals. In a transitional post-conflict country like Nepal, internal security agencies play a vital role in managing the complexity of political, social and economic transformation. Ever since the end of the feudal oligarchic militaristic Rana regime, internal security and law enforcement took precedence in providing safety and security for the Nepalese people. Since Nepal entered a democratic transition in 1950, it almost failed to consolidate and strengthen its internal security and law enforcement apparatus by appropriately restructuring and consolidating the Nepal Police and National Intelligence functions. Even after the democratic political transformation of 1950, it took five years to establish the national Nepal Police in 1955.*

*Law enforcement agencies are now challenged to solve problems well beyond traditional scope. Therefore, internal security must come up with highly developed methods of policing and law enforcement. Technologically, this may not be possible yet, but it can provide management and training of its personnel based on world standards of policing and emphasizing knowledge and skill enhancement and professional behavior.*

*This paper has tried to focus and analyze the use of force by internal security apparatus of the Government of Nepal in the past and brainstorm its future roles and challenges. The paper is divided into two parts. The first part will touch upon contextual commentary on the use of force in brief. The second part will highlight three time-tested models and procedure of the use of force.*

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## Introduction

Setting Standards for the “Law Enforcement Use-of-Force Policy” is one of the hotly contested subjects of policing today. Simply put, use-of-force describes how much force officers use when interacting with civilians. Law enforcement leaders must arm officers with proper information and training to keep them safe (“Law Enforcement Use-of-Force Policy,” 2018)

Law enforcement continues to be challenged to solve problems well beyond the traditional scope of the field today. At the same time, public scrutiny has increased—and with it, pressure from local and national stakeholders to solve societal problems quickly and well. With such broad and critical responsibilities in the hands of local law enforcement agencies, it is more important than ever to provide law enforcement officers and executives who serve in them with proven, up-to-date methods for addressing the many challenges they may face (U.S. Department of Justice, 2018)

Broadly speaking, the use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as in self-defense or in defense of another individual or group (National Institute of Justice, 2019). But sometimes lack of clear and guiding principles on the use of force challenge the legality, proportionality and legitimacy of the use of force for which the government and the organizations must pay dearly.

International agencies along with National Human Rights Commission and even Parliament State Affairs Committee question the legality and credibility of the use of force by the agencies of the government of Nepal. On June 2019, Parliament State Affairs Committee (SAC) instructed the Ministry of Home Affairs to launch a probe into the killing of Kumar Paudel, the Sarlahi in-charge of Netra Bikram Chand-led Communist Party of Nepal (*My Republica*, June 24, 2019). Reuters writes, “Nepal Police and protestors both used extreme violence during recent protests in the lowland Tarai region,” Human Rights referring Human Rights Watch (*Both police and protestors n.d.*)

International Association of Chiefs of Police describes use of force as the “amount of effort required by police to compel compliance by an unwilling subject”. Use of force is a delicate and risky job. There can be “no two situations the same, nor are any two officers. In a potentially threatening situation, an officer will quickly tailor a response and apply force, if necessary. Situational awareness is essential, and officers are trained to judge when a crisis requires the use of force to regain control of a situation” (ICAP, n.d.).

There are many strategies evolved by law enforcement experts and veterans on the Use-of-Force by law enforcement agencies of the world that Nepal can learn and adopt from. Many such strategies like Standard Use of Force Model, Critical Decision-Making Model trainings have been in place in many police agencies around the world for years. As there are going to be multiple law enforcement agencies from central, provincial, metropolitan to local level, the use of such models can be vital for the uniformity of principle and practice of the use-of-force all over the country.

## Confronting today's brutal facts

Many governments and their law enforcement agencies feel overconfident and sometimes too defensive; at the same time, they tend to undermine the fact that they are always under microscopic public scrutiny. In the coming years, many state and local law enforcement agencies and their officers may feel misunderstood and undervalued for the service they provide and the sacrifices they make for the community. These days, many law enforcement agencies show more concern with crime data than actual performance and service.

### Limitation of the power of law enforcement agencies in the use of force in Nepal

There are many facets regarding the 'use-of-force' both for Nepal Police and the Armed Police Force, Nepal. Normally, it is not the chief of the security organization who makes the decision to use force. It is first the prime-minister, the cabinet, the home-minister, and or of? Home secretary decide and dictate in several occasions that compromise professional decisions of officers at the headquarters and the place of incident. One simple example of the faulty decision on the use of force is well elaborated in Box One.

#### Box One

A notorious gangster Dinesh Adhikari 'Chari' was shot dead in police encounter in August 2015 in Kathmandu. In this incident, a mass protest by over 200 United Marxist-Leninist (UML) (a major political party of Nepal) supporters reached their UML party office to draw party's attention demanding a probe on this case as a false encounter and extra-judicial killing (The Kathmandu Post, 2014)

A Team of Metropolitan Police, Crime Division shot notorious gangster in police encounter, killing Kumar Shrestha alias 'Ghainte' along with his two allies injured in Kathmandu on August 2015. The police claimed to have fired in self-defense that was refuted by Nepali Congress, the major political party of Nepal as a 'revenge murder' demanding resignation of then Home Minister Bam Dev Gautam (The Kathmandu Post, 2015).

In August 2015, after four people were killed in violent clashes, police constables were allowed to carry only batons and tear gas. Guns were given to junior officers, but with clear instruction (from the government) not to carry them as a last resort.

Five days later, eight policemen including Senior Superintendent of Police, Laxman Neupane were lynched in Tikapur of Kailali in the far western plains. One child (*cousin of Armed Police Force, Nepal*) was shot dead by the protestors (Bohara, 2017).

The above incidences are just the tip of the iceberg. There may be uncountable instances of disproportionate use of force during the ten year long armed conflict between the government forces and the Maoist combatants of the Communist Party of Nepal (Maoist) which caused the death of more than 16,000 Nepalese people. A major reason for this could be inadequacy and lack of training,

weak supervision and control in the use-of-force by the government forces that escalated the conflict and violence that continues today.

### **Need to challenge conventional Thinking**

Chuck Wexler writes in his paper, “Why we need to challenge conventional thinking on police use of force.” (*Critical Issues in Policing Series Guiding Principles on Use of Force*, 2016). He strongly emphasizes a need for guiding principles in police and law enforcement operations, especially in the use of police force. This has to be developed and practiced in such a way that everybody understands and appreciates what police should do while using police force.

In every law enforcement agency, there can be one or two trigger happy commanders who simply damage the image of an otherwise credible law enforcement agency by their reckless use of force. This can be controlled and mitigated by providing good training, supervision and guidance from superior commanders. But it is also important to note that there might be some officers in the force who might never have fired a single shot throughout their entire career except in the firing range during their training. Besides, many law enforcement officers face enormous challenges and risks to their own safety on a regular basis (*Critical Issues in Policing Series Guiding Principles on Use of Force*, 2016, p.10)

Therefore, the decision to use legal, proportionate and justifiable force is not only an issue of common sense, and experience of the concerned officer. Training, expertise, concerns of the government and oversight bodies and finally the chiefs of the organizations, not the least, the head of law enforcement agencies also matters.

### **Nepalese context**

In Nepal, use of arms by other than security personnel is negligible. However, the government is lax in gun regulation and control. Box one above, the possession and use of firearms is highly sensitive in Nepal. In Nepal, a few goons with guns can play havoc and intimidate the general public, the government and parliament. As illustrated in Box One.

In Nepal, public protesters and demonstrators are normally unarmed and less aggressive to police and authorities compared to other poor and developing countries of the world. But the use-of- force by security agencies is found to be over-reactive, forceful and sometimes violent with further escalation of tension and violence. An example of the rape and murder case of Nirmala Pant shows lapses in police probe that led to escalation and use-of-force that was disproportionate and unjustifiable (The Kathmandu Post, 2018).

In the ongoing “Umbrella Revolution” protests and demonstrations in Hong Kong, Chinese law enforcement personnel have demonstrated exemplary restraint in the use of force. In the seven-month long demonstration and protest there have been very few fatalities from the use of guns. However, there can be many reasons behind this. And, as another example, protest and mass demonstrations in Iraq show shocking and unprecedented human casualties with 40 deaths and 1,000 injuries in one day

(BBC One Minute World News, 2019). In Iran, when people protested gasoline price-hikes, security forces responded to the unarmed protesters by opening unrestrained fire, killing 180 people. “The recent use of lethal force against people throughout the country is unprecedented,” says Omid Memarian, the deputy director of the Center for Human Rights in Iran (Gladstone & Fassihi, 2019). According to international human rights organizations, opposition groups and local journalists, the government has killed 180 to 450, wounded 2,000 and detained 7,000 within four days (Gladstone & Fassihi, 2019). All of these incidents depict good examples and bad examples of the use of force by the law enforcement and security agencies of various countries. These all result from either adhering to or ignoring basic principles of the police use of force i.e. the necessity and proportionality of the use of force.

Unfortunately, there is a lack of sufficient literature, research materials and interest in research and studies in these areas.

**Security organizations of Nepal need to improve their law enforcement record and standard in the use of force. Old ways of thinking continue to permeate police training, tactics, and culture.**

### **Strategy and policy development in the use-of-Force**

This aspect of police personnel involved in shooting incidents is rarely talked about in the force. This is but widely known among police executives that law enforcement personnel who must sometimes use deadly force and often face serious challenges during the incident that remain in their minds for the rest of their lives. It can also trouble them with complicated legal issues as well as possibly traumatic emotional, physical, and psychological consequences. Therefore, one key issue might be to train police officers to rethink and review the use of force, specifically regarding procedure and of using firearms, legal issues involved; de-escalation and crisis intervention techniques and strategies that may be very important and necessary. To achieve these goals, police colleges and law enforcement academies need to initiate modern and advanced training in the police and law enforcement use of force for their officers that may include - mechanism of using firearms, legal issues governing use of force, de-escalation and crisis intervention techniques and strategies etc. Such training may also include tactical disengagement, preservation of life, tactical communication, scenarios, emotional intelligence and stress management for officers during critical incidents etc. Such already exists in some U.S. police agencies (Gladstone & Fassihi, 2019, p.14-18).

**For decades, individual police agencies have been developing innovative best policies, practices, and training on use-of-force issues. That process must continue—and accelerate.**

There are approximately 18,000 law enforcement agencies in the United States, and these agencies have a variety of policies and practices on the use of force (Gladstone & Fassihi, 2019, P 21). Nepal is presumably going to have 753 small or bigger law enforcement agencies and cells in each of their central, provincial, metropolitan and local governmental bodies in the near-future. The Constitution of Nepal 2015, Schedule 5 has already mandated the Government of Nepal for that. Now, this has become a great challenge to restructure Nepal Police in three tiers and develop training uniformity

and standardization in training including use-of-force principles; skills and behavior that is going to determine the future of the security governance political stability of the federal Nepal.

**Maybe the time has come to challenge the conventional thinking in Nepal too.**

## Use of Force Models

There is a fundamental difference between the principles and practices of the 'use-of-force' adopted by military organizations and paramilitary forces which is directed and determined by their military doctrine and the rules of engagement policy respectively. However, police law enforcement use of force should be more flexible and adaptive compared to that of military and paramilitary forces. Hence, the fundamental principles of a law enforcement agency should be to use only the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm. Therefore, the level, or continuum, of force police uses may include basic verbal and physical restraint, less than lethal force, with lethal force only as a last resort.

In this regard, one frequently used model of use of force is called the "Standard Use of Force Model" (see Figure One). Most law enforcement agencies may have policies that guide their use of force procedures and practices. These policies describe and elaborate escalating series of actions that generally have many levels. In various situations and levels, a law enforcement officer responds with a level of force appropriate to the situation at hand, acknowledge the subject's action and move from one part of the continuum to another matter of seconds (Police Executive Research Forum, 2016).

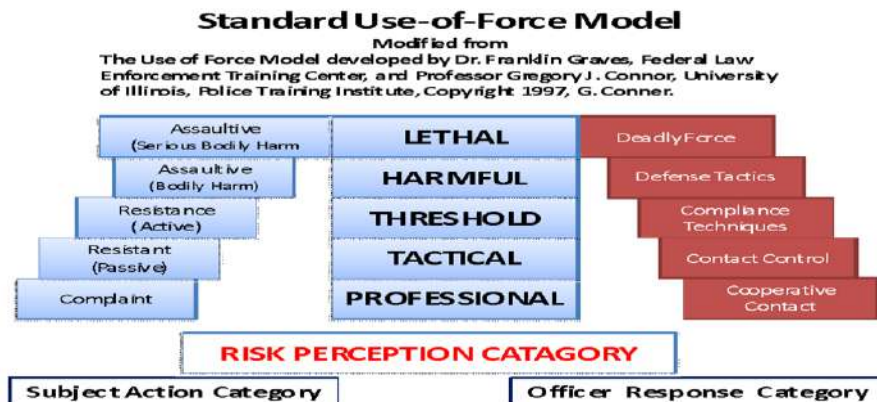


Figure 1: Standard Use- of- Force Model

Source: Dr. Franklin Graves, Federal Law Enforcement Training Center

On the bottom line of the (Figure One, Left), Subject Action Category represents the escalating amount of resistance from the subject. On the right side, it is the officer's response. The derivative of the interaction of these two results the risk perception of the law enforcement officer.

The Standard of Force Model consists of five levels represented by three segments: subject action (the amount of resistance the subject is posing); law enforcement officer's response (amount of force given based on the suspect's action – officer's perception of risk, (or how the individual officer assess the situation based on the subject's resistance); physical presence (an officer starts by utilizing physical presence and his/her verbal communication); followed by the physical contact and control (For example – arms-holding while the subject begins to show sign of passive resistance).

When Active resistance occurs (Level Three of Figure one), then increased level compliance technique are utilized. When the subject becomes assaultive, or the threat is imminent or bodily harm is perceived; or when physical injury is possible, then the officer uses defensive tactics with less lethal weapons. When all these fail, the highest of assaultive behavior is met by deadly force in the form of firearm as a last resort. The above Figure shows how some departments prefer to operate (Faircloth, 2017).

This model is more applicable in individual and isolated cases up to a small crowd. For mass demonstrations, riots and revolt it may largely depend upon the commander's discretion and Risk Perception Category and training of the deployed law enforcement officer who plays a crucial and decisive role.

A further explanation of use-of-force continuum can be summed-up as: 1. Officers presence at the place of incidence; 2. Verbalization – physical force is not-physical, 3. Empty-Hand control – officers use bodily force to gain control of a situation, 4. Less-Lethal methods - Officers use less-lethal technologies to gain control of a situation, 5. Lethal Force – Officers use lethal weapons to gain control of a situation. Lethal use-of-force may be used only if the suspect category poses a serious threat to the officer category or another individual.

If we study and analyze the issue of the killings of Dinesh Adhikari alias 'Chari' and Kumar Shrestha alias 'Gahite'; a well-grounded principle like “**Use of Force Continuum**” is totally missing in both incidents. Although both of them were notorious criminals on police wanted lists, the government and Nepal Police could not convince the people that it was not an extra-judicial killing.

Use of such a model could have helped justify such police operations. This continuum is most relevant and also effective in dealing with deranged, aggressive individuals and mentally deranged and dangerous persons.

### **30 Guiding principles on Use of Force**

The clusters of these 30 Guiding Principles are major recent breakthrough in American policing (*Critical Issues in Policing Series Guiding Principles on Use of Force*, 2016). These principles are one of the most authoritative and time tested principles and practices of the use of arms for law enforcement officers and police executives. These principles are basically organized into four areas, i.e. – a) Policy, b) Training and Tactics c) Equipment, and, d) Information Exchange. Some of the relevant policies underlying these guidelines are quoted with commentary below:

**POLICY 1**

**The Sanctity of human life should be at the heart of everything an agency does.**

Police Agency's mission statements, policies, and training curricula should emphasize the sanctity of all human life and the importance of treating all persons with dignity and respect.

**POLICY 2**

**Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements.**

**POLICY 3**

**Police use of force must meet the test of proportionality.**

A reviewing officer responsible must assess whether or not a police response was proportional to the threat faced. The review should consider the following:

- Was only the level of force necessary to mitigate the threat and safely achieve a lawful objective used?
- Was there another, less injurious option available that would have allowed the responding officer to achieve the same objective as effectively and safely?
- Will the actions taken be viewed as appropriate—by the agency and by the general public—given the severity of the threat and all circumstances?

<b>Proportionality considers the nature and severity of the underlying events.</b>
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**POLICY 4**

**Adopt de-escalation as formal agency policy**

Agencies should adopt a general policy to prefer de-escalation as a tactically sound approach in many critical incidents. General Orders should require officers to receive training on key de-escalation principles. Many agencies already provide crisis intervention training as a key element of de-escalation. Crisis intervention policies and training may be combined or amalgamated. Officers must be trained in these principles, and their supervisors should hold them accountable for adhering to them.

POLICY 5

**The Critical Decision-Making (CDM) Model provides a new way to approach critical incidents**

The Critical Decision-Making (CDM) Model guides officers through a process of:

- Collecting information,
- Assessing the situation, threats, and risks,
- Considering police powers and agency policy,
- Identifying options and determining the best course of action, and
- Acting, reviewing, and re-assessing the situation.

POLICY 6

**Duty to intervene: Officers need to prevent other officers from using excessive force.**

Officers should be obligated to intervene when they believe another officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct.

POLICY 7

**Respect the sanctity of life promptly rendering first aid.**

Officers should render first aid to subjects who have been injured as a result of police actions and should promptly request medical assistance.

**With Better Policies, Training, and Equipment, police can reduce police shooting and also keep police personnel safe.**

POLICY 8

**Shooting at vehicles must be prohibited.**

Not yet practiced in Nepal

POLICY 9

**Prohibit use of deadly force against individuals who pose danger only to themselves.**

Agencies should prohibit the use of deadly force, and carefully consider the use of many less-lethal options, against individuals who pose a danger only to themselves; and not to other members of the public or to officers.



## POLICY 10

**Document use-of-force incidents, and review data and enforcement practices to ensure that they are fair and non-discriminatory.**

Agencies should document all types of use of force, the use of a deadly weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject. This is critical for both external reporting and internal improvements to policy and training. Ensure that use-of-force and enforcement practices are not discriminatory.

## POLICY 11

**To build understanding and trust, agencies should issue regular reports to the public on use of force.**

Agencies should publish regular reports on their officers' use of force, including officer-involved in shooting, deployment of less-lethal options, and use of canines. These reports should be published annually at the minimum, and should be widely available through the agency's website and in hard copy if possible.

## POLICY 12

**All critical police incidents resulting in death or serious bodily injury should be reviewed by specially trained personnel.**

Incidents that involve death or serious injury as a result of a police action should be reviewed by a team of specially trained personnel. This can be done either within the agency through a separate "force investigation unit" that has appropriate resources, expertise, and community trust, or by another law enforcement agency that has the resources, expertise, and credibility to conduct the investigation.

## POLICY 13

**Agencies need be transparent in providing information following use-of-force incidents.**

Agencies that experience an officer-involved shooting or other serious use-of-force incident should release as much information as possible to the public, as quickly as possible, acknowledging that the information is preliminary and may change as more details unfold. At a minimum, agencies should release basic, preliminary information about an incident within hours of its occurrence, and should provide regular updates as new information becomes available.

## **Guiding Principles – Training and Tactics**

### **POLICY 14**

**Training academy content and culture must reflect agency's values.** The content of police training and the training academy culture should reflect the core values, attributes, and skills of the agency. Values-based training culture must extend to the agency's field training and in-service training programs as well.

### **POLICY 15**

#### **Officers should be trained to use a Critical Decision-Making Model**

Agencies should train officers to use a decision-making framework during critical incidents and other tactical situations.

### **POLICY 16**

#### **Use Distance, Cover, and Time to replace outdated concepts**

Agencies should train their officers on the principles of using distance, cover, and time when approaching and managing certain critical incidents.

### **POLICY 17**

#### **De-escalation should be the core theme of an agency's training program**

Agencies should train their officers on a comprehensive program of de-escalation strategies and tactics designed to defuse tense encounters. De-escalation strategies should be based on the following key principles:

- Effective communication should be the first option and officers should maintain communication throughout any encounter.
- If an encounter requires a use of force, officers should start from the level of force that is necessary to mitigate the threat. Officers should not unnecessarily escalate a situation themselves.

### **POLICY 18**

#### **De-escalation starts with effective communications**

As a point of an agency's de-escalation strategy, all officers should receive rigorous and ongoing training on communications skills. All officers should also receive training on basic negotiation techniques.

## POLICY 19

**Mental Illness: Implement a comprehensive agency training program on dealing with people with mental health issues**

Officers must be trained in how to recognize people with mental health issues and deal with them in a safe and humane manner.

## POLICY 20

**Tactical training and mental health training need to be interwoven to improve response to critical incident**

Officers should be trained to work as a team, and not as individual actors, when responding to tense situations involving persons with mental illness.

## POLICY 21

**Community-based outreach teams can be a valuable component to agencies' mental health response**

## POLICY 22

**Provide prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.**

## POLICY 23

**Training as teams can improve performance in the field**

Agencies should provide in-service training on critical decision-making, de-escalation, and use of force. Agencies should at least ensure standardization in their policies and training so that all officers are receiving the same information.

## POLICY 24

**Scenario-Based training should be prevalent, challenging, and realistic.**

In both recruit and in-service programs, agencies should provide use-of-force training that utilizes realistic and challenging scenarios that officers are likely to encounter in the field.

## Guiding Principles – Equipment

POLICY 25-30.

**While Guiding Principles on Equipment (Policy No. 25 to 30) are more technical than a country like Nepal can afford at the present, it is still critical that the culture presented by the first 24 Guiding Principles be developed along with efforts to improve equipment. (40 -77)**

### PERF’s Critical Decision-Making Model (CDM)

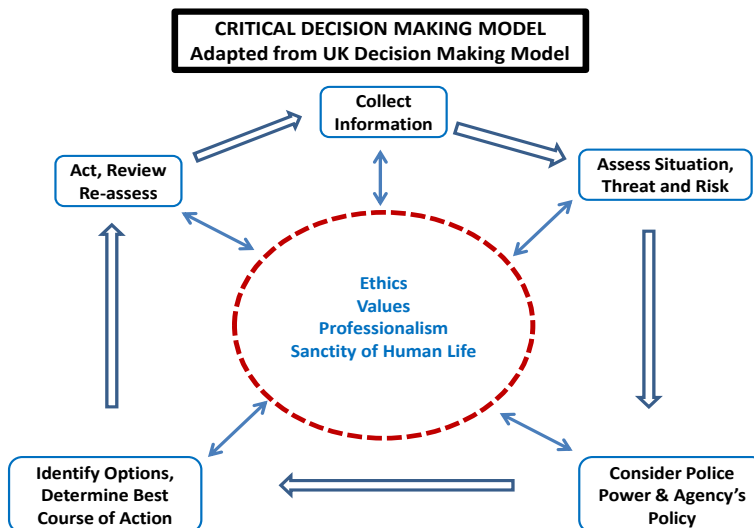
As law enforcement leaders, we make crucial operational decisions every day (Powalie, 2016, p. 3). The Critical Decision-Making Model consists of five-steps of critical thinking process. These five steps are built around the core values of the department and policing profession. A credible professional like Nepal Police and Armed Police Force, Nepal must have police ethics and agency values. As far as the grounding principles are concerned, it must have a concept of proportionality (Guiding Principle # 3) and sanctity of human life. (Guiding Principle # 1)

Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.

Based on ethical core there are five steps in CDM as given below

#### Step 1

#### Collect Information



At first, the officer must head visit the incident site and gather/collect information / intelligence (*this can be done more than once*)

This will enable officer to understand:

— Circumstances that prompted the call

Figure 2: Critical Decision Making Model

Source: <https://www.policeforum.org/assets/30%20guiding%20principles.pdf>

- Individuals on the scene, the physical environment
- Presence of weapons
- Presence of bystanders, including children,
- Mental health/substance abuse issues

There can be some background information/intelligence about *previous incident/s* involving this location or the person or persons who were involved?

## Step 2

### Assess situation Threat and Risks

Respond to incident after evaluating, comparing the findings from **Step One** (any escalation of de-escalation of the incident?). If there an escalation, the Shifts onto the high gear proportionately – visually gauging the threat and risk.

During this step: Ask yourself -

What immediate actions do I need to take? What are the threat and risk; if any? What additional information do I need? What could go wrong and how serious could the harm be? Am I trained and equipped to handle this situation by myself? Does this situation require a supervisory response to provide additional planning and co-ordination etc.?

During this step: Ask yourself:

Do I need additional police resources (e.g., other less-lethal weaponry, specialized equipment, other units, officers specially trained in (mental) health issues)? Is this a situation for the police to handle alone, or should other agencies/ resources be involved? And so on. Then decide on to go to the Third Step.

## Step 3

### Consider Police Power and Agency Policy

Does the officer have authority to take action – Think about agencies' policies over and about the situation.

During this step: ask yourself: -

Do I have the legal power to take action? What agency policies control my response? Are there other issues I should think about? (e.g., jurisdictional or mutual aid considerations and am I authorized to take action *here*?) Then you can shift to Step Four.

## Step 4

### Identify Options and Determine the Best Course of Action

Using the information and assessment from earlier steps, narrow the options and determine the best course of action.

Determine if the officers have enough information and resources, and a compelling interest, to act right away. Or should they hold off? Is it possibly to get more information and resources? During this step:

Officers should ask themselves ...

What am I trying to achieve? What options are open to me? What contingencies must I consider if I choose a particular option? How might the subject respond if I choose a particular option? Is there a compelling reason to act now, or can I wait? Do I have the information and resources I need to act now?

## Step 5

### Act, Review and Re-assess

Execute the plan, evaluate the impact, and determine what more, if anything, they need to do. Officers should execute the plan; then ask themselves ... Did I achieve the desired outcome? - Is there anything more I need to consider? - What lessons did I learn?

### Protecting officers' physical and emotional well-being

Finally, officers' emotional well-being as well as their physical safety is a must in any police agency. Police leaders who have themselves used deadly force at some point in their careers said it is not something they ever forget. Even in situations where no one questions an officer's use of deadly force, the officer may experience feelings of anxiety, isolation, and even depression, not only in the immediate aftermath of the incident, but sometimes for the rest of their careers.

Police agencies increasingly recognize the emotional toll of police work in general, and use-of-force incidents specifically. Forward-thinking agencies have created robust employee assistance and wellness programs. Training and equipping officers in how to manage certain types of situations so that the use of deadly force does not become necessary will reduce the use-of-force.

## Conclusion

Currently, there is a dearth of literature in Nepal to guide agencies interested in adopting a de-escalation principle in the use of force policy. De-escalation of the use of force requires at least two things: shifting the mentality of law enforcement personnel and providing skills based training. De-escalation can be an alternative to the use of force. Arbitrary use of force is an outdated concept. PERF repeatedly encountered examples of outdated concepts that are pervasive in police training and police culture. In some instances, officials say that the concepts described were no longer taught or practiced, only to find that they continue to be publicly cited in the defense of controversial uses of force.

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**Importance of International Humanitarian Law (IHL) Training in Armed Police  
Force, Nepal**

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**Abstract**

*International humanitarian law (IHL) applies at times of armed conflict, placing legal obligations on all warring parties that are designed to limit the inhumanity of warfare. Armed Police Force (APF), Nepal with the mandate to control an armed struggle occurred or likely to occur in any part of Nepal, to control armed rebellion or separatist activities or likely to occur in any part of Nepal, and to provide assistance in case of external intervention being under the Nepali Army, can at any time become a party in both international and non-international armed conflict. APF's role in UN Peacekeeping Missions is also an area where it may have to engage with non-state actors if and when situation demands. All these necessitate APF personnel to have proper understanding and compliance to the principles of IHL, violation of which can increase human suffering and consequent individual criminal responsibility and command responsibility. In light of this, it concludes the IHL specific trainings in APF, Nepal should be maintained and augmented to ensure broad and better understanding and respect for IHL in times of conflict.*

**Keywords**

*Armed conflict, APF, IHL, international, non-international*

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## Introduction

Respect for International Humanitarian Law (IHL) is one of the most important obligations of the parties to an armed conflict. IHL, also known as the law of war or the law of armed conflict, is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.

IHL applies to armed conflicts. It defines the rules and permitted behavior applicable with regards to the protection of unarmed civilians, prisoners, the sick and the injured in times of war. This law also known as Geneva law is primarily contained in the four Geneva Conventions and their Additional Protocols drafted since 1949. The Conventions create a positive obligation on states not only to respect the law but to ensure respect for it, an omission to act is not acceptable. Those who are responsible for grave breaches of the Geneva Conventions, such as torture or willful killing, will be sought and tried (*Overview*, 2019).

International humanitarian law is founded on the principles of humanity, impartiality and neutrality. The development of modern international humanitarian law is credited to the efforts of 19th century Swiss businessman Henry Dunant. In “A Memory of Solferino,” his book about the experience, Dunant proposed a kind of volunteer groups who should be granted protection during war in order to care for the wounded. The group later became known as International Committee of the Red Cross, formed in Geneva in 1863 to act on Dunant’s suggestion. The negotiated convention containing 10 articles known as Geneva Convention became the foundation of modern international humanitarian law, which now encompasses four conventions and three additional protocols. Collectively, they represent modern efforts to protect people in times of armed conflict (American Red Cross, 2011). The four Geneva Conventions protect wounded, sick, shipwrecked military personnel, prisoners of war, and protection of civilian as well in times of war.

In addition states accepted article 3 common to the four Geneva Conventions which marked a breakthrough, as it covered, for the first time, situations of non-international armed conflicts (Kreß & Mégret, 2014). Later in 1977, in light of growing non-international armed conflict, two Protocols Additional to the four 1949 Geneva Conventions were adopted. They strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts and place limits on the way wars are fought. In 2005, a third Additional Protocol was adopted creating an additional emblem, the Red Crystal, which has the same international status as the Red Cross and Red Crescent emblems (American Red Cross, 2011).

Nepal ratified the four Geneva Conventions in 1964 and is subject to their provisions, including Common Article 3 of the Geneva Conventions which provides minimum standards governing any non-international armed conflict (*Nepal Conflict Report*, 2012). With the ratification of Geneva Conventions, Nepal is obliged to respect and ensure respect for international humanitarian law. Armed Police Force (APF), Nepal’s mandate to control armed struggle, armed rebellion and providing assistance in case of external intervention under Nepali Army and border security of Nepal

bring APF, Nepal in the environment of armed conflict in both international and non-international armed conflict. That is why it is necessary that APF personnel are trained in IHL.

The paper explores legal provisions and normative and legitimacy implications in respect to IHL. It aims to clarify the conditions under which IHL becomes applicable to APF, Nepal which require it to respect the IHL. Then, it identifies the consequences for derogation of the IHL. Both of which will be instrumental in establishing an importance of IHL training to APF, Nepal.

## Literature review

A major part of international humanitarian law is contained in the four Geneva Conventions of 1949. Nearly every State in the world has agreed to be bound by them. The Conventions have been developed and supplemented by two further agreements: The Additional Protocols of 1977 relating to the protection of victims of armed conflicts. Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods (Zhandire, 2005).

In 1949, when the laws of war were under scrutiny following the catastrophe of the Second World War, the ICRC called for IHL to extend to civil war. Though some States, including Great Britain and Burma, expressed concern on the importance of national sovereignty, the common article 3 was finally agreed that regulates civil war within four Geneva Conventions (Kreß & Mégret, 2014).

In the two decades that followed the adoption of the Geneva Conventions, the world witnessed an increase in the number of non-international armed conflicts and wars of national liberation. In response, two Protocols Additional to the four 1949 in 1977 were adopted to reinforce the protection of victims. The Protocol II was the first-ever international treaty devoted exclusively to situations of non-international armed conflicts (American Red Cross, 2011). Based on four major principles of humanity, proportionality, distinction and military necessity, IHL seeks to limit the effects of armed conflicts. It establishes that “the right of belligerents to adopt means of injuring the enemy is not unlimited” (“casebook,” 2019).

IHL is applicable in two situations – international armed conflict and non-international armed conflict. Geneva Conventions and Additional Protocol I apply in the situation of international armed conflict (IHL Answers, 2002). Additional Protocol II was specifically enacted to apply to certain situations of non-international armed conflict. Besides, the provisions made in common Article 3 obligate all parties to non-international armed conflicts, including organized non-state armed groups to abide by the IHL. Armed conflict of non-international nature is the most widespread type in today’s world (Mack, 2008). The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps provided that they carry arms openly; and conduct their operations in accordance with the laws and customs of war. There are practices of incorporating paramilitary or armed law enforcement agencies into armed forces. When these units involve in hostilities and meet the standards of armed forces, they are treated as combatants (*Customary IHL*, 2019).

Grave Breaches are explicitly set out in all four Geneva Conventions. Conventions ratifying nations not only must adhere to humanitarian principles but also required to impose legal sanctions against

those who violate them (American Red Cross, 2011). In order to ensure compliance, states and commanders are obliged to teach its armed forces on IHL (Porretto & Vité, 2006). Derogation of the IHL is liable to criminal liability. The four Geneva Conventions have definition of what constitute grave breaches. Command responsibility” which is the legal doctrine of hierarchical accountability for war crimes apply for the breaches of IHL (*Command responsibility*, 2016). Command responsibility assigns criminal responsibility to higher-ranking members of military for crimes of genocide, crimes against humanity and war crimes committed by their subordinates (Normand, 2017). Individual criminal responsibility for war crimes committed in non-international armed conflicts has been explicitly included in international humanitarian law treaties (Henckaerts et al., 2005)

In relation to involvement of international organizations in armed conflict, Ferraro (2013) states that an evolving interpretation of the law contends that an international armed conflict exists whenever two or more entities possessing international legal personality resort to armed force in relation between them. Such interpretation possibly put the action of international organization within the scope of IHL. Similarly, the military operations conducted by multinational peacekeeping force with a coercive mandate of Security Council are the form of armed conflict governed by IHL (David and Engdahl, 2013). The relationship between ‘jus ad bellum’ and ‘jus in bello’ has been described as one of inevitable tension (Moussa, 2008). However, ICRC (2015) states that IHL applies to the parties of armed conflict regardless of the reasons for the conflict or the justness of the causes. So, states have the duty to teach international humanitarian law to their armed forces which is not only stated in the 1949 Geneva Conventions and their Additional Protocols, but also emphasized in the Hague Convention for the Protection of Cultural Property and its Second Protocol, and in the Convention on Certain Conventional Weapons, all of which specify that the obligation to teach international humanitarian law to armed forces applies in time of peace as in time of armed conflict (Porretto & Vité, 2006). In addition, commanders also have the obligation to ensure that members of the armed forces under their command are aware of their obligations under international humanitarian law which is set forth in Article 87(2) of Additional Protocol I (Henckaerts et al., 2005).

At a time when modern warfare is mostly of non-international nature, ensuring compliance to IHL is a challenge to both state and non-state actors because of the perception that IHL cannot be applied to all situations of armed conflict. However, reviewed literatures point at the necessity of compliance to IHL by warring parties irrespective of causes for conflict and non-compliance and derogation will lead to individual criminal responsibility. In this context, this paper looks at different situations under which the Armed Police Force, Nepal engages itself in the conflicts of both international and non-international character. All this shows the importance of IHL training to APF, Nepal. This paper, therefore, with a focus on APF mandate tries to show that IHL training is crucial for APF personnel.

## **Methodology**

The design of the paper is qualitative which is conducted in descriptive form. It is based on a review and examination of information gathered from a variety of primary and secondary sources. For the primary data, Human Rights section of APF, Nepal HQ was consulted which helped understand the focus on IHL specific trainings being conducted in APF. Armed Police Force Act, journals published

by ICRC and UN documents have been taken as major sources of secondary data. Data collected from various sources have been presented, described and interpreted with specific cases to substantiate the statements made.

### **Armed Police Force, Nepal**

Armed Police Force, Nepal is a security force of a paramilitary nature of Federal Democratic Republic of Nepal. The creation of the APF reflected the Government's need to deploy additional forces against the Maoists given the ongoing escalation of the conflict, then in its fifth year, and the continuing challenges faced by a Nepal Police. The APF falls under the Ministry of Home Affairs and is headed by an Inspector General. This organization was established on 24<sup>th</sup> October 2001 to tackle the growing insurgency in Nepal (*Armed Police Force, Nepal*, 2012). Since its establishment until the settlement of dispute, the APF was directly involved in quelling insurgency in unison with Nepal Army and other security forces. After peaceful settlement of the insurgency, APF, Nepal has focused on public order management along with its other mandated task. Initially founded with a roster of 15,000 police and military personnel, the Armed Police Force is currently being a paramount security organization of Nepal consisting more than 37 thousand of its active personnel.

Armed Police Act, 2001 provides that Government of Nepal shall operate the armed police for the purpose of carrying out multiple mandates. Of them, following mandates bring the organization within the sphere of IHL and its obligations based on applicability of IHL in the situations of international and non-international armed conflict.

- a) To control an armed struggle occurred or likely to occur in any part of Nepal
- b) To control armed rebellion or separatist activities or likely to occurred in any part of Nepal
- c) To provide assistance in case of external intervention being under the Nepali Army
- d) To Secure border of Nepal

In accordance with the Geneva Conventions that Nepal has ratified and the mandate it has been given, Armed Police Force, Nepal has integrated IHL and IHRL in the areas of education and all levels of training. Sustained efforts have been made to inculcate IHL values in the security personnel. They have been continuously sensitized to uphold the human rights and humanitarian law in the discharge of their duties. Clear directives have been issued to them to abide by the IHL and human rights obligations while conducting security operations.

### **APF, Nepal and international armed conflict**

The history of the law of international armed conflict shows that the field of application of this legal regime has been progressively extended as treaty law developed. Whereas a narrow formalistic concept of war was predominant initially, the reform of the system with the revision of the Geneva Conventions in 1949 gave precedence to a broader approach based on the more objective concept of armed conflict. Moreover, that extension was subsequently taken up with the adoption of Additional Protocol I in 1977. That instrument added another type of conflict to the field of the law of international armed conflict, that of wars of national liberation. This legal regime also comprises a

specific body of rules whose field of application is determined on the basis of an autonomous concept, that of occupation (Vité, 2009).

Vité (2009) further adds that by virtue of common Article 2(1), the 1949 Geneva Conventions apply to ‘all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them’. The situations referred to here are conflicts between States. The ‘High Contracting Parties’ mentioned in this text are sovereign entities. Depending on the case in question, these situations may take the form of a direct conflict between States or of intervention in a previously existing internal conflict. In the latter hypothesis, the conflict is ‘internationalized’. That is the case if a foreign power sends troops into a territory to support a movement opposing the local government. Intervention may also take place by proxy when that Power merely supports and guides the uprising from a distance. In that case, it is then vital to determine the level of control that makes it possible to classify the armed conflict as international.

When closely viewed, one thing is found common in this typology that is the involvement of another state in the conflict. APF Nepal’s mandate to provide assistance in case of external intervention being under the Nepali Army brings the APF in the engagement with international warring parties. In such situation, APF personnel are required to comply with IHL.

Border security mandate of APF, Nepal is another mandate which brings the force into first confrontation with foreign forces in case of external intervention. Border security functions entail peace time and war time functions (Das, 2016). In peace time, it patrols the border to prevent encroachment; it functions to check smuggling and infiltration, and prevents transnational crimes and illegal movement of goods and people. In war time, it provides assistance to the country’s regular Army to safeguard territorial integrity. So, both of these mandate brings APF, Nepal to be involved in international armed conflict in which condition the situation of international armed conflict applies to APF, Nepal personnel, bringing it under the sphere of IHL.

As widely known, the rules of humanitarian law were developed mainly in the context of international armed conflicts. Today, the regulations for these conflicts are still the most detailed, establishing limitations on the means and methods of warfare and imposing obligations on the parties to the conflict in terms of relief and protection of civilian populations and persons *hors de combat* (*The Practical Guide*, 2019).

### **APF, Nepal and non-international armed conflict**

IHL remains as relevant as ever for all parties to armed conflict. Most contemporary armed conflicts are waged within the boundaries of states. States’ parties to non-international armed conflict are bound to “respect and ensure respect” for international humanitarian law by their own armed (ICRC, 2004). Common Article 3 of the Geneva Conventions provides minimum standards governing any non-international armed conflict. It requires that each party to the conflict protect persons taking no active part in the hostilities, including civilians and “members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause”.

In non-international as in international armed conflicts, indiscriminate attacks are likely to be launched against towns and villages. These might also have indiscriminate effects or might aggravate the suffering of the victims by their wounding effect. The Principle of Humanity requires that civilians and those who are hors de combat must be treated humanely, meaning that abuses of such persons, such as killing, torture, rape, mutilation, beatings and humiliation are prohibited. Violations of these rules may constitute violations of the laws and customs of war, and trigger individual criminal responsibility (*Nepal Conflict Report*, 2012).

As affirmed by the International Court of Justice in 1986, the provisions of common Article 3 reflect customary international law and represent a minimum standard from which the parties to any type of armed conflict must not depart (Mack, 2008). Human Rights and Democratic Forum (2005) reports that during a decade of armed conflict in Nepal, the parties involved in armed conflict have violated the Common Article-3 by unlawful killings, unjustified murder, massacre, deliberate murder and individual murder. Similarly, in the context of Nepal, UN Office of the High Commissioner (2012) report presents research and analysis of serious violations of human rights and international humanitarian law committed during the conflict. It states that the Transitional Justice Reference Archive (TJRA) catalogues over 2,000 incidents which raise suspicions that one or more killings occurred in circumstances amounting to a serious violation of international law. Of these, the majority are alleged to have been committed by Maoists, followed closely by the Security Forces and several where the perpetrator is unknown. The report from the available data asserts that unlawful killings occurred throughout the conflict in multiple contexts. Unlawful killings were also perpetrated against enemy combatants and civilians who were in detention or otherwise under the control of the adversary, the report provides the example of Doramba case as one of the most compelling case, where, according to the report, 17 Maoists and two civilians were killed by security forces.

During a non-international armed conflict, armed groups are also obliged to respect IHL, notably the minimum protections under Common Article 3 to the four Geneva Conventions which apply to “each Party to the conflict”. However, UN Human Rights Office of the High Commissioner (2012) reports the majority of incidents related to violation of law are alleged to have been committed by insurgent. It presents the *Madi bus* bombing incident 6 June 2005 as best known case of Violation of IHL in which a bus, carrying passengers, including a large number of children, and twelve security force members in civilian clothes, some carrying side arms, was exploded killing 39 passengers.

All these incidents of violation can lead to the individual criminal responsibility. In order to receive immunity, parties to the conflict must have to understand and respect the IHL principles. APF, Nepal’s mandate to control armed struggle brought the Force into confrontation with then insurgents. Lacking adequate knowledge of IHL, there might have been error in the past. Although the insurgency has come to an end, the likelihood of similar armed struggle in the future cannot be negated. So, IHL should always be an integral part of syllabus in the basic and advance courses.

### **APF, Nepal in peacekeeping missions**

Armed Police Force Nepal has been constantly involved in various peacekeeping missions since 2002 as a member of FPU contingent (*Armed Police Force, Nepal*, 2019). Peacekeeping missions are often

in a unique position to prevent violations of IHL, and in some specific cases to start responding to the needs of victims. Good practices collected in the field have confirmed the essential role peacekeepers can play in this regard through use of physical protection. This dimension remains a crucial tool for the protection of civilian. The *Secretary-General's Bulletin* (1999) establishes that the fundamental principles and rules of IHL apply to UN forces “when in situation of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement. They are accordingly applicable in enforcement actions or in peacekeeping operations when the use of force is permitted in self-defense.” The UN peacekeeping operations in the Central African Republic (CAR), Democratic Republic of Congo (DRC) and Mali in 2013 were given peace enforcement mandates, ordering them to use all necessary measures to ‘neutralize’ and ‘disarm’ identified groups in the eastern DRC and to ‘stabilise’ CAR and northern Mali (Karlsrud, 2015). Moreover, a ‘robust turn’ of UN peace operations has provided increased authorization and willingness to use force in protection of civilians and implementation of peace stabilizations (Hunt, 2017).

Ferraro (2013) notes that the responsibilities and tasks assigned to multinational forces have also evolved to encompass a spectrum of operations including conflict prevention, peace-keeping, peace-making, peace-enforcement and peace-building. The multifaceted nature of these operations means multinational forces are more likely to use force and raises the question of when and how IHL will apply to their actions. He further adds that there have been numerous legal debates on their status, if they should be considered as parties to the conflict or mediators. Indeed, in the majority of situations, those international armed forces are deployed with the consent of the concerned States and are not authorized to use force outside self-defense. As such, they cannot be considered as parties to the conflict. The Rome Statute of the International Criminal Court has recognized the civilian status of these forces in certain situations, by envisaging that the deliberate attack on these personnel constitutes a war crime. Nonetheless, in cases where international forces are authorized to use force in an offensive way and to participate in actions of combat, they lose this civilian status. The conflict can then be considered internationalized, and those forces have to respect relevant provisions of international humanitarian law.

David and Engdahl (2013) maintains that if the Security Council gives the multinational peacekeeping force a coercive mandate, the military operations conducted by that force are a form of armed conflict governed by IHL, provided that they consist in open hostilities between the multinational peacekeeping force and government troops or armed groups that are sufficiently well organized to be termed a ‘party to the conflict’. Such a conflict can be classified as international in that it opposes clearly distinct legal personalities under international law.

For each contingent, humanitarian law applies according to the international obligations of each troop-contributing country. States that provide troops for such operations must ensure that their units are familiar with the humanitarian rules. APF Nepal conducts pre-deployment training for APF contingent going to be deployed in Peacekeeping Missions. IHL is part and parcel of the training. Norms and importance of IHL compliance in tactical operations is taught and practiced during the training.

## Consequences of Non-compliance of IHL

There are many instances where derogation of IHL resulted into war Crimes and Criminal Responsibility. War crimes refer to any serious violations of IHL directed at civilians or enemy combatants during an international or internal armed conflict, for which the perpetrators may be held criminally liable on an individual basis. Notably, these include serious violations of Common Article 3, particularly murder, mutilation, cruel treatment and torture directed against people taking no active part in the hostilities. Grave Breaches regimes are set out in all four Geneva Conventions. Nations that ratify the Geneva Conventions must abide by certain humanitarian principles and impose legal sanctions against those who violate them (Henckaerts et al., 2005). The four Geneva Conventions of 1949 and Protocol I of 1977 each have a definition of what constitutes grave breaches. Article 50 of Geneva Convention I defined grave breaches as any of the acts, if committed against persons or property protected by the Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and want only (American Red Cross, 2011).

A State is responsible for violations of international humanitarian law attributable to it, including violations committed by its organs, including its armed forces. Certain violations of international law are deemed to constitute “international crimes”, notably, crimes against humanity, war crimes, genocide, trafficking, piracy, slavery, torture and enforced disappearance (*Nepal Conflict Report*, 2012). The International Criminal Tribunal for the former Yugoslavia (ICTY), which was established by the United Nations Security Council in 1993 in light of the Balkan atrocities, would establish itself as the key institution to progressively determine the existence of customary international law relevant to Non-international armed conflict. The ICTY charged Slobodan Milosevic on the basis of individual criminal responsibility and superior criminal responsibility with 66 counts of indictment related to genocide, crimes against humanity, grave breaches of the Geneva Conventions, violations of the laws of customs of war (Kreß and Mégret 2014).

As *Command responsibility* (2016) puts, individual criminal responsibility for war crimes committed in international armed conflicts was the basis for prosecutions under the Charters of the International Military Tribunals at Nuremberg and at Tokyo, as it is under the Statute of the International Criminal Tribunal for the former Yugoslavia and the Statute of the International Criminal Court. Command responsibility assigns criminal responsibility to higher-ranking members of military for crimes of genocide, crimes against humanity and war crimes committed by their subordinates. The structure of command responsibility is rooted in IHL, which develops the duties of commanders to prevent, punish or report crimes committed during periods of war.

With respect to non-international armed conflicts, Henckaerts et al. (2005) writes that significant developments took place from the early 1990s onwards. Individual criminal responsibility for war crimes committed in non-international armed conflicts has been explicitly included in three recent international humanitarian law treaties, namely Amended Protocol II to the Convention on Certain



Conventional Weapons, the Statute of the International Criminal Court and the Second Protocol to The Hague Convention for the Protection of Cultural Property. The trials by the International Criminal Tribunals for the former Yugoslavia and for Rwanda of persons accused of war crimes committed in non-international armed conflicts confirm that persons are criminally responsible for those crimes.

“Command responsibility” is also known as the Yamashita standard or Medina standard (Normand, 2017). Command responsibility extends to violations of the law of war which result from a failure to act (*Customary IHL*, 2019). This means commander may be held liable for any act or crime committed during battle by subordinates. The “Yamashita standard” is based upon precedent set by the United States Supreme Court during the prosecution of Japanese General Tomoyuki Yamashita in 1945. Yamashita was charged with “unlawfully disregarding and failing to discharge his duty as a commander to control the acts of members of his command by permitting them to commit war crimes.” The “Medina standard” is based upon the 1971 prosecution of U.S. Army Captain Ernest Medina in connection with the My Lai Massacre during the Vietnam War. In its decision, the Court held that a commanding officer, being aware of a human rights violation or a war crime, will be held criminally liable when he does not take action (Normand, 2017).

There are also instances in Nepal’s context that, during a decade long insurgency, both insurgent and government armed forces have been alleged for violation of IHL and IHRL principles. In April 2017, after a 13-years the Kavrepalanchowk (Kavre) District Court convicted three soldiers involved in the murder of Maina Sunuwar (*Maina Sunuwar murder case*, 2017). On the basis of above cases, it becomes clear that no one is immune to breach of law. Any individual found guilty for violating IHL can be brought to trial even after many years of end of conflict. So, these trials send a strong signal that there are fewer safe havens for war criminals because of the universal jurisdiction. Owing to such criminal liability that one has to bear if found violated IHL, all APF personnel should be aware of the conduct of their behavior during conflict so that they respect the IHL during conflict and not have to face trial.

### **IHL Training in APF, Nepal**

APF, Nepal has the mandates, along with multiple other mandates, to control an armed struggle occurred or likely to occur in any part of Nepal, to control arm rebellion or separatist activities or likely to occur in any part of Nepal, border security and to provide assistance in case of external intervention being under the Nepali Army (Armed Police Act, 2001). These mandates explicitly relate APF with both international and non-international armed conflict as specified in the IHL. Hence, it is important for APF, Nepal to have knowledge of IHL to respect the provisions and principles of IHL in times of involvement in armed conflict of both international and non-international character.

The duty of States to provide instruction in IHL to their armed forces is found in Articles 47/48/127/144, respectively, of the four Geneva Conventions, and in Article 83 of Protocol I additional to the four Geneva Conventions. This treaty obligation is applicable both in peacetime and in times of international armed conflict. Specific to non-international armed conflicts, Additional Protocol II requires, in Article 19, that the Protocol “shall be disseminated as widely as possible”

(Henckaerts et al., 2005). States party to the Geneva Conventions “undertake to respect and to ensure respect for the Conventions in all circumstances”. This general commitment translates into several concrete responsibilities including State’s obligation to disseminate the text of humanitarian law conventions widely among their armed forces and civilians (*The Practical Guide*, 2019).

In addition, it is also the obligation of commanders to ensure that members of the armed forces under their command are aware of their obligations under international humanitarian law. This provision seems to be based on the reasoning that the most effective way to ensure compliance with the States’ obligation to instruct their armed forces is by making commanders responsible for the instruction of the armed forces under their command. Canada’s Commission of Inquiry into the serious violations of IHL by Canadian peacekeeping troops in Somalia blamed a number of officers for the violations committed by their subordinates because they had not adequately trained the latter in their legal obligations (Henckaerts et al., 2005).

Besides having IHL incorporated into regular training syllabus, APF, Nepal, also conducts IHL specific training to its personnel. The trainings include both Training for Trainer (TOT) and orientation in unit levels on a regular basis. Further, ICRC also provides APF, Nepal with important training of TOT on IHL on a timely basis. Such training has been much helpful in producing trainers who become important resource person for IHL training in the regular professional trainings to APF personnel. For the APF personnel to be deployed in UN missions in conflict torn country, APF, Nepal has specialized unit UN Peacekeeping Training Center at Kakani, Nuwakot. The training syllabus includes the lessons on IHL to educate the troops going to missions. It is also an essential part in UN specific operational and tactical exercises.

## Conclusion

The Geneva Conventions and their Additional Protocols are the core documents of international humanitarian law. It is the body of international law that regulates the conduct of armed conflict and seeks to limit its effects. They specifically protect people who are not taking part in the hostilities such as civilians, health workers and aid workers and those who are no longer participating in the hostilities, such as wounded, sick and shipwrecked soldiers and prisoners of war. The Conventions and their Protocols call for measures to be taken to prevent or put an end to all breaches of IHL.

The fundamental principles of IHL - humanity, proportionality, distinction, and military necessity should be kept in mind and respected both in non-international armed conflicts and in international armed conflicts. Moreover, the multifaceted nature of peace operations and the increasingly violent environments in which the peacekeepers operate increase the likelihood of their being called upon to use force. By the nature and mandate of APF, Nepal, it can become directly involved in both international and non-international armed conflicts. Since Nepal has ratified the Geneva Convention of 1949, it is the obligation that during peace or armed conflict, to ensure respect for the Conventions and to make sure the law is widely known and understood by all including armed forces. It thus becomes all the more important to understand when and how IHL applies to their action and the legal consequences for the violations of IHL which can lead to individual criminal responsibility and command responsibility. The focus of APF, Nepal on the IHL specific training should be maintained

and further augmented to have broad knowledge on the topic. To ensure the understanding and compliance to IHL, it is all the more important that IHL is incorporated in all level of training manuals of APF, Nepal.

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**The Perils of Parliamentarism:  
Chasing the Flows of the Third Wave of Democratization in Asia**  
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**Abstract**

*What is the present state of democracy among the Asian countries that were (re)democratized during the third wave of democratization? What makes the differences? Why some specific factors play prominent role on the deepening of democracy among them? These are the primary questions of this study. The findings from ten young Asian democracies are as follows. First, all the Asian countries that (re)democratized during the third wave of democratization are practicing democratic system at present. Six of them experienced the breakdowns, while four remain as a continuous democracy. Second, out of eleven structural and institutional factors, examined in this research, only the presidential system has clearer positive impact and economic development has a partial effect on the deepening of democracy. Indirect dictatorship or dominancy of family politics in the parliamentary democracies is found as main reason for the perils of parliamentarism among young Asian democracies.*

**Keywords**

*Young Asian democracies, third wave, deepening of democracy, presidentialism, and parliamentarism*

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## Introduction

We live in an era of democratic recession. We are globally witnessing the failure of effectiveness of democratic government. Moreover, newly democratized nations are also facing challenges on institutionalization of the democracy. Asia is no exception. Pessimistic views and worries on the future of democracy in Asia prevailed and recently re-emphasized in the academic world and international media (Croissant, 2004; Case, 2009; Kurlantzick, 2013; Rodan & Jayasuriya 2009; Diamond et al., 2013). This study observes the state of democracy of ten countries which were (re) democratized in the third wave of democratization – Bangladesh, Cambodia, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, the Philippine, South Korea (hereafter Korea) and Thailand (Huntington, 1991; Lee 2002). Moreover, it examines the impact of eleven structural and institutional factors on the consolidation of democracy in these countries.

The degree of democracy at present state is measured considering two dimensions: survivability and quality. Whether or not a democracy continues without any break after the (re)democratization is examined to identify the survivability of a democracy. Three popular indexes, Freedom House, Polity IV and Economist Intelligence Unit's Index of Democracy (EIU index) are used to inquire their qualities. All young democracies are divided into four groups (in a two-by-two table) based on these two measurements. This study also presents the intra-regional variations in South Asia, Southeast Asia and Northeast Asia. Observation of the intra-regional variation is helpful to assess the specific pattern of the democratic development in Asia. Eleven factors, dividing into two groups, structural and institutional, are tested to answer "what makes the differences."

This is the first academic inquiry since Croissant's (2004) article that covers most young Asian democracies. Comparative academic works on Asian democracy are excessively limited in the sub-regional observation or specific variables, i.e., party system institutionalization (Hicken & Kuhonta, 2011; Croissant and Volkel, 2012) and electoral system (Reilly, 2007). This study not only links these two types of researches but also aims to open a new chapter on the comparative study of Asian democracy. The inquiry on both patterns of democracy and causes behind the differences can contribute academically to understand the politics of other non-democratic nations in Asia and their political future; though it is beyond the scope of this article.

### The third wave and democracy in Asia

Democracy and Asia have a long but uncomfortable relationship. Though the democracy was introduced in the several states after the end of Second World War, only three of them – India, Japan and Sri Lanka – survived without a break. There were continuous questions on effectiveness of Indian democracy on pursuing the regime's "own professional goals" (Kohil, 1987:8). Modi's government is not free from the blame that it has severely undermined India's democracy. The push and pull between authoritarianism and democracy continued in Sri Lanka. Dominancy of the single party remains as the darkest part of the Japanese democracy; region's first consolidated democracy (Scheiner 2006).

There are two most striking phenomena among young Asian democracies. First, all the Asian countries that (re)democratized during the third wave of democratization are practicing democratic

system at present. Bangladesh, Nepal, Pakistan and Thailand have experienced the breakdowns of democracy after the (re)democratization in the third wave. Cambodian democracy faced a serious crisis during a coup in 1997. Authoritarian characteristics of the Malaysian regime strengthened in the aftermath of the Asian financial crisis. All these six countries categorized as non-continuous democracies in this article. The rest of four regimes – Indonesia, Mongolia, Korea, and the Philippines – are classified as continuous democracies. Second, the quality of democracy among them is varied markedly. As a global trend of using adjectives to explore the teetering democracy or regime in a specific country or group of countries (Collier & Levitsky, 1997; Bogaards, 2009), most of the young Asian democracies also have been named with several adjectives (explored below in intra-regional comparison).

Numerous definitions –i.e., a regime where party loses the election (Przeworski, 1991: 10, Huntington, 1991: 265-270) or only the game in town (Linz and Stepan, 1996: 5) – and various adjectives (Collier and Levitsky, 1997, Zakaria, 1997; Diamond, 2002; Rose and Shin 2001, Brumberg 2002) presented to identify whether a transformed regime established as a consolidated democracy or converted into other types of regimes (Linz & Stepan, 1996). If we apply rigorous definitions, very less Asian regimes can be classified as consolidated democracy. If the minimal definition or criteria applied, the majority of countries will be positioned in democratic zone. Most young Asian democracies will be in non-consolidated group in the former and democratic in the latter. The quality of democracy among them –in a group where the majority of countries locate – will still be highly varied (Altman & Pérez-Liñán, 2002, pp. 86-87).

This study overcomes this problem by introducing a two-by-two table, based on survivability and quality. It classifies young Asian democracies in four different categories: continuous and free, continuous and partly free, non-continuous and free, non-continuous and partly free. As mentioned above, whether a democracy continues, without any breakdowns, after the (re)democratization in the third wave or not is examined first. The quality of democracy surveyed from three popular democracy indexes: Freedom House, Polity IV and the EIU index (Durkiewicz, J., & Janowski, T. 2018). How the existing studies have identified these democracies also carefully considered while classifying them into four groups. These categories, based on four groups, are the basic unit of analysis in this research.

**Table 1: Classification of Young Asian Democracies**

Status	Continuous Democracies	Non-Continuous Democracies
Free	Mongolia, Korea [1]	No[2]
Partly Free	Indonesia, the Philippines [3]	Bangladesh, Nepal, Thailand, Pakistan [4] Cambodia, Malaysia [5]

Three younger democracies – Indonesia, Mongolia, and Korea – secured their position in continuous and free democracy groups. Among three continuous and free democracies, Korea is only identified as a consolidated democracy in the academic world (Sin and Wells, 2005; Diamond, et al., 2013: x). Few serious concerns regarding the quality of governance in Indonesia and Mongolia have been continually raised (Dressel, 2011, Webber, 2006, Fritz, 2008). Observers have often expressed their suspicion on quality of democracy in Indonesia and the Philippine – two countries categorized as



continuous and partly free countries in this study. Recently, both have become the common example while discussing the populism (Mietzner, 2015, Heydarian, 2018). Half of the young democracies fall into the fourth and final category: non-continuous and partly free.

**Table.2. Young Asian Democracies in Three Indexes**

Classification	Continuous				Continuous and Partly Free					
	Free		Partly Free		BAN	NEP	THA	PAK	MAL	CAM
	MON	KOR	IND	PHI						
<b>Freedom House</b>	1.5	2.0	3	3.0	5.57	5.18	4.63	4.17	4	5.5
<b>Polity IV</b>	10	8	9	8	- 6	5.18	5.5	4.5	4	5.5
<b>EUI</b>	6.50	8	6.39	6.71	5.57	5.18	4.63	4.17	6.88	3.59

### North-East Asia

Regionally, young Northeast Asian states achieved significant progress in the deepening of democracy. All two young democracies in this region – Mongolia and Korea – secured their position in continuous and free group. Rapid democratic consolidation, identically with their economic growth in Korea is often cited as a successful democratic story since early 2000s (Sin and Wells, 2005, Diamond, et al., 2013). Mongolian success is the most significant one. Few of the factors normally considered favorable for democratization were present in Mongolia at the onset of its regime change in 1990. Mongolia embarked on its transition with the lowest standard of living among the communist world, matched only by Albania (Fish, 1998: 127). Despite few governance problems (Fritz, 2008), today it is “the only post-communist country east of Baltics to earn the destination of democratic consolidation” (Diamond, et al., 2013: xi).

### Southeast Asia

The success of Indonesia and “dramatic decrease in democratic quality in Thailand and the Philippines in recent years” (Mietzner, 2010:185) are the most striking phenomena in Southeast Asia. The quality of democracy among Southeast Asian states is markedly varied (Case, 2004). Despite the persistence of few negative elements (Sebastian, 2012: 465, Fukuoka, 2013; Freedman and Tiburzi, 2012), “the political landscape of Indonesia, the world’s most populous Muslim country, has been transformed almost beyond recognition” (Webber, 2006:296) since its transformation to a democratic country.

The majority of literatures on the Philippines and Thai democracy expressed the pessimistic view. The Philippines democracy continuously classified with the negative adjectives. Björn Dressel (2011) concludes that “oligarchic structures and dysfunctional institutions threaten the emergence of true democracy in the Philippines.” Elections in the country have been tainted by fraud, violence, and overspending (Tuazon, 2013: 113). Political crisis in Thailand started from overthrown of Thaksin Shinawatra’s government by Royal Thai Army on 19 September 2006 (Ockey, 2008, Pongsudhirak, 2008; Farrelly, 2013; Ferrara, 2011). It resumed from the demonstration in November 2013 against the continuous role of former prime minister in politics. It later turned into the clashes between anti

and pro-government groups (the popular clash between yellow and red t-shirts), state of emergency, death of numbers of protesters, resignation of 153 parliament members of the Democratic party and boycott of the general election 2014 by opposition parties. Finally, the Royal Thai Army launched a coup on 22 May, 2014, by removing the caretaker government. There have been at least 18, actual and attempted military takeovers since Thailand became a constitutional monarchy in 1932. Parliamentary election was carried-out in March 24, 2019. It, however, could not bring significant change in quality of democracy (Mc Cargo, 2019). Malaysian democracy, which was identified as a competitive authoritarian system, “in which incumbents use finely honed tactics and institutional leverage to stay in office” (Welsh, 2013: 136) until recently is moving toward deepening of democracy after the first victory by an opposition coalition after 61 years of rule by the long-dominant National Front or Barisan Nasional led by the United Malays National Organization. Despite of the regular elections, democracy in Cambodia in the region found as most poor condition. Cambodian regime is classified as a competitive authoritarianism or hybrid regime (Kheang, 2005; Lilja, 2010, UN, 2005).

## **South Asia**

None of the young democracies could achieve remarkable progress in this region. As de Souza et.al. Identify, “South Asia does not fully fit into the story of the global triumph of democracy. The countries in this region have not experienced a linear progression toward democracy; more often than not, theirs has been a story of forward movements followed by setbacks and regression” (de Souza et. al, 2008, p. 85). Military became major obstacles for democracy in Pakistan and Bangladesh. While, democratic practice in Nepal was “severely challenged at various points by two extreme forces: an ideologically motivated ultra-leftist force known as the Nepal Communist Party (NCP (Maoist)), who sought to establish a communist republic through a violent insurgency, and an ambitious ultra-rightist force represented by the King, who refused to accept the role of a constitutional monarch and imposed his direct rule by sidelining an elected government” (Parajulee, 2010, p. 87-88). All states have an elected government at present. Their democratic and governance indicators, however, are extremely poor not only comparing to other Asian nations but also with any states in the third world.

## **What makes the differences?**

Structural and Institutional factors are most widely inquired in the comparative and empirical studies that examine the reasons behind the survival or consolidation of democracy (Gasiorowski & Power, 1998; Power & Gasiorowski, 1997, Barro, 1999, Przeworski et al. 1996). Former generally investigates the socioeconomic dimensions. While later emphasizes on the institutional design of a specific regime. Political culture, historical background and dependency or foreign involvement also frequently discussed while examining the quality and the level of democracy in the Third World. This research examines eleven factors, dividing in two groups, structural and institutional, that are most often studied in the former studies. Out of five structural factors inquired in this article, three are economic (level of economy, income inequality and financial crisis) and two are ethno-religious. Institutionally, the impact of regime type (presidential or parliamentary), government system (federal or unitary), electoral system and party system institutionalization are examined.

Though it is a regional comparative study, it does not examine any inherently regional or solely Asian factors. In early 1990s, there was a lively discussion on the political role of the Asian value. Kim Dae Jung, former president of South Korea and Lee Kuan Yew, former prime minister of Singapore, led the debate through their publications in an American Magazine, *Foreign Affairs*. Since then, the question, in most cases, excessively limited on the role of Confucian culture on politics (Park and Sin, 2006). No need to say that Confucian culture is popular only in East Asia and few specific zones in Southeast Asia. Few studies in South Asia emphasizes on the South Asian exceptionalism: the role of caste and ethnicity in politics. Nepal is a prime example (Hangen, 2010). The term Asian style of democracy in academic world (Neher, 1994), however, was often much closer to a hybrid regime (Hood, 1998) rather than some specific Asian phenomena.

This research does not conclude that the inherent values, culture or systems, i.e., caste system, have no impact on politics, especially in the establishment of democratic system. It only argues that there are very rare comparative studies on this topic. Emphasizing only the Confucian culture as Asian value is a reductionist approach. The debate needs more comprehensive model and methodology. Though the topic is a prominent academic question, this is not the scope of this article. This research rather focuses on most widely discussed universal variables. Despite rapid socioeconomic transformation and remarkable political change among young Asian democracies, these variables were not examined for a long. The findings of this research can be the foundation for further research on comparative Asian democracy.

### **Structural factors**

Starting from Lipset (1959, 1960) or even from Aristotle and Plato, the impact of economic development, or modernization, on democracy remains one of the most widely discussed and contested questions. Both the economic determinants of democratization and democratic consolidation are extensively examined (Przeworski and Limongi 1997). Answers have been inconsistent. Regarding the deepening of democracy, the initial idea presented by Lipset in his seminal piece (1959: 75) – the more well-to-do a nation, the greater the chances that it will sustain democracy – is broadly accepted (Przeworski and Limongi, 1997; Rueschemeyer et al., 1992, Gasiorowski and Power, 1998).

Among the young Asian democracies, contemporary level of GDP per capita income has positive effects on both survival and quality of democracy. The relationships, however, need to interpret with two careful cautions: huge intra group economic variation in continuous and free group and the exception of Malaysia and Thailand. With the exception of Malaysia and Thailand, countries in continuous and free group have the highest level of per capita income; country in continuous and partly free have a medium level of per capita income and countries in non-continuous and partly free have lowest level of per capita among young Asian democracies (table 3). Hence, this research concludes that the economic development have partial, but positive, effect on the deepening of democracy among young Asian democracies. The existing studies have claimed that the role of economic development on democratization in Asia had rare (Lee 2002; Webber 2006) or limited (Linder & Bachtiger, 2005) effects.

**Table 3: GDP Per capita Income of Young Asia Democracies in 2018 (in \$)**

Classification	Continuous				Continuous and Partly Free					
	Free		Partly Free		BAN	NEP	THA	PAK	MAL	CAM
Countries	MON	KOR	IND	PHI						
<b>GDP</b>	4,121	31,362	3,893	3,102	1,698	1,033	7,273	1,482	11,373	1,510

Source: GDP: <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (Accessed on: 22 December, 2019)

Following economic development, the role of income inequality bearing on democracy – or vice versa – is often studied (Bollen and Jackman 1985, Muller, 1998). Two popular arguments “democratic consolidation has been systematically bolstered by high levels of income equality” (Boix, 2003, p. 10-11) and “inequality harms consolidation” (Houle, 2009, p.591) found to be invalid among young Asian democracies. Annual average income inequality, as measured by the Gini coefficient, increased annually 0.8, 1.4, 0.4, 0.9, and 1.3 percent respectively in Bangladesh (1990-2010), Indonesia (1990-2011), Korea (1992-2010) and Sri Lanka (1990-2006). Indonesia and Korea experienced significant improvement in the establishment of democratic system. While, Bangladesh and Sri Lanka suffered from serious democratic regression. On the contrary to this, the annual average income inequality decreased by 0.1, 0.2, 0.8, 0.5, 0.6, 0.1, and 0.6 percent respectively in Cambodia (1994-2008), Malaysia (1992-2009), Mongolia (1995-2007) Nepal (1995-2010), the Philippines (1991-2009) and Thailand (1990-2009) (ADB, 2012). Here, only Mongolia achieved the remarkable progress in the deepening of democracy. The Philippines remains as continuous and partly free democratic state. Rest of the countries suffered serious democratic regression in different period (Chi and Kwon, 2012).

Similarly, any clearer effects of financial crisis on deepening of democracy couldn't observe among young Asian democracies. Mostly five countries – Indonesia, Korea, Malaysia, the Philippines, and Thailand – suffered from the 1997 Asian financial crisis. Unlike popular predication that financial crisis threatens the new democracies (Davies, 2010); Korea remains democratic state and the quality of its democracy improved after the financial crisis (Rodrik 1999). First peaceful transfer of power to the democratically elected opposition victor occurred in 1998. Indonesia underwent a successful transition to democracy in the aftermath of the Asian financial crisis. Whereas remarkable positive change toward the consolidation couldn't observe in the Philippines and Thailand. Thailand experienced the democratic regression. The undemocratic nature of Pseudo democracy strengthened even after the financial crisis in Malaysia (Case, 2001).

Neither the religious differences matters. Indonesia, world largest Muslim country, achieved tremendous success in democratic transformation; unlike the popular negative prediction regarding the democratic system in a Muslim country (Barro, 1999; Lakoff, 2004). While, the quality of democracy in three other non-Arab Muslim democracies (Stepan and Robertson, 2003, Nasr, 2005) – Bangladesh, Malaysia and Pakistan – still found poor. Buddhism also didn't have any significant effects. The majority of the population who profess religious affiliations in Mongolia and Korea are Buddhist. All made remarkable progress in democratic development. While Sri Lanka, Thailand and

Cambodia, three major Buddhist countries in the world are struggling on deepening. They, moreover, have faced democratic regression recently.

Final structural factor examined in this article is the ethnic composition. Two ethnically homogenous countries, Mongolia and Korea have experienced significant democratic development; whereas largely homogenous Bangladesh and Cambodia are continuously languishing in partly free zone. Ethnic identity did not have any political value and role in 1990s in multiethnic and multi linguistic Nepal. Suddenly, ethnicity becomes the prime political agenda since 2006. In both periods, its democratic system was far from an actual democracy. Indonesia is not only a regional but also a global exception in the relations between the deepening of democracy and ethno religious composition of a state. It is a heterogeneous state with around three hundred native and ethnic groups. Indonesia, fourth most populous country, has a larger Muslim population than any other country in the world. Unlike dominating pessimistic predictions, it, however, experienced a remarkable progress toward democratic consolidation in last two decades.

### **Institutional factors**

Starting with Linz's works, though the question was raised a century ago by Walter Bagehot and Woodrow Wilson, institution related theoretical and empirical discussions on the successful consolidation of democracy are centered on relative merits of regime type (Elgie, 2005, Weaver and Rockman, 1993). Three major arguments can be summarized from existing explanations. First, comparing to presidential system, parliamentary system is more favorable for democratic consolidation (Linz, 1990a; Linz 1990b; Linz 1994; Linz & Valenzuela 1994; Stephen & Skach, 1993; Przeworski et al. 1996). Second, "(if) other things being equal, presidentialism tends to function better where presidencies have weak legislative powers, parties are at moderately disciplined, and party systems are not highly fragmented" (Mainwaring & Shugart, 1997:449). Third, "the choice of constitutional type is not significantly related to the likelihood of democratic survival in less developed countries" (Gasiorowski and Power, 1997: 123).

The institutional merits on deepening of democracy, both survival and quality, found most significant than any other factors among young Asian democracies. All the presidential democracies survive without any break; whereas all the parliamentary democracies experienced breakdowns. Two countries in continuous and free group Mongolia and Korea have presidential system. Some studies classify some of them as semi-presidential democracies (Elgie 2008). Regardless of their purity (Stephen & Skach, 1993), the presidential system has better performance in both survivability and quality. Along with free and continuous democracies, Indonesia and the Philippines, continuous and partly free countries, also have presidential system. Six young Asian democracies have parliamentary democracy. All of them found as non-continuous and partly free. Pakistan had practiced a presidential system for the short period (in Musharraf era) even after the restoration of democracy in the third wave.

The discussion on the relationship between systems of government – federalism or unitary – and democracy among young Asian democracies has less academic meaning. Out of twelve states, only Malaysia, Nepal and Pakistan have federal systems. Proportional representation system continuously

remains unpopular in Asia. Majority of countries in the region adopted a “highly disproportional forms of mixed-member majoritarian (MMM) electoral systems, in which most seats are elected from local districts and a much smaller proportion from a party list” (Reilly, 2007: 1354). Similarly with the government system, the comparative discussion on electoral system and state of democracy among young Asian democracies does not provide any significant academic answers.

There is not a general agreement on whether or not an institutionalized party system leads to consolidated democracy (Hicken and Kuhontaz, 2011: 575). It, however, is widely acknowledged that “a fractionalized party system made it very difficult to process decisions, ultimately resulting in the decision paralysis that led to regime breakdown” (Mainwaring, 1990: 168).” The impact of party system among young Asian democracies found less significant. In most period, party system in Bangladesh, Mongolia, Nepal, South Korea, Taiwan and Thailand were close to a bipolar party system. Only half of them got significant improvement in democratic development. Indonesia, however, achieved tremendous success despite high level of party fragmentation. Though the party systems in Pakistan and the Philippines have moderate level of fragmentation, the political development in two counties is highly different. Needless to emphasize again, Cambodia and Malaysia has a hegemonic party system. Party system can be studied along multiple dimensions; effective numbers of parties is only one of them (Hicken, 2009, p.2.). This study does not examine all these factors. Existing studies, however, already clearly demonstrate that there “is no clear and linear relationship between the state of party politics and the quality of democratic governance or the state of consolidation of democracy” in Asia (Croissant & Volkel, 2012, p. 258).

### **Regime types effect and perils of Parliamentarism**

Latin American experience of the “failure of presidential democracy” (Linz and Valenzuela, 1994; Linz, 1990) did not repeat among young Asian democracies. Contrary to this, only the presidential democracies survived. While all parliamentary democracies experienced breakdowns. The discrepancies are much clear in the qualities of democracy. As emphasized above, only the presidential democracies are found as free. None of the parliamentary democracy could secure their position in the free and continuous group. Theoretical explanations, mostly based on Latin America, explore very little part of this Asian exception. This research does not provide alternative theoretical explanations or interpretation. It, however, presents few important comparative facts that are essential to understand the tragic failure of young Asian parliamentary democracies.

Academic debates on the relationship between presidential system and success or failure of democracy are centered on two major theses: the perils of presidentialism thesis and difficult combination thesis. Former focuses on the inherent structural problem of presidential system. It views a rigid term limit of executive, winner takes all politics and dual democratic legitimacy in the presidential system (Linz and Valenzuela, 1994) are particularly detrimental. They ultimately led to the regime break. While later argues that specific institutional conditions and characteristics – not necessarily related with regime type – determine the performance of presidential system. Excessive legislative power of the president, extreme ideological polarization and highly fractionalized party system are viewed as especially inimical to a well-performing presidential system (Mainwaring, 1990: 168; Shugart & Carey, 1992: 165; Mainwaring and Shugart, 1997:449).

Power and Gasiorowski (1997) already conclude that these two thesis are invalid on exploring the relationship between the consolidation of democracy and choice of political institutions in the third world. This study's observations are also identical with their findings. Most young Asian presidential democracies were not free from the structural obstacles listed in the perils of presidentialism thesis (Fukuyama, et al., 2005). Constitution of all countries strictly limited the term of president. Four presidential democracies experienced the attempt of impeachment over the elected executive; major example of political crisis originates from dual legitimacy problem. The elected president of the Philippines was overthrown by impeachment in 2001.

Concentration of executive power in a single person, the president, continued in most countries even after the democratization (Baswedan, 2007: 323; Hara, 2001: 315, Asaba, 2013). The debate on modification of regime type, from presidential to parliamentary, continued in the Philippines and Korea. Excessive power of president is one of the central agenda of these debates (Rüland, 2003). As seen above the party system was highly fragmented in Indonesia and moderately fragmented in the Philippines. Though the Korean party system comparatively institutionalized, Korean parties lack longevity and strong organization (Croissant & Volkel, 2012, p. 258). Ideological polarization, often called as regionalism, becomes the regular part of Korean politics. These institutional constraints and practices, however, did not result in the break of presidential democracy among young Asian democracies.

On the other hand, the flexibility and adoptability of parliamentary system, presence of opposition leader in parliament, and indirect stability through the continuity of prime ministers and ministers in cabinet are assumed as the apparent "virtues of parliamentarism" (Linz and Valenzuela, 1994; Linz, 1990). None of these proximate causal effects, however, has clear implications among young Asian democracies. Nepal is the prime example. It had most conditions. The politics was highly flexible. One after another coalition governments formed since 1994. Even ideology did not matter on alliance formation. Two former prime ministers of past autocratic regimes became prime ministers of coalition governments in democratic era. Most of the ministers in democratic Nepal were the regular guests in the cabinet (Humagain & Seo, 2013). The Nepali democracy neither could improve its quality nor survived itself.

Four parliamentary democracies – Bangladesh, Nepal, Pakistan and Thailand – have a common characteristic. Their democratic system was generally stable for almost a decade since the (re)democratization in the third wave. Nepal and Pakistan faced serious threats in the late 1990s. Democracy in Bangladesh and Thailand suffered since the mid of the first decade of 2000s. Rise of traditional powers (military in Bangladesh, Pakistan and Thailand; monarchy in Nepal and Thailand) and new radical force (Moist in Nepal) ultimately resulted into the end of democratic practice.

Most young Asian parliamentary democracies severely suffered from indirect dictatorship or personal/family politics. Regardless of frequency of government change, only few people had dominant position in most countries in the democratic era. Hun Sen, incumbent prime minister of Cambodia, is currently the longest serving leader in Southeast Asia and is one of the longest serving prime ministers in the world, has been in power since 1985. Only three men got executive power in

Malaysia since 1982. All of them idolized with different names, i.e., father of modernization, father of human capital development or father of transformation. Excessive role of Thaksin Shinawatra in Thailand, first prime minister of Thailand to complete a full term in office, since 2001 ultimately led to regime break and severe political crisis (Pongsudhirak, 2008).

G.P. Koirala became prime ministers for five times since 1990 in Nepal. “Koiralaization” was the buzzword and most disputed political issue in the early days of the restoration of democracy in Nepal (Bhattachan, 1994). Three out of four brothers of Koirala became prime minister of modern Nepal in different time period. Only two women, Sheikh Hasina and Khaleda Zia, became prime minister since 1990 in Bangladesh. Former is the daughter of Sheikh Mujibur Rahman, the founding father and first President of Bangladesh. Later is the widow of Ziaur Rahman, former president of Bangladesh. Pakistan experienced frequent change of prime minister in Musharraf era. It was a semi-presidential system.

Only Thailand has term limits – a maximum of two consecutive terms – for prime minister among young Asian parliamentary democracies. All presidential democracies have term limits of executive. Presidents in Korea and the Philippines are limited to single term of five and six years respectively. The constitutional provision in Indonesia, Mongolia and Taiwan limited the president terms to a maximum of two consecutive terms. Former fixed a term for five years; last two for four years. Naturally, the leadership changes in presidential democracy are frequent.

Regularity of leadership itself can't be the problem on deepening of democracy. *How limited people sustain in power for a long period matters.* As seen above, the Cambodian and Malaysian leadership came or sustain in power through the electoral authoritarianism. The government resources were highly abused during the election period (Ibrahim, 2013; UN, 2011). Thaksin Shinawatra, “a telecommunications billionaire and populist campaigner” (Farrelly, 2013, p. 287), era was full of paradox in Thai politics. Thai people experienced the most stable democratic system. Thaksin “became the first prime minister of Thailand to complete a full four-year term in office, the first to be reelected, and the first to preside over a government composed entirely of ministers from one party” (Pongsudhirak, 2008, p. 142). The democratically derived governments, however, “operated in an authoritarian fashion reminiscent of the long-entrenched, one-party-dominant regimes in countries such as Malaysia and Singapore. Thaksin ultimately monopolized the electoral system, manipulated the constitution, and exploited its inner workings to the point of usurpation” (Pongsudhirak, 2008).

The stories in South Asia are pretty different. Most major political parties are captured by few family members for decades. Pakistan People's Party in Pakistan, major parties – Bangladesh Awami League and Bangladesh Nationalist Party – in Bangladesh and Nepali Congress in Nepal are the prime examples. All these parties have dynastic characteristics. In general, the political leadership in any political parties in South Asia changes hardly (Ahmed, 2003, Humagain & Seo, 2013; Suri, 2007).

Personalization of politics – contrary to popular assumption that “parliamentarism fosters a style of politics and policy making that is probably more institutionalized, centered as it is on political parties, whereas presidentialism fosters a more personalized and free-floating style of leadership centered on individual politicians and smaller, less established organizational entities (Gerring et al. 2009:330) –



ultimately resulted into the regression of democracy and its breakdown in all young Asian parliamentary democracies.

## Conclusion

This study surveys the state of democracy in Asia focusing on the countries (re)democratized during the third wave of democracy. It finds that only two democracies – Korea and Mongolia – survived without breakdown can be classified as free democracies. Two more unbroken democracies – Indonesia and the Philippines – are partly free. Interestingly, all young parliamentary democracies are found only partly free. Two of them – Cambodia and Malaysia – are in South East Asia while four of them – Bangladesh, Nepal, Pakistan and Sri Lanka – are in South Asia.

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**Enter to Neo-Realist Era?  
Major Trends of Nepali Diplomacy in Federal Republic Era**

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**Abstract**

*Nepal entered to federal republic era after promulgation of new constitution in 2015. An alliance of communist parties – now unified into a single party, Nepal Communist Party (NCP) – obtained nearly two-third majority in 2017 legislative election. Four major diplomatic activities of in this new era are remarkable: frequent visit of high level delegates to Nepal, diversification of foreign relations, military exchange in bilateral and multilateral sector, and active participation in strategic projects of global superpowers. Where Nepal is emphasizing in its foreign relations? What is the Nepal government's interpretation with new changes? This study examines these questions to identify and access Nepal's contemporary foreign policy. It, moreover, examines whether we can interpret these change based on (neo) realist perspective - a predominant worldview in interpreting Nepal's role and position in international relations.*

**Keywords**

*Foreign policy, geo-strategy, diplomacy, military exercise, BRI,*

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## Introduction

Chinese president Xi Jinping visited Nepal in October 2019. It was the first visit by a Chinese president to Nepal in 23 years since Jiang Zemin visited in 1996. Likewise Nepal had several international events in recent year's which attract interest of both domestic and international watchers. The issue of continuity or reorientation of foreign policy of Nepal often discussed in each events. Unlike public and media debate, there is not enough academic inquiry on contemporary trends of Nepal's foreign policy. This study aims to fill this gap.

A deep and systematic observation on major trends, patterns and shifts in Nepal's foreign policy is necessary for further research on Nepal's foreign policy and international relations. Often, the discussion on issue of Nepal's foreign policy is dominated by predictive analysis such as Nepal's role as balancer, Nepal as buffer zone for power game and so forth. For both identification of causes and future prediction, we need proper understanding on overall phenomenon: the dependent variable of the research. This study examines the recent trends in two steps: major events of foreign relations in federal era and identification of newness and focus.

This study is organized in five chapters. Chapter two reviews the major arguments on trends of Nepali foreign policies. It also provides Nepal's changing context and domestic politics in recent years – which are keys for continuity and change in foreign relations. The major events of foreign policy in federal republic era, particularly during K.P. Oil's government, are presented in chapter 3. The newness of foreign policy and Nepal's focus are examined in chapter 4. Chapter five concludes the study by summarizing main findings. It also discusses on relevancy of neo-realist centric interpretation of Nepal's contemporary foreign relations.

## Literature Review: Why Expectation of New Foreign Policy?

The foreign policy of Nepal is guided by the abiding faith in the United Nations and policy of nonalignment. The basic principles guiding the foreign policy of the country include: Mutual respect for each other's territorial integrity and sovereignty; Non-interference in each other's internal affairs, Respect for mutual equality, Non-aggression and the peaceful settlement of dispute, Cooperation for mutual benefit (Nepal's Foreign Policy, 2015).

The discussion on Nepal's foreign policy is basically centered on the issue continuity & discontinuity of panchasil. B. N. Baral, (2018) has identified seven major trends of Nepal's foreign policy where he first stated the Independent foreign policy. It covered the tenure of Pritihivi Narayan Shah to Nepal's involvement in war with Tibet and British in 1792 and 1814 respectively. In that period there is no any specific foreign policy. It was the process of unification so there was no specific foreign policy. It was depended upon the rulers own perspective.

He further discussed the policy of isolation as a second trend of Nepal's foreign policy. British India-centric foreign policy had introduced in Nepal after Sugauli Treaty. Jung Bahadur's rise in power after KotParva on the night of September 14, 1846 established Rana rule and resulted in a major redefinition of Nepal's foreign policy (Lamsal, 2017, p. 4). Nepalese Rana Rule was more centric only in British India and to protect and promote their rule. During Rana days Nepal was thus isolated



from the current of world opinion, parochial conservatism, distrust and doubt- all these elements cast their weight on the foreign policy in the past (Khanal, 2000, p. 2).

Baral further discussed the policy of special relation as another trend of Nepali foreign policy. The political change of 1950 brought 104 years old Rana oligarchy into an end. The newly introduced democratic system paved new pattern in foreign policy outlook. However, Nepal's external relations during king Tribhuwan's rule were dominated by India. The two countries were described as having had "special relation" with each other (Muni, 2016, p. 59). Being as similar geography, culture and religion relations between two countries is popular as relation of "Roti Beti".

The tie of special relation between Rana ruler and British India was rooted during Rana rule. After British departure from sub-continent, no substantial changes occurred in the situation. Signing of tripartite agreement providing for the British recurrent of the Gurkha soldiers in India, peace and friendship treaty of 1950, extradition treaty with India in 1953 etc. were the major events to have special relation with India (K.C. 2072, p. 1-22).

The fourth trend of Nepal foreign policy as Baral mentioned about non-alignment foreign policy. The devastating Second World War brought sea changes in world politics. The pre-war friends started to form their own alliances just after the post war international relations. Nepal also witnessed a new chapter in its foreign policy. An important political development that contributed to the new state of affairs was king Mahendra's coming to power. Two outstanding events took immediately after the accession of king Mahendra to the throne on March 13, 1955. One was Nepal's admission to the United Nations and the establishment of diplomatic relations with the communist Chinese government (Rose, 1971:208). The year 1955 was to be the most significant year in Nepal's foreign policy. Another was Nepal's participation in Afro-Asian conference held at Bandung later paved the way for Nepal's non-aligned foreign policy. It was Bandung conference which provided the bases for nonalignment movement in the form of principles of Panchasheel.

According to Baral, the fifth trend of Nepali foreign policy is considered as The most important and original strategic policy adopted by Nepal in order to project its changing security was the proposal of Zone of Peace. When king Birendra ascended the throne of Nepal, he introduced new foreign policy decision to declare Nepal as a 'Zone of Peace'. The concept was first mooted in 1973 at the non-aligned summit held at Algiers. It was formally forwarded at the coronation ceremony of king Birendra held in Kathmandu on 25 February 1975 (Sharma 2006). The proposal was mostly based on the spirit of nonalignment and principles of Panchasheel. So, it received overwhelming support from 116 countries (Srivastav, 2016).

Baral mentioned the policy of equidistance /equi-proximity as sixth trend of Nepali foreign policy. In course of dealing with foreign policy matters, Nepal's geopolitical and geostrategic location has obligated it to adopt a balance policy with its immediate neighbors. Nepalese foreign policy was under the dominance of India till mid-1950s. Nepal's entry into global environment was opened after its membership in UNO in 1955. The then king Mahendra adopted the policy of maintaining equal relation between India and China.

During the Panchayat Period, Nepal had emphasized the policy of equidistance regarding its relation with the two immediate neighbours. After 1990, the concept of equi-proximity was introduced to justify the closeness with Nepalese power centers basically with immediate neighbours. According to Dhruva Kumar as quoted by Dahal (2009) the term "equiproximity" as "a conception guaranteeing a balanced relationship with both India and China.

The last trend of Nepali foreign policy as Baral mentioned about the Nepal and Trilateral Cooperation. Although, globalization has created inter-dependency and countries are unable to exist and develop in isolation, still the politics of power and hegemony discourages the interest of small powers on an equal footing. Nepal has been experiencing the direct impact of enmity, cooperation and competition of India and china. Their relation is full of enmity, cooperative and competitive from the point of view of border, trade and strategic issues (khanal, 2073).

### **Nepal's Changing Political Context**

Nepalese foreign policy choice has remained changing. The tendency to change foreign policy tilt with every change in government has posed difficulty for Nepal to maintain internal cohesion and external adaptation (B. N. Baral, 2018)

Since the Rana regime was overthrown almost 70 years ago, governments have changed 42 times and the Nepali state desperately needs a semblance of permanence. Carrying forward the optimism seen during the elections, with almost uniform focus on economic growth by all parties, Oli has made some good early choices in picking ministers with clean image and technocratic abilities. This has gone down well with the public (Nepal, 2018).

Henry Kissinger once said

*“For centuries, Nepal skillfully balanced its diplomatic posture between the ruling dynasties in China and those in India- offering letters and gifts that were interpreted as tribute in China but recorded as evidence of equal exchanges in Nepal, then holding out a special tie with China as a guarantee of Nepal’s independence via- a-vis India”* (Acharaya, 2019).

None of the majority governments since 1958 has survived full term. Major reasons are intra-party feuds and personal rivalry of leaders. KP Sharma Oli’s two-thirds majority government stands on complex relationship among top five leaders Oli himself, Pushpa Kamal Dahal, Madhav Nepal, Jhalanath Khanal and Bamdev Gautam (Bhusal, 2019).

The Oli administration is arguably the strongest government Nepal has had since 1990. It wields de facto control over the legislature, executive, the judiciary and the security agencies. In addition, the constitutional organs are heavily influenced by the Prime Minister’s Office. With a two-thirds majority, the Nepal Communist Party (NCP) is virtually opposition less (Editorial, 2018)

Development and diplomacy should have moved toward a “paradigm shift” in Nepal with the new constitution and a stable national government with an overwhelming majority in power for almost a year. Given the democratic change, decentralized power and rising expectation of people to gain concrete delivery from the three levels of government, interest to support Nepal and invest in our people-friendly development plan has risen in international community. But it requires sound diplomacy and enhanced engagement with multilateral and bilateral partners for better implementation of programs and projects (Pudasaini, 2019).

Nepal has been conducting foreign policy at three levels. At the bilateral level, maintaining and transforming historic friendly relation with its immediate neighbors, China and India, to a new level of trust and confidence in context of security resolution, social, economic and political co-operation are major factors. The most important thing that Nepal has to think while defining foreign policy objectives, is the strength and size of its economy and military power to that of its giant immediate neighbors, China and India (Pant & Mainali, 2017).

The KP Oli’s government has made ‘diversification’ a central plank of its foreign policy. But what does it mean? Talking to APEX, former foreign minister Ramesh Nath Pandey said there is no such thing as diversification in foreign policy. As far as sovereign countries are concerned, they only have national interests. Pandey does not get how enhancing relations with marginal countries like Costa Rica, Cambodia and Vietnam will protect Nepal’s interests. The government does not see it that way (B. Baral, 2019).

Pradeep Gyawali took the reins of the Ministry of Foreign Affairs after Nepal concluded its historical elections under the new constitution in November-December 2017. With a stable government, which recently completed its one year, after more than two and a half decades of political instability, Nepal is trying to redefine and consolidate its foreign policy vis-à-vis its immediate neighbors well as the world, as it strives to achieve economic development (Giri& satgainya, 2019).

The political instability resulting from fractured inter/intra-party domestic politics has always been a barrier to the economic prosperity of Nepali people. The new government should now focus on achieving unwavering political stability. This is a great opportunity for Prime Minister Oli and the alliance to turn their commitment in manifesto to reality, more precisely fulfilling a long-awaited dream of the Nepali voters - economic prosperity (KC, 2018).

Addressing the event, Oli said that national interest is at the center of foreign policy of Nepal. "We want to have friendly ties with all countries around the world including our immediate neighbors on the basis of sovereign equality, mutual benefit, mutual trust and goodwill," he said (Xinhua, 2019).

The report has also advised that political parties should not use foreign policy as a tool for political gains, such as exhibiting ‘tilt’ towards certain foreign power for electoral gains, because such activities would result in polarization and would be against the national interest. The report also includes measures to tackle security issues, both at internal and external levels (Nepal, 2018).

The trend of diplomatic visit in Nepal is also rising. These two way visit by diplomats also proved the significant of Nepal's geo-politics. Nepal's involvement in mega project like Belt and Road Initiative, Millennium Multi Corporation, is a part of economic diplomacy and engaged in joint military exercise in the name of 'Suriya Kiran', 'Sagarmatha Friendship', 'Shanti Prayash' is another phenomenon of Nepalese foreign policy that add bricks through military cooperation.

After the 1990, there is a stable government with two third majorities and of course people have dreams of Prosperous Nepal and happy Nepali. People understand that this government will bring change in every sector because of the longevity of government. People were fed up with the short term government where they could do nothing. This is one reason that people are watching government's each and every activity very closely.

As Nepal has adopted a federal system of government, the country needs to redefine its foreign policy according to the changing scenario. Nepal has to determine its foreign policy considering geneses like history, geography, culture, economy, politics, demography, language, religion and military capability. Ever since Nepal has adopted the strategy of "yam between the two boulders", this unique geo-strategic location has shaped and guided the country's foreign policy (Pant & Mainali, 2017).

So, the questions arise that Where Nepal is emphasizing in its foreign relations? What is the Nepal government's interpretation with new changes? This study examines these questions to identify and access Nepal's contemporary foreign policy. It, moreover, examines whether we can interpret these change based on (neo) realist perspective - a predominant worldview in interpreting Nepal's role and position in international relations. This study examines these questions to identify and access Nepal's contemporary foreign policy.

### **Major Events of Foreign Policy in Federal Republic Era**

The contemporary Nepalese foreign policy has been analyzed here on the basis of fast changing national, regional and global milieu. With the beginning of the 21st century, a number of important and unprecedented changes have occurred in Nepalese politics. The post April 2006, in particular, witnessed many revolutionary changes. Nepal has promulgated the Constitution of Nepal, 2015 through the 2nd Constituent Assembly (Dahal, 2018).

Due to globalization, privatization and liberalization the global is become a global village and the world is changing rapidly. However these changes are seen in national as well as international politics and Nepal is not far behind from these changes. If we talk about the foreign policy of recent era, yes Nepal has its direct and indirect impact in contemporary foreign policy. Especially after becoming a federal republic, Nepal is presenting its active participation in world order.

### **EPG: Active Meeting, Inactive Implementation**

The Eminent Persons Group (EPG), consisting of relevant experts from India and Nepal, was formed in early 2016 to review all the bilateral treaties and agreements between the two countries including the controversial 1950 Treaty of Peace and Friendship. This is one of the best plate form where both

countries can review and resolving various bilateral issues through dialogue. This EPG is led by parliamentarian Bhagat Singh Koshyari, a senior leader of the ruling Bharatiya Janata Party, from India and the by Bhekh Bahadur Thapa, a former foreign affairs and finance minister from Nepal.

The group was entrusted with putting together a mutually agreed document within two years, suggesting ways to strengthen bilateral ties in view of evolving regional dynamics and the world order. The EPG has the mandate to look into five broad areas of bilateral relations—politics, government-to-government ties, development cooperation, economic deals, and cultural relations. The formation of the EPG was first agreed to during the Nepal visit of PM Modi in August 2014 (The Kathmandu Post, 2018).

After nine rounds of meetings and more than two years of deliberations, the EPG finalized a joint report at the end of June 2018 and that was to be submitted to the prime ministers of India and Nepal. The meeting was ended with important recommendations including the 1950 Peace and Friendship Treaty, new regulations for Indo-Nepal border crossing and measures to control trafficking and terrorism, among others. However the report has been prepared and shared with both government heads, the Indian side is not pleased with the recommendations of the report (Nepali Sansar, 2019).

The formulation of EPG itself a good start to review our foreign policy. However there is still doubt to implementation of its recommendation but formulation of EPG and its continuous meeting is a milestone in Nepalese foreign policy.

### **Revival of BIMSTEC**

The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a regional organization comprising of seven member states in South Asia and Southeast Asia lying in littoral and adjacent areas of Bay of Bengal constituting a contiguous regional unity. It comprises of seven member countries: five deriving from South Asia -- including Bangladesh, Bhutan, India, Nepal, Sri Lanka -- and two from Southeast Asia, including Myanmar and Thailand (India Today, 2018).

BIMSTEC Summit is the highest policymaking body in BIMSTEC process and is comprised of heads of state/government of Member States. The Sixth BIMSTEC Ministerial Meeting held in Thailand in 2004 decided to hold the Summit every two years as far as possible. So far, four Summits have been held in 2004, 2008, 2014 and 2018 respectively. The Fourth BIMSTEC Summit was held in Kathmandu on 30-31 August 2018. The Summit was chaired by the Rt. Hon. Prime Minister of Nepal Mr. K. P. Sharma Oli. The Summit was attended by the Heads of State (Myanmar and Sri Lanka) and the Heads of Government (Bangladesh, Bhutan, India and Thailand) of the BIMSTEC member states. The Summit deliberated on the existing status of cooperation under BIMSTEC and took number of decisions to gear up the regional process. The Summit was held under the theme “Towards a Peaceful, Prosperous and Sustainable Bay of Bengal Region”. With the conclusion of the Summit, the Chairmanship of BIMSTEC was handed over to Sri Lanka (Ministry of Foreign Affairs, 2019).

## **SAF Games and Soft Power**

The South Asian Games formerly known as South Asian Federation Games are a biennial multi-sport event held among the players and athletes from South Asia. The governing body of these games is South Asia Olympic Council (SAOC), was formed in 1983. In 2004 SAG are joined by eight members namely Bangladesh, Bhutan, Nepal, Pakistan, Maldives, Srilanka, Afghanistan and India. Later Afghanistan left the organization in 2016.

The 2019 South Asian Games, officially the XIII South Asian Games, is a major multi-sport event which was originally slated to be held from 9 to 18 March 2019 in Kathmandu and Pokhara, Nepal. However, the dates were postponed and the event was held from 1–10 December 2019. The 13th edition of the SA Games ended on a high for the hosts as Nepal bagged record 51 gold medals apart from 59 silver and 94 bronze medals — 204 in total, crossing the three-figure mark for the first time. Nepal finished second behind all-time champions India, who bagged 174 golds, along with 93 silver and 45 bronze medals (Acharaya, 2019). To held successful SAF games is another phenomenon of soft power.

## **Bilateral and Multilateral Cooperation**

In this republic era, Nepal has steeped in bilateral and multilateral relation with in the many nations. Nepal's involvement in those relations is the sign of activeness its role in global arena. These roles are not only in economic cooperation but also engaged in strategic partnership. Here is some significant cooperation with its global partner.

## **Belt and Road Initiative and Nepal**

The Belt and Road Initiative (BRI) is a global development strategy adopted by the Chinese government in 2013 involving infrastructure development and investments in Asia, Europe, Africa, the Middle East, and the Americas and up to now, 80 plus countries and international organizations have signed a hundred cooperative memoranda with China under this framework.

During the tenure of Prime Minister Sushil Koirala, Nepal became a founder member of the Asian Infrastructure Investment Bank; during the tenure of Prime Minister K.P. Oli, Nepal signed the transit treaty; during the tenure of Prime Minister of Pushpa Kamal Dahal "Prachanda", Nepal joined the One Belt One Road (OBOR) initiative; and during the tenure of PM Sher Bahadur Deuba, Nepal allocated budget for the Detailed Project Report for the railway line from China (Singh, 2019).

Fourth International Conference titled Belt and Road for Development and Prosperity of South Asia in the Kathmandu Foreign Minister Gyawali said Nepal intends to utilize the opportunities offered by BRI in the field of connectivity and development of mega infrastructures. He emphasized the Trans-Himalayan Multi-dimensional Connectivity Network and Nepal-China cross-border Railway has been included in the joint communiqué issued after the Second Belt and Road Forum held in Beijing (Koirala, 2019).

## **Recent Mil Exercise (Joint Mil Exercise/ Disaster Exercise)**

Even before recent concerns that Myanmar may be seeking to develop nuclear weapons South Asia in general and Nepal in particular has been the most nuclear-locked region and nation in the world. South Asia has been described as the most dangerous place on earth. Some thinkers have since long talked and written about the possibility of Nepal becoming one of the central fronts in the global war of ideas.

Joint military exercise is conducted between security forces of Nepal and security forces of other nation such as India, China & US in different level to sharpen the professionalism and harness relation and culture. Joint military exercise is not only conducted in military purpose but it has also conducted with multilateral force in the field of disaster (Simkhada, 2019).

### **Surya Kiran Joint Military Exercise**

Surya Kiran' is the joint military exercise conducted between Indian & Nepalese Army. The first 'Surya Kiran' exercise was conducted on 2011 at Vairengate, India. This exercise is conducted alternatively in India and Nepal. "This is the 14th edition of the joint military exercise 'Surya Kiran' is conducted alternatively in India and Nepal. The purpose of this bilateral exercise is to conduct a battalion-level combined training between the Indian and Nepalese Army to improve interoperability at a military level in jungle warfare, counter-terrorism operations in mountainous terrain, humanitarian assistance and disaster relief operations (*The Economic Times*, 2019)

A joint military drill of the special forces of Nepal Army and Chinese People's Liberation Army kicked off here in Kathmandu on Sunday. Focusing on tactics of counter insurgency and counter terrorism, the 10-day military drill, named Sagarmatha Friendship 2017, is first of its kind between the armies of Nepal and China ("Nepal-China joint military drill kicks off," 2017).

The Nepali Army has said the joint military exercise with China is a step towards preparations against the possible threat from terrorism. It maintains that the drill is a part of its regular bilateral and multilateral military exercises aimed at sharing experiences, skills and professional knowledge which it has been doing regularly with the nations that Nepal shares diplomatic ties (*The Economic Times*, 2019)

### **Exercise Shanti Prayash**

With military personnel from 28 countries Exercise Shanti Prayas III, a multinational military exercise hosted by Nepal Army and United States Pacific Command, kicked off at the Nepal Army's Birendra Peace Operations Training Centre (BPOTC) in Panchkhal on Monday. Shanti Prayas III, a multinational peacekeeping exercise, kicked off yesterday with an opening ceremony at the Birendra Peace Operations Training Center here. ("Exercise Shanti Prayash III Kicks off," 2017).

The main purpose of that exercise was to strengthen the professionalism of troops especially for UN peace keepers, where those troops have to work with multination force in adverse situation and environment.

### Foreign Visit of Diplomats

Prime Minister K. P Sharma Oli and his ministries have done historical & remarkable foreign visit after he took his office. Given below is the list of foreign visit, where Oli government had signed with various agreements to enhance the economic development of Nepal. The given table 1 showed delegates visited to Nepal and vice versa.

**Table: 1**  
**Foreign country Visited by Prime Minister**

S.N	Dignitary	Date	Country
1.	Prime Minister Shri Narendra Modi	11-12 May 2018	India
2.	Prime Minister Mr. Shahid Khaqan Abbasi	5-6 March 2018	Pakistan
3.	Vice Premier Mr. Wang Yang	14-17 August 2017	China
4.	Deputy Prime Minister and Minister for Foreign Affairs Mr. Ivica Dacic	4-6 May 2018	Serbia
5.	External Affairs Minister Smt Sushma Swaraj.	1-2 February 2018	India
6.	Minister for International Development Mr. Nikolai Astrup	6-7 March 2018	Norway
7.	Minister of State for the Armed Forces Mr. Mark Lancaster	9-13 February 2018	United Kingdom
8.	Minister of State for Asia and the Pacific at the Foreign Commonwealth Office Mr. Mark Field	6-7 May 2018	United Kingdom
9.	Queen Mother of Bhutan Ashi Sangay Choden Wangchuck	8-25 March 2018	Bhutan
10.	Princess Maha Chakri Sirindhorn	20 October 2017	Thailand
11.	Princess Professor Dr. Chulabhorn Mahidol	30 April to 3 May 2018	Thailand

Source: - Report on Nepal's Foreign Policy 2017-2018

<https://mofa.gov.np/wp-content/uploads/2018/12/Annual-Report-2017-18.pdf>

**Table: 2**  
**Outgoing Visits from Nepali Delegates**

S.N.	Dignitary	Date	Country	Type of visit
1.	President Mrs. Bidya Devi Bhandari	13-16 November 2017	United Arab Emirates	Official
2.	Prime Minister Mr. K P Sharma Oli	6-8 April 2018	India	State
3.	Prime Minister Mr. K P Sharma Oli	19-24 June 2018	China	Official



4.	Prime Minister Mr. Sher Bahadur Deuba	23-27 August 2017	India	State
5.	Prime Minister Mr. Sher Bahadur Deuba	19-24 September 2017	United States	Official (to participate in 72nd UNGA)
6.	Prime Minister Mr. Sher Bahadur Deuba	25-28 September	Oman	Official
7.	Foreign Minister Mr. Pradeep Kumar Gyawali	16-21 April	China	Official
8.	Foreign Minister Mr. Pradeep Kumar Gyawali	11-12 June	Mongolia	Official (to participate in the conference of ITT LLDCs)
9.	Foreign Minister Mr. Krishna Bahadur Mahara	6-7 September 2017	China	Official

Source: - Report on Nepal's Foreign Policy 2017-2018

<https://mofa.gov.np/wp-content/uploads/2018/12/Annual-Report-2017-18.pdf>

### **Diversification of countries and agenda**

Since Nepal's diplomatic journey began in 1816 with the establishment of relations with Great Britain, it has made significant progress in developing, expanding and diversifying its international relations. As of now, it has tied diplomatic relations with 139 countries and maintains 36 diplomatic missions in different parts of the world. Nepal is an active member of the UN and specialized agencies, such as NAM, SAARC, BIMSTEC, WTO, IMF, World Bank and other international institutions. However, its diversified and expanded international relations have not been able to contribute notably in its socio-economic spheres for lack of specific foreign policy guidelines and clear national priorities (K.C, n.d.).

Data from the past two decades clearly show that Nepal's high-level engagements have been confined to its two immediate neighbors, and that they have mostly been one way. In this period, there have been frequent high-level visits from Nepal to India and China, but fewer reciprocal visits to Nepal. High-level visits from India to Nepal have increased in the past couple of years, but such visits to Nepal from China have become rarer (Bhattarai, 2019)

### **PM Oli's Address in World Economic Forum (WEF)**

Prime Minister Right Honorable Mr. K P Sharma Oli addressed the session on 'Strategic Outlook on South Asia' at the 49th Annual Meeting of World Economic Forum (WEF) at Davos, Switzerland, on January 23, 2019. Speaking at the Session, he highlighted the major political achievements of Nepal and stated that the political stability of the country had ensured an enabling environment for socio-economic development. The Prime Minister said that South Asia is rich in demographic dividend and has tremendous potentials for economic growth through regional cooperation. He underscored the

need for deeper cooperation especially in the areas of trade, investment, and connectivity (Ministry of Foreign Affairs, 2019)

Prime Minister KP Sharma Oli has claimed that Nepal has recently achieved political stability, appealing to the international community to get ready for 'deeper cooperation' in trade, investment and connectivity. Addressing a session titled 'Strategic Outlook on South Asia' during the annual meeting of World Economic Forum in Davos of Switzerland on Tuesday, the Prime Minister said the political stability of the country had ensured an enabling environment for socio-economic development (onlinekhabar, 2019).

## Conclusion and Discussion

It is very hard to claim that Nepal has entered to neo-realist foreign policy. The realist theory basically explains the behavior of great and middle powers based on military power. States secure their survival through internal or external balancing – expansion of military power or alliance respectively. It is often claimed that Nepal is in the way of external balancing. This study concludes that neo-realist interpretation of Nepal's contemporary foreign policy is incomplete.

First, it is hard to claim that the direction of contemporary foreign policy has a unidirectional approach in identification of national enemy. Often the realist – mostly in case of external balancing – observation starts from a state's identification of an enemy. Nepal does not belong to this case. Second, unlike realist claim, national security is not in central issue of Nepal's contemporary foreign policy. In fact, economy (as in liberalism) and peace (as in idea in constructivism) are major principles of contemporary foreign policy.

This study has identified three major findings. First, Nepal has becomes active in foreign relations. Stability of the government and foreign minister explains this activism. On the other hand, they are related with Nepal's priority in economic development. As seen above, Nepal is not only active in strategic program of super powers for economic development but also have continuously focusing on soft power such as South Asian game, visit Nepal year 2020 and so forth. Second, diversification is key to understand Nepal's foreign policy in federal. It can be interpreted as newness of Oli's government's foreign policy. It has expanded relations with different actors in new different issues also. Third and finally it is hard to observe weight shift in foreign policy: in both actor and agendas. It is hard to see that it has shifted its priority in any specific actors or security issues as realist has claimed.

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