

लोकतन्त्रको विश्वव्यापी घोषणापत्र सम्बन्धी

तालिम निर्देशिका

तयार गर्ने :

सनत आचार्य
सज्जिव घिमिरे

फिडम फोरम

बबरमहल, काठमाण्डौ

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लोकतन्त्रको विश्वव्यापी घोषणापत्र

(Universal Declaration on Democracy)

तालिमको लक्षित समूह :

यस तालिमको लक्षित समूहको रूपमा त्यस जिल्लामा रहेका विभिन्न राजनीतिक दलका जिल्ला, क्षेत्र तथा संसदीय निर्वाचन क्षेत्रका विद्यार्थी सङ्गठनका अगुवा तथा स्थानीय क्याम्पसका स्वतन्त्र विद्यार्थी युनियनका पदाधिकारीहरूसहित गरी जम्मा २० जनासम्म युवा प्रतिनिधिहरू रहनेछन् ।

तालिम निर्देशिकाको उद्देश्य :

नेपालको लोकतान्त्रिक व्यवस्थालाई सुदृढ गर्नका लागि युवाहरूमा लोकतन्त्रप्रति एउटै बुझाइ होस् भनी विभिन्न राजनीतिक दलका विद्यार्थी सङ्गठनहरूका जिल्ला स्तरीय नेता तथा कार्यकर्ताहरूलाई लोकतन्त्रको विश्वव्यापी मान्यता र सिद्धान्त लोकतान्त्रिक सरकारका तत्वहरू र तिनको अभ्यास तथा लोकतन्त्रका अन्तर्राष्ट्रिय पक्षहरूका बारे बुझाउन तालिम आयोजना गरिएको हो । यसका लागि प्रशिक्षकलाई आवश्यक विषयवस्तु, विधि, विषयवस्तुका आधारमा लाग्ने समय तथा तालिमका लागि आवश्यक पर्ने अध्ययन र अन्य सामग्रीहरूको बारेमा प्रशिक्षकलाई मार्गदर्शन गर्नु यस निर्देशिकाको मुख्य उद्देश्य हो ।

तालिमको उद्देश्य

समष्टिगत उद्देश्य :

- १) सहभागीहरूको लोकतान्त्रिक व्यवस्थाप्रति एकरूपमा पूर्ण बुझाइ निर्माण गर्न र लोकतन्त्रको विश्वव्यापी घोषणापत्रको बारेमा व्याख्या गर्न ।
- २) लोकतन्त्रप्रति समर्पित हुनका लागि जिल्लास्तरीय विद्यार्थी सङ्गठनका नेता तथा कार्यकर्ताहरूको नेतृत्व विकास तथा लोकतान्त्रिक सञ्जाल तयार गर्ने क्षमताको अभिवृद्धि गर्न ।

सिकाइसम्बन्धी उद्देश्यहरू :

तालिमको अन्त्यसम्ममा सहभागीहरूले,

- अन्तरव्यवस्थापिका परिषद् बारेमा बताउन सक्नेछन् ।
- लोकतन्त्रका आधारभूत सिद्धान्तहरू भन्न र व्याख्या गर्न सक्नेछन् ।
- लोकतान्त्रिक सरकारका तत्वहरूका बारे व्याख्या र विश्लेषण गर्न सक्नेछन् ।
- लोकतन्त्र र नागरिक अधिकारको प्रत्याभूतिका लागि बनाइएका अन्तर्राष्ट्रिय कानूनहरू बारेमा बताउन सक्नेछन् ।
- लोकतन्त्रको अन्तर्राष्ट्रिय आयामबारे विश्लेषण गर्न सक्नेछन् ।
- कुनै व्यवस्था लोकतान्त्रिक भएको वा नभएको मूल्याङ्कन गर्न सक्नेछन् ।

- लोकतन्त्रको प्रवर्द्धन तथा सुदृढीकरणका लागि सबल नेतृत्वको गुणहरू व्याख्या गर्न सक्नेछन् ।
- नेता र नेतृत्वको परिभाषा बताउन सक्नेछन् ।
- लोकतन्त्रको प्रवर्द्धक एवम् सुदृढीकरणका लागि युवा एवं विद्यार्थीहरूबीचको सञ्जालको परिभाषा, आवश्यकता, महत्व र त्यसका प्रकारका सम्बन्धमा व्याख्या गर्न सक्नेछन् ।
- लोकतन्त्र र अन्य शासकीय व्यवस्थाबारे तुलना गर्न सक्षम हुनेछन् ।
- लोकतन्त्रको एक रूपको बुझाई प्रवर्द्धन गर्न सञ्जाल गठन गर्नसक्नेछन् ।

तालिमका विषयवस्तुहरू :

- अन्तरव्यवस्थापिका सङ्घ (IPU) तथा लोकतन्त्रको विश्वव्यापी घोषणापत्र (UDD) को जानकारी
- लोकतन्त्रका सिद्धान्तहरू
- लोकतान्त्रिक सरकार : तत्वहरू एवम् र अभ्यास
- लोकतन्त्रको अन्तर्राष्ट्रिय आयाम
- लोकतान्त्रिक व्यवस्थाको सुदृढीकरणका लागि नेतृत्व विकास
- लोकतन्त्र सुदृढीकरणका लागि सञ्जाल

तालिममा प्रयोग हुने सामग्रीहरू :

नाम दर्ताका लागि रजिष्टर, न्युजप्रिन्ट, परमानेन्ट र बोर्ड मार्कर, मास्किङ टेप, कैंची, स्केल, लोकतन्त्रका लागि विश्वव्यापी घोषणापत्र, तालिम पूर्व र पश्चातका लागि मूल्याङ्कन फाराम, बल, फ्लेक्स प्रिन्ट, मादल, व्यानर, स्थानीय उपलब्धतालाई हेरी ओएचपी, मल्टी मिडिया, मेटाकार्ड, ब्राउन पेपर ।

सहभागीहरूका लागि सामग्रीहरू :

सहभागी सङ्ख्याका आधारमा कापी, डटपेन र अध्ययन सामग्रीहरू

स्रोतव्यक्तिहरूका लागि निर्देशन :

- सर्वप्रथम यो निर्देशिका राम्रोसँग अध्ययन गर्ने ।
- कुन कुन शीर्षकमा के के तालिम सामग्री तयार गर्नुपर्दछ भन्नेबारे निर्देशिका बमोजिम र आवश्यकतानुसार पूर्व तयारी गर्ने ।
- निर्देशिकाका आधारमा तयार पारिएका अध्ययन सामग्रीहरू र मुख्य सामग्रीहरू दोहोर्याई-तेहेर्याई पढ्ने र आफूलाई उक्त विषयमा ज्ञाता बनाउने ।
- विषयवस्तुसँग सम्बन्धित स्रोतसामग्री सङ्कलन गरी पढ्नु असल सहजकर्ताको गुण हो । तसर्थ विषयवस्तुको गाम्भीर्यतालाई ध्यानमा राखी सम्बन्धित विषयमा गहन अध्ययन गर्ने ।
- तालिमलाई प्रभावकारी बनाउन विषयवस्तुको आधारमा सामग्री तथा विधिहरूको समुचित प्रयोग गर्ने र तालिममा बढी सहभागितामूलक अन्तर्क्रियात्मक र छलफल विधिहरूको प्रयोग गर्ने ।

- बीच-बीचमा सहभागीहरूको धारणा बुझ्दै पनि जाने ।
- हरेक सत्रपश्चात् सहभागीलाई प्रोत्साहनका लागि धन्यवाद दिने र आशयकताअनुसार पुरस्कार दिने, मनोरञ्जन प्रदान गर्ने र यसका लागि आफू र मनोरञ्जनकर्ताहरूलाई सक्रिय तुल्याउने । यसमा पनि सहभागितामूलक विधि नै अपनाउने ।
- समूहमा छलफलका लागि समूह गठन गर्दा एउटै सङ्गठनका प्रतिनिधिहरू मात्र नपर्नु भन्ने कुरामा सचेत रहने । (समूहहरूमा सकेसम्म सबै सङ्गठनका प्रतिनिधिहरू पर्दा राम्रो हुन्छ ।)
- लोकतन्त्र राजनीतिको एउटा अभिन्न अङ्ग भएको हुँदा यसमा वादविवाद वा छलफल अनिवार्य हुन सक्दछ । यसका लागि सचेत रहने । आफू पनि एक पक्षीय दलगत राजनीतिक भावनाबाट मुक्त रहने ।
- विवाद अनिवार्य हुन थाल्यो भने लोकतन्त्रको विश्वव्यापी घोषणापत्रलाई अन्तिम आधार मानेर हस्तक्षेप गर्ने ।
- लोकतन्त्रको सिद्धान्त र लोकतान्त्रिक सरकारका तत्वहरू प्रस्तुत गर्दा स्रोतव्यक्तिहरूले पालैपालो प्रस्तुत गर्ने जसले गर्दा सहभागीहरूलाई सरल तरिकाले बुझ्ने र जान्ने राम्रो वातावरण तयार होस् ।
- एउटा स्रोतव्यक्ति वा प्रशिक्षकले प्रस्तुत गरिरहँदा अर्कोले हस्तक्षेप नगर्ने ।
- स्रोतव्यक्तिले बुँदागत प्रस्तुत गर्दा यसै साथ भएको सन्दर्भ सामग्रीहरूको आधारमा प्रस्तुत गर्न सकिनेछ ।
- प्रशिक्षकले कुनै बुँदामा प्रस्तुति र व्याख्या गर्दा गलत गरेको जस्तो अर्को प्रशिक्षकलाई लागेमा तत्कालै केही नभन्ने तर आफ्नो पालोमा त्यसलाई सतर्कताकासाथ सच्याउने ।
- यसमा उल्लेख गरिएका विधि तथा सामग्रीहरू स्रोतव्यक्तिहरूलाई मार्ग दर्शन गर्नका लागि तयार गरिएको हो । समय र परिस्थितिअनुसार कहिलेकाहीँ विधिहरू परिवर्तन गर्न सकिनेछ । यसका लागि प्रशिक्षक सजग र सचेत भइरहनुपर्छ ।
- प्रस्तुत गर्दा कतिपय बुँदाहरू व्याख्या अगाडिको सत्रमा भइसकेको हुन सक्दछ । त्यस्ता बुँदाहरू दोहोरिएमा पुनः व्याख्या नगर्ने ।
- मिल्दाजुल्दा बुँदाहरूलाई टिपोट गरेर एकै सत्रमा गाभेर प्रस्तुत गर्न सकिनेछ ।

पहिलो दिन

नाम दर्ता एवम् बिहानको खाजा : १ घण्टा ।

स्रोतव्यक्तिका लागि निर्देशन

स्रोत व्यक्ति र स्थानीय संयोजकले आमन्त्रणका आधारमा सहभागीहरू एवम् अतिथिहरूको नाम दर्ता गर्दै जाने । साथै, आमन्त्रित सहभागीहरू र अतिथिहरूका लागि चिया खाजाको प्रवन्धसहित ९ बजेदेखि उद्घाटन सत्रको सुरुवात गर्ने । समयको ख्याल चनाखो भएर गर्ने किनभने लोकतन्त्र भनेको अनुशासित जमातको शासन व्यवस्था हो जहाँ विधिको शासनमा जोड दिइन्छ ।

उद्घाटन

समय : १ घण्टा ३० मिनेट

विधि : प्रवचन

सामग्री : व्यानर, जिल्लाको अवस्था हेरी मैदानबत्ती, सलाई आदि

उद्घाटन सत्रका लागि निर्देशन

उद्घाटन सत्रका लागि जिल्ला स्तरीय संयोजकले फ्रिडम फोरमको प्रत्यक्ष निर्देशनमा जिल्लाका विभिन्न राजनीतिक दलका नेता, विभिन्न पेसागत सङ्घ-संस्था एवम् नागरिक समाजका प्रतिनिधिहरू, जिल्ला एवम् निर्वाचन क्षेत्रका कार्यालय प्रमुख वा प्रतिनिधिहरू, पत्रकार तथा मानवअधिकारकर्मीहरूलाई आमन्त्रण गर्नुपर्नेछ ।

कार्यक्रमको सभापतित्व आवश्यकताअनुसार फ्रिडम फोरमका प्रतिनिधि वा स्रोत व्यक्तिले गर्नेछन् । कार्यक्रममा प्रमुख अतिथिको रूपमा जिल्लाको परिस्थितिअनुसार राजनीतिक दलका प्रतिनिधिहरू तथा नागरिक समाजका प्रतिनिधिहरूलाई राख्न सकिनेछ ।

उद्घाटन सत्रपश्चात् आमन्त्रितहरूका लागि चियापान आयोजना गर्ने, चियापानपश्चात् तालिम सञ्चालन गर्ने । निर्वाचन क्षेत्रहरूमा उद्घाटन सत्रलाई स्थानीय परिवेशअनुसार सञ्चालन गर्ने ।

उपस्थित सङ्ख्यालाई आधार मानी बोल्ने समय निर्धारण गर्ने त्यो समय पालनाका लागि अनुरोध गरिरहने ।

ठीक समयमा प्रारम्भ र ठीक समयमा अन्त्य गर्ने बानी बसाल्नु पनि यो तालिमको अर्को अप्रत्यक्ष उद्देश्य हुनेछ ।

उद्घाटन सत्रमा स्वागत मन्तव्य र उद्देश्य प्रस्तुत गर्ने वक्ताले फ्रिडम फोरमको परिचय र यसले गरेका कामहरूको सङ्क्षिप्त विवरण प्रस्तुत गर्नेछन् ।

स्वागत तथा परिचय

उद्देश्य : सहभागीहरू र स्रोतव्यक्तिहरू एकआपसमा परिचित हुनेछन् ।

समय : १ घण्टा

सामग्री : ह्वाइटबोर्ड, मार्कर र व्यानर, कापी, डटपेन

विधि : प्रश्नोत्तर, व्यक्तिगत प्रस्तुतीकरण र छलफल ।

क्रियाकलाप :

- सहभागीहरूलाई तालिम अब विधिवत रूपले सुरु भएको जानकारी गराउँदै सबैलाई पुनः स्वागत गर्दै अब हामीहरू एक आपसमा परिचित हुन थालेको र यसका लागि एक आपसमा परिचित हुन जरुरी रहेको कुरा जानकारी गराउने ।
- सबै सहभागीहरूको एक आपसमा चिनाजानी छ, छैन ? सोध्ने ।
- छ, भने पनि र छैन भने पनि, प्रशिक्षकका लागि भने पनि अब एकआपसमा परिचित हुनुपथ्यो भन्दै सहभागीहरूलाई परिचय गर्नका लागि निम्नअनुसारको निर्देशन दिने ।
 - प्रत्येक सहभागीहरूलाई आफ्नो नाम, कहाँ बस्नुहुन्छ ? ठेगाना, कुन राजनीतिक दलको विद्यार्थी संगठनमा आवद्ध हुनुहुन्छ ? पद र लोकतन्त्रसँग सम्बन्धित आफूलाई मन पर्ने कुनै एउटा शब्द र सोको संक्षिप्त व्याख्या गर्न लगाउने ।

परिचयका लागि आवश्यक सूचना

नाम :	उमेर :
योग्यता :	आवद्ध संस्था :
जीवनको उद्देश्य :	प्रेरणास्रोत :

व्यक्तिगत वा एकले अर्काको परिचय दिएर ।

- सहभागीहरूबाट आएका शब्दहरूलाई ह्वाइट बोर्ड वा न्युजप्रिन्टमा लेख्दै जाने ।
- यसरी सबै सहभागीलगायत स्रोतव्यक्तिले परिचय दिइसकेपछि सहभागीहरूबाट आएका कुराहरूलाई संक्षेपीकरण गर्दै धन्यवाद दिँदै सत्रको अन्त्य गर्ने ।
- परिचयका लागि सकेसम्म मनोरञ्जनात्मक तरिका अपनाउने ।
- व्यक्तिगत, जोडीगत वा समूहगत परिचय गराउँदा सबैले सबैको नाम सम्झने हुन्छन् ।
- नेम ट्यागको व्यवस्था पनि गर्न सकिन्छ ।

अपेक्षा सङ्कलन

उद्देश्य : सहभागीहरूले तालिममा सिक्न चाहेको विषयवस्तुहरू सङ्कलन हुनेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, समूह छलफल, प्रस्तुतीकरण

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङ टेप

क्रियाकलाप :

- सहभागीहरूलाई यो तालिमको नामप्रति जानकारी गराउँदै चार दिनभित्र कुन कुन विषयवस्तुहरूमा छलफल होस् भन्ने चाहनुहुन्छ अर्थात् यो तालिमबाट तपाईंहरू के के कुरा सिक्न चाहनुहुन्छ ? भन्दै आफूलाई लागेका विषयहरू ५ मिनेटसम्म आ-आफ्नो कापीमा लेख्न भन्ने ।
- यसरी व्यक्तिगत रूपमा आ-आफ्नो कापीमा लेखिसकेपछि सहभागीहरूको संख्याका आधारमा समूह विभाजन गरी सहभागीहरूका व्यक्तिगत अपेक्षाहरूलाई सामूहिक रूपमा तयार गरी प्रस्तुत गर्नका लागि एक एक जना टोली नेता छान्न पनि निर्देशन दिने ।
- समूह कार्यका लागि १५ मिनेटको समय दिने ।
- प्रत्येक समूहले समूह कार्य गरिसकेपछि प्रस्तुत गर्न लगाउने ।
- कुनै बुँदामा सहभागीको कुनै जिज्ञासा भए सोध्ने र छैन भने ताली बजाएर धन्यवाद दिने ।
- यसरी सबै समूहले समूह कार्य गरिसकेपछि स्रोतव्यक्तिले तालिमको उद्देश्य प्रस्तुत गर्ने ।

तालिमको उद्देश्य

उद्देश्य : तालिमको उद्देश्य प्रस्ट पार्ने ।

समय : १५ मिनेट

विधि : प्रश्नोत्तर र व्याख्यान

सामग्री : तालिमको उद्देश्य लेखेको न्युजप्रिन्ट, फ्लेक्सप्रिन्ट आदि

क्रियाकलाप :

- सहभागीहरूलाई तालिमको उद्देश्य लेखेको न्युजप्रिन्ट, फ्लेक्सप्रिन्ट टाँस्दै अब हामीले यो तालिमबाट लिएको अपेक्षा यसप्रकार छन् भनी जानकारी दिने ।
- हाम्रो अपेक्षा र सहभागीहरूको अपेक्षा के कस्ता छन् ? मिल्दोजुल्दा छन् कि छैनन् ? प्रश्न गर्ने ।
- उद्देश्यले भन्न खोजेको कुरालाई प्रष्ट्याउँदै सत्रको अन्त्य गर्ने ।

नीति-नियमहरूको निर्माण (House Rules)

उद्देश्य : तालिमलाई व्यवस्थित र प्रभावकारी बनाउन नीति-नियमहरूको निर्माण गर्ने ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, खुल्ला छलफल

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङ टेप

क्रियाकलाप :

- सहभागीहरूलाई यो चार दिनसम्म सञ्चालन हुने तालिमलाई व्यवस्थित र मर्यादित बनाउन नीति-नियमको आवश्यकता पर्ला कि नपर्ला भनेर सोध्ने ।
- सामान्यतः सहभागीहरूबाट पछि भन्ने जवाफ आउँछ । सो जवाफ आएपछि कस्तो प्रकारको नीति-नियम बनाउने भन्ने बारेमा छलफल गर्ने ।
- त्यसपछि स्रोतव्यक्ति वा सहजकर्ताले समय तालिका, जिम्मेवारीको बाँडफाँड गर्दै निम्नानुसारको ढाँचामा समितिहरू निर्माण गर्ने ।

प्रत्येक दिन एकजना सभामुख र उपसभामुख लैङ्गिक समताका आधारमा छान्ने । समूहगत समितिहरू गठन गर्ने ।

मिति	सभामुख	उपसभामुख	प्रतिवेदक समूह	व्यवस्थापक समूह	मनोरञ्जन समूह
पहिलो दिन					
दोस्रो दिन					
तेस्रो दिन					
चौथो दिन					

प्रत्येक दिन समूहको कार्यविभाजन परिवर्तन हुँदै जानेछ । र, तोकिएको समूहले आफ्नो संयोजक आफैँ तोकनेछ ।

समय तालिका

- विहानको नास्ता बजे
- विहानको सत्रको सुरुवात बजे
- चिया बजे
- दिवा खाना बजे
- अपरान्ह सत्रको अन्त्य बजे
- बेलुकीको खाना बजे
- मनोरञ्जन (आवश्यकताअनुसार कार्यसमयबाहेक पनि हुनेछ ।)
- त्यसपछि स्रोतव्यक्तिले तालिममा के गर्दा तालिम प्रभावकारी होला ? भन्ने विषयबाट छलफल चलाउँदै सोको लागि कस्तो कस्तो नीति-नियम बनाउनु पर्ला भन्दै सहभागीहरूलाई प्रश्न गर्ने ।
- नीति-नियमहरू निर्माण गर्दा समय तालिका, व्यवस्थापकीय पक्षका लागि जिम्मेवारीको बाँडफाँड र नीति-नियम गरी ३ कुरामा जोड दिने ।
- समयको पालनाको लागि सबैले सबैलाई सचेत गराउनु पर्नेछ ।
- सहभागीहरूबाट आएका कुराहरूलाई न्युजप्रिन्टमा टिपोट गर्दै जाने ।

- यसरी हरेक दिनको जिम्मेवारी तोकिएपछि सभामुख, उपसभामुखको जिम्मेवारी निर्धारण गर्ने, काम बाँडफाँड गर्ने र व्यवस्थापक समूहले तालिम कक्ष, आवास तथा भोजन व्यवस्थापन, समय व्यवस्थापनलगायत स्थानीय संयोजक तथा स्रोतव्यक्तिलाई सघाउने, प्रतिवेदक समूहले दिनभरिको गतिविधिहरूको टिपोट गरी भोलि बिहान समीक्षासहित प्रतिवेदनको रूपमा प्रस्तुत गर्ने । तालिममा प्रयोग गरिएको विधिहरू कस्ता थिए ? प्रयोग भएका सामग्रीहरू कस्ता थिए ? स्रोतव्यक्तिहरूको सहजीकरण सीप कस्तो रह्यो ? र सहभागीहरूको सहभागिता कस्तो रह्यो भन्ने विषयमा आधारित रहेर तालिमका विषयवस्तुहरूको सङ्क्षिप्त प्रतिवेदन तयार पार्ने र मनोरञ्जन समूहको भूमिका तालिमलाई रोचक बनाउनका लागि समय सापेक्षित रूपले मनोरञ्जन गराउने भन्ने जानकारी गराउने ।
- अन्त्यमा स्रोतव्यक्तिले सहभागीहरूबाट भनेका र न्युजप्रिन्टमा लेखेका कुराहरूमा जोड दिँदै सबैलाई ताली बजाएर नीति-नियमहरू पास गर्न अनुरोध गर्दै, सबैले यसलाई सक्रियताका साथ पालन गर्न अनुरोध गर्ने ।
- छलफललाई मर्यादित, विषय केन्द्रित, रोचक र फलदायी बनाउन र आपसमा भएका छलफल र विवादलाई निर्णयमा पुऱ्याउने खालका नीति पनि तयार गर्ने ।

तालिमको पूर्व मूल्याङ्कन

उद्देश्य : स्रोतव्यक्तिलाई सहभागीहरूको लोकतन्त्र र यससम्बन्धी विभिन्न विषयमा भएको ज्ञानको पूर्व जानकारी हुनेछ ।

समय : ३० मिनेट

विधि : खुल्ला छलफल र व्यक्तिगत अभ्यास

सामग्री : तालिम पूर्व मूल्याङ्कका लागि तयार पारिएको प्रश्नपत्र, डटपेन, उत्तरपुस्तिका

क्रियाकलाप :

- सहभागीहरूलाई तालिमपूर्वको मूल्याङ्कका लागि फारामहरू वितरण गर्ने ।
- सबै सहभागीहरूलाई फाराममा सोधिएका प्रश्नहरूको जवाफ लिखित रूपमा लेख्न आग्रह गर्ने ।
- सबै सहभागीहरूले लेखिसकेपछि प्रश्नपत्र सङ्कलन गरी त्यसको सर्सर्ती अध्ययन गरी त्यसलाई फाइलमा सुरक्षित राख्ने ।

मुख्य विषयवस्तुमा प्रवेश

अन्तरव्यवस्थापिका सङ्घ/परिषद् र लोकतन्त्रको विश्वव्यापी घोषणापत्र

उद्देश्य :

- सहभागीहरूले अन्तरव्यवस्थापिका सङ्घ/परिषद् र लोकतन्त्रको विश्वव्यापी घोषणापत्रको परिचय प्राप्त गर्नेछन् ।
- लोकतन्त्रको विश्वव्यापी घोषणापत्रले लिएको सैद्धान्तिक तथा दार्शनिक आधारहरू बताउन र व्याख्या गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, खुल्ला छलफल र व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, आईपियू तथा यु डी डीका मुद्रित सामग्रीहरू, मास्किङ टेप

क्रियाकलाप :

(क) अन्तरव्यवस्था सङ्घ/परिषद्

- सहभागीहरूलाई अन्तरव्यवस्थापिका सङ्घका बारेमा केही सुन्नु वा जान्नुभएको छ वा छैन ? भनी प्रश्न गर्ने ।
- यसबारे सुनेका वा जानेका सहभागीहरूले के हो जस्तो लाग्छ भनी आफूले जानेको र सुनेको कुरा अरूलाई जानकारी दिन आग्रह गर्ने ।
- सहभागीले भनिसकेपछि भनेका कुरामा थप गर्दै अन्तरव्यवस्थापिका सङ्घ/परिषद्को बारे वाकस नं. १ मा दिएको जानकारी अनुसार व्याख्या गर्ने ।

(ख) लोकतन्त्रको विश्वव्यापी घोषणापत्र

- सर्वप्रथम सहभागीहरूलाई लोकतन्त्रको विश्वव्यापी घोषणापत्रका सम्बन्धमा कुनै जानकारी छ वा छैन अर्थात् अन्तरव्यवस्थापिका सङ्घले लोकतन्त्रको विश्वव्यापी घोषणापत्रलाई कहिले ? किन र कसरी स्वीकार गर्‍यो भन्ने विषयमा कुनै जानकारी छ वा छैन भनी प्रश्न गर्ने ।
- सहभागीहरूलाई छ भने यसबारे व्याख्या गर्न लगाउने र छैन भने स्रोतव्यक्तिले वाकसको नं. १ (ख) अनुसार लोकतन्त्रको विश्वव्यापी घोषणापत्रको परिचय र दोस्रो भागमा यसको सैद्धान्तिक र दार्शनिक पक्षका बारेमा जानकारी दिने ।
- अन्तमा केही सहभागीहरूलाई अन्तरव्यवस्थापिका सङ्घ/परिषद् तथा लोकतन्त्रको विश्वव्यापी घोषणापत्रका बारेमा थप प्रष्ट पाउँ भन्दै सत्रको अन्त्य गर्ने ।

बाकस नं. १ (क)

स्रोतव्यक्तिका लागि जानकारी

(विश्वव्यापी घोषणापत्र आवश्यक हुनुका कारण र परिस्थितिका बारेमा स्रोतव्यक्तिले जानकारी दिनुपर्ने छ ।)

(क) अन्तरव्यवस्थापिका सङ्घको परिचय :

- विश्वका १५४ सार्वभौम राष्ट्रका व्यवस्थापिका र ८ क्षेत्रीय संसदहरूको साभा सङ्गठन
- अन्तरव्यवस्थापिका सङ्घको साधारण सभालाई परिषद् भनिन्छ ।
- नेपाल सदस्य राष्ट्र ।
- केन्द्रीय कार्यालय स्विजरल्याण्डको जेनेभामा ।
- अन्तरव्यवस्थापिका सङ्घको इजिप्टको कायरोमा बसेको १६१ औं सभाले सन् १९९७ सेप्टेम्बर १६ मा लोकतन्त्रको विश्वव्यापी घोषणापत्र स्वीकार गर्दै पारित गरेको ।
- कायरोमा उपस्थित परिषद्का १३७ राष्ट्रहरूद्वारा एकै स्वरमा पारित ।
- चीनले केही प्रावधानप्रति आफ्नो सीमिति असहमति जनाएको ।
- अन्तरव्यवस्थापिका सङ्घका सदस्य राष्ट्रहरूको लागि आवश्यक तथा राज्य सञ्चालनका लागि निर्देशक सिद्धान्त ।
- २००७ नोभेम्बरमा संयुक्त राष्ट्रसङ्घले लोकतन्त्रको विश्वव्यापी घोषणापत्रलाई पारित गर्दै १५ सेप्टेम्बरलाई लोकतन्त्रको अन्तर्राष्ट्रिय दिवस भनी घोषणा गरेको ।

उद्देश्य :

- शान्ति तथा विकासप्रति प्रतिबद्ध ।
- अन्तरव्यवस्थापिका सङ्घको शान्तिको लक्ष्य प्राप्त गर्ने साभा सङ्गठन ।
- लोकतन्त्रको पवर्द्धन गर्ने र विश्वभर प्रतिनिधिमूलक सरकारको स्थापनाको उद्घोष ।
- जनतामा कुनै पनि हस्तक्षेपविना राजनीतिक, सामाजिक, आर्थिक तथा सांस्कृतिक पद्धतिहरूको स्वतन्त्र रुपमा छनौट तथा विकास गर्न सार्वभौम अधिकार ।
- स्वतन्त्र तथा निष्पक्ष निर्वाचनका आधारलाई आत्मसात ।

बाकस नं. १ (ख)

(ख) लोकतन्त्रको विश्वव्यापी घोषणापत्रको परिचय :

विश्वका नयाँ तथा पुनर्स्थापित लोकतन्त्रलाई प्रबर्द्धन गर्न इजिप्टको कायरोमा बसेको अन्तरव्यवस्थापिका १६१ औँ सभाले सन् १९९७ सेप्टेम्बर १६ मा पारित गरेको लोकतन्त्रको विश्वव्यापी घोषणापत्र ।

- विश्वव्यापी घोषणापत्रका सैद्धान्तिक र दार्शनिक पक्षहरू :
 - शान्ति र विकासप्रति प्रतिबद्धता
 - प्रतिनिधिमूलक संस्थाको सबलीकरण
 - लोकतान्त्रिक प्रक्रियाको सुदृढीकरण
 - बहुलवादी पद्धतिको प्रबर्द्धन
 - प्रतिनिधिमूलक सरकारको स्थापना
 - प्रत्येक राष्ट्रको सार्वभौमिकताको सम्मान
 - संयुक्त राष्ट्रसङ्घको बडापत्रको आधार
 - स्वतन्त्र तथा निष्पक्ष निर्वाचनको घोषणा-१९९४
 - महासचिवको कार्यसूची-१९९६
 - मानवअधिकार तथा लोकतन्त्रीकरणका अन्य अन्तर्राष्ट्रिय दस्तावेजहरू
 - मानवअधिकारको विश्वव्यापी घोषणापत्र, १९४८

लोकतन्त्रका सिद्धान्तहरू

धारा १

साँस्कृतिक, राजनीतिक, सामाजिक र आर्थिक विभिन्नताहरूलाई सम्मान गर्दै, विश्व समुदायका जनताहरूले अवलम्बन गरेका साझा मूल्यहरूमा आधारित विश्वव्यापीरूपमा मानिएका आदर्श तथा लक्ष्य नै लोकतन्त्र हो । त्यसकारण यो राजनीतिप्रतिको चाहना र वैचारिक विविधताप्रति उचित सम्मान दर्शाउँदै स्वतन्त्रता, समानता, पारदर्शिता तथा जिम्मेवारीपनाका शर्तहरूअन्तर्गत रही अभ्यास गर्न पाउने नागरिकको आधारभूत अधिकार हो ।

उद्देश्य : सहभागीहरूले विश्वव्यापी घोषणापत्रको धारा नं. १ का सिद्धान्तहरूको व्याख्या गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, व्यक्तिगत अभ्यास, समूह छलफल, प्रस्तुतीकरण र खुल्ला छलफल

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङ टेप र लोकतन्त्रका सिद्धान्तहरू लेखिएका मेटाकार्डहरू ।

क्रियाकलाप :

- सम्भव भए लोकतन्त्रको बुझाई सम्बन्धी रेडियो कार्यक्रमको मुख्य भाग सुनाउने । प्रत्येक सहभागीहरूलाई लोकतन्त्रका सिद्धान्तहरू के के होलान् भनी कापीमा लेख्न लगाउने । यसका लागि केही समय दिने । सबै सहभागीहरूले कापीमा लेखिसकेपछि सहभागीहरूलाई ४ समूहमा विभाजन गर्ने ।
- प्रत्येक समूहलाई सहभागीहरूले कापीमा लेखेका लोकतन्त्रका सिद्धान्तहरूलाई समूहमा छलफल गरी सामूहिक रूपमा ल्याउन भन्ने ।
- प्रस्तुतीकरणका लागि प्रत्येक समूहबाट एक-एकजना नेता चुन्न लगाउने र प्रस्तुतीकरण गर्न लगाउने र समूहको प्रस्तुतीपछि सहभागीहरूलाई कुनै जिज्ञासा वा प्रश्न छ कि भनेर सोध्ने र स्रोतव्यक्तिले बाकस नं. २ अनुसार व्याख्या गर्ने ।
- अन्तमा सहभागीहरूलाई धारा १मा आधारित रहेर केही बुँदाहरूको व्याख्या गर्न लगाउँदै सत्रको अन्त्य गर्ने ।
- यो सत्र पहिलो दिनको अन्तिम सत्र भएको हुनाले सबै सहभागीहरूलाई धन्यवाद दिँदै पहिलो दिनको कार्यक्रम समापन गर्नका लागि सभामुखलाई अनुरोध गर्ने ।

बाकस नं. २

स्रोतव्यक्तिका लागि जानकारी

धारा १ अन्तर्गत छलफलका बुँदाहरू

- विभिन्नता/वैचारिक विविधता तथा बहुलवादको सम्मान
- विश्वव्यापी रूपमा मानिएका साझा मूल्य तथा मान्यताको सम्मान
- स्वतन्त्रता
- समानता
- पारदर्शिता तथा जिम्मेवारीपना
- आधारभूत नागरिक अधिकार

दोस्रो दिन

शुभारम्भ

समय : १५ मिनेट

विधि : प्रश्नोत्तर, खुल्ला छलफल

सामग्री : लोकतन्त्रका सम्बन्धमा लेखिएको कोटेसन

क्रियाकलाप :

- सबै सहभागीहरूलाई दोस्रो दिनको शुभारम्भमा प्रशिक्षकले स्वागत गर्दै लोकतन्त्रका सन्दर्भमा लेखिएका वा सहभागीले लेखेर ल्याएको भए स्वयम् पढेर सुनाउने । कोटेसन देखाउँदै एकजना सहभागीलाई पढ्न भन्ने । प्रशिक्षकले ल्याएको भए पढ्न दिने र सहभागीले ल्याएको भए स्वयम्ले पढेर सुनाउने ।
- ती सहभागीले लोकतन्त्रका सन्दर्भमा लेखेको कोटेसन पढिसकेपछि त्यो कोटेशनले भन्न खोजेको के हो ? खुल्ला छलफल गर्ने ।
- केही सहभागीहरूको विचार सुनिसकेपछि स्रोतव्यक्ति उनीहरूको विचारसँगै आफ्नो विचारहरू राखेर संक्षेपीकरण गर्दै अधिल्लो दिनको प्रतिवेदन पढ्नका लागि प्रतिवेदक समूहलाई प्रस्तुत गर्न अनुरोध गर्ने ।

अधिल्लो दिनको प्रतिवेदन, प्रस्तुति तथा समीक्षा

समय : ३० मिनेट

विधि : मौखिक प्रस्तुतीकरण, प्रश्नोत्तर, खुल्ला छलफल

सामग्री : ह्वाइटबोर्ड, मार्कर, प्रतिवेदन

क्रियाकलाप :

- सभामुखलाई हिजोको प्रतिवेदन प्रस्तुत गर्नका लागि प्रतिवेदक समूहलाई अनुरोध गर्न आग्रह गर्ने ।
- प्रतिवेदक समूहलाई प्रतिवेदन पढ्न लगाउने र अन्य सहभागीहरूलाई राग्रोसँग सुन्न भन्ने ।
- प्रतिवेदकले प्रतिवेदन पढिसकेपछि प्रतिवेदन कस्तो रह्यो ? अर्थात् प्रतिवेदन कस्तो लाग्यो भनी सहभागीहरूलाई सोध्ने ।
- सामान्य छलफलपश्चात् प्रतिवेदकलाई धन्यवाद दिने ।
- प्रतिवेदनमा आएका कुरा कस्तो रह्यो भनी प्रशिक्षकले सोध्ने र कुनै प्रष्ट पार्ने विषय भए प्रष्ट पार्ने ।
- सहभागीहरूलाई हिजो हामीले कुन कुन शीर्षकमा के के गर्‍यौं ? भनेर क्रमशः भन्न लगाउने ।
- सहभागीहरूबाट आएका कुराहरू क्रमबद्ध रूपमा प्रतिवेदन आएका छन् वा छैनन् भन्ने कुरामा स्रोतव्यक्तिले ध्यान दिने ।

- सहभागीहरूमध्ये एकैजनालाई धेरै कुरा भन्नु नदिई एकजनालाई एउटा कुरा मात्र भन्नु लगाउने ।
- सहभागीहरूले हिजोका सबै विषयवस्तु भनिसकेपछि सहजकर्ताले छुट भएका केही विषय छन् कि भन्दै प्रश्न गर्दै हिजोको दिन समग्रमा कस्तो रह्यो ? भनि प्रश्न गर्ने र आजको दिनलाई अब्ब बढी फलदायी बनाउने के गर्न सकिएला ? संक्षिप्त छलफल चलाई स्रोतव्यक्तिको थप स्पष्ट पारी दिने ।

पद हस्तान्तरण

उद्देश्य : सहभागीहरूबीच सभामुख, उपसभामुख र विभिन्न समूहलाई तोकिएको जिम्मेवारी हस्तान्तरण गर्ने ।

विधि : प्रबचन

सामग्री : कार्यविभाजनअनुसार समूहको विवरण, प्रतिवेदन, कापी र प्रतिवेदक, व्यवस्थापक र मनोरञ्जक समूह लेखिएका कार्डहरू

क्रियाकलाप :

- अघिल्लो दिनको सभामुख र उपसभामुखले समूह संयोजकहरूले आ-आफ्ना पद नयाँ समूहलाई जिम्मेवारी लिनेलाई सर्वप्रथम हिजोको प्रतिवेदकलाई आफ्नो पद र कापी दोस्रो दिनको हस्तान्तरण गर्न लगाउने ।
- त्यसपछि दोस्रो दिनको सभामुखलाई आवश्यक सानो मन्तव्य र आवश्यक निर्देशनसहित सत्र सञ्चालन गर्न स्रोतव्यक्तिलाई अनुरोध गर्न लगाउने ।

लोकतन्त्रका सिद्धान्तहरू, निरन्तर.....

धारा २ र ३

- २) लोकतन्त्र अनुशीलन तथा खोज गरिनुपर्ने एक आदर्श तथा प्रयोग गरिनुपर्ने सरकारको एक स्वरूप दुवै हो । संरचनागत रूपमा यसले अन्तर्राष्ट्रिय मान्यता प्राप्त सिद्धान्तहरू, मूल्यहरू तथा मापदण्डहरूको मर्म कायम राख्दै अनुभवहरूको विविधता तथा सांस्कृतिक विशेषताहरूलाई प्रतिबिम्बित गर्दछ । यसकारण यो निरन्तर रूपमा परिष्कृत भएको र सधैं परिष्कृत हुन सक्ने अवस्था वा शर्त हो । जसको प्रगति विविधतायुक्त राजनीतिक, सामाजिक, आर्थिक र सांस्कृतिक तत्वहरूउपर निर्भर रहनेछ ।
- ३) मूलतः एउटा आदर्शका रूपमा लोकतन्त्रले व्यक्तिका मौलिक अधिकारहरू तथा प्रतिष्ठाको संरक्षण र सम्बर्द्धन गर्ने लक्ष्य लिएको हुन्छ । सामाजिक न्यायको प्राप्ति, समुदायको आर्थिक तथा सामाजिक विकासको बढावा, सामाजिक, सद्भाव सवलीकरण तथा राष्ट्रिय शान्तिको प्रवर्द्धन सँगसँगै अन्तर्राष्ट्रिय शान्तिका लागि वातावरण निर्माण गर्ने यसको निहितार्थ रहेको हुन्छ । लोकतन्त्र सरकारको एउटा ढाँचाका रूपमा यी उद्देश्यहरू प्राप्तिका लागि सबैभन्दा उपयुक्त उपाय हो । यो एकमात्र यस्तो राजनीतिक पद्धति हो जससँग आत्मशुद्धि (Self-Correction) गर्ने क्षमता विद्यमान हुन्छ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा २ र ३ का बुँदाहरूको व्याख्या गर्न सक्नेछन् ।

समय : ५५ मिनेट

विधि : प्रश्नोत्तर, व्याख्यान र खुल्ला छलफल

सामग्री : लोकतन्त्रको सिद्धान्तको धारा २ र ३ मा लेखेको पूर्ण वाक्यांशको न्यूजप्रिन्ट, हवाईटबोर्ड र मार्कर

क्रियाकलाप :

- कुनै एकजना सहभागीलाई लोकतन्त्रको सिद्धान्तको धारा २ मा लेखेको र अर्कोलाई क्रमसँग ३ पूर्ण पाठ पढ्न लगाउने ।
- यसबाट हामीले के के बुँदाहरू निकाल्न सक्दछौं भनी खुल्ला छलफल गर्ने ।
- सहभागीहरूले निकालेका बुँदाहरूको टिपोट गर्दै जाने ।
- स्रोतव्यक्तिले निम्नानुसारका बुँदाहरूमा व्याख्या गर्दै छलफल गर्ने
- अन्तमा केही सहभागीहरूलाई धारा २ र ३ ले समेट्न खोजेका बुँदाहरूको पुनः व्याख्या गर्न लगाउँदै सत्रको अन्त्य गर्ने ।

बाकस नं. ३ स्रोतव्यक्तिका लागि जानकारी

धारा २ अन्तर्गत छलफलका बुँदाहरू :

- निरन्तर अनुसन्धान/खोज गरिनुपर्ने आदर्श तथा सरकार ।
- अन्तर्राष्ट्रिय मान्यता प्राप्त सिद्धान्त, मूल्य तथा मापदण्डहरूको मर्मप्रति जोड ।
- विविधता तथा साँस्कृतिक विशेषताको सम्मान ।
- निरन्तर परिस्कृत हुँदै जाने शासन व्यवस्था ।

धारा ३ अन्तर्गत छलफलका बुँदाहरू

- मौलिक अधिकार तथा प्रतिष्ठाको संरक्षण तथा सम्बर्द्धन
- सामाजिक न्यायको प्राप्ति
- समुदायको सामाजिक तथा आर्थिक विकासको सम्बर्द्धन
तथा सामाजिक सहचार्यको सवलीकरण
- आत्मशुद्धि (Self-Correction) गर्ने क्षमता

लोकतन्त्रको सिद्धान्तहरू, निरन्तर.....

धारा ४, ५ र ६

- ४) लोकतन्त्रका उपलब्धिहरूले सामाजिक मामिलासम्बन्धी व्यवहारमा पुरुष र महिलाबीच विशुद्ध साभेदारीको पूर्वानुमान गर्दछ । जुन समाजमा तिनीहरूले तिनका विभिन्नताहरूबाट आपसी समृद्धिलाई ग्रहण गर्दै समानता र परिपूरकताका आधारमा काम गर्दछन् ।
- ५) लोकतन्त्रले शक्तिको प्राप्ति, प्रबन्ध तथा परिवर्तनका प्रक्रियाहरू स्वतन्त्र राजनीतिक प्रतिस्पर्धाबाट हुने कुरालाई अनुमति प्रदान गर्दछ । यी प्रक्रियाहरू जनताको खुला, स्वतन्त्र र विभेदरहित सहभागिताका उपज हुन्; जसलाई स्वरूप तथा भाव दुवैमा कानुनको शासनलाई आत्मसात गर्दै अभ्यास गरिन्छ ।
- ६) प्रस्तावनामा स्मरण गरिएका अन्तर्राष्ट्रिय दस्तावेजहरूमा उल्लेखित अधिकारलाई लोकतन्त्रबाट अलग गर्न सकिँदैन । त्यसकारण यी अधिकारहरूलाई प्रभावकारी रूपमा कार्यान्वयन गरिनुपर्दछ । साथै यिनको उपयुक्त अभ्यासले व्यक्तिगत तथा सामूहिक जिम्मेवारी हरूसँग मेल खानै पर्दछ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा ४, ५ र ६ अन्तर्गतका सिद्धान्तहरूको बुँदाहरूको व्याख्या गर्न सक्नेछन् ।

समय : १ घण्टा

विधि : प्रश्नोत्तर, खुल्ला छलफल र व्याख्यान

सामग्री : सोतव्यक्तिका लागि दिइएको जानकारीको आधारमा निर्माण गरिएका मेटाकार्डहरू ह्वाइट बोर्ड र मार्कर ।

क्रियाकलाप :

- सहभागीहरूलाई लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा ४, ५, र ६ हेर्न लगाउने ।
- सोही आधारमा धारा ४ ले महिला पुरुषको लैङ्गिक साभेदारीको प्रश्न उठाउन खोजेका जानकारी दिँदै महिला-पुरुषको लैङ्गिक साभेदारी भनेको के होला ? भनी खुल्ला छलफल चलाउने ।
- सहभागीहरूबाट प्राप्त छलफललाई आधार मानेर लैङ्गिक साभेदारीको बारेमा व्याख्या गर्ने ।
- यसै गरी धारा ५ र ६ का बुँदाहरूमा छलफल गर्दै जाने र अन्तमा अन्तमा केही सहभागीहरूलाई यो सत्रअन्तर्गतका केही बुँदा भन्न लगाउँदै सत्रको अन्त्य गर्ने ।

बाकस नं. : ४

स्रोतव्यक्तिका लागि जानकारी

धारा ४, ५ र ६ अन्तर्गत छलफलका बुँदाहरू

- पुरुष र महिलाबीच साभेदारी/ लैङ्गिक साभेदारी
- महिला र पुरुषमा परिपूरकता र समानता
- समता
- सत्ता तथा शक्तिप्राप्ति, सत्ता परिवर्तन र स्वतन्त्र राजनीतिक प्रतिस्पर्धा
- विभेदरहित सहभागिता
- विधिको शासन
- संयुक्त राष्ट्रसङ्घ, अन्तरव्यवस्थापिका सङ्घ तथा अन्य अन्तर्राष्ट्रिय दस्तावेजहरूसँग राष्ट्रिय नितिको तादात्म्यता
- व्यक्तिगत तथा सामूहिक जिम्मेवारी

लोकतन्त्रका सिद्धान्तहरू, निरन्तर.....

धारा ७ र ८

- ७) लोकतन्त्र कानूनको सर्वोच्चता तथा मानवअधिकारको अभ्यासमा आधारित हुन्छ । एउटा लोकतान्त्रिक राज्यमा कोही पनि कानूनभन्दा माथि हुँदैन र कानूनका सामु सबै बराबर हुन्छन् ।
- ८) शान्ति तथा आर्थिक, सामाजिक र सांस्कृतिक विकास लोकतन्त्रका शर्त तथा प्रतिफल दुवै हुन् । त्यसकारण शान्ति, विकास तथा कानूनको शासन र मानवअधिकारको पालना तथा सम्मानबीच अन्तरसम्बन्ध विद्यमान हुन्छ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा ७ र ८ अन्तर्गत लोकतन्त्रको सिद्धान्तहरूको व्याख्या तथा विश्लेषण गर्न सक्नेछन् ।

समय : १ घण्टा

विधि : समूह छलफल, खुल्ला छलफल र व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, ट्वाइट बोर्ड र समूह कार्यका लागि ४ वटा प्रश्नहरू, रेडियो सामग्री

क्रियाकलाप :

- रेडियो कार्यक्रमको महत्वपूर्ण अंश (धारा ७ र ८ सँग सम्बन्धित मात्र) सुनाउने ।
- सहभागीहरूलाई ४ समूहमा विभाजन गर्ने ।
- समूहहरूलाई निम्नानुसारको विषयमा समूहगत छलफल गरी खुल्ला छलफलका लागि तयार रहन आग्रह गर्ने ।
 - कानूनको सर्वोच्चता भनेको के हो ?
 - कानूनको अगाडि समानता भनेको के हो ?
 - कानूनको शासन भनेको के हो ?
 - मानवअधिकार भनेको के हो ? यसको पालनाभित्र के के कुराहरू पर्दछन् ?
- छलफलका लागि प्रत्येक समूहलाई एक-एकवटा प्रश्न दिने ।
- समूहको प्रस्तुतिपश्चात् अन्य समूहलाई कुनै जिज्ञासा भए सोध्ने ।
- यो प्रस्तुतिपछि लोकतन्त्रको विश्वव्यापी घोषणापत्रको पहिलो भागमा छलफल समाप्त भएको जानकारी दिने ।
- अन्तमा स्रोतव्यक्तिले चारवटा बुँदालाई आधार मानेर यसको व्याख्यासहित सेसनको अन्त्य गर्ने ।

बाकस नं. ५ स्रोतव्यक्तिका लागि जानकारी

धारा ७ र ८ अन्तर्गत छलफलका बुँदाहरू

- कानूनको सर्वोच्चता
- कानूनको अगाडि समानता / सबै बराबरी
- कानूनको शासन
- मानवअधिकार तथा यसको पालना

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास

धारा ९, १० र ११

- ९) लोकतन्त्र सू-संरचित तथा राम्ररी कार्यरत संरचनाहरूको अस्तित्वका साथै एउटा नियम तथा मापदण्डहरूको समूहमा आधारित हुन्छ। समग्रमा यो आफ्ना अधिकार तथा जिम्मेवारी हरूप्रति पूर्णरूपमा जानकारी सामाजिक इच्छाहरू (Will of Society) मा आधारित हुन्छ।
- १०) सामाजिक सद्भाव र ऐक्यवद्धता प्रवर्द्धन गर्नका लागि लोकतान्त्रिक संस्थाहरूले विविधता र एकरूपता, वैयक्तिकता र सामूहिकताका प्रतिष्पर्धात्मक माग दावीहरूबीच उत्पन्न तनावहरूको मध्यस्थता गर्ने तथा तिनका बीच सन्तुलन कायम गर्ने काम गर्नु पर्दछ।
- ११) लोकतन्त्र प्रत्येकको सार्वजनिक मामिला व्यवस्थापनमा भाग लिने अधिकारमा आधारित हुन्छ। त्यसकारण लोकतन्त्रका लागि सबै तहमा प्रतिनिधिमूलक संस्थाहरूको विद्यमानता आवश्यक पर्दछ र विशेषतः समाजका सम्पूर्ण सामाजिक विशेषताहरूको प्रतिनिधित्व हुने एउटा संसद्को विद्यमानता वा आवश्यकता जरुरी हुन्छ जससँग कानून बनाएर तथा सरकारका कार्यहरूउपर निगरानी गरेर जनइच्छालाई अभिव्यक्त गर्ने आवश्यक अधिकार र उपायहरू हुन्छन्।

उद्देश्य : सहभागीहरूले धारा ९, १० र ११ मा रहेका लोकतान्त्रिक सरकारका तत्वहरू बताउन सक्नेछन्।

समय : ५० मिनेट

विधि : समूह छलफल, प्रस्तुतीकरण, खुल्ला छलफल र व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, लोकतान्त्रिक सरकारका धारा ९, १० र ११ मा विद्यमान तत्वहरू लेखेका मेटाकार्डहरू

क्रियाकलाप :

- सहभागीहरूलाई ४ समूहमा विभाजन गर्ने।
- विभाजनपछि सहभागीहरूलाई लोकतान्त्रिक सरकारका धारा ९, १० र ११ मा विद्यमान तत्वहरू के के हुन सक्दछन् ? भनी समूहमा छलफल गरी टिपोट गर्न भन्ने।
- समूहलाई समूहकार्य प्रस्तुतिका लागि प्रत्येक समूहबाट एक-एकजना नयाँ नेता छनौट गर्न लगाई उक्त नेतालाई समूहकार्य प्रस्तुत गर्न भन्ने।
- समूहको प्रस्तुतीकरण सकिएपछि अन्य समूहहरूलाई कुनै प्रश्न छ कि भनी सोध्ने।
- त्यसपछि स्रोतव्यक्तिले लोकतान्त्रिक सरकारका तत्वहरूअनुसार धारा ९, १० र ११ तथा बाकस नं.६ अनुसारको प्रस्तुतीकरण गर्ने।

बाकस नं. ६ स्रोतव्यक्तिका लागि जानकारी
धारा ९, १० र ११ अन्तर्गत छलफलका बुँदाहरू

- सामाजिक इच्छा (Will of Society)
- सामाजिक सद्भाव र ऐक्यवद्धता
- तनावको मध्यस्थता तथा सन्तुलन
- सार्वजनिक मामिला र जनताको सहभागिता
- प्रतिनिधिमूलक संस्था/संसद्

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास, निरन्तर.....

धारा १२ र १३

१२) जनचाहना मुखरित हुनसक्ने गरी नियमित अवधिमा स्वतन्त्र र निष्पक्ष तवरले निर्वाचन सम्पन्न गर्नु लोकतन्त्रको अभ्यासमा एक अहं शर्त हो । यस्ता निर्वाचनहरू विश्वव्यापी- समान र गोप्य मतदानका आधारमा सम्पन्न हुनुपर्दछ । परिणामस्वरूप सबै मतदाताहरूले समानता, खुलापना तथा पारदर्शिताका शर्तहरूभित्र रही आफ्ना प्रतिनिधिहरू छनौट गर्न सक्छन् जसले राजनीतिक प्रतिस्पर्धालाई बढावा दिन्छ । यस उद्देश्यका खातिर नागरिक तथा राजनीतिक अधिकारहरू अत्यावश्यकीय हुन्छन् । ती अधिकारमध्ये पनि मतदान गर्ने तथा निर्वाचित हुने अधिकार, भेला हुने तथा अभिव्यक्ति स्वतन्त्रताको अधिकार, सूचनामा पहुँच र राजनीतिक संगठन गर्ने तथा राजनीतिक क्रियाकलाप सञ्चालनका अधिकारहरू मुख्य हुन् । लोकतान्त्रिक प्रक्रियाहरूको अखण्डतालाई सुनिश्चित गर्न दलीय संगठन, क्रियाकलाप, आर्थिक कारोबार, कोष तथा आचरण निष्पक्ष तवरले उपयुक्त रूपमा नियमन गरिनुपर्दछ ।

१३) नागरिकका नागरिक, सांस्कृतिक, आर्थिक, राजनीतिक तथा सामाजिक अधिकारहरूको निर्वाध प्रयोगको सुनिश्चितता राज्यको एक अत्यावश्यकीय कार्य हो । यसकारण लोकतन्त्र, स्वतन्त्रतापूर्वक चुनिएको तथा सार्वजनिक मामिला व्यवस्थापनप्रति जवाफदेही, प्रभावकारी, इमानदार र पारदर्शी सरकार सँगसँगै जान्छ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा १२ र १३ मा उल्लेख भएअनुसारका लोकतान्त्रिक सरकारका तत्वहरू बताउने र व्याख्या गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : खुल्ला छलफल, व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, बाकस नं. ७ अनुसारको चीटहरू ।

क्रियाकलाप :

- ८ जना सहभागीहरूलाई बाकस नं. ७ अनुसार स-साना चिटहरू तान्न लगाउने । उक्त चिटले के भन्न खोजको हो ? व्याख्या गर्न भन्ने ।
- चिट पढ्ने सहभागीहरूबाट आएको व्याख्या सन्तोषजनक छ भने स्रोतव्यक्तिले पुनः त्यसै बुँदालाई आधार मानेर उक्त बुँदाको व्याख्या गर्ने ।
- चिट पढ्ने सहभागीको व्याख्या सन्तोषजनक नभएमा अन्य सहभागीहरूलाई व्याख्या गर्न लगाउने ।
- निर्वाचन र राजनीतिक दलसँग सम्बन्धित रेडियो कार्यक्रम महत्वपूर्ण अंशहरू सुनाउने र छलफल गराउने ।
- यसरी क्रमिक रूपले आठवटा बुँदामा व्याख्या गर्दै, सेसनको अन्तमा केही सहभागीहरूलाई यो सत्रअन्तर्गतका केही बुँदा भन्न लगाउँदै सत्रको अन्त्य गर्ने ।

बाकस नं. ७ स्रोतव्यक्तिको लागि जानकारी

धारा १२ र १३ अन्तर्गत छलफलका बुँदाहरू

- स्वतन्त्र र निष्पक्ष निर्वाचन
- स्वतन्त्र राजनीतिक प्रतिस्पर्धा
- राजनीतिक दल र तिनको व्यवस्थापन (आर्थिक कारोबार कोष तथा आचरण निष्पक्ष नियमन)
- अभिव्यक्ति स्वतन्त्रता
- सूचनामा पहुँच
- राजनीतिक संगठन गर्ने तथा राजनीतिक क्रियाकलाप सञ्चालनको अधिकार
- मानवअधिकारका विभिन्न स्वरूप
- सुशासन

नोट : बुलेट ४ र ५ लाई सन्दर्भअनुसारको जानकारी दिई धारा २१ म विस्तृत जानकारी दिने ।

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास, निरन्तर.....

धारा १४ र १५

१४) सार्वजनिक उत्तरदायित्व लोकतन्त्रका लागि अत्यावश्यकीय शर्त हो । निर्वाचित भएर वा अन्य कुनै हिसावले सार्वजनिक अख्तियारी लिएर बसेका सबै व्यक्ति वा संस्थाउपर अपवादरहित रूपमा यो लागू हुन्छ । उत्तरदायीपनाले सरकारका गतिविधिबारे आमनागरिकले जानकारी प्राप्त गर्ने अधिकार, सरकारविरुद्ध याचना गर्ने अधिकार तथा निष्पक्ष प्रशासनिक तथा न्यायिक संयन्त्रमार्फत् उपचार खोज्ने अधिकारलाई अनिवार्य तुल्याउँछ ।

१५) समग्रमा सार्वजनिक जीवन नैतिक मान्यताहरू तथा पारदर्शिताले ओतप्रोत भएको हुनुपर्दछ । तिनीहरूको समर्थनका लागि उपयुक्त मूल्य, मान्यता तथा कार्यविधिहरू स्थापित गरिनुपर्दछ ।

उद्देश्य : सहभागीले लोकतन्त्रको विश्वव्यापी घोषणापत्रको धारा १४ र १५ मा आधारित रहेर लोकतान्त्रिक सरकारका तत्वहरू बताउन र विश्लेषण गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, व्याख्यान र खुल्ला छलफल

सामग्री : बाकस नं.८ अनुसारका चिटहरू, न्युजप्रिन्ट, मार्कर ।

क्रियाकलाप :

- ६ जना सहभागीहरूलाई बाकस नं.८ अनुसार स-साना चिटहरू तान्न लगाउने । उक्त चिटले के भन्न खोजको हो ? व्याख्या गर्न भन्ने ।
- चिट पढ्ने सहभागीहरूबाट आएको व्याख्या सन्तोषजनक छ भने स्रोतव्यक्तिले पुनः त्यसै बुँदालाई आधार मानेर उक्त बुँदाको व्याख्या गर्ने ।
- चिट पढ्ने सहभागीको व्याख्या सन्तोषजनक नभएमा अन्य सहभागीहरूलाई व्याख्या गर्न लगाउँदै थप स्पष्ट पार्ने ।
- यसरी क्रमिक रूपले सबै बुँदामा व्याख्या गर्दै, यो सत्रको अन्त्य गर्ने ।

बाकस नं. ८ स्रोतव्यक्तिका लागि जानकारी

धारा १४ र १५ अन्तर्गत छलफलका बुँदाहरू

- सार्वजनिक उत्तरदायित्व
- सार्वजनिक अख्तियारी
- सुचनाको हक/जानकारी प्राप्त गर्ने अधिकार,
- सरकारविरुद्ध याचना गर्ने अधिकार
- निष्पक्ष प्रशासनिक तथा न्यायिक संयन्त्रमार्फत् उपचार खोज्ने अधिकार
- नैतिक मान्यतायुक्त सार्वजनिक जीवन

नोट : बुलेट ३ लाई सन्दर्भअनुसार मात्र जानकारी दिई धारा २१ मा नै विस्तृत छलफल गर्ने ।

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास, निरन्तर.....

धारा १६ र १७

१६) लोकतान्त्रिक प्रक्रिया तथा सबै तहका सार्वजनिक जीवनमा हुने व्यक्तिगत सहभागिताको निष्पक्ष तथा पक्षपातरहित तवरले नियमन गरिनुपर्दछ । त्यसैगरी कुनै पनि प्रकारको भेदभाव साथै राज्य तथा गैरराज्यपक्षहरूबाट हुने धम्कीको खतरालाई हटाइनुपर्दछ ।

१७) लोकतन्त्रको आधारका रूपमा रहेको कानूनको शासनलाई न्यायिक निकायहरू र स्वतन्त्र, निष्पक्ष तथा प्रभावकारी अनुमगन संयन्त्रहरूले प्रत्याभूत गर्दछन् । उपर्युक्त निकाय तथा संयन्त्रहरूको पूर्ण सुनिश्चितताका लागि नियमहरूको सम्मान प्रक्रियाहरूको निष्पक्षतामा सुधार तथा अन्याय विरुद्ध उपचारको व्यवस्था हुनुपर्दछ । सबैका लागि समानताका आधारमा प्रशासनिक तथा न्यायिक उपचारको पहुँच हुनुपर्दछ । साथै राज्यका अंगहरू र सार्वजनिक निकायका प्रतिनिधि दुवैले तथा समाजका हरेक सदस्यहरूले प्रशासनिक तथा न्यायिक निर्णयहरूको सम्मान गर्नुपर्दछ ।

उद्देश्य : यस सत्रको अन्त्यमा सहभागीहरू लोकतन्त्रमा नागरिकका बीचमा भेदभावको अन्त्य हुने र स्वतन्त्र न्यायपालिकाको परिचय दिन र विशेषताहरूको विश्लेषण गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर, व्याख्यान, छलफल, श्रवण सामग्री, खेल

सामग्री : रेडियो सामग्री, न्युजप्रिन्ट, मार्कर, मेटाकार्ड आदि ।

क्रियाकलाप :

- सहभागीहरूलाई गोलाकार भएर उभिन भन्ने ।
- सहभागीहरूलाई एउटा बल र एउटा मादल उलब्ध गराउने ।
- एकजना सहभागीलाई आँखामा पट्टी बाँधेर वा सहभागीतर्फ नफर्की मादल वा वैकल्पिक बाजा निरन्तर बजाउन भन्ने र छिनछिनमा मादल वा बाजा बजाउन रोक्न लगाउने निर्देशन दिने ।
- मादल वा बाजा रोक्दा हातहातमा घुमिरहेको बल जसको हातमा हुन्छ उसैले धारा १६ र १७ को आधारमा तयार गरिएका विषयगत बुँदाहरूको चिट तानी पढ्न लगाई सुनाउन र त्यसको छोटकरी व्याख्या गर्न लगाउने ।
- चिट सहभागी बराबरको हुनुपर्नेछ ।
- कुनै पनि सहभागीले दोहोर्‍याएर भन्ने छैन । मादल वा बाजाको ताल उभिँदा दोहोरिएमा लगत्तै अर्को पालो नपाएकोमा स्वतः सन्नेछ ।
- चिट सकिएपछि स्रोतव्यक्तिले धारा १६ र १७ का बुँदाहरूलाई निष्कर्ष दिँदै दोस्रो दिनको सत्र अन्त्य गर्ने ।

नोट : मादल खेलका लागि आवश्यक विषयका चिटहरू तयार गर्दा बढीभन्दा बढी सहभागीहरूलाई पुग्ने गरी तयार गर्ने ।

बाकस नं. ९ स्रोतव्यक्तिका लागि जानकारी

धारा १६ र १७ अन्तर्गत छलफलका बुँदाहरू

- भेदभावको अन्त्य
- स्वतन्त्र न्यायिक निकाय
- न्यायिक उपचारको पहुँच
- न्यायिक निर्णयहरूको सम्मान
- न्यायिक निर्णयहरूको पालना

तेस्रो दिन

शुभारम्भ

समय : २० मिनेट

विधि : प्रश्नोत्तर, खुल्ला छलफल

सामग्री : लोकतन्त्रमा स्वतन्त्र न्यायपालिका सम्बन्धमा तयार भएको रेडियो सामग्री

क्रियाकलाप :

- सबै सहभागीहरूलाई तेस्रो दिनको स्वागत गर्दै लोकतन्त्रका सन्दर्भमा तयार गरिएको स्वतन्त्र न्यायपालिकाको रेडियो कार्यक्रमको मुख्य अंश सुनाउने ।
- ती सहभागीले लोकतन्त्रका सन्दर्भमा बनेको रेडियो कार्यक्रम सुनिसकेपछि त्यसले भन्न खोजेको के हो ? खुल्ला छलफल गर्ने ।
- केही सहभागीहरूको विचार सुनिसकेपछि स्रोतव्यक्तिले उनीहरूको विचारसँगै आफ्नो विचारहरू राखेर संक्षेपीकरण गर्दै अधिल्लो दिनको प्रतिवेदन पढ्नका लागि सभामुखले प्रतिवेदक समूहलाई अनुरोध गर्ने ।

अधिल्लो दिनको प्रतिवेदन प्रस्तुति, समीक्षा र समूह तथा पद विभाजन

उद्देश्य : सहभागीहरूद्वारा अधिल्लो दिनमा गरिएका क्रियाकलापहरूको लिखित टिपोट प्रस्तुत गर्न लगाउने र समूह छलफल गर्ने ।

समय : ३० मिनेट

विधि : मौखिक प्रस्तुतीकरण, प्रश्नोत्तर, खुल्ला छलफल

सामग्री : हवाईटबोर्ड, मार्कर, प्रतिवेदन

क्रियाकलाप :

- सभामुखले हिजोको प्रतिवेदन प्रस्तुत गर्नका लागि प्रतिवेदक समूहलाई अनुरोध गर्ने ।
- प्रतिवेदकलाई प्रतिवेदन पढ्न लगाउने ।
- प्रतिवेदन कस्तो रह्यो ? भनी सहभागीहरूलाई सोध्ने ।
- सामान्य छलफलपश्चात् प्रतिवेदकलाई धन्यवाद दिने ।

पद हस्तान्तरण

उद्देश्य : सहभागीबीच सभामुख, उपसभामुख र विभिन्न समूहहरूको विभाजन गरी जिम्मेवारी लिने/दिने ।

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास, निरन्तर.....

धारा १८ र १९

१८) लोकतन्त्रको अति आवश्यक तत्वका रूपमा एक सक्रिय नागरिक समाजको उपस्थितिलाई मानिए पनि व्यक्तिको लोकतान्त्रिक प्रक्रियाहरूमा सहभागी हुने तथा शासनको छनौट गर्ने चाहना तथा क्षमतालाई नजरअन्दाज गर्न सकिदैन । त्यसकारण सहभागितामूलक अधिकारको वास्तविक अभ्यासका लागि यसको अभ्यासलाई निषेध गर्ने अवरोध गर्ने, वा यसमा बाधा पुऱ्याउने अप्ट्याराहरूलाई उन्मूलन गर्दै अनुकूल अवस्थाको विकास गर्न आवश्यक छ । त्यसैले अन्य विषयका साथ-साथै समानता, पारदर्शीता र शिक्षको स्थायी प्रवर्द्धन सुनिश्चित गर्न अपरिहार्य छ ।

त्यसैगरी अज्ञानता, असहिष्णुता, उदासीनता, वास्तविक छनौट र विकल्पहरूको अभाव तथा सामाजिक, सांस्कृतिक, धार्मिक र जातीय स्वरूप वा लैङ्गिक कारणहरूले सिर्जित विभेद वा असन्तुलनहरूको सुधारका लागि तय गरिएका मापदण्डको अभावजस्ता कठिनाइहरूलाई हटाउँदै जानुपर्दछ ।

१९) एउटा दिगो लोकतन्त्रका लागि शिक्षा तथा संस्कृति र सूचनाका अन्य माध्यमद्वारा निरन्तर सम्भारित (Nurtured) र सबलिकृत (Reinforced) लोकतान्त्रिक वातावरण र संस्कार आवश्यक पर्दछ । तसर्थ: वृहत्तर रूपमा एउटा लोकतान्त्रिक समाज शिक्षाप्रति र विशेषतः नागरिक शिक्षा र जिम्मेवार नागरिक निर्माणप्रति प्रतिबद्ध हुनुपर्दछ ।

उद्देश्य : सहभागीहरूले धारा १८ र १९ मा आधारित रहेर लोकतान्त्रिक सरकारका तत्वहरूको व्याख र विश्लेषण गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : प्रश्नोत्तर र व्याख्यान, नागरिक समाज र नागरिक शिक्षाका सम्बन्धमा तयार रेडियो कार्यक्रम श्रवण ।

सामग्री : श्रवण सामग्री, मार्कर, मेटाकार्ड, न्युजप्रिन्ट

क्रियाकलाप

- नागरिक समाज र नागरिक शिक्षासँग सम्बन्धित रेडियो कार्यक्रमको महत्वपूर्ण अंश सुनाउने ।
- धारा १८ र १९ मा रहेका महत्वपूर्ण बुँदाहरू सहभागीहरूलाई पत्ता लगाउन लगाउने ।
- यसरी आएका बुँदाहरूमा समूहगत छलफल गराउने ।
- छलफलको निष्कर्ष प्रस्तुत गर्न लगाउने ।
- छलफलमा कुनै अस्पष्टता देखिए स्रोतव्यक्तिले स्पष्ट पारी सत्रको अन्त्य गर्ने ।

बाकस नं. १०

स्रोतव्यक्तिका लागि जानकारी

धारा १८ र १९ अन्तर्गत छलफलका बुँदाहरू

- सक्रिय नागरिक समाज
- लोकतान्त्रिक वातावरण र संस्कार (सहनशील वातावरण, सहिष्णुता)
- नागरिक शिक्षा

नोट : धारा २२ को सहनशील वातावरणलाई सन्दर्भ जोडेर मिलान गरी जानकारी गराउने ।

लोकतान्त्रिक सरकारका तत्वहरू र अभ्यास, निरन्तर.....

धारा २०, २१, २२ र २३

- २०) लोकतान्त्रिक प्रक्रियाहरूलाई अनुकूल आर्थिक वातावरणले प्रोत्साहित गर्दछ । तसर्थ: समाजले आफ्नो विकासका लागि गरिने समग्र प्रयत्नहरूमा सबैभन्दा सुविधा वञ्चित समुदायका आधारभूत आर्थिक आवश्यकताहरूप्रति सन्तोषप्रद परिणाम दिन प्रतिवद्ध हुनुपर्दछ । परिणामस्वरूप लोकतान्त्रिक प्रक्रियामा तिनीहरूको पूर्ण सामेलीकरण (Full integration) सुनिश्चित हुन सकोस् ।
- २१) लोकतन्त्रले विचार तथा अभिव्यक्ति स्वतन्त्रताको पूर्वानुमान (Presupposes) गर्दछ । यस अधिकारमा विना हस्तक्षेप मत प्रकट गर्ने तथा कुनै पनि सञ्चारमार्फत् सीमाविहीन रूपमा सूचना र विचार खोज्ने, प्राप्त गर्ने तथा सम्प्रेषण गर्ने स्वतन्त्रता अन्तर्निहित हुन्छ ।
- २२) विविधता, बहुलवाद तथा सहनशील वातावरणमा भिन्न रहन पाउने अधिकारको रक्षार्थ सजातीय (Homogeneous) साथै भिन्न जातीय (Heterogeneous) समाजहरूमा लोकतन्त्रका संस्था तथा प्रक्रियाहरूले सबै जनताको सहभागितालाई समेट्नु पर्दछ ।
- २३) लोकतान्त्रिक संस्था तथा प्रक्रियाहरूले विकेन्द्रित स्थानीय र क्षेत्रीय सरकार तथा प्रशासनलाई प्रोत्साहन गर्नुपर्दछ । यो एक अधिकार साथै आवश्यकता पनि हो । यसले आमजनताको सहभागिताको आधारलाई फराकिलो बनाउन सम्भव तुल्याउँछ ।

उद्देश्य : सहभागीहरूले धारा २०, २१, २२ र २३ मा आधारित रहेर लोकतान्त्रिक सरकारका तत्वहरू बताउन सक्नेछन् ।

समय : धारा २०, २२ र २३ = १:१५ मिनेट

धारा २१ = ३०+३० मिनेट = १ घण्टा

जम्मा = २:१५ मिनेट

विधि : समूह छलफल र प्रस्तुतीकरण, रेडियो श्रवण र व्याख्यान

सामग्री : बाकस नं. ११ मा आधारित रहेर मेटाकार्डहरू निर्माण ।

क्रियाकलाप :

- सहभागीहरूलाई ४ समूहमा विभाजन गरी प्रत्येक समूहलाई १-१ धारामा केन्द्रित रहेर निम्नानुसारका प्रश्नहरूमा छलफल गर्न लगाउने ।
- यसरी छलफल गर्दा एक समूहलाई कुनै एक विषयमा मात्र छलफल गर्न लगाउने । (धारा २० र २२ लाई एकै ठाउँमा समाहित गरी छलफल गराउन पनि सकिनेछ ।)

धारा २०, २२ र २३ को छलफलका लागि प्रश्नहरू

- समावेशीकरण भनेको के हो ?
- सजातीय तथा बहुजातीय समाज भन्नाले के बुझिन्छ ?
- सहनशील वातावरण भनेको के हो ?
- विकेन्द्रीकरण भन्नाले के बुझिन्छ ?

○ केन्द्रीय र स्थानीय तथा क्षेत्रीय सरकार भन्नाले के बुझिन्छ ?

● धारा २१ को छलफलको लागि प्रश्नहरू

○ सूचनाको हक भनेको के हो ?

○ अभिव्यक्ति स्वतन्त्रता के हो ? यसले लोकतन्त्रको कसरी रक्षा गर्छ ?

● समूहलाई दिएको निर्धारित समय सकिएपछि सबै समूहलाई क्रमशः प्रस्तुत गर्न लगाउने ।

● समूहले प्रस्तुत गरिसकेपछि प्रस्तुत गर्ने समूहलाई अन्य समूहको कुनै जिज्ञासा वा प्रश्न भए सोध्न भन्ने ।

● यसरी सबै समूहको प्रस्तुतीकरण सकिएपछि प्रशिक्षकले बाकस नं. ११ अनुसारको बुँदाहरूमा आधारित रहेर प्रष्ट पार्ने ।

नोट : विचार तथा अभिव्यक्ति स्वतन्त्रताका लागि आधा घण्टाको रेडियो कार्यक्रम तथा आधा घण्टाको छलफल गराउने । रेडियो कार्यक्रम समूह प्रस्तुतिपछि गराए हुने । यसो गर्दा प्रशिक्षकले समयलाई मिलान गरी छलफल गर्दा ध्यान दिने ।

बाकस नं. ११

स्रोतव्यक्तिका लागि जानकारी

धारा २०, २१, २२ र २३ अन्तर्गत छलफलका बुँदाहरू

- समावेशीकरण तथा पूर्ण सामेलीकरण
- विचार तथा अभिव्यक्ति स्वतन्त्रता
- सूचनाको हक
- सहनशील वातावरण
- सजातीय तथा भिन्न जातीय समाज (बहुजातीय समाज)
- विकेन्द्रीकरण तथा स्थानीय र क्षेत्रीय सरकार

लोकतन्त्रको अन्तर्राष्ट्रिय आयाम

धारा २४

लोकतन्त्र अन्तर्राष्ट्रिय संगठनहरू तथा राज्यहरू र तिनका अन्तर्राष्ट्रिय सम्बन्धमा लागू हुने एक अन्तर्राष्ट्रिय सिद्धान्तका रूपमा पनि चिनिनुपर्दछ । अन्तर्राष्ट्रिय लोकतन्त्रको सिद्धान्तले केवल राज्यहरूको समान र निष्पक्ष प्रतिनिधित्वलाई मात्र नबुझाई तिनीहरूको आर्थिक अधिकार तथा कर्तव्यहरूसम्म विस्तारित हुन्छ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको अन्तर्राष्ट्रिय आयामअन्तर्गत धारा २४ को अन्तर्राष्ट्रिय सम्बन्धका बारेमा जानकारी हासिल गरी यसका बुँदाहरूको व्याख्या गर्न सक्नेछन् ।

समय : ३० मिनेट

विधि : प्रश्नोत्तर, व्याख्यान र खुल्ला छलफल

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङटेप

क्रियाकलाप :

- सहभागीलाई लोकतन्त्रको प्रवर्द्धनका लागि अन्तर्राष्ट्रिय सम्बन्धहरूको महत्वका बारेमा जानकारी गराउँदै वर्तमान समयमा विश्व परिप्रेक्ष्यमा लोकतन्त्र किन महत्वपूर्ण भइरहेको छ, भन्नेबारे जानकारी गराउने ।
- त्यसपछि सहभागीहरूलाई लोकतन्त्रको विश्वव्यापी घोषणापत्रको आधारमा बाकस नं. १२ मा भएको अन्तर्राष्ट्रिय सम्बन्ध तथा अन्तर्राष्ट्रिय सम्बन्धमा राज्यहरूको समान प्रतिनिधित्व बारेमा क्रमशः व्याख्या गर्दै जाने ।
- अन्तमा सहभागीहरूको कुनै जिज्ञाशा वा प्रश्न भए सोको समाधान गर्दै सत्रको अन्त्य गर्ने ।

बाकस नं.१२

स्रोतव्यक्तिका लागि जानकारी

धारा २४ अन्तर्गत छलफलका बुँदाहरू

- अन्तर्राष्ट्रिय सम्बन्ध
- राज्यहरूको समान र निष्पक्ष प्रतिनिधित्व

लोकतन्त्रको अन्तर्राष्ट्रिय आयाम, निरन्तर

धारा २५

लोकतन्त्रका सिद्धान्तहरू विश्वव्यापी चासो (Global Interest) तथा मानवजातिका साझा सम्पदा (Common Heritage of Human kind) खासगरी मानवीय वातावरणसँग जोडिएका विषयहरूको अन्तर्राष्ट्रिय व्यवस्थापनमा लागू हुनुपर्दछ ।

उद्देश्य : यस सत्रको अन्त्यमा सहभागीहरूले धारा २५ अन्तर्गत मानजातिका विश्वव्यापी साझा सम्पदा र मानवीय वातावरण तथा जलवायु परिवर्तनका बारेमा विश्लेषण र मूल्याङ्कन गर्न सक्षम हुन्छन् ।

समय : ३० मिनेट

विधि : ब्रेन स्टर्मिङ, समूह छलफल ।

सामग्री : मार्कर, न्युजप्रिन्ट, कार्डबोर्ड पेपर, मेटाकार्ड मास्किङटेप

क्रियाकलाप :

- सहभागीहरू जन्मेको महिनाका आधारमा (बैशाख-असोज, कात्तिक-चैत) दुई समूहमा विभाजन गरी गर्ने ।
- एउटा समूहलाई मानवजातिको विश्वव्यापी साझा सम्पदाको सूची तयार गरी तिनको संरक्षणका उपायहरू लेख्न लगाउने ।
- अर्को समूहले मानवीय वातावरण जलवायु परिवर्तनका कारण असर र समाधानका उपायहरू लेख्न लगाउने ।
- समूहगत छलफलपश्चात् समूहगत प्रतिवेदन प्रस्तुति ।
- अन्त्यमा निष्कर्षसहित स्रोतव्यक्तिले यो सत्रको अन्त्य गर्नेछन् ।

बाकस नं.१३

स्रोतव्यक्तिका लागि जानकारी

धारा २५ अन्तर्गत छलफलका बुँदाहरू

- मानवजातिको विश्वव्यापी साझा सम्पदा
- मानवीय वातावरण र जलवायु परिवर्तन

लोकतन्त्रको अन्तर्राष्ट्रिय आयाम

धारा २६ र २७

२६) अन्तर्राष्ट्रिय लोकतन्त्रको सुरक्षाका लागि राज्यहरूले सुनिश्चित गर्नेपर्दछ कि : तिनका व्यवहारहरू अन्तर्राष्ट्रिय कानूनअनुसार छन्; तिनले शक्तिको प्रयोग वा धम्की रोक्नेछन्; तिनका कुनै पनि व्यवहारले अन्य राज्यहरूको सार्वभौमसत्ता तथा राजनीतिक वा भौगोलिक अखण्डतालाई खतरामा पारेका छन् वा सोको उल्लंघन गरेका छन् भन्ने कुरालाई रोक्नेछन् तथा तिनले शान्तिपूर्ण उपायहरूद्वारा आपसी मतभेदहरू समाधान गर्न कदम चाल्नेछन् ।

२७) लोकतन्त्रले अन्तर्राष्ट्रिय सम्बन्धमा लोकतान्त्रिक सिद्धान्तहरूलाई समर्थन गर्नुपर्दछ । यस सन्दर्भमा लोकतन्त्रहरू (Democracies) अलोकतान्त्रिक व्यवहारहरूबाट टाढै रहनुपर्दछ, यिनले लोकतान्त्रिक सरकारहरू तथा लोकतन्त्र र मानवअधिकारका लागि कार्य गर्ने गैरराज्यकर्ताहरू जस्तै गैरसरकारी संस्थाहरूसँग ऐक्यवद्धता प्रकट गर्नुपर्दछ । साथै, तिनले अलोकतान्त्रिक शासन व्यवस्थाअन्तर्गत भएका मानवअधिकार उल्लंघनका पीडितहरूप्रति ऐक्यवद्धता विस्तार गर्नुपर्दछ । अन्तर्राष्ट्रिय फौजदारी न्यायको सवलीकरणका लागि लोकतन्त्रहरूले अन्तर्राष्ट्रिय अपराधहरू तथा मौलिक मानवअधिकारको गम्भीर उल्लंघनमा हुने दण्डहीनतालाई बहिष्कार गर्नुपर्दछ । साथै तिनले स्थायी अन्तर्राष्ट्रिय फौजदारी अदालतको स्थापनाका लागि समर्थन गर्नुपर्दछ ।

उद्देश्य : सहभागीहरूले लोकतन्त्रको अन्तर्राष्ट्रिय आयामअन्तर्गत धारा २६ र २७ मा आधारित रहेर व्याख्या, विश्लेषण, संश्लेषण र मूल्याङ्कन गर्न सक्नेछन् ।

समय : १ घण्टा १५ मिनेट

विधि : समूह छलफल, प्रस्तुतीकरण र व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङटेप, लोकतन्त्रको अन्तर्राष्ट्रिय आयामहरू अन्तर्गत बाक्स नं. १५ लेखिएका मेटाकार्डहरू, रेडियो कार्यक्रम, अन्तर्राष्ट्रिय फौजदारी अदालतसम्बन्धीको मुख्य अंश ।

क्रियाकलाप :

- अन्तर्राष्ट्रिय फौजदारी अदालतसम्बन्धी रेडियो कार्यक्रम सुनाउने ।
- सहभागीहरूलाई ४ समूहमा विभाजन गर्ने । र फरक-फरक विषय छलफलका लागि उपलब्ध गराउने ।
- समूहगत रुपमा प्रस्तुत गर्न लगाउने ।
- प्रस्तुतीकरणसँगै सहभागीहरूलाई कुनै जिज्ञासा भए भन्न आग्रह गरी थप प्रष्ट पाउँ स्रोतव्यक्तिले सत्रको अन्त्य गर्ने ।

बाकस नं. १४

स्रोतव्यक्तिका लागि जानकारी

धारा २६ र २७ अन्तर्गत छलफलका बुँदाहरू

- अन्तर्राष्ट्रिय कानून
- अन्तर्राष्ट्रिय सम्बन्धमा शक्ति तथा धम्कीको प्रयोगमा रोक
- राज्यहरूको सार्वभौमसत्ता तथा राजनीतिक र भौगोलिक अखण्डताको सम्मान
- विवादको शान्तिपूर्ण समाधान तथा रुपान्तरण
- लोकतन्त्र र मानवअधिकारका लागि अन्तर्राष्ट्रिय ऐक्यबद्धता
- दण्डहीनताको अन्त्यका लागि अन्तर्राष्ट्रिय फौजदारी अदालत (ICC)

चौथो दिन

शुभारम्भ

समय : १५ मिनेट

उद्देश्य : स्वागत गर्दै चौथो दिन तथा अन्तिम दिनका उद्देश्यमाथि प्रकाश पार्ने

विधि : प्रश्नोत्तर, खुल्ला छलफल

क्रियाकलाप :

- सबै सहभागीहरूलाई चौथो दिन तथा अन्तिम दिनको स्वागत गर्ने ।
- स्रोतव्यक्तिद्वारा चौथो दिनको उद्देश्यमाथि प्रकाश पार्ने । उद्देश्य प्रकाश पार्दा विगत तीन दिनको सङ्क्षिप्त समीक्षा गर्दै आजको दिनमा नेता, नेतृत्व र सञ्जालका विषयमा जानकारी दिने ।
- केही सहभागीहरूको विचार सुनिसकेपछि स्रोतव्यक्तिले उनीहरूको विचारसँगै आफ्नो विचारहरू राखेर सङ्क्षेपीकरण गर्ने ।

अघिल्लो दिनको प्रतिवेदन प्रस्तुति, समीक्षा तथा कार्यविभाजन

उद्देश्य : प्रतिवेदन प्रस्तुत तथा समीक्षा र कार्यविभाजन गरिनेछ ।

समय : ५० मिनेट

क्रियाकलाप :

- अघिल्लो दिनको सभामुखले प्रतिवेदन समूहलाई प्रतिवेदन पढ्न लगाउनेछन् र त्यसमा सबैले समीक्षा गर्नेछन् ।
- सभामुख, उपभाषामुख छानिनेछ र विभिन्न समूहहरूको कार्यविभाजन गरिनेछ ।

लोकतन्त्रको प्रबर्द्धनका लागि नेतृत्व विकास

उद्देश्य : सहभागीहरूले नेता र नेतृत्वबीच फरक छुट्याउन सक्नेछन् ।

समय : १ घण्टा १५ मिनेट

विधि : प्रश्नोत्तर, खुल्ला छलफल

सामग्री : नेता र नेतृत्वको परिभाषा लेखिएका न्युजप्रिन्ट, ह्वाइट बोर्ड, मार्कर

क्रियाकलाप :

- सहभागीहरूलाई नेता भनेको के हो ? भनी खुल्ला प्रश्न गर्ने ।
- सहभागीहरूबाट आएका कुराहरूलाई न्युजप्रिन्टमा स्रोतव्यक्तिले टिप्पै जाने ।
- केही सहभागीहरूले नेताका सम्बन्धमा भनिसकेपछि त्यसको संक्षेपीकरण गर्ने ।
- त्यसपछि सहभागीहरूलाई त्यसो भने नेतृत्व भनेको के होला त ? भनी पुनः प्रश्न गर्ने ।

- यसलाई पनि बोर्डमा टिप्पै जाने र स्रोतव्यक्तिले बाकस नं. १२ मा भएको जानकारीअनुसार नेता र नेतृत्वबीच छलफलसहित संक्षेपीकरण गर्दै सत्रको अन्त्य गर्ने ।

नेतृत्वको प्रकार

उद्देश्य : सहभागीहरूले नेतृत्वको प्रकार भन्ने व्याख्या गर्न र प्रयोग गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : नाटक, अभिनय, खुल्ला छलफल

सामग्री : नाटक, अभिनयका लागि निर्देशन दिन लेखिएका कागजका टुक्राहरूसहितको नेतृत्वका प्रकारहरू लेखेका मेटाकार्डहरू

क्रियाकलाप :

- सहभागीहरूलाई ३ समूहमा विभाजन गर्ने र प्रत्येक समूहबाट एक-एकजना नेता छनौट गर्न भन्ने र समूह नेतालाई अगाडि बोलाई कागजको टुक्रा तान्न लगाउने ।
- टुकामा लेखिएको निर्देशनअनुसार प्रत्येक समूहलाई अभिनय गर्नका लागि तयारी स्वरूप १५ मिनेटको समय दिने र तयारी समय समाप्त भइसकेपछि प्रत्येक समूहलाई क्रमशः प्रस्तुत गर्न लगाउने ।
- समूहको प्रस्तुतीकरणपश्चात् सहभागीहरूलाई यो प्रस्तुतीकरणले कस्तो प्रकारको नेतृत्वशैलीलाई भल्काउँछ भनी सोध्ने । स्रोतव्यक्तिले सोही अनुसारको नेतृत्व शैलीको व्याख्या गर्ने ।
- यसरी क्रमिक रुपले सबै समूहले प्रस्तुतीकरण गरिसकेपछि सोही अनुसारको नेतृत्वको प्रकारको व्याख्या गर्दै जाने ।
- अन्तमा सहभागीहरूलाई हामीले कस्तो प्रकारको नेतृत्वशैली अपनाउनु पर्ला र प्रभावकारी होला भन्दै संक्षिप्त बहस चलाउने ।
- त्यसपछि स्रोतव्यक्तिले सकारात्मक उत्प्रेरणात्मक नेतृत्वशैली र लोकतान्त्रिक नेतृत्वशैलीले लोकतन्त्रलाई बलियो बनाउन सक्दछ भन्ने कुरामा जोड दिँदै सत्रको अन्त्य गर्ने ।

नेता भनेको को हो ?

नेता भनेको एउटा त्यस्तो व्यक्ति हो जसले अरू धेरै व्यक्ति, संस्था र समूहको अगुवाई गर्दछ र समाजलाई सकारात्मक बाटो तिर डोर्‍याउँदछ । त्यस्ता व्यक्तिहरूलाई नेता भनिन्छ । नेताहरू जन्मदैखेरि आफ्नो पहिचान लिएर आएका हुँदैनन् । आफ्ना सकारात्मक कामका आधारमा यिनीहरूलाई विस्तारै-विस्तारै समाजका विषयहरूलाई उठाउँछन् र समाजले नेता बनाइदिन्छ । नेता भनेको व्यक्ति हो ।

नेतृत्व भनेको के हो ?

नेतृत्व भनेको व्यक्तिमा भएको त्यस्तो गुण, कला, क्षमता र सीप हो जसले देश, समुदाय र समाजको आवश्यकता पूरा गर्ने लक्ष्यप्राप्तिका लागि आफू र अरूलाई उत्प्रेरित गर्ने काम गर्दछ ।

नेताको प्रकार :

- उत्प्रेरणात्मक नेतृत्व शैली
- शक्ति प्रयोगको शैली
- कुनै पनि कुरा आफ्नो अधिकारमा नराख्ने नेतृत्व शैली

नेतृत्व भनेको जिम्मेवारी वा पद हो भने नेता भनेको उक्त जिम्मेवारी पूरा गर्ने वा पदमा बस्ने व्यक्ति विशेष हो । व्यक्ति बदलिन सक्छ तर नेतृत्व रहिरहन्छ । जस्तै : प्रधानमन्त्री बदलिन सक्छ तर प्रधानमन्त्री पद सधैं रहन्छ र त्यो ठाउँमा अर्को व्यक्ति पुग्नसक्छ ।

नेतामा हुनुपर्ने गुणहरू :

लोकतान्त्रिक चरित्र र व्यवहार, अरूको भावनाको सम्मान गर्ने, प्रष्टवक्ता, धैर्यता लिनसक्ने, जुभारु, संवेदनशील, प्रष्ट लक्ष्य बोकेको, स्वाभिमानी, सकारात्मक सोच भएको, मिलनसार, सहयोगी, योजनाकार, दृढ सङ्कल्प बोकेको, अरूको सुझाव सुन्नसक्ने, मीठो बोली आदि ।

नेतृत्वमा हुनुपर्ने गुणहरू

उद्देश्य : सहभागीहरूले नेतृत्वकर्तामा हुनुपर्ने कुनै ५ वटा मुख्य गुणहरू बताउन र त्यसको पयोग गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : खुल्ला छलफल, व्याख्यान

सामग्री : न्युजप्रिन्ट, मार्कर, मास्किङ टेप, नेतृत्वमा हुनुपर्ने गुण लेखिएको मेटाकार्ड

क्रियाकलाप :

- सहभागीहरूलाई नेतृत्वकर्तामा कस्तो कस्तो गुणहरू हुनुपर्दछ ? भनी खुल्ला प्रश्न गर्ने ।
- सहभागीहरूले भनेका कुराहरूलाई ट्वाइट बोर्डमा वा न्युजप्रिन्टमा टिपोट गर्ने ।
- त्यसपछि सहजकर्ताले नेतृत्वकर्तामा हुनुपर्ने गुणहरूका बारेमा तयार पारिएको मेटाकार्डलाई प्रस्तुत गर्ने । त्यसपछि, यससम्बन्धी कुनै थप जिज्ञासा भए सो राख्ने । नभए नेतृत्वकर्तामा हुनुपर्ने गुणहरूमा लोकतान्त्रिक व्यवहारलाई जोड दिँदै सत्रको अन्त्य गर्ने ।

लोकतन्त्र प्रबर्द्धनका लागि सञ्जाल

उद्देश्य : सहभागीहरूले सञ्जालको परिभाषा बताउन र सञ्जालको निर्माण गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : फिस बाउल, खुल्ला छलफल, व्याख्यान

सामग्री : सञ्जालको परिभाषा लेखिएको न्युजप्रिन्ट, मार्कर, न्युजप्रिन्ट, खेलका लागि अलि मोटो खालको धागो ।

क्रियाकलाप :

भाग-१

- सहभागीहरूलाई २ समूहमा विभाजन गर्ने ।
- दुई समूहमध्ये एक समूहलाई भित्री घेरामा र अर्को समूहलाई बाहिरी घेरामा एकआपसमा छेपिने गरी उभिन लगाउने ।
- बाहिरी घेरामा रहेका सहभागीहरूले भित्री घेरामा रहेका सहभागीहरूलाई सञ्जाल भनेको के हो ? सोध्दै क्रमशः सधैं सबैलाई यसको बारेमा सोध्न भन्ने ।
- यसरी एकआपसमा सोध्ने क्रम समाप्त भइसकेपछि भित्री घेरामा रहेकाहरूलाई बाहिरी घेरामा र बाहिरी घेरामा रहेकाहरूलाई भित्री घेरामा पहिलेकै जस्तै गरी उभिदै सञ्जाल भनेको के हो ? भन्ने प्रश्न गर्दै एकआपसमा परिक्रमा गर्न लगाउने ।
- सबैको पालो सकिएपछि सहभागीहरूलाई आफ्नो ठाउँमा बस्न लगाई सञ्जाल भनेको के हो त ? के कुरा बुझियो भन्ने खुल्ला प्रश्न गर्ने ।
- सहभागीहरूबाट आएका कुराहरूको न्युजप्रिन्टमा टिपोट गर्दै जाने ।
- सहभागीहरूको पालो सकिएपछि स्रोतव्यक्तिले न्युजप्रिन्टमा तयार पारेको सञ्जालको परिभाषा पढ्दै व्याख्या गर्दै सबै सहभागीहरूलाई अलि खुल्ला ठाउँमा गोलघेरामा उभिन लगाउने ।

भाग २

- केही सहभागीहरूलाई गोलघेरामा उभिन लगाउने र अन्य सहभागीहरूलाई खेल अवलोकन गर्न भन्ने ।
- स्रोतव्यक्तिले एउटा सहभागीबाट अर्को सहभागीलाई नामले बोलाउँदै धागो फालेर दिन भन्ने ।
- यसरी सबै सहभागीले धागोलाई जेल्लाई सकेपछि सहजकर्ताले सञ्जाल भनेको तलको निर्देशनको आधारमा जोड्ने काम हो भन्दै लोकतन्त्रको सुदृढीकरणका लागि जिल्लास्तरीय सञ्जाल आवश्यक रहेको कुरामा जोड दिने । (यसलाई जिल्ला, क्षेत्र र स्थानीयस्तरमा पनि बनाउन सकिन्छ भन्ने अवधारणा प्रस्तुत गर्ने)
- यसै क्रममा बीचको जालोमा एउटा कापी वा किताब फालिदिने । किताब बीचमा अडिनु पर्दछ ।

- त्यसपछि एकजना सहभागीलाई धागो हातबाट फुस्काउन भन्ने । किताब भर्न सक्दछ । यो प्रसङ्गलाई लोकतन्त्र र खेलसँग जोड्दै राजनीतिक दलहरूबीच संवाद र सहकार्य भयो भन्ने लोकतन्त्र बलियो हुन्छ भन्ने सन्देश दिँदै सत्रको अन्त्य गर्ने ।
- यस्तै, अरू उदाहरण दिन सक्ने खेलहरू सहभागीबाट पनि अपेक्षा गर्ने ।

सञ्जालको प्रकार

उद्देश्य: सहभागीहरूले औपचारिक तथा अनौपचारिक सञ्जालको व्याख्या गर्न र प्रयोग गर्न सक्नेछन् ।

समय : ४५ मिनेट

विधि : खुल्ला छलफल र व्याख्यान

सामग्री : त्वाईट बोर्ड, मार्कर

क्रियाकलाप :

- सहभागीहरूलाई सञ्जाल कति प्रकारका हुन्छन् होला ? भनी खुल्ला प्रश्न गर्ने ।
- सहभागीहरूबाट आएका कुराहरूलाई आधार मान्दै सञ्जाल औपचारिक र अनौपचारिक गरी दुई प्रकारका हुन्छन् भनी जानकारी दिने ।
- त्यसपछि लोकतन्त्रको संस्थागत विकास र सुदृढीकरणका लागि हामीलाई स्थानीय तहमा सञ्जालको आवश्यकता छ/छैन भनी प्रश्न गर्ने ।
- सहभागीहरूले छ भन्ने कुराको महसूस गरेपछि लोकतन्त्रको संस्थागत विकासका लागि जिल्ला र निर्वाचन क्षेत्रमा सञ्जालको गठन गर्न लगाउने ।
- त्यसपछि सञ्जाल व्यवस्थापनका लागि ध्यान दिनुपर्ने कुराहरूमा सङ्क्षिप्त जानकारी दिँदै पदाधिकारीहरूलाई शुभकामना दिने र यो सत्रको अन्त्य गर्ने ।

बाकस नं. १४

स्रोतव्यक्तिको लागि जानकारी

सञ्जाल भनेको के हो ?

समान किसिमको उद्देश्य प्राप्त गर्नका लागि विभिन्न स्थानमा रहेर काम गर्दै गरेका समूह, संघ-संस्था अथवा व्यक्तिहरूले एकआपसमा भएका ज्ञान, सीप, क्षमता, स्रोतसाधन, जानकारी तथा विचारहरूको आदान प्रदान गर्दै नियमसम्मत तरिकाले अगाडि बढ्ने थलोलाई सञ्जाल भनिन्छ ।

सञ्जालका लागि अलग-अलग अस्तित्व भएका व्यक्ति, समूह वा संस्था, साभा सवाल वा चासोमा काम गर्ने प्रतिबद्धता, सकभर एउटै कार्यक्षेत्र, विषय, पेशा तथा वर्गीय निकटता, समान सहभागिता र समान प्रतिबद्धताको आवश्यकता पर्दछ ।

सञ्जालको प्रकार :

औपचारिक सञ्जाल : कानुनी मान्यता वा कानुनी हैसियत प्राप्त गरेको ।

अनौपचारिक सञ्जाल : आपसी समझदारी र सहमतिमा स्थापित थलो जसले कानुनी हैसियत वा मान्यता प्राप्त गरेको हुँदैन ।

सञ्जाल व्यवस्थापनमा विचार पुर्‍याउनुपर्ने कुराहरू :

१. निर्णय गर्दा सर्वसम्मति हुनु सञ्जालका लागि एउटा राम्रो उपाय हो तर यो सही अर्थमा हुनुपर्दछ । कसैले नबोल्दैमा सर्वसम्मति भयो भन्ने ठानेर निर्णय गर्ने काम गर्नुहुँदैन ।
२. सञ्जालका कामहरू त्यसका सदस्यहरू सक्रिय रहेका अन्य समूह, संस्थाहरूले गर्नेखालको हुनुहुँदैन । सञ्जालका कामहरू “कार्यसमिति केन्द्रित” होइन “मुद्दा केन्द्रित” हुनुपर्दछ । अवसरहरूको उपयोग प्राथमिकताअनुसार सन्तुलित ढङ्गबाट हुनुपर्दछ ।
३. सञ्जालमा विभिन्न राजनीतिक विचारका व्यक्तिहरू हुने भएकोले राजनीतिक खिचातानी हुनसक्छ । त्यसैले सञ्जालभित्र पार्टीगत राजनीतिक हावी बनाइनु हुँदैन । विषय र मुद्दा केन्द्रित छलफल जरुरी हुन्छ ।
४. सञ्जालको नेतृत्व नियमित रूपमा फेरिने व्यवस्था गर्नुपर्दछ । जसको लागि कार्यसमितिको अवधि लामो राख्नुहुन्न । एउटै व्यक्ति धेरै पटक पदमा बस्न पाउने व्यवस्था राख्नुहुन्न ।
५. सञ्जालका निर्णयहरू छिट्टै नै सार्वजनिक गरिनुपर्छ । सबै प्रकारका निर्णयहरू सदस्यहरूले थाहा पाउने व्यवस्था गर्नुपर्दछ । यसका लागि बैठकको माईन्युट सदस्यहरूलाई पनि समयमा दिँदा उपयुक्त हुन्छ ।
६. आर्थिक हिसाव कितावहरू प्रस्ट, पारदर्शी र सबैले थाहा पाउने हुनुपर्दछ । सबै सदस्यहरूले हेर्न पाउने गरी राख्नुपर्दछ । कसको के सुविधा हो, स्पष्ट हुनुपर्छ ।
७. यदि कुनै ठूलो रकमको कारोवार गर्नुपर्ने भएमा बैकबाट गर्ने व्यवस्था गर्नुपर्दछ ।

तालिमको अन्तिम मूल्याङ्कन र समापन

उद्देश्य : तालिमको प्रभावकारिता पत्ता लगाउनेछ । र, पछिका लागि सुधार गर्न पृष्ठपोषण हुने ।

समय : ३० मिनेट

विधि : खुल्ला छलफल र व्यक्तिगत अभ्यास

सामग्री : तालिम पूर्व र पश्चात मूल्याङ्कनका लागि तयार पारिएको प्रश्नपत्र, डटपेन, उत्तरपुस्तिका
क्रियाकलाप :

- सहभागीहरूलाई तालिम पूर्व र पश्चातको मूल्याङ्कनका लागि तयार गरिएका फारमहरू वितरण गर्ने ।
- सबै सहभागीहरूलाई फारममा सोधिएका प्रश्नहरूको जवाफ लिखित रूपमा लेख्न आग्रह गर्ने ।
- सबै सहभागीहरूले लेखिसकेपछि प्रश्नपत्र सङ्कलन गरी सबैलाई धन्यवाद दिँदै त्यसलाई सुरक्षित राख्ने ।

समापन

समय : १ घण्टा

स्रोतव्यक्तिका लागि जानकारी

- समापनको सभापतित्व सोही दिनका सभामुखबाट गर्नुपर्छ ।
- तालिमको समापन स्थानीय परिवेश र समयलाई आधारमानी गर्नु आवश्यक छ ।
- समापन कार्यक्रमका लागि स्थानीय स्तरमा रहेका पत्रकार एवम् अन्य सङ्घ-संस्थाहरूलाई आमन्त्रण गर्न सकिनेछ ।
- समापनलाई संक्षिप्त बनाउनु राम्रो हुन्छ ।
- समापनमा सबै दलका विद्यार्थी नेताहरूलाई उनीहरूबाट छानेको व्यक्तिलाई बोल्न दिँदा राम्रो हुन्छ ।
- समापन कार्यक्रमको संक्षिप्त टिपोट स्रोत व्यक्तिहरूबाट गर्ने ।

स्रोतव्यक्तिको थप जानकारीका लागि सामग्री

(१) लोकतन्त्रको विश्वव्यापी घोषणापत्र : महत्वपूर्ण अवधारणाहरूको बुँदागत टिप्पणी

- **अन्तरव्यवस्थापिका सङ्घ**

अन्तरव्यवस्थापिका सङ्घ, सार्वभौम राज्यका संसदहरूको अन्तर्राष्ट्रिय सङ्गठन हो । यसको स्थापना सन् १८८९ मा भएको हो । विश्वव्यापी संसदहरूको केन्द्रीय निकायका रूपमा यसले आफ्नो स्थापनाकालदेखि नै सक्षम प्रतिनिधिमूलक संस्थाहरूको स्थापनाका लागि तथा शान्ति र सहकार्यका लागि मानिसहरूसँग मिलेर काम गर्छ । यसको प्रधान कार्यालय जेनेभामा रहेको छ । अन्तरव्यवस्थापिका सङ्घको आवधिक सभालाई अन्तरव्यवस्थापिका परिषद् भन्दछन् ।

नोट: विस्तृत जानकारीका लागि अनुसूची १ को आई.पी.यू.को विधान हेर्नुहोस् ।

- **लोकतन्त्रको विश्वव्यापी घोषणापत्र**

- परिचय तथा घोषणा

लोकतन्त्रको विश्वव्यापी घोषणापत्र अन्तरव्यवस्थापिका परिषद्ले लोकतन्त्रलाई अन्तर्राष्ट्रिय स्तरमा स्वीकार्य संस्थाका रूपमा अङ्गीकार गर्दै जारी गरेको घोषणापत्र हो । परिषद्को कायरोमा बसेको १९१ औँ सत्रले लोकतन्त्रका विश्वव्यापी रूपमा मानिएका साभा मूल्य तथा मान्यतालाई विश्वव्यापी घोषणापत्रका रूपमा स्वीकार गर्दै १६ सेप्टेम्बर, १९९७ मा सर्वसम्मतिबाट पारित गरेको हो । जसले लोकतन्त्रका आधारभूत मान्यता तथा सिद्धान्तलाई विश्वभर एकल रूपमा स्थापित गर्न लक्ष्य लिएको छ । त्यसपछि यस घोषणापत्रमा सहमति जनाउने अ.व्य. सङ्घका सदस्य राष्ट्रहरूका लागि यो घोषणापत्रका प्रावधानहरू राज्य सञ्चालनका लागि निर्देशक सिद्धान्त तथा नैतिक बन्धन बन्न पुगेको छ ।

घोषणाको दार्शनिक तथा सैद्धान्तिक आधार

- शान्ति तथा विकासप्रतिको प्रतिवद्धता
- लोकतन्त्रिक प्रक्रिया तथा प्रतिनिधिमूलक संस्थाहरूको सबलीकरण
- बहुलवादी पद्धतिको प्रवर्द्धन
- हरेक राष्ट्रको सार्वभौमसत्ताको सम्मान
- संयुक्त राष्ट्रसङ्घीय वडापत्रको पालना
- मानवअधिकार तथा लोकतन्त्रका अन्तर्राष्ट्रिय दस्तावेजहरू:
 - मानवअधिकारको विश्वव्यापी घोषणापत्र, १९४८
 - नागरिक तथा राजनीतिक अधिकार र आर्थिक, सामाजिक तथा अधिकारसम्बन्धी अन्तर्राष्ट्रिय अनुबन्धहरू, १९६६
 - १९६५ मा अवलम्बन गरिएको सबै प्रकारका जातीय विभेदहरूको उन्मूलनसम्बन्धी अन्तर्राष्ट्रिय महासन्धि
 - १९७९ मा अवलम्बन गरिएको महिलाविरुद्ध हुने सबै प्रकारका विभेदहरूको उन्मूलनसम्बन्धी महासन्धि
 - १९९४ मा अवलम्बन गरिएको स्वतन्त्र तथा निष्पक्ष निर्वाचनका आधारहरूको घोषणा
 - संयुक्त राष्ट्रसङ्घीय महासभाको एकाउन्तौँ सत्र सन् १९९६, २० डिसेम्बरमा संयुक्त राष्ट्रसङ्घका महासचिवद्वारा प्रस्तुत गरिएका लोकतन्त्रीकरणका कार्यसूचीलगायत परिमार्जित समयमा लोकतन्त्रीकरणलाई प्रवर्द्धन गर्ने अन्य दस्तावेजहरू समेतलाई यस घोषणाले आफ्नो सैद्धान्तिक आधार मानेको छ ।

पहिलो भाग : लोकतन्त्रका सिद्धान्तहरू

धारा १ अन्तर्गतका सिद्धान्तहरू

- विभिन्नता/बैचारिक विविधता तथा बहुलवादको सम्मान

समाजमा विभिन्न विचार, जाति, भाषा, धर्म, संस्कृति, क्षेत्र, पेसा, उमेर, हित तथा चाहना र स्वार्थका आधारमा विभिन्न मानिसहरू बसोबास गर्दछन् । र यिनै विविधताका आधारमा तिनले आ-आफ्ना समूहहरू पनि निर्माण गर्दछन् । यसले विविध विचार राख्ने राजनीतिक दलहरूका अलावा अन्य सामाजिक तथा राजनीतिक समूहका मतहरूलाई समेत समेटेर लान्छ । तबमात्र निर्णय प्रक्रिया समाजका सबै समूहलाई मान्य हुन्छ र सबैले अपनत्व कायम गर्न सक्ने बनाउँछ ।

बहुलवाद एक यस्तो मान्यता हो जसले विविधताका विभिन्न स्वरूपहरूलाई स्वीकार तथा सम्मान गर्छ साथै तिनको रचनात्मक उपयोगलाई जोड दिन्छ । समाजमा अलग अलग विचार, स्वार्थ तथा विविधतापूर्ण समूहहरूबीच प्रतिस्पर्धा रहन्छ । यस्तो समाजको निति निर्माण प्रक्रिया विभिन्न समूहबीचको अन्तरक्रियात्मक परिणामको उपज हो भन्ने कुरालाई बहुलवादले बढावा दिन्छ ।

- विश्वव्यापी साभा मूल्य तथा मान्यताको सम्मान

लोकतन्त्रका यस्ता मान्यताहरू छन् जसलाई विश्वव्यापी रूपमा सबै लोकतन्त्रका अनुयायीहरूले सहज रूपमा स्वीकार तथा पालना गर्छन् । जस्तै: मानवअधिकारका प्रावधानहरू, कानूनको शासन, लोकतन्त्रलाई पुनर्ताजगी गर्दै जाने आवधिक निर्वाचन, जनताबाट अनुमोदित सरकार आदि । यस्ता कुराहरू विश्वको जुनसुकै कुनामा गए पनि तिनीहरूलाई हरेक लोकतन्त्रले अवलम्बन गर्नुपर्छ ।

- स्वतन्त्रता

स्वतन्त्रता त्यस्तो अधिकार तथा क्षमता हो जसले अरूको हस्तक्षेप तथा प्रभावविना आफ्नै इच्छाअनुसार कार्य गर्न सक्षम बनाउँछ । यसले आफ्नो विकल्पको छनोट गर्ने क्षमता दिन्छ । जहाँ कुनै बाधकता, तथा बफादारिता रहँदैन । यस्ता स्वतन्त्रताका विभिन्न स्वरूपहरू हुन्छन् । जस्तै: व्यक्तिगत स्वतन्त्रता, राजनीतिक स्वतन्त्रता, धार्मिक स्वतन्त्रता, अभिव्यक्ति स्वतन्त्रता, प्रेस स्वतन्त्रता आदि । तर स्वतन्त्रतालाई कहिल्यै पनि पूर्णरूपमा हेरिँदैन । यो सापेक्षिक मान्यता हो ।

- समानता

समानता एउटा स्वच्छ तथा निष्पक्ष समाज निर्माणको आधार हो, जहाँ हरेक मानिस आफ्नो पूर्ण सम्भावनालाई प्राप्त गर्ने अवसरमा सहभागी हुनसक्छ । समानतालाई बराबरी तथा न्यायको मान्यतासँग पर्यायवाची रूपमा हेर्ने गरिन्छ । समानतालाई मौलिक हकका रूपमा सबै आधुनिक लोकतान्त्रिक राज्यका संविधानले प्रत्याभूत गरेका छन् जहाँ कानूनले सबै नागरिकलाई समान रूपमा व्यवहार गर्दछ साथै कानूनका अधि सबै समान हुन्छन् ।

- पारदर्शिता तथा जिम्मेवारीपना

सामान्यतया पारदर्शिता भन्नाले सार्वजनिक कार्य गर्ने अधिकारीहरूको क्रियाकलाप, निर्णयपद्धति तथा कार्यान्वयनजस्ता सम्पूर्ण कुरा जनतासमक्ष खुला रूपमा राखिनुपर्छ भन्ने नै हो । लोकतान्त्रिक पद्धतिमा जनता नै शक्तिको स्रोत हो । त्यसैले उनीहरूका प्रतिनिधिहरूले कसरी काम गर्छन् कार्ययोजना कसरी बनाउँछन् भनी थाहा

पाउने अधिकारसमेत यसअन्तर्गत पर्दछ । पारदर्शिताको मूल दर्शन नै निर्णय गर्ने ठाउँमा जनताको पहुँच (Public access to Decision-Making) हो ।

जिम्मेवारीपन शासनमा रहनेहरूको शासितहरूप्रतिको चासो तथा उत्तरदायित्वको भावना हो । शासनमा रहनेले निर्वाचनताका गरेका वाचा तथा प्रतिवद्धताहरूअनुरूपको व्यवहार शासनमा गएपछि कायम राख्न सके सकेनन् भन्ने कुराले जिम्मेवारीपनालाई बुझाउँछ । यो शासक तथा शासितलाई जोड्ने उपयुक्त कडी हो ।

- **आधारभूत नागरिक अधिकार**

नागरिक अधिकार व्यक्तिको त्यो अधिकार हो, जसले उसलाई समान व्यवहार गर्ने तथा पाउने कुराको सुनिश्चितता गर्दछ । मूलतः यो समानतासँग जोडिएको अवधारणा हो । एउटा लोकतान्त्रिक राज्यमा यसले समान नागरिकताको अवधारणा माथि जोड दिन्छ । त्यसैले हरेक नागरिकलाई राजनीतिक, आर्थिक, तथा सामाजिक क्षेत्रमा जाति, लिङ्ग, उमेर, धर्म, वर्णलगायतका उसका खास विशेषताका आधारमा भेदभाव गरिंदैन । जसको सुनिश्चितता संवैधानिक तथा कानुनी रूपमा गरिएको हुन्छ । आधारभूत मानवअधिकारदेखि व्यक्तिलाई गरिने स्वच्छ तथा विभेदरहित व्यवहारहरू यसमा पर्छन् । साथै आम मानिसले चाहे वा नचाहे पनि एक स्वस्थ र उदार समाज निर्माणका लागि आवश्यक राजनीतिक अधिकारहरू यसअन्तर्गत पर्दछन् ।

धारा २ अन्तर्गतका सिद्धान्तहरू

- **आदर्श तथा सरकारको स्वरूप दुवै हो लोकतन्त्र**

लोकतन्त्र एक आदर्श हो जो सामाजिक गतिशीलतासँगै अधि बढ्छ । तर यो कोरा आदर्शमात्र होइन व्यवहारमा लागू गर्न सकिने आदर्श हो । त्यसैले यसले समाजको गतिशीलतासँगै निरन्तर खोज तथा अध्ययनलाई अत्यावश्यक ठान्दछ । त्यस्तै, अर्को महत्वपूर्ण पक्ष, यो राज्यको र सरकारको स्वरूप पनि हो, जसले यसका आदर्श मान्यतालाई व्यावहारिक रूप प्रदान गर्छ । यसै व्यवहार तथा कार्य सम्पादनका आधारमा हामी यसलाई लोकतान्त्रिक वा अलोकतान्त्रिक सरकार भनी मापन गर्न सक्छौं ।

- **अन्तर्राष्ट्रिय मान्यताप्राप्त सिद्धान्त, मूल्य तथा मापदण्डहरूको मर्मप्रति जोड**

लोकतन्त्र वास्तवमा एक जीवनपद्धति हो जसले सीमाविहीन एवम् विश्वव्यापी रूपमा खास मान्यता तथा मूल्यहरू र मापदण्ड बनाएको छ जसले यसको मापन गर्न सजिलो बनाएको छ । जस्तै: कानुनी राज्यको मान्यता, आधारभूत मानवअधिकारको सुनिश्चितता, आवधिक निर्वाचनको प्रबन्ध, सामाजिक तथा वैचारिक बहुलवादको सम्मान, विचार र अभिव्यक्ति स्वतन्त्रता आदि । हरेक लोकतन्त्रले कमसेकम यसका अन्तर्राष्ट्रिय दस्तावेजहरू (मानवअधिकारका मुख्य अन्तर्राष्ट्रिय दस्तावेज, सन्धि, महासन्धि तथा लोकतन्त्रलाई प्रवर्द्धन गर्ने अन्य अन्तर्राष्ट्रिय दस्तावेजहरू) ले लिएका मान्यताहरूलाई आत्मसात गर्नुपर्छ ।

- **विविधता तथा साँस्कृतिक विशेषताको सम्मान**

समाजमा विभिन्न विचार, जाति, भाषा, धर्म, संस्कृति, क्षेत्र, पेसा, उमेर, हित तथा चाहना र स्वार्थका आधारमा विभिन्न मानिसहरू बसोबास गर्दछन् । यो विभिन्नता नै समाजको विविधता हो, यिनै विविधताका आधारमा तिनले आ-आफ्ना समूहहरू पनि निर्माण गर्दछन् र समग्र सामाजिक तथा राजनीतिक मामिलामा आफ्नो प्रभाव छाड्छन् ।

- **निरन्तर परिस्कृत हुँदै जाने**

लोकतन्त्र एक यान्त्रिक तथा कठोर अवधारणा होइन । यो गतिशील विषय तथा प्रक्रिया हो । त्यसैले यसले सामाजिक तथा राजनीतिक गतिशीलतासँगै आफूलाई परिस्कृत तथा परिमार्जित गर्दै लान्छ । तबमात्र नयाँ चुनौतीको सामना गर्नका लागि यो सक्षम हुन्छ । लोकतान्त्रिक व्यवस्था जनताको चाहनाअनुसार परिवर्तन हुँदै जान्छ र यसलाई सामान्यतः संसदले समसामयिक विचारको प्रवाहलाई प्रतिनिधित्व गर्दछ ।

धारा ३ अन्तर्गतका सिद्धान्तहरू

- **मौलिक अधिकारको संरक्षण तथा सम्बर्द्धन**

मौलिक हकहरू त्यस्तो अधिकार जसलाई राष्ट्रको मूल कानून अथवा संविधानले प्रत्याभूत गरेको हुन्छ, जसले ती अधिकारलाई हरेक नागरिकको व्यक्तित्व विकास तथा तथा मानवीय सम्मानको संरक्षणका लागि अत्यावश्यकिय आधार ठान्दछ । साथै यी मौलिक हकहरू हरेक नागरिकलाई विना कुनै भेदभाव समान रुपमा लागू हुन्छन् । जसलाई सामान्यतया राज्यको सर्वोच्च न्यायिक निकायले कार्यान्वयनमा बल प्रदान गर्छ । यस्ता मौलिक हकहरू सामान्यतया व्यक्तिभन्दा बढी राज्यविरुद्ध लक्षित छन् भने कहिलेकाहीँ यी व्यक्तिविरुद्ध पनि हुने गर्दछन् । यस्ता अधिकारहरू व्यक्तिको संरक्षणका लागि भए पनि कहिलेकाहीँ मानवअधिकारको आम उल्लंघनलाई रोकथाम गर्न सहायक हुन्छन् । साथै यस्ता हकमध्ये केही राज्यको सङ्घटकीय अवस्थामा पनि लागू हुन्छन् ।

त्यसैले आधुनिक लोकतन्त्रले व्यक्तिका आधारभूत हक तथा अधिकारलाई संरक्षण गर्नु नै पर्छ ।

- **सामाजिक न्यायको प्राप्ति**

सामाजिक न्याय मूलतः समानता वा अझ बढेर भन्दा समतामा आधारित अवधारणा हो । बराबरीको मान्यतालाई आत्मसात गर्दै न्यायपूर्ण जगत् निर्माणका लागि गरिएको एक प्रयत्न पनि हो । यसले मानवअधिकार तथा समानता तथा आर्थिक पदसोपान कम भएको समाज निर्माणमा जोड दिन्छ । साथै यसले अवसर तथा प्रतिफलमा समानतालाई जोड दिन्छ । समाजमा जात, धर्म, लिङ्ग, वर्ण, भाषा वा यस्तै आधारमा हुने भेदभावको अन्त्य गर्न यसको महत्वपूर्ण जोड रहन्छ । सामाजिक न्यायको अन्तिम लक्ष सर्वसाधारणको कल्याण गर्नु हो । समाजमा कसैमाथि हुने भेदभावविना सही व्यवहार गर्नु, जुन कुरा प्राकृतिक रुपमा सही छ, त्यसको रक्षा गर्नु, विशेषतः द्वन्द्वपूर्ण अवस्थामा निष्पक्षतापूर्वक व्यक्तिलाई समायोजित गर्नु नै सामाजिक न्यायको पहिलो कदम हुनजान्छ । कानूनको दृष्टिमा समानताको सिद्धान्त, तथा न्यायपूर्ण समाजको परिकल्पना नै सामाजिक न्याय हो । यसको प्राप्तिका लागि लोकतन्त्रले जोड दिनुपर्छ । जहाँ लोकतन्त्र हन्छ, त्यहाँमात्र सामाजिक न्याय सम्भव छ । सामाजिक न्याय, सामाजिक रुपमा स्वीकार्य पनि हुनुपर्छ र कानूनले पनि प्रत्याभूत गर्नुपर्छ । कमजोरलाई सशक्तीकरण गरी सामाजिक न्याय दिन सकिन्छ ।

- **सामाजिक सहचर्यको सवलीकरण**

सामाजिक सहचर्य त्यो सम्बन्ध तथा बन्धन हो जसले समाजमा खासगरी सामाजिक तथा साँस्कृतिक विविधता भएको समाजमा मानिसहरूलाई एकै ठाउँमा ल्याउन सहयोग गर्छ । त्यसैले सामाजिक रुपमा सहचर्य कायम गर्न सकेको समाजमा सबै सामाजिक समूहहरूले एकअर्काको सम्मान गर्ने तथा अर्काको उपस्थितिलाई सहज रुपमा लिन्छन् । र सबै समूहमा अपनत्व, सहभागिता, समावेशीकरण, सम्मान तथा वैधताको भावनाले विविध समूहहरूबीच बन्धन निर्माण गरेको हुन्छ । यसले सामाजिक धुवीकरणलाई रोक्छ साथै र विभेदको अन्त्य गर्न सघाउँछ । यस्तो अवस्था सिर्जना गर्न विद्यमान सामाजिक समूहहरूबीच समावेशीकरण,

भौतिक समृद्धि, सामाजिक सुव्यवस्था, संवाद, सहनशीलता तथा समानता कायम गर्ने वातावरण निर्माण गर्नु लोकतान्त्रिक राज्यको दायित्व हो ।

- **आत्मशुद्धि (Self-Correction) गर्ने क्षमता**

लोकतन्त्र आफैमा गतिशील संस्था हो । यो गतिशीलतासँगै यसले आफूलाई सुधार गर्दै आफ्ना गल्तीलाई सच्याउने संयन्त्र तथा आत्मशुद्धि गर्ने क्षमता आफैसँग राख्नुपर्छ । तबमात्र यसले विगतका गल्तीलाई सच्याउँदै अघि बढ्नसक्छ । जस्तै एक पटक निर्वाचित भएका दल तथा नेताले आफ्ना प्रतिबद्धताअनुसार काम नगरे उसको विकल्पको प्रबन्ध लोकतन्त्रभित्र रहनुपर्छ । र यसका लागि प्रत्याह्वान वा पुनः हुने निर्वाचनमा सम्बन्धित दल वा नेताको सट्टा अर्कोको छनोट गर्ने अवसर लोकतन्त्रले प्रदान गर्न सक्नुपर्छ । यस्तै आफूभित्रका कमजोरीहरूलाई सच्याउने क्षमता तथा संयन्त्र आफैसँग राख्नुपर्छ । लोकतन्त्रमा मात्र त्यस्तो प्रावधान निहित हुन्छ । आत्मशुद्धि आत्मालोचनाको एउटा आधार पनि हो । लोकतन्त्र गतिशील संस्था पनि भएकोले आत्मशुद्धि एउटा प्रगतिशील उपाय हो जसले व्यक्तिलाई समाजमा समायोजन हुन र व्यवस्थाका गल्तीहरूलाई सच्याउन आत्मशुद्धिबाट मद्दत पुग्दछ ।

धारा ४ अन्तर्गतका सिद्धान्तहरू

- **पुरुष र महिलाबीच साभेदारी/लैङ्गिक साभेदारी**

पुरुष तथा महिलाबीचको विभेद, खासगरी लिङ्गका आधारमा गरिने विभेद समाज निर्मित विभेद हो त्यसैले यसलाई पूर्णरूपमा अन्त्य गरी महिला र पुरुषबीच समभेदारी तथा साभेदारी निर्माण गर्नु आवश्यक छ । किनकि मानवताको विश्वका दुई पखेटामध्ये एक पुरुष र एक महिला हुन त्यसैले यी दुवैको समान अवस्था वा विकास नभएसम्म यो मानवतारूपी चराले उडान भर्न सक्दैन । पुरुष र महिलाका बीचमा रहेका प्राकृतिक विभेदहरूलाई थाती राखी आपसमा सहकार्य र साभेदारी नै लोकतन्त्रको सिद्धान्त हो ।

- **समता**

सामान्य रूपमा समताको मान्यताले बराबरीपनालाई जोड दिन्छ । समताले केवल बराबर कायम गर्ने प्रावधान र सबैलाई बराबरीका अवसरहरूमा मात्र जोड दिंदैन । यसले त त्यसको व्यावहारिक रूपमा कार्यान्वयन भयो वा भएन वा सबैले त्यसको अनुभूती गर्न पाए पाएनन् भन्ने कुरामा समेत ध्यान दिन्छ । जस्तै: एउटा तिर्खाएको कुकुर र लामो चुच्चो भएको (सारस) चरोलाई समानता वा बराबरीका नाममा एउटै थाल वा यस्तै सम्म आकारको भाँडोमा पानी दिने हो भने त्यो कुकुरले सहज रूपमा आफ्नो तिर्खा मार्न सक्छ र सन्तुष्ट हुन्छ तर लामो चुच्चो भएको त्यो चरोले आफ्नो तिर्खा मेट्न सक्दैन । त्यसैले त्यहाँ समान अवसर उपलब्ध गराइए पनि र समान व्यवहार गरिए पनि वास्तविक रूपमा सारस चराले तिर्खा मेट्न सक्दैन । यस अर्थमा त्यहाँ समानता देखिए पनि समता कायम हुन सकेन । यो उदाहरणमा जस्तै समाजमा पनि विभिन्न अवस्था र प्रकृतिका मानिसहरू हुन्छन् । जाति, भाषा, लिङ्ग, वर्ण, भूगोल, संस्कृति, आर्थिक अवस्था तथा राज्यबाट प्राप्त अवसरहरू, आदि कारणहरूले उनीहरूको समग्र उन्नतिको अवस्थामा भिन्नता हुनसक्छ । लोकतन्त्रले यस्ता खालका विभेद र भिन्नताहरूलाई विभिन्न संवैधानिक तथा कानुनी प्रावधान तथा व्यवस्थाहरूमार्फत् सम्बोधन गर्न सक्नुपर्छ । समानताका प्रावधानका अतिरिक्त समताका प्रबन्धहरूलाई समेत राज्य सञ्चालनमा उपयोग गर्नुपर्छ । जसका लागि राज्यले सबै नागरिकहरूलाई समान हक, अधिकार तथा अवसरहरूका अलावा खास लिङ्ग समूह, वर्ग समुदायका नागरिकहरूलाई विशेष व्यवस्था गरी (राज्यका विभिन्न निकायहरूमा आरक्षणको व्यवस्था, कोटा प्रणालीका प्रावधान तथा विशेष प्याकेज कार्यक्रमहरू) सबैलाई प्राप्त समानताको प्रावधानलाई व्यवहारमा अनुभूती गर्ने वातावरण मिलाउनु आवश्यक छ ।

धारा ५ अन्तर्गतका सिद्धान्तहरू

- शक्ति प्राप्ति तथा परिवर्तन र स्वतन्त्र राजनीतिक प्रतिस्पर्धा

लोकतन्त्रमा सत्ताप्राप्ति तथा शक्तिको प्राप्ति एवम् परिवर्तनका प्रबन्धहरू अथवा कसरी शासनमा पुग्ने र कुन तरिकाले शक्तिको हस्तान्तरण गर्ने भन्ने कुरा कानूनद्वारा नै निर्धारित हुन्छन् । त्यसको खास प्रक्रिया पूरा गरेर मात्र सत्ताशक्ति प्राप्ति तथा सत्ता परिवर्तन सम्भव छ । जोर जर्बजस्तीबाट शक्ति प्राप्ति गर्ने कुरालाई लोकतन्त्रले मान्दैन । सामान्यतया स्वतन्त्र राजनीतिक प्रतिस्पर्धाबाट मात्र यो सम्भव छ । त्यसैगरी अविश्वासको प्रस्ताव वा गठबन्धनको निर्माण तथा परिवर्तन आदि उपायहरूलाई कानूनले नै व्यवस्था गरेको हुन्छ । स्वतन्त्र र स्वच्छ राजनीतिक प्रतिस्पर्धालाई कानूनद्वारा निर्धारण गरिएको हुन्छ । जसका लागि निर्वाचन एउटा महत्वपूर्ण विधि हो ।

- विभेदरहित सहभागिता

यहाँ उल्लेख गरिएको सहभागिता खासगरी राज्यको नीति-निर्माणमा हुने सहभागिता नै हो । यस्तो सहभागिता, बिना कुनै भेदभाव हुनुपर्छ । यसका लागि राज्यले सोही अनुसारका संवैधानिक तथा कानुनी प्रबन्ध गर्नु आवश्यक छ भने सोही आधारमा संरचनाहरूको निर्माण । यसका लागि चुनाव प्रणालीको निर्धारण, नीति-निर्माणको प्रक्रिया, राज्यको संरचनागत प्रबन्ध आदि कुरा महत्वपूर्ण हुन्छन् । भनिन्छ, राजनीतिक प्रणालीको लोकतान्त्रिक मान्यतालाई मान्ने आधार तथा यसको सफलता नै जनसहभागिता हो ।

धारा ६ अन्तर्गतका सिद्धान्तहरू

- अन्तर्राष्ट्रिय दस्तावेजहरूसँगको तादात्म्यता

मानवअधिकार तथा लोकतन्त्रको प्रवर्द्धनका लागि बनेका अन्तर्राष्ट्रिय सन्धि तथा महासन्धिहरूमा प्रतिबद्धता जनाइसकेपछि तथा तिनमा हस्ताक्षर गर्ने पक्ष राष्ट्र बनिस्केपछि आफ्ना घरेलु कानुनी व्यवस्थालाई सोही अनुरूप परिमार्जन वा निर्माण गरी तादात्म्यता कायम गर्नु हरेक लोकतान्त्रिक राज्यको जिम्मेवारी हो ।

- व्यक्तिगत तथा सामूहिक जिम्मेवारी

लोकतन्त्रमा हरेक नागरिकका अधिकार मात्र नभई नागरिकका कर्तव्यका रूपमा जिम्मेवारीहरू निर्धारण गरिएका हुन्छन् । हरेक व्यक्तिले गर्नुपर्ने दायित्वलाई समेत राष्ट्रिय कानूनले तोकेको हुन्छ । त्यस्तै, सामाजिक तथा राजनीतिक समूहका पनि जिम्मेवारीहरू हुन्छन् । व्यक्ति शासन सञ्चालनका संयन्त्रमा प्रत्यक्ष रूपमा होस् वा सरकारमा रहोस् वा सरकार बाहिर हरेक एकाइमा उसका जिम्मेवारी रहन्छन् । जसलाई पूरा गर्न उसको दायित्व हो ।

धारा ७ अन्तर्गतका सिद्धान्तहरू

- कानूनको सर्वोच्चता

सबै (व्यक्ति, संस्था तथा सरकार) कानूनका विषय हुन्छन् भन्ने मान्यता नै कानूनको सर्वोच्चताको आधारभूत पक्ष हो । चाहे त्यो व्यक्ति सत्तामा होस् वा बाहिर कानून सबैलाई समान रूपमा बाध्यकारी हुन्छ र समान रूपमा नै लागू हुन्छ र कानूनको जगमा भएको निर्णय नै अन्तिम निर्णय हुन्छ । कानूनको शासनले पनि यही मान्यतालाई प्रमुख आधार बनाएको हुन्छ । साथै यो मान्यताले कानूनको सामान्यीकरणमा जोड दिन्छ । यो सिद्धान्त कानूनको अधि समानताको विकसित रूप हो । यसले कानूनको संशोधन तथा परिवर्तनलाई खास मापदण्डमा मात्र सम्भव बनाउनुपर्छ भन्ने मान्यतामा जोड दिन्छ । स्थायी कानुनी संरचनाले मात्र निश्चितता तथा विश्वास पैदा गर्छ र यही विश्वासले व्यक्तिगत स्वतन्त्रता तथा सुरक्षालाई प्रत्याभूत गर्दछ । साथै यसले

कानूनलाई स्पष्ट रूपमा परिभाषित गर्नुपर्ने मान्यता राख्छ ताकि यो कार्यकारिणी आदेशभन्दा तथा विशेषाधिकारभन्दा पृथक रहन सकोस् ।

धारा ८ अन्तर्गतका सिद्धान्तहरू

● शान्ति तथा (आर्थिक, सामाजिक र साँस्कृतिक) विकास लोकतन्त्रका शर्त तथा प्रतिफल

लोकतन्त्रको मूल उद्देश्य नै समाजमा शान्ति, अमन-चयन तथा सबै मानवीय आयाममा विकासलाई प्रत्याभूत गर्नु हो । साथै लोकतन्त्रलाई वास्तविक रूपमा सुनिश्चित गर्नका लागि उपरोक्त मान्यताहरूको अनुभूति हुनुपर्छ । त्यसैले शान्ति तथा विकास यसका अनिवार्य शर्त तथा प्रतिफल दुवै हुन् । समग्र तथा दिगो विकासको अवधारणाले कानूनको शासन तथा मानव अधिकारको पालनालाई यसै पृष्ठभूमिमा हेरिन्छ ।

● कानूनको शासन

लोकतन्त्र कानूनको शासनको जगमा अडिएको हुन्छ । जसबाट शासक र शासित समान रूपमा बाँधिएका हुन्छन् या भनौ कानून सबैलाई एकनासले लागू हुन्छ, त्यो व्यक्ति सामान्य नागरिक होस् वा राज्यको कानून पालना गराउने वा सर्वोच्च निकायमा बसेको नै किन नहोस् । कानूनको शासनको मूल मान्यताले निम्न कुरामा जोड दिन्छ ।

○ कानूनको अगाडि सबै समान हुन्छन् तथा सबैलाई कानूनको समान संरक्षण प्राप्त हुन्छ ।

कुनै पनि व्यक्ति चाहे उ राष्ट्रपति, प्रधानमन्त्री, न्यायाधीश, वकिल, मन्त्री, सचिव वा अन्य विशिष्ट सरकारी कर्मचारी होस् वा सामान्य नागरिक सबैलाई कानूनले समान रूपमा हेर्नुपर्दछ । कोही पनि कानूनभन्दा माथि रहँदैन । संविधान तथा कानूनद्वारा संरक्षण गरिएका व्यक्तिका अधिकारहरू कसैबाट उल्लङ्घन भए कानून तथा कानूनको पालना गर्ने निकायबाट सबैलाई समान संरक्षण प्राप्त हुन्छ ।

○ कानूनी कार्यविधि र प्रक्रियाको सुनिश्चितता:

हरेक सरकारमा समाजमा शान्ति, व्यवस्था र अमनचयन कायम गर्ने तथा अपराधिक क्रियाकलापको नियन्त्रण गर्ने शक्ति हुनुपर्दछ । तर यसरी नियन्त्रण गर्ने कानून तथा कार्यविधि गोप्य तथा स्वेच्छाचारी नभई सबैलाई पारदर्शी र स्पष्ट हुने खालको हुनुपर्दछ । यो राजनीतिक धोखाधडीको विषय हुनुहुँदैन । साथै सबैलाई समान रूपमा लागू हुनुपर्छ ।

सामान्य भाषामा भन्दा कानूनको शासन त्यो कानूनी तथा राजनीतिक सत्ता हो जसअन्तर्गत:

- समाज तथा राज्य कानूनद्वारा सञ्चालित हुन्छ तथा कानूनको सर्वोच्चता कायम हुन्छ ।
- त्यस्तो कानून जनताबाट प्रत्यक्ष रूपमा अनुमोदित वा जनताबाट अनुमोदित प्रतिनिधिहरूले जनइच्छालाई कदर गरी निर्माण गरेको हुनुपर्छ ।
- सरकारले समाजमा शान्ति तथा व्यवस्था कायम गर्दा खास संवैधानिक तथा कानूनी सीमाभित्र रहेर काम गर्नुपर्छ । त्यसैले हरेक लोकतान्त्रिक सरकार र उसका काम-कारवाहीहरू कानूनी सीमाका विषय बन्दछन् । वा सीमित सरकारको मान्यताको आत्मसात गरिएको हुन्छ ।
- स्वेच्छाचारी शासन व्यवस्थाको गुञ्जायस रहनु हुँदैन ।
- राज्य शक्तिको अन्तिम स्रोत जनता हुनुपर्छ । वा नागरिक सर्वोच्चतालाई राज्यको सिद्धान्तको रूपमा अवलम्बन गरिनुपर्छ ।
- शक्तिको नियन्त्रण र सन्तुलनको प्रबन्ध हुनुपर्छ । खासगरी राज्यको कानून बनाउने -व्यवस्थापिका, कानूनको व्याख्या गरी न्याय दिलाउने न्यायपालिका, तथा कानून कार्यान्वयन गर्ने कार्यपालिकाका काम तथा क्षेत्राधिकार संवैधानिक रूपमा स्पष्ट छुट्टयाइएको हुनुपर्छ । साथै तिनका एकअर्काका कामलाई सन्तुलनमा राख्ने संयन्त्रहरूसमेत हुनुपर्छ ।

- न्यायिक पुनरावलोकन तथा स्वतन्त्र न्यायपालिका र प्रतिपादित अन्तिम फैसलाको सबैलाई बाध्यकारितालगायतका मान्यतालाई आत्मसात गरिएको हुनुपर्छ ।
- नागरिकका मौलिक राजनीतिक, सामाजिक, आर्थिक तथा साँस्कृतिक अधिकारहरूले संरक्षण पाउनुपर्छ ।
- हरेक नागरिक स्वेच्छाचारिता तथा कानूनविहीनताको भयबाट मुक्त हुनुपर्छ ।
- गलत रूपमा सरकारले गर्न सक्ने शक्तिको दुरुपयोगउपर नागरिकले संरक्षण खोज्ने तथा उजुरी गर्ने तथा उपचार प्रदान गर्ने स्वतन्त्र तथा निष्पक्ष न्यायिक निकायहरूको प्रबन्ध हुनुपर्छ ।

● मानवअधिकार र यसको पालना

हरेका मानिसलाई मानव भएका नाताले प्राप्त हुने सबै अधिकार नै मानवअधिकारहरू हुन् । यो अधिकार यस लोकमा जन्म लिएको तथा यही नै मानवको अस्तित्व तथा भविष्य भएकाले प्राप्त हुने अधिकार हो । जस्तै: जीवनको अधिकार, स्वतन्त्र रूपमा बाँच्ने अधिकार, सुरक्षाको अधिकार, स्वस्थ जीवनको अधिकार, न्यायपूर्ण तथा अनुकूल वातावरणमा काम गर्न पाउने अधिकार, पारिवारिक जीवनको अधिकार, गाँसबासको अधिकारलगायत मानवीय स्वाभिमान, सिर्जनशीलता, बौद्धिक तथा आध्यात्मिक अभिव्यक्तिलाई आवश्यक अधिकार तथा स्वतन्त्रता पनि यसमा समावेश हुन्छन् । जस्तै: शिक्षाको अधिकार, सुसूचित हुने अधिकार, चाहेको धर्म मान्न पाउने अधिकार, राजनीतिक सङ्गठनको अधिकार आदि । त्यस्तै मानवीय स्वतन्त्रता तथा शारीरिक सुरक्षाका अधिकारहरू पनि यसमा समावेश हुन्छन् जस्तै: दासत्व तथा गुलामीबाट मुक्तिको अधिकार, व्यक्तिगत सुरक्षाको अधिकार, विनाकारण पक्राउबाट स्वतन्त्रताको अधिकार आदि । यी सबै अधिकारको विकास तथा अध्ययन सहजताको आधारमा मानवअधिकारलाई तीन चरणमा हेर्ने गरिन्छ ।

- पहिलो पुस्ताका मानवअधिकार (यसमा खासगरी नागरिक तथा राजनीतिक अधिकारहरू पर्दछन्)
- दोस्रो पुस्ताका मानवअधिकार (यसमा खासगरी सामाजिक, आर्थिक तथा साँस्कृतिक अधिकार पर्दछन्)
- तेस्रो पुस्ताका मानवअधिकार (यसमा खासगरी यिनीहरू पहिलो र दोस्रो पुस्ताका अधिकारहरूभन्दा बाहेकका अधिकारहरू, जसले व्यापक क्षेत्र ओगट्छन् साथै यी बाध्यात्मकभन्दा बढी नरम कानूनका रूपमा रहेका छन्)

यसरी यी मानवअधिकारलाई राज्यको कानूनले स्पष्टतः व्यवस्था गर्नुपर्छ । तथा तिनको कडाईका साथ पालना गर्ने संयन्त्र विकास गरी कार्यान्वयन गर्न आवश्यक छ ।

दोस्रो भाग : लोकतान्त्रिक सरकारका तत्त्वहरू एवं अभ्यास

धारा ९

- सामाजिक इच्छा (Will of Society)

लोकतन्त्र जनताको इच्छा तथा चाहानामा सञ्चालन हुने संस्था हो । यहाँ सामाजिक इच्छा भन्नाले जनताको इच्छा हो । त्यसैले सामाजिक इच्छा तथा चाहनालाई वेवास्ता गरेर लोकतन्त्र सञ्चालन हुन सक्दैन किनकि लोकतन्त्रमा जनतानै सर्वोपरि शक्ति हो ।

धारा १०

- सामाजिक सद्भाव र ऐक्यबद्धता

धेरै खालका भिन्नताका बावजुद पनि सबै मानिस तथा समुदायहरू एकै थलोमा आनन्दपूर्वक बसोबास गरी जीवनयापन गरेको अवस्थानै सामाजिक सद्भाव हो । यसले एकअर्का प्रति सहनशीलता, सम्मान तथा 'म' को सट्टा 'हामी' भन्ने भावना पैदा गराउँछ । यसले समाजमा शान्ति, अमनचयन, विकासमा योगदान पुऱ्याउँछ । त्यस्तै ऐक्यबद्धता भन्नाले समाजमा प्रतिविम्बित हुने एकीकृत अवस्था हो । साथै यो ऐक्यबद्धता राष्ट्रिय रुपबाट अन्तर्राष्ट्रिय तहसम्म विस्तारित हुनसक्छ । यसले पनि समाजमा एकअर्काबीच आपसी बन्धन तथा समझदारीको निर्माण गर्छ । त्यसैले लोकतन्त्रले यी अवस्था निर्माणका लागि वातावरण निर्माण गर्नुपर्छ ।

- तनावको मध्यस्थता तथा सन्तुलन

समाजमा विभिन्न व्यक्ति तथा समूहहरूका आ-आफ्ना माग दावी तथा चाहनाहरू हुन्छन् । यस्ता माग तथा दावीबीचका प्रतिस्पर्धाले तनाव तथा द्वन्द्व निम्त्याउन सक्छन् । यस्तो अवस्थामा प्रतिस्पर्धी दुवै पक्षको माग सुनी तिनीहरूबीच सन्तुलन कायम गर्ने संयन्त्र तथा संस्कारको विकास गर्नु लोकतन्त्रको मुख्य काम हो ।

धारा ११

- सार्वजनिक मामिला

सार्वजनिक मामिला एक बृहत् अवधारणा हो । यसले सरकार तथा सरकारी निकाय तथा यिनको कार्यक्षेत्रलाई मात्र नबुझाई आम नागरिकको जीवन तथा दैनिकीसँग जोडिएका सबै सार्वजनिक सेवा प्रदायक निकायहरू तथा सार्वजनिक महत्वको कार्य गर्ने निकाय र यसका काम-कारवाहीबाट प्रत्यक्ष परोक्ष रुपमा आम जनमानस प्रभावित हुन्छन् भन्ने ती निकायले समेत सार्वजनिक मामिलालाई समेट्छन् । त्यसैले सरकारको मातहतका निकायका अलावा सार्वजनिक जीवनमा प्रभाव पार्ने अन्य निकायहरू समेत यसमा पर्छन् । प्रत्यक्ष रुपमा राजनीतिसँग जोडिएका निकायबाहेक आर्थिक, सामाजिक, साँस्कृतिक, तथा व्यक्तिको दैनिकी तथा जीवनस्तर समुन्नत बनाउने विषयसँग जोडिएका सम्बन्धित क्षेत्रलाई पनि यसले समेट्छ । सञ्चार क्षेत्रको सार्वजनिक बहदो प्रभावसँगै यसलाई पनि सार्वजनिक मामिलाभित्र हेर्ने गरिएको छ । त्यसैले लोकतन्त्रमा यस्ता सार्वजनिक मामिला तथा यसको व्यवस्थापनमा भाग लिने तथा त्यहाँको निर्णय निर्माणमा कुनै न कुनै रुपमा प्रभाव पार्ने अधिकारलाई सुनिश्चित गरिनु आवश्यक छ ।

● प्रतिनिधिमूलक संस्था/संसद्

आधुनिक लोकतन्त्रको पर्यायका रूपमा प्रतिनिधिमूलक लोकतन्त्रलाई मानिन्छ । प्रत्यक्ष लोकतन्त्रको अभ्यासका केही उदाहरणहरू प्रचलनमा रहे पनि समाजको विकासक्रम तथा जटिलताहरूको बढोत्तरीसँगै विश्वभर प्रतिनिधिमूलक लोकतन्त्रको विस्तार भएको हो । जसको सञ्चालनका लागि जनताहरूबाट अनुमोदित भएका प्रतिनिधिहरूद्वारा अन्तिम निर्णय गर्ने गरिन्छ । लोकतन्त्रमा यस्ता जनप्रतिनिधिका संस्था अनिवार्य छ । जसको अभावमा लोकतन्त्रले जनइच्छालाई सम्बोधन गर्न सक्दैन । लोकतन्त्रका लागि चाहिने त्यस्ता धेरै प्रतिनिधिमूलक निकायमध्ये संसद् पनि एक हो । जो राज्यका केन्द्रीयदेखि स्थानीय संयन्त्रसम्म रहन्छन् । जसले जनभावनाबमोजिम कानुनको निर्माण गर्ने तथा सार्वजनिक निर्णय लिने काम गर्दछ । सबै संसद्ले लोकतन्त्रको प्रत्याभूति दिन नसक्ला तर विना संसद् त्यो शासन व्यवस्था लोकतान्त्रिक हुनै सक्दैन ।

धारा १२

● स्वतन्त्र र निष्पक्ष निर्वाचन

निर्वाचन आधुनिक राज्य व्यवस्थाको एक अनिवार्य शर्त हो । सहभागितामूलक लोकतन्त्रमा राजनीतिक निकायहरूलाई जनमतअनुसार पुनर्ताजगी गर्न र जनउत्तरदायी बनाउन निर्वाचनको प्रयोग गरिन्छ । राज्यका प्रमुख अङ्गहरू जस्तै: व्यवस्थापिका, कार्यपालिका र कतिपय अवस्थामा न्यायपालिका समेतमा नागरिक प्रतिनिधित्व गराउने संयन्त्रको रूपमा निर्वाचनलाई लिइन्छ । निर्वाचनको माध्यमद्वारा नै नागरिकले आफ्नो सार्वभौमिक अधिकार अभिव्यक्त गर्दछ । यस अर्थमा निर्वाचन लोकतान्त्रिक शासन पद्धतिको वैधता पुष्टि गर्ने एक सशक्त माध्यम हो । निर्वाचनको प्रक्रिया र प्रकृतिको अध्ययनबाट अधिनायकवादी सरकार र लोकतान्त्रिक सरकारबीचको भिन्नता थाहा पाउन सकिन्छ ।

स्वतन्त्र र निष्पक्ष निर्वाचनले निर्वाचनको स्वतन्त्रता, स्वच्छता र विश्वसनीयताजस्ता तीन महत्वपूर्ण विशेषताहरूलाई संकेत गर्दछ । स्वतन्त्र र निष्पक्ष निर्वाचनलाई मानवअधिकारको विश्वव्यापी घोषणापत्र १९४८, अन्तरव्यवस्थापिका सङ्घले १९९४ मा जारी गरेको स्वतन्त्र र निष्पक्ष निर्वाचनका आधारहरूलगायत अन्य अन्तर्राष्ट्रिय क्षेत्रीय र राष्ट्रिय दस्तावेजहरूले परिभाषित गरेका छन् ।

● स्वतन्त्र र निष्पक्ष निर्वाचनका विशेषताहरू

- निर्वाचन निष्पक्ष र स्वतन्त्र हुन मतदाताले कुनै डर, त्रास तथा प्रलोभनमा नपरी निर्भीक भएर मतदान गर्न पाउनुपर्छ ।
- नकारात्मक शक्ति प्रदर्शन, शक्तिको प्रयोग, आतङ्कलगायतका क्रियाकलापहरूले नागरिक इच्छा तथा चाहनाहरूलाई कुण्ठित पार्नु हुँदैन ।
- निर्वाचनसम्बन्धी कानुन सबै दल तथा उम्मेदवारको निमित्त समान तथा न्यायोचित हुनुपर्छ ।
- योग्यता पुगेका सबै नागरिकलाई मतदाता नामावलीमा नाम दर्ता गर्ने अवसर दिइनुपर्छ ।
- सबै राजनीतिक दल तथा उम्मेदवारले निर्भीक र सुरक्षित भएर प्रचार-प्रसार गर्न पाउनुपर्छ ।
- सबै राजनीतिक दलले सार्वजनिक र सरकारी सञ्चारमाध्यमबाट प्रचार गर्ने समान अवसर पाउनुपर्छ । कुनै पनि दलले कुनै सञ्चारमाध्यमको एकलौटी प्रयोग गर्न पाउनु हुँदैन ।
- सरकारी स्रोत र साधनको दुरुपयोग गरी कुनै दल वा उम्मेदवारलाई जिताउने प्रयास गर्नु/गराउनु हुँदैन ।
- निर्धक्कसाथ उम्मेदवारी दिने र प्रचार-प्रसार गर्ने वातावरणको प्रत्याभूति ।
- कुनै खास राजनीतिक दल वा उम्मेदवारका पक्षमा राज्यस्रोतको दुरुपयोग नहुने कुराको प्रत्याभूति हुनुपर्दछ तथा त्यस्तो वातावरण कार्यान्वयन गरिनुपर्दछ ।

- मतदातासमक्ष सबै दल/उम्मेदवारहरूले आ-आफ्ना विचार खुला रूपमा पुर्‍याउन सक्ने वातावरण हुनुपर्दछ ।
- मतदाताले बिना डरत्रास तथा प्रलोभनमा नपरी स्वतन्त्रतापूर्वक मत खसाल्न पाउने वातावरण सिर्जना गरिनुपर्दछ ।
- निर्वाचनमा संलग्न सम्पूर्ण कर्मचारी, पदाधिकारी र निकायहरूको तटस्थताको प्रत्याभूति हुनुपर्दछ ।
- मतदाताहरूका लागि पर्याप्त सूचना र मतदाता शिक्षाको अवसर दिइनुपर्छ ।
- सबै मतदाताले स्वतन्त्ररूपमा मतदान केन्द्र जान र गोप्य मतदान गर्न पाउनुपर्छ ।
- मतको गोपनीयताको प्रत्याभूति हुनुपर्दछ ।
- मतगणना शुद्ध रूपमा गरिनुपर्छ ।
- मतगणना सुरक्षित र निष्पक्ष ढङ्गबाट हुनुपर्दछ ।
- निर्धारित समयसीमाभित्र मतगणना गरिनुपर्दछ ।
- मतदान र मतगणना प्रक्रिया पारदर्शी हुनुपर्छ ।
- मतदातालाई सबै उम्मेदवारबारे आवश्यक जानकारी दिनुपर्छ । तिनीहरूलाई मतदान तरिकाबारे जानकारी हुनुपर्छ ।
- स्थानीय तथा अन्तर्राष्ट्रिय अनुगमन टोलीलाई मतदान तथा मतगणना हेर्ने तथा अनुगमन गर्ने अवसर दिनुपर्छ ।
- निर्वाचनसँग सम्बन्धित उपयुक्त कानुनी संरचना र व्यवस्था हुनुपर्छ ।
- सरकारको भूमिका तटस्थ र सहयोगात्मक हुनुपर्छ ।

● राजनीतिक दल

राजनीतिक दलको आधुनिक राजनीतिमा केन्द्रीय स्थान रहेको छ । राजनीतिक शक्तिको प्राप्ति तथा प्रयोगद्वारा राज्य सञ्चालनका नीति तथा कार्यक्रममा योगदान पुर्‍याउन खास विचार तथा स्वार्थहरूलाई प्रवर्द्धन गर्ने उद्देश्यले राजनीतिक दलको स्थापना भएको हुन्छ । शक्तिप्राप्तिको उद्देश्यका आधारमा राजनीतिक दल अन्य सङ्गठनभन्दा भिन्न रहन्छन् ।

समग्रमा एक लोकतान्त्रिक व्यवस्थामा राजनीतिक दल त्यो राजनीतिक सङ्गठन हो:

- जो व्यक्ति वा व्यक्ति समूह मिलेर बनेको हुन्छ ।
- जसका निश्चित विचारधारा र कार्यक्रम हुन्छन् ।
- जो जनतामाझ क्रियाशील रहन्छ ।
- स्वच्छ प्रतिस्पर्धाका आधारमा शक्तिको प्राप्ति तथा प्रयोगमा विश्वास राख्छ ।
- र, सोही आधारमा आफ्ना नीति र कार्यक्रम जनतासमक्ष पुर्‍याउँछ ।

दलहरूले स्वच्छ राजनीतिक प्रतिस्पर्धाबाट आफ्ना प्रतिनिधिहरू राज्यका अङ्गहरूमा पठाई नीति-निर्माण र कार्यान्वयनमा आफ्नो योगदान पुर्‍याउँछन् । दलहरू राज्य सञ्चालन सम्बन्धमा आफ्ना नीति र कार्यक्रम लिएर जनतासमक्ष जान्छन् र प्रतिस्पर्धात्मक रूपमा जनताद्वारा चुनिएर राज्यका निकायहरूमा प्रतिनिधित्व गर्दछन् । लोकतान्त्रिक व्यवस्थामा राजनीतिक दलहरूमा प्रतिस्पर्धात्मक भावना रहेको हुन्छ, दलहरू एकाधिकार र कब्जाको मनस्थितिबाट मुक्त हुन्छन् । तर यो कुरा सर्वाधिकारवादी वा अलोकतान्त्रिक शासन व्यवस्था भएका देशमा लागू हुँदैन । राजनीतिको एक महत्वपूर्ण पक्षका रूपमा रहेका दलहरूले जनताका विविध सामाजिक स्वार्थ, मत, तथा विचार मुखरित गरी एकीकृत तवरले नीति-निर्माणमा लैजान्छन् तथा

तिनका परिणामहरू पुनः जनसमक्ष पुऱ्याउँछन् । यसबाहेक दलहरूले वैकल्पिक नीतिहरूको प्रस्तुति, राजनीतिक पदाधिकारीहरूको नियुक्ति, सरकार निर्माणलगायत राजनीतिक सामाजिकीकरण तथा नागरिक समाज र राज्यबीच मध्यस्थताको कार्य गर्दछन् ।

राजनीतिक सङ्गठन गर्ने तथा राजनीतिक क्रियाकलाप सञ्चालनको अधिकार लोकतन्त्रमा संविधानद्वारा सुनिश्चित हुन आवश्यक छ । जसले राजनीतिक दलको मूल उद्देश्यअनुरूप काम गर्ने अनुमति देओस् ।

धारा १३

● नागरिकका नागरिक र राजनीतिक तथा सामाजिक तथा साँस्कृतिक, आर्थिक, अधिकारहरू

यी सबै मानवअधिकारका विभिन्न स्वरूपहरू हुन् । जो विभिन्न समयक्रममा विकास भएका हुन् ।

- **नागरिक तथा राजनीतिक अधिकार** भन्नाले नागरिकको स्वतन्त्रता तथा राजनीतिक जीवनमा सहभागितालाई सुनिश्चित गर्ने अधिकारहरू पर्दछन् । यिनीहरूलाई मानवअधिकारका पहिलो पुस्ताका अधिकार पनि भनिन्छ । यसमा: अभिव्यक्ति स्वतन्त्रता, निष्पक्ष पुर्पक्षको अधिकार, धार्मिक अधिकार, मतदानको अधिकारलगायतका अधिकारहरू पर्दछन् । यी अधिकारलाई मानवअधिकारको विश्वव्यापी घोषणापत्र १९४८ को धारा ३-२१ म समेटेको छ । त्यसैगरी नागरिक तथा राजनीतिक अधिकारसम्बन्धी अन्तर्राष्ट्रिय अनुबन्ध १९६६ ले यी अधिकारहरूलाई समेटेको छ ।
- **सामाजिक, आर्थिक तथा साँस्कृतिक अधिकार** भन्नाले मानिसको समानता, तथा नागरिकलाई गरिने समान व्यवहारसँग सम्बन्धित छन् । यी अधिकारलाई मानवअधिकारका दोस्रो पुस्ताका अधिकार पनि भनिन्छ । यसअन्तर्गत रोजगारीको अधिकार, बसोबास तथा स्वास्थ्य सेवाको अधिकार, सामाजिक सुरक्षाको अधिकार आदि पर्दछन् । यी अधिकारलाई मानवअधिकारको विश्वव्यापी घोषणापत्र १९४८ को धारा २२-२७ ले समेटेको छ । त्यसैगरी आर्थिक, सामाजिक तथा साँस्कृतिक अधिकारसम्बन्धी अन्तर्राष्ट्रिय अनुबन्ध १९६६ ले पनि यी अधिकारलाई समेटेको छ ।

तर यी दुवै पुस्ताका अधिकारबीच अन्योन्यश्रित सम्बन्ध रहेको छ । पहिलो पुस्ताका अधिकारको सुनिश्चिताताले मात्रै अर्को पुस्ताका अधिकारलाई सबल बनाउँछ ।

● सुशासन (जवाफदेही, प्रभावकारी, इमानदार र पारदर्शी सरकार)

निर्णय निर्माण गर्ने र निर्णय कार्यान्वयन गर्ने प्रक्रिया नै शासन हो । भने त्यस्ता निर्णयहरूको निर्माण तथा कार्यान्वयन कसरी भएको छ भन्ने आधारमा शासनको प्रकृति निर्धारण गरिन्छ । सबैभन्दा असल, राम्रो र उत्तम शासन नै सुशासन हो । सुशासनलाई जनताले अनुभूति गर्नुपर्छ । तब मात्र त्यो शासन वास्तविक अर्थमा सुशासन हुनसक्छ । सुशासनको प्रत्याभूति लोकतान्त्रिक देशका लागि मौलिक अधिकारको विषय हो । जनताले सहज रूपमा राज्यले दिएका सेवा र सुविधाहरूलाई प्राप्त गर्नु सरकारी क्रियाकलापहरूको जानकारी प्राप्त गर्नु तथा यसमाथि नियन्त्रण प्राप्त गर्नुजस्ता कार्य नै सुशासन हुन् । सेवा दिने सार्वजनिक निकाय तथा सेवाग्राही उपभोक्ता वर्गबीच सुसम्बन्ध कायम हुन्छ । सरकारी गतिविधिमा हुने पारदर्शिताले विकास निर्माणमा भ्रष्टाचार र अनियमितता कम गर्छ । सुशासनलाई वर्तमान समयमा नागरिकको मानवअधिकारको रूपमा लिइन्छ । त्यसैले नागरिकका दैनिकीमा प्रभाव पार्ने सुशासनलाई राजनीतिक, नैतिक तथा व्यवस्थापकीय आयाममा हेरिन्छ । यी सबै पक्षलाई ख्याल गर्दै सुशासनका विशेषतालाई हेरे यसबारे बढी प्रष्ट हुन सकिन्छ । जो निम्नानुसार छन् ।

- १) **सहभागिता** : शासन सञ्चालन प्रक्रियामा सबै नागरिकको सहभागिता हुनुपर्छ । यस्तो सहभागिता प्रत्यक्ष तथा अप्रत्यक्ष दुवै हुनसक्छ ।
 - २) **कानूनको शासन** : स्वच्छ कानुनी संरचनाका आधारमा शासन सञ्चालन हुनुपर्छ ।
 - ३) **सहमतिउन्मुख** : शासनप्रक्रियाका बहुसङ्ख्यक कर्ताहरूबीच सहमतिका आधारमा तत्कालीन तथा दीर्घकालीन नीतिहरू निर्माण गरिन्छ ।
 - ४) **समता तथा समावेशीकरण** : समाजका हरेक नागरिकले शासन प्रक्रियाप्रति अपनत्वको अनुभूति गर्नुपर्छ । जसले सबैलाई शासनमा समावेश हुने मार्ग प्रशस्त गरोस् ।
 - ५) **प्रभावकारिता तथा छरितोपना** : वस्तु तथा सेवाको प्रवाहमा आम नागरिकले अनुभव गर्न सक्ने गरी सेवा प्रवाह हुनुपर्छ । साथै यस्तो गर्दा तिनको दिगोपनाको समेत ख्याल गरिनुपर्छ ।
 - ६) **जवाफदेहीपना** : यो केवल सरकारी निकायका लागि मात्र नभई निजीक्षेत्र तथा नागरिक समाजका लागि पनि हो । यी सबै निकायहरूमा लिइने निर्णयले जसलाई प्रभाव पार्छ ती नागरिकप्रति यी निकायहरू जवाफदेही हुनुपर्छ ।
 - ७) **पारदर्शिता** : निर्णयहरू लिने काम तथा तिनको कार्यान्वयन विद्यमान कानून तथा नियमबमोजिम नै भएको छ भन्ने कुराको सुनिश्चितता नै पारदर्शिता हो । साथै यसले सूचनाको सहज पहुँच तथा उपलब्धतालाई समेत जनाउँछ ।
 - ८) **जिम्मेवारीपना** : जनताको सेवा गर्ने नाममा रहे भएका निकाय र व्यक्ति जिम्मेवार हुनुपर्छ ।
- यी बाहेक अन्य केही विशेषता पनि छन् जो सुशासनलाई कायम राख्न थप बल प्रदान गर्छन् ।
- राजनीतिक वैधता, सूचना तथा अभिव्यक्ति स्वतन्त्रता, सूचनाको हकको सुनिश्चितता, भ्रष्टाचार नियन्त्रण, स्थानीय स्वायत्त शासन तथा विकेन्द्रीकरण तथा नागरिक समाजसँगको साभेदारी ।

माथि उल्लेखित कुराहरूले सुशासन के हो भन्ने कुरालाई बुझ्न सहयोग गर्दछन् । हुन त उपरोक्त आधारहरूमाथि मानिसको आ-आफ्नो बुझाइ हुनसक्छ । तापनि यी धारणाहरू उदारवादी लोकतन्त्रको मान्यतामा विकास भएका हुनाले यिनलाई सोही आधारमा हेरिनुपर्छ । कुनै पनि शासकले आफ्नो शासनलाई नराम्रो या कुशासन भन्दैन तापनि उपरोक्त कसैका आधारमा यी कुराहरूलाई जनताले कस्तो महसुस गरेका छन् भन्ने आधारमा हामी शासनको स्वरूप जाँचन सक्छौं ।

धारा १४

● सार्वजनिक उत्तरदायित्व

सार्वजनिक उत्तरदायित्व (Public Accountability) ग्रहणशीलता, जिम्मेवारी तथा उत्तरदायित्वको समष्टिगत रूप हो ।

- जनताको आवश्यकता अनुरोध तथा माग प्रतिको **ग्रहणशीलता** (Responsiveness) (जिम्मेवार चासो) हो ।
- वैधानिक तथा नैतिक रूपमा दिइएको कर्तव्य निर्वाह गर्नु तथा कार्य सम्पन्न गर्नु **जिम्मेवारी** (Responsibility) हो ।
- जिम्मेवारी पूरा गरेपछि त्यसबाट उत्पन्न परिस्थितिको दायित्व निर्वाह गर्ने कार्य **उत्तरदायित्व** (Answerability) हो ।

आफ्नो भूमिका निर्वाहका सम्बन्धमा सार्वजनिक रूपमा जवाफ दिनुपर्ने तथा जिम्मेवार हुनुपर्ने व्यवस्थालाई सार्वजनिक उत्तरदायित्व भनिन्छ । यसको मूल मर्म भनेको सार्वजनिक अख्तियारी लिएर बसेकाले दिनुपर्ने मनासिव र इमान्दारीपूर्ण जवाफ नै हो । जनताले पाउनुपर्ने सेवा ठीक समयमा उचित गुणस्तर र परिणाममा न्यायोचित रूपले पाउनु भनी यसको विकास भएको हो । यसले सरकारको लोकप्रियता वृद्धि गर्छ तथा वैधता मजबूत पार्दछ । र, सुशासन कायम गर्न सघाउँछ ।

- **सार्वजनिक अख्तियारी**

सत्ता तथा सार्वजनिक स्रोतसाधन सञ्चालन गर्ने अधिकार नै सार्वजनिक अख्तियारी हो । जो निर्वाचित, मनोनीत वा नियुक्त भइएको हुनसक्छ ।

- **सरकारविरुद्ध याचना गर्ने अधिकार**

लोकतन्त्रमा सरकारले कानुनविपरीत गरेका काम-कारवाही तथा जनअधिकारको उल्लङ्घनलगायतका विषयहरूमा नागरिक वा कुनै संघ-संस्थाले सरकारविरुद्ध उजुरी गर्न तथा क्षतिपूर्ति वा कानुनबमोजिमको कारवाही माग दावी गरी सम्बन्धित निकायमा उजुरी दर्ता गर्ने अधिकारलाई लोकतन्त्रले सुनिश्चित गर्नुपर्छ ।

- **निष्पक्ष प्रशासनिक तथा न्यायिक संयन्त्रमार्फत् उपचार खोज्ने अधिकार**

लोकतन्त्रमा, नागरिकले चित्त नबुझेका तथा अधिकार उल्लङ्घन भएका विषयमा उजुरी गर्ने तथा त्यसको उपचार पाउने संयन्त्र हुनुपर्छ । साथै यस्ता प्रशासनिक तथा न्यायिक संयन्त्रहरू निष्पक्ष रूपमा त्यस्तो उजुरी सुनुवाई गर्न तथा फैसला गर्न सक्ने हुन जरुरी छ ।

धारा १५

- **नैतिक मान्यतायुक्त सार्वजनिक जीवन**

धारा १६

- **विभेदको अन्त्य**

लोकतन्त्रले जुनकुनै किसिमको विभेदलाई मान्दैन । त्यो राजनीतिक तथा वैचारिक आस्थाका आधारमा होस् वा जात-जाति, भाषा-भाषी, वा धार्मिक मान्यता वा आस्था, वा वर्ण, लिङ्ग, क्षेत्र वा असक्षमता वा अन्य कुनै आधारमा हुने वा गरिने विभेद लोकतन्त्रको मान्यताभित्र पर्दैन । यस्ताखालका सबै विभेदलाई कानुनी तथा संवैधानिक रूपमा प्रतिबन्ध लगाइनुपर्छ ।

धारा १७

- **स्वतन्त्र न्यायिक निकाय तथा न्यायिक उपचारमा पहुँच**

शक्ति पृथकीकरणको सिद्धान्तले राज्यका प्रमुख तीन निकायहरू व्यवस्थापिका न्यायपालिका तथा कार्यपालिकाबीच शक्तिको विभाजन तथा सन्तुलनका लागि मार्ग प्रशस्त गरेको छ । यसलाई आधुनिक लोकतन्त्रका हिमायती राज्यहरूले अवलम्बन गरेका छन् । यस सन्दर्भमा न्यायपालिकाको स्वतन्त्रता भनेको राज्यका व्यवस्थापिका तथा कार्यपालिकाको अधिकार तथा कार्यक्षेत्रबाट पृथक तथा यी दुई निकायबाट हुन सक्ने राजनीतिक हस्तक्षेपबाट स्वतन्त्र भन्ने बुझाउँछ । साथै सरकारका अन्य निकायहरू तथा निजी वा दलगत स्वार्थको विषय बन्नबाट न्यायपालिका स्वतन्त्र रहनुपर्छ भन्ने यसको मान्यता हो । यो सिद्धान्तलाई विभिन्न स्वरूपमा लागू गर्ने गरिएको छ । जस्तै: न्यायाधीशहरूको नियुक्ति तथा चयन, न्यायाधीशहरूलाई जीवनपर्यन्त सेवा अवधि कायम गरेर वा लामो

सेवा अवधि कायम गरेर, न्यायाधीशलाई न्यायिक विवेकको प्रयोग गर्न सजगतापूर्ण वातावरण बनाएर तथा कुनै देशमा न्यायिक पुनरावलोकनको अधिकार न्यायालयलाई दिएर पनि न्यायिक स्वतन्त्रताको प्रत्याभूति दिने गरिएको छ ।

वास्तविक न्याय तब मात्र हुन्छ जब पीडित वा अन्यायका परेका पक्षले त्यसको उजुरी गरी सम्बन्धित निकायबाट उपचार पाउन सक्छन् । यसरी उपचार पाउने व्यवस्था सरल तथा सहज रूपमा उपलब्ध हुनुपर्छ ।

- **न्यायिक निर्णयहरूको सम्मान तथा पालना**

न्यायिक निकायहरूले गरेका निर्णय तथा फैसलाको कार्यान्वयन हुन सकेन भने त्यो न्याय तथा फैसलाको कुनै अर्थ रहँदैन । त्यसैले यस्ता निकायबाट भएका फैसला तथा निर्णयहरू हरेक व्यक्ति तथा निकाय (सरकारी) ले पालना तथा सम्मान गर्नुपर्छ ।

धारा १८

- **सक्रिय नागरिक समाज**

नागरिक समाज नागरिक तथा सामाजिक सङ्गठन, संस्था तथा स्वतन्त्र व्यक्तिहरूद्वारा निर्मित स्वेच्छिक प्रयत्न हो, जो परिवार, बलशाली राज्य तथा नाफामुखी बजारभन्दा फरक क्रियाशील समाजमा आधारित हुन्छ । साथै, नागरिक समाजले यही बलयुक्त राज्य तथा नाफामुखी बजारको बीचमा रहेर आमनागरिकको पहरेदार तथा लोकतन्त्रको रक्षकका रूपमा काम गर्छ । तर यसको आफ्नै सत्ता स्थापनाको उद्देश्य भने हुँदैन ।

धारा १९

- **लोकतान्त्रिक वातावरण र संस्कार**

लोकतान्त्रिक वातावरण भन्नाले लोकतन्त्रका आधारभूत मान्यताहरू (यहाँ उल्लेखित) विद्यमान भएको अवस्था हो जस्तै: आधारभूत मानवअधिकार, विधिको शासन, विपक्षी मतको कदर, निर्वाचित जनप्रतिनिधि, स्पष्ट रूपमा शक्तिको विभाजन आदि कुरालाई जनाउँछ । लोकतान्त्रिक संस्कार त्यस्तो नागरिक संस्कार हो जसले राजनीतिमा मिश्रित तथा व्यापक सहभागितालाई जोड दिन्छ, समावेशी राजनीतिक मूल्यपद्धतिलाई अङ्गीकार गर्दै राजनीतिक सहनशीलतालाई आत्मासात गर्छ ।

- **नागरिक शिक्षा**

नागरिक शिक्षा नागरिकका अधिकार तथा कर्तव्य वा नागरिकको भूमिका, समुदाय, सरकार तथा राज्य सञ्चालनका आन्तरिक तथा बाह्य तत्व आदिको ज्ञान, सीप, तथा विशेषताबारे (चरित्र) को अध्ययन हो । यो प्रभावकारी लोकतान्त्रिक राष्ट्रियता निर्माणका लागि हो । नागरिक ज्ञान, सीप तथा चरित्र तथा सहभागिता वंशानुगत आधारमा हस्तान्तरण हुने कुरा होइन । त्यसैले हरेक पुस्ताले नागरिक तथ्य, ज्ञान, सीप तथा लोकतान्त्रिक आदर्शबारे सिक्न तथा जानकारी राख्नु जरुरी छ, जसले नागरिकका जिम्मेवारी निर्माण गर्न सहयोग गर्छ ।

धारा २०

- **समावेशीकरण तथा पूर्ण सामेलीकरण**

समावेशीकरण अपनत्वको अनुभूति हो । जसले हरेक नागरिकलाई हरेक क्षेत्रमा आफ्नोपन प्रदान गर्छ, सम्मानित भएको महसूस गराउँछ, आफ्नो हैसियत र पहिचानको महत्वमाथि सचेत गराउँछ । अझ राम्रो गर्नका लागि

अरूहरूबाट सहयोग र प्रतिबद्धता लिन मद्दत पुऱ्याउँछ साथै विविधताबीच सहअस्तित्वमा जिउन प्रेरणा प्रदान गर्छ । समावेशीकरणबारे कुरा गर्दा कहाँ समावेशीकरण ? कसको समावेशीकरण तथा किन र कसरी समावेशीकरण ? भन्ने विषय ज्वलन्त रूपमा उठ्ने गर्छ ।

कहाँ समावेशीकरण ? राज्यको राजनीतिक, आर्थिक, सामाजिक, साँस्कृतिकलगायतका सबै प्रणाली र क्षेत्रमा । यसअन्तर्गत राज्यसञ्चालनको केन्द्रदेखि स्थानीयस्तरसम्मका सबै किसिमका निकाय तथा संरचनाहरूमा, तिनका नीति-निर्माण तथा फैसलाका प्रक्रिया तथा परिणाममा समावेशीकरण गरिनुपर्छ र माग राज्यका सबै क्रियाकलापमा सबैले आफ्नो सहभागिता रहेको महसूस गर्दछन् ।

कसको समावेशीकरण ? राज्यसञ्चालनका निकायहरू तथा नीति-निर्माणका प्रक्रियाहरूबाट खास कारणले बहिस्करणमा परेका वा भएका सामाजिक समूहहरूको समावेशीकरण । (यस्तो बहिस्करण सामाजिक/साँस्कृतिक-जातीय, भाषिक, धार्मिक, संस्कृति तथा रहनसहनका आधारमा-, राजनीतिक तथा वैचारिक आधारमा, आर्थिक तथा भौगोलिक आधारमा कुनै खास समूह राज्य सञ्चालनका समग्र संरचना, तिनमा हुने निर्णय प्रक्रिया तथा तिनका परिणामबाट विमुख भएको हुन्छ । तिनलाई ती संरचना र प्रक्रियामा समावेश गरिनुपर्छ र समाजको मूल युवाहरू समेटनुपर्छ ।)

किन समावेशीकरण ?

- समाजका सबैखालका सामाजिक तथा साँस्कृतिक, राजनीतिक, आर्थिक तथा भौगोलिक समूहहरूको राज्य तथा समाजप्रति अपनत्वभाव (आफ्नै हो भन्ने भावना) निर्माण गर्न ।
- लोकतन्त्रको आधारलाई मजबूत बनाउन । (लोकतन्त्रले सबै नागरिकको राज्य सञ्चालन प्रक्रियामा सहभागितालाई सुनिश्चित गर्न जरुरी छ, तब मात्र यसको आधार मजबूत हुन्छ ।)
- समानता र न्यायका लागि ।
- राष्ट्रिय एकतालाई मजबूत राख्न ।
- द्वन्द्व र मनोमालिन्यताको शान्तिपूर्ण समाधान तथा
- दिगो लोकतन्त्र र शान्तिका लागि ।

कसरी समावेशीकरण ?

- सत्तामा साभेदारी तथा सहभागिताको अवसर उपलब्ध गराएर
- यसका लागि समाजमा बसोबास गर्ने सबै सामाजिक, साँस्कृतिक, राजनीतिक तथा आर्थिक समूहलाई समेट्ने शासन व्यवस्था तथा शक्ति विभाजनको संयन्त्र निर्माण गर्नुपर्छ ।
- निर्वाचनपद्धतिले राज्यका प्रतिनिधिमूलक निकायहरूमा समानुपातिक प्रतिनिधित्व कायम गर्न सक्नुपर्छ ।
- साधनस्रोतको न्यायोचित तथा समानुपातिक वितरण तथा खास समूहहरूलाई विशेष प्रबन्ध तथा आरक्षणलगायतका व्यवस्थाहरू हुन सक्छन् ।
- सत्तामा साभेदारीका प्रबन्धहरूको व्यवस्था संवैधानिक रूपमा नै गरी तिनको सही कार्यान्वयन गर्न आवश्यक छ, तबमात्र समावेशीकरणको अवधारणा तथा नीतिले व्यावहारिक रूप ग्रहण गर्न सक्छ ।

समाजमा सबै हिसाबले एकैखाले मानिसहरूमात्र बस्छन् भन्ने छैन । समाजमा विभिन्न विचार, जाति, भाषा, धर्म, संस्कृति, क्षेत्र, पेसा, उमेर, हित तथा चाहना र स्वार्थका आधारमा विभिन्न मानिसहरू बसोबास गर्दछन् ।

राज्यका यी सबै नागरिकहरूले आफ्नोपन तथा पहिचान कायम राख्दै बिना भेदभाव समाज तथा राज्य सञ्चालनका सबै प्रक्रिया तथा प्रणालीमा सहभागी हुन पाउने मान्यता तथा त्यसको व्यावहारिक अनुभूति नै समावेशीकरण हो ।

धारा २१

- **विचार तथा अभिव्यक्ति स्वतन्त्रता**

अभिव्यक्ति स्वतन्त्रताको अधिकार आधारभूत मानवअधिकार हो । यो दुई अर्थमा आधारभूत अधिकार हो, पहिलो, यो अधिकारको मानवीय जीवन र मर्यादामा केन्द्रीय महत्व हुन्छ । दोस्रो, यो राजनीतिक प्रणालीमा सहभागी हुने अधिकारलगायत सबै मानवअधिकारको आधार हो । अभिव्यक्ति स्वतन्त्रताको अधिकारलाई सबै मुख्य अन्तर्राष्ट्रिय तथा क्षेत्रीय मानवअधिकारसम्बन्धी सन्धिहरूमा मान्यता प्रदान गरिएको छ । संयुक्त राष्ट्रसंघीय महासभाद्वारा सर्वसम्मत रूपमा पारित मानवअधिकारसम्बन्धी विश्वव्यापी घोषणापत्रमा यसलाई विश्वव्यापी रूपमा अत्यधिक महत्वपूर्ण अधिकारका रूपमा घोषणा गरिएको थियो । सो घोषणापत्रको धारा १९ ले उल्लेख गरेअनुसार, 'प्रत्येक व्यक्तिलाई विचार तथा अभिव्यक्ति स्वतन्त्रताको अधिकार छ, यस अधिकारमा बिना कुनै हस्तक्षेप आफ्ना मत राख्ने र बिना रोकतोक, कुनै भौगोलिक सिमानाको अधिनमा नरही जुनसुकै सञ्चारमाध्यमद्वारा सूचना तथा विचार प्राप्त गर्ने, खोजी गर्ने र प्रसार गर्ने अधिकारसमेत समावेश छ ।' यो धारा 'आर्टिकल नाइनटिन'को नामले विश्वभर लोकप्रिय छ । यो अधिकार नागरिक तथा राजनीतिक अधिकारसम्बन्धी अन्तर्राष्ट्रिय अनुबन्ध मा पनि संरक्षित छ, जसप्रति सम्मान जनाउने प्रतिवद्धता नेपालले प्रकट गरेको छ ।

- **सूचनाको हक/जानकारी प्राप्त गर्ने अधिकार**

"सूचनाको हक" भन्नाले सार्वजनिक निकायमा रहेको सार्वजनिक महत्वको सूचना माग्ने र पाउने अधिकार हो । यस अधिकारअन्तर्गत सार्वजनिक निकायमा रहेको कुनै पनि लिखत, सामग्री वा सो निकायको काम-कारवाहीको अध्ययन वा अवलोकन गर्ने अधिकार, उल्लेख गरिएका लिखतको प्रमाणित प्रतिलिपि प्राप्त गर्ने अधिकार पर्दछ ।

यसका साथै सूचनाको अधिकारअन्तर्गत सार्वजनिक महत्वको निर्माण कार्य भइरहेको स्थलको भ्रमण र अवलोकन गर्ने, कुनै सामग्रीको प्रमाणित नमूना लिने वा कुनै पनि किसिमको यन्त्रमा राखिएको सूचना त्यस्तो यन्त्रमार्फत् प्राप्त गर्ने अधिकार समेतलाई जनाउँछ ।

धारा २२

- **सहनशील वातावरण**

सहनशीलता विविधताको स्वीकारोक्ति तथा अरूहरूसँग मिलेर बस्ने क्षमता हो । यो आफूभन्दा भिन्न विचार, अभ्यास, धर्म, राष्ट्रियतालगायतका मान्यताप्रति स्वच्छ तथा व्यावहारिक प्रवृत्तिको अभ्यास गर्ने क्षमता हो । साथै यो यस्ता-यस्ता विविध समूहका सदस्यहरूप्रतिको सम्मानपूर्ण दृष्टिकोण हो । लोकतन्त्रले समाजमा सहनशील वातावरण निर्माण गर्न सक्नुपर्छ ।

- **सजातीय तथा भिन्न जातीय (बहुजातीय) समाज**

समाजमा बसोबास गर्ने मानिसहरूबीच समान विशेषता भएका समाजलाई सजातीय समाज भनिन्छ । जस्तै: एकै जाति, भाषा, धर्म, वर्ण, संस्कृति तथा रहनसहन भएका मानिस बसोबास गर्ने समाज सजातीय समाज हो । धेरै हदसम्म जापानी समाजलाई सजातीय समाज मानिन्छ । फरक तथा विविधतापूर्ण विशेषतायुक्त समाज भिन्न जातीय समाज हो । जहाँ विभिन्न जाति, भाषा, धर्म, वर्ण, धर्म तथा संस्कृतिका मानिस बसोबास गर्दछन् । धेरै देशमा यस्ता समाज रहेका छन् । जस्तै नेपाली समाज पनि एक भिन्न जातीय समाज हो ।

धारा २३

● विकेन्द्रीकरण तथा स्थानीय र क्षेत्रीय सरकार

विकेन्द्रीकरण एक त्यस्तो अवधारणा तथा प्रक्रिया हो जसका माध्यमबाट अधिकार, जिम्मेवारी, शक्ति, स्रोतसाधन, तथा उत्तरदायित्व केन्द्रबाट स्थानीयस्तरमा स्थानान्तरण गरिन्छ । अझ स्पष्ट रूपमा भन्ने हो भने शासन-प्रशासनको निर्णय लिने शक्ति तथा प्रक्रियालाई सबैतर्फ विस्तार गर्दै जनताको सबैभन्दा नजिक पुऱ्याइन्छ । यसअन्तर्गत समग्र राजनीतिक, सामाजिक, आर्थिक, योजनागत तथा प्रशासनिक, विकास निर्माण र प्रविधिजन्यलगायत सबै विषयहरूको निर्णय लिने तथा कार्यान्वयन गर्ने अख्तियारी नागरिकका नजिक रहेका निकायहरूलाई हुन्छ ।

विकेन्द्रीकरण लोकतान्त्रिक व्यवस्थाको मेरुदण्ड हो । विकेन्द्रीकरणकै माध्यमद्वारा जनताले आर्थिक, राजनीतिक, सामाजिक, साँस्कृतिक र भाषिक प्रयोग, संरक्षण र विकासका लागि आफ्नो सक्रिय सहभागिता जनाई लोकतन्त्रका लाभ र विकासका प्रतिफलहरू प्राप्त गर्दछन् । जनताले निर्वाचनमा भोट हालेरमात्र होइन राज्यका विकास निर्माणलगायत समग्र शासन प्रक्रियामा पूर्ण सहभागी हुने र स्थानीय र प्रत्यक्ष लोकतन्त्रको उपभोग गर्ने योभन्दा अर्को बाटो छैन ।

स्थानीय तथा क्षेत्रीय सरकार यही विकेन्द्रीकरणको मान्यतालाई व्यवहारिक रूपमा कार्यान्वयन गर्नका लागि बनाइएका जनताका नजिकका सरकारका तहहरू हुन् ।

तेस्रो भाग : लोकतन्त्रको अन्तर्राष्ट्रिय आयाम

धारा २४

- **अन्तर्राष्ट्रिय सम्बन्ध**

अन्तर्राष्ट्रिय सम्बन्ध भन्नाले विश्वका राज्यका सरकारकारहरूबीचको सम्बन्ध तथा ती सम्बन्धहरूको अन्य अन्तर्राष्ट्रिय कर्ताहरू, (जस्तै: संयुक्त राष्ट्रसंघ, डब्ल्यु.टी.ओ., आई.एम.एफ, बहुराष्ट्रिय कम्पनीहरू, तथा व्यक्तिहरू) अन्य सामाजिक सम्बन्धहरू- जस्तै: आर्थिक, साँस्कृतिक, तथा घरेलु राजनीति) तथा अन्य भौगोलिक, ऐतिहासिक प्रभाव, रणनीतिक महत्वका सम्बन्धहरूको समग्रता नै अन्तर्राष्ट्रिय सम्बन्ध हो ।

- **राज्यहरूको समान र निष्पक्ष प्रतिनिधित्व**

लोकतन्त्रको अन्तर्राष्ट्रिय मान्यता तथा अन्तर्राष्ट्रिय कानुनले हरेक सम्प्रभु देश चाहे त्यो शक्ति सम्पन्न होस् वा कम शक्तिशाली, सबै अन्तर्राष्ट्रिय सम्बन्धहरूमा समान हैसियत हुन्छ साथै सोही अनुसार निष्पक्ष तवरले सबै अन्तर्राष्ट्रिय मञ्चहरूमा उनीहरूको प्रतिनिधित्व हुने कुरालाई अन्तर्राष्ट्रिय कानुनले सुनिश्चित गरेको छ ।

धारा २५

- **मानवजातिका विश्वव्यापी साभा सम्पदा**

मानवजातिका विश्वव्यापी साभा सम्पदा भन्नाले सम्पूर्ण विश्वभरका मानवजातिले साभा रुपमा उपभोग गर्ने तथा यो मानवीय धर्तीमा मानव जीवनलाई सम्भव तथा समुन्नत बनाउने कुराहरूनै यस्ता साभा सम्पदाअन्तर्गत पर्दछन् । पृथ्वीको सबैको साभा घर हो । यसअन्तर्गत हावा, पानी, यस पृथ्वीको प्राकृतिक स्रोत सम्पदा, भूमि, समुद्र, मौसम, तथा वातावरण, अन्तरिक्षलगायतका भौतिक तथा प्राकृतिक विषयहरू तथा अन्य साँस्कृतिक सम्पदाहरूसमेत मानवजातिका विश्वव्यापी साभा सम्पदाअन्तर्गत पर्दछन् । यिनीहरूलाई साविक रुपमा नै कायम राखी भविष्यका सन्ततिको समुन्नत जीवनप्रति समेत ख्याल गरिनुपर्छ तथा व्यक्तिगत रुपमा कुनै राज्य वा निगमले मात्र शोषण तथा अत्यधिक उपभोग गर्नबाट संरक्षण गर्नुपर्छ भनी अन्तर्राष्ट्रिय कानुनले नै यो मान्यतालाई स्थापित गरेको छ । र, तिनको व्यवस्थापन अन्तर्राष्ट्रिय संस्थाको रेखदेखमा हुनुपर्छ ।

- **मानवीय वातावरण तथा जलवायु परिवर्तन**

मानवीय वातावरण भन्नाले प्राकृतिक तथा भौतिक वातावरण तथा यसको मानिससँगको अन्तरसम्बन्धको समग्रता नै हो । सामाजिक तथा आर्थिक प्रभाव आफैमा मानवीय वातावरणसँग जोडिएर आउँदैनन् तर जतिखेर वातावरणीय प्रभावले सामाजिक तथा आर्थिक प्रभावलाई मानवीय वातावरणसँग अन्तरसम्बन्धित देखाउँछ, यी विषयहरू मानवीय वातावरणका विषय बन्न पुग्छन् ।

जलवायु परिवर्तन लामो अन्तराल तथा वर्षौको नियमित मौसमी अवस्थामा आएको परिवर्तन हो । जसलाई मौसमको तथ्याङ्क तथा त्यसले समग्र मानवीय वातावरणमा पारेको प्रभावका आधारमा मापन गर्न सकिन्छ । यस्तो मौसमी बदलाव कतिपय अवस्थामा खास भौगोलिक क्षेत्रमा सीमित रहन सक्छ, साथै कहिलेकाहीँ यसको प्रभाव विश्वव्यापी पनि हुनसक्छ । यसको परिणामस्वरूप: विश्वमा बढ्दो तापमान, हरितगृह प्रभाव, सौर्य विकीरण, समुद्री सतहमा वृद्धि, नयाँ हिमतालहरूको श्रृङ्खलाहरूको निर्माण तथा हिउँ पुराना पर्वतहरूको क्षयीकरण, हिमालयको हिउँ परलने तीव्रता आदि हुन् ।

धारा २६

● अन्तर्राष्ट्रिय कानून

परम्परागत रूपमा अन्तर्राष्ट्रिय कानून ती नियम तथा सिद्धान्तहरूको समूह हो, जसले राष्ट्रहरूका सम्बन्धहरूलाई नियमन गर्छ । तर पछिल्लो समयमा अन्तर्राष्ट्रिय कानूनलाई केवल राष्ट्रहरूका सम्बन्धहरूलाई मात्र नियमन गर्ने नियमहरूको सट्टा राज्य र व्यक्ति, तथा अन्तर्राष्ट्रिय सङ्गठनलाई समेत नियमन गर्ने नियमहरूको समूहका रूपमा लिने गरिएको छ ।

● अन्तर्राष्ट्रिय सम्बन्धमा शक्ति तथा वा धम्कीको प्रयोगमा रोक

अन्तर्राष्ट्रिय सम्बन्धमा शक्ति, धम्की वा बल प्रयोगलाई अन्तर्राष्ट्रिय कानूनले रोक लगाएको छ । संयुक्त राष्ट्रसंघको बडापत्रले यो मान्यतालाई स्पष्ट रूपमानै निषेध गरेको छ । त्यसैले राज्यले आफ्ना व्यवहारहरूमा तथा आफ्ना सम्बन्धहरूमा यो स्थिति आउन नदिन सचेत रहनुपर्छ । यसरी सचेत रहँदा सेनाको कुरा आउँछ । लोकतन्त्रमा सेनाको महत्व राज्यको र लोकतन्त्रको रक्षासँग सम्बन्धित छ । नागरिक नै सेना हुन्छ र सेना र नागरिकको सम्बन्ध त्यहाँ सुमधुर हुनुपर्छ ।

● राज्यहरूको सार्वभौमसत्ता तथा राजनीतिक वा भौगोलिक अखण्डताको सम्मान

हरेक राज्यहरू सार्वभौम छन् । राज्यको सार्वभौमसत्ता भन्नाले त्यो राज्य आफ्नो भौगोलिक सिमानाभित्र सर्वोच्च तथा स्वतन्त्र प्राधिकार सम्पन्न रहन्छ भन्ने नै हो । यसले राज्यलाई आफ्नो भौगोलिक सिमानाभित्र शासकीय शक्तिको अभ्यास गर्न, कानून बनाउन, लागू गर्न, स्वतन्त्रता दिन्छ । जसको सम्मान अन्तर्राष्ट्रिय सम्बन्धमा गर्नुपर्छ । त्यसैगरी राज्य आफ्नो राजनीतिक तथा भौगोलिक एकताको रक्षा तथा प्रवर्द्धन गर्न सक्षम तथा स्वतन्त्र छ । साथै अन्तर्राष्ट्रिय जगत्ले यी सबै मान्यताहरूलाई सम्मान गर्नुपर्छ ।

● विवादको शान्तिपूर्ण समाधान तथा रुपान्तरण

द्वन्द्व गतिशील समाजको एक अवयव हो । समाजको निरन्तरतासँगै यो कायम रहन्छ । यसको पूर्ण उन्मुलन सम्भव छैन । द्वन्द्वलाई विवाद, भगडा, मनमुटाव, वैरभाव, हिंसा, लडाई आदि शब्दहरूले सामान्य बोलचालमा सम्बोधन गर्ने गरिन्छ । यस्तो द्वन्द्व मानिसका विभिन्न सम्बन्ध र स्वरूपमा हुने गर्छ । द्वन्द्व व्यक्ति आफैभित्र, दुई वा सोभन्दा बढी व्यक्तिबीच, समाज, समूह, समुदाय, राज्य तथा गैरराज्यबीच, देश तथा दुई देश वा बढी देशहरूबीच— अन्तर्राष्ट्रिय तहमा समेत हुनसक्छ । तर यस्ता द्वन्द्वको समाधानार्थ राज्यले शान्तिपूर्ण उपायहरू जस्तै: वार्ता, संवाद, मध्यस्थता आदिबाट गर्नुपर्छ भन्ने कुरामा यो घोषणापत्र तथा अन्तर्राष्ट्रिय कानूनको जोड रहन्छ ।

धारा २७

● लोकतन्त्र र मानवअधिकारका लागि गैरराज्य कर्ताहरूसँग ऐक्यबद्धता

ऐक्यबद्धता भन्नाले खास कारण, प्रयोजन तथा औचित्यका लागि जनाउने एकता, साथ, तथा साभेदारी हो । यसले त्यस्ता समूह, वर्ग, तथा मानिसहरूको सामूहिक अनुभूति जिम्मेवारी तथा स्वार्थलाई प्रवर्द्धन गर्न बल प्रदान गर्छ । मानवअधिकार तथा लोकतन्त्र अब सिमाविहीन अवधारणा बन्न पुगेको छ । एक देशका नागरिक तथा स्वार्थ समूहहरू र खासगरी गैरसरकारी संस्थालगायतले लोकतन्त्र तथा मानवअधिकारका लागि गरेको आन्दोलन अर्को देश तथा महादेशका सरकार नागरिक तथा संस्थाहरूको चासो तथा ऐक्यबद्धताको विषय बन्नसक्छ तथा बनाइनुपर्छ ।

- **अन्तर्राष्ट्रिय फौजदारी अदालत (ICC) तथा दण्डहीनता**

अन्तर्राष्ट्रिय फौजदारी अदालत रोम विधानअनुसार गठित, सन्धिमा आधारित पहिलो अन्तर्राष्ट्रिय फौजदारी अदालत हो । यसले अन्तर्राष्ट्रिय समुदायका चासोका अत्यन्त गम्भीर अपराधसँग सम्बन्धित अभियोगकर्ताउपरका मुद्दामा सुनुवाई तथा फैसला गर्छ । यो संयुक्त राष्ट्रसंघीय प्रणालीअन्तर्गतका सङ्गठनभन्दा फरक अन्तर्राष्ट्रिय सङ्गठन हो । यसले निम्न प्रकृतिका गम्भीर अपराधमा मात्र मुद्दा हेर्न सक्छ ।

१. जातीय नरसंहार
२. मानवताविरुद्धको अपराध,
३. युद्ध अपराध
४. आक्रमणसम्बन्धी अपराध

दण्डहीनता भनेको सजाय तथा दण्डबाट उन्मुक्तिको अवस्था हो । आई.सी.सी.को मूल उद्देश्य नै दण्डहीनताको अन्त गर्नु हो । संसारमा कसैले पनि मानवताविरुद्धको अपराध गरेमा छुट पाइँदैन भन्ने सन्देश नै अन्तर्राष्ट्रिय फौजदारी अदालतको गठन हो ।

(२) नेता र नेतृत्व

नेता को हो ?

- ☞ समाजलाई अगुवाई गर्ने, भैपरी आउँदा समस्या समाधानमा पहल गर्ने व्यक्ति । जस्तै: पण्डित बा, महता, चौधरी आदि । यस्ता व्यक्तिहरू आजीवन पनि नेता रहन सक्दछन् ।
- कुनै राजनीतिक दल, समूह अथवा संस्थाको प्रमुख व्यक्ति वा कार्यकारी अधिकार भएका व्यक्तिहरू । यस्ता व्यक्तिहरू आफ्नो कार्यकालभरि नेता रहन सक्दछन् । जस्तै: गा.वि.स.को अध्यक्ष, क्लब वा समूहको नेता, राजनीतिक पार्टीको नेता आदि ।

नेतृत्व भनेको के हो ?

- समाज वा समूहलाई हरेक क्रियाकलापमा अगाडि डोर्‍याउने जिम्मेवारी ।
- समाज समूह वा संस्थाको उद्देश्य प्राप्त गर्न पहल गर्ने प्रतिवद्धता ।
- समुदाय, समाज, समूह वा संस्थाको समस्या समाधान गर्न अगुवाई गर्ने खुबी वा जिम्मेवारी ।

नेतृत्व भनेको जिम्मेवारी वा पद हो भने नेता भनेको उक्त जिम्मेवारी पूरा गर्ने वा पदमा बस्ने व्यक्तिविशेष हो । व्यक्ति बदलिन सक्छ तर नेतृत्व रहिरहन्छ । जस्तै : प्रधानमन्त्री व्यक्ति बदलिन सक्छ तर प्रधानमन्त्री पद सधैं रहन्छ र त्यो ठाउँमा अर्को व्यक्ति पुग्नसक्छ ।

औपचारिक र अनौपचारिक नेतृत्व :

समूह वा संस्थाको जिम्मेवारी औपचारिक रूपमा निर्वाचन गरेर सर्वसम्मत वा बहुमतले स्थापना गरिने पद, सरकारी वा गैरसरकारी निकायको विधान, नियम आदिमा उल्लेखित पद वा जिम्मेवारी औपचारिक नेतृत्वभित्र पर्दछ । जस्तै गा.वि.स. अध्यक्ष, विद्यालय सञ्चालक समितिको अध्यक्ष, क्लबको निर्देशक आदि ।

समाज समुदायमा वर्षौंदेखि चलिआएको र मानिंदैआएको औपचारिक रूपमा नदेखिएको तर विभिन्न महत्वपूर्ण कुराहरूमा अगुवाई गरिरहेका तत्वहरू । जस्तै: धामी बा, जम्दार बाजे, गाउँ बुढा आदि । ग्रामीण जनसमुदायहरू बढी अनौपचारिक नेतृत्वमाथि निर्भर हुन्छन् ।

औपचारिक नेतृत्वलाई अनौपचारिक नेतृत्वले प्रभाव पारेको हुन्छ । तसर्थ कुनै पनि नयाँ काम वा विकास कार्यमा गाउँको अनौपचारिक नेतृत्व पत्ता लगाई त्यसको माध्यमबाट औपचारिक नेतृत्वसँग निर्णय लिन सकिन्छ ।

नेताहरू बनाइन्छन्, जन्मदैनन्

LEADERS ARE MADE NOT BORN

सुरु-सुरुका विचारकहरूले कुनै पनि सफल नेतामा जन्मजात गुणहरू हुन्छन्, पछि विकास गर्न सकिने होइन भन्ने कुरामा विश्वास गर्दथे । जसलाई परम्परावादी अवधारणा (Leadership Trait Approach) भनिन्छ । १९६७ तिर Geir ले यससम्बन्धी २० वटा अध्ययनलाई केलाउँदै विभिन्न ८०० जना नेताको व्यक्तित्व र गुणको अध्ययन गरे । तर उनले केवल ५ जनामा मात्र र त्यो पनि सीमित गुणहरूमा मात्र समानता भेटे । त्यसैले जन्मजात गुण यी यी हुन भनेर कसैले भन्न सक्दैन । त्यसपछि अमेरिकाको ओहायो विश्वविद्यालयका विद्वानहरूले कोही पनि व्यक्ति

नेतृत्वमा हुनुपर्ने गुण, शैली, क्षमता विकास गर्ने अवसर पाएमा नेता बन्नसक्छ भन्ने अवधारणा अधि सारेका छन् । जसलाई व्यवहारवादी अवधारणा (Behavioral Approach) भनिन्छ । व्यवहारवादी अवधारणाले नेतामा निहित शैली विकास गर्न सकिने कुरा हो, उच्च कुल घरानामा जन्म लिइरहनु पर्दैन तथा खुबी, क्षमता, शैली विकास गरेमा जो कोही पनि नेता बन्नसक्छ भन्ने मान्यता राख्छ ।

नेतृत्वमा कस्ता कस्ता शैली निहित हुन्छन् ?

१. उत्प्रेरणात्मक नेतृत्व शैली :

उत्प्रेरणात्मक नेतृत्व शैली सकारात्मक वा नकारात्मक दुबै हुनसक्छन् ।

क) सकारात्मक उत्प्रेरणात्मक नेतृत्व शैली :

कुनै पनि सदस्यलाई सकारात्मक रूपमा विकास गर्न । आफ्नो जिम्मेवारी पूरा गर्न उत्प्रेरित गर्ने नेतृत्व शैलीलाई सकारात्मक उत्प्रेरणात्मक नेतृत्व शैली भनिन्छ । यो निम्न तरिकाले गर्न सकिन्छ ।

- पुरस्कृत गर्ने
- आर्थिक सहूलियत दिने
- तालिम अध्ययन गराउने
- मानसिक रूपले उत्साही बनाउने
- पदोन्नति गर्ने आदि

यस्तो नेतृत्व शैलीको फाइदा :

- सदस्यको कामप्रति सम्मान जागृ ।
- कार्य क्षमता बढ्छ ।
- सदस्य/कर्मचारी दिगो रूपमा रहन्छ ।
- सदस्यहरूमा सामाजिक सम्मान बढ्छ ।

ख) नकारात्मक उत्प्रेरणात्मक नेतृत्व शैली :

नकारात्मक ढङ्गले उत्प्रेरणा जगाएर काम सम्पन्न गराउने नेतृत्व शैलीलाई नकारात्मक उत्प्रेरणात्मक नेतृत्व शैली भनिन्छ । जस्तै: डर, धम्की देखाउने, दण्ड वा सजाय दिनेजस्ता कार्यबाट उत्प्रेरित गराई सदस्य, कर्मचारीहरूलाई कामप्रति प्रेरित गराउने शैली ।

यस्तो शैलीबाट पनि अपेक्षित नतिजा प्राप्त हुन्छ तर यसमा व्यक्तिलाई एउटा वस्तु वा साधनको रूपमा मात्र लिएको हुन्छ । यस्तो शैली भएको नेतृत्व हाकिम (Boss) जस्तो र अरूलाई कारिन्दा ठान्ने हुन्छ ।

यस्तो नेतृत्व शैलीको खराब नतिजा निम्न हुनसक्छन् :

- यसरी गरिएको उत्प्रेरणा दिगो हुँदैन ।
- सदस्य । कर्मचारीले आफ्नै सम्फेर काम गर्दैनन् ।
- असन्तुष्टि फैलने हुन्छ, समाज समूहमा बिखण्डन वा फुट पनि हुनसक्छ ।

२. शक्ति प्रयोगको शैली : (Power Style)

शक्ति प्रयोगको आधारमा अध्ययन गरिने नेतृत्व शैलीलाई शक्ति प्रयोगको नेतृत्व शैली (Power Style) भनिन्छ । यसलाई ३ प्रकारमा बाँडेर हेर्न सकिन्छ :

क) निरङ्कुश अधिनायकवादी (Autocratic)

यस्तो शैलीमा नेतृत्वले आफ्नो अधिकारसँग मात्र सरोकार राख्छ । आफ्नो व्यक्तिगत निर्णय सबै माथि लादने र कामको श्रेय आफैँले मात्रै लिने हुन्छ ।

निरङ्कुश नेतृत्वशैलीमा पनि सकारात्मक वा नकारात्मक दुवैखाले उत्प्रेरणात्मक नेतृत्वशैली हुने गर्दछन् ।

निरङ्कुश नेतृत्वशैलीबाट काम गर्दा छिटो नतिजा आउने तथा नेतृत्वमा रहने व्यक्ति उत्साहित भएर काम गर्ने भए पनि निम्न असर पर्ने हुन्छ :

- यस्तो नेतृत्वको अधीनमा असक्षम तर चाटुकार (जे भने पनि हस् र हुन्छ हजुर भन्ने) व्यक्तिहरूले मात्र बढी काम पाउने हुन्छन् ।
- स्वाभिमानी र सक्षम व्यक्तिहरू छेउ लाग्ने हुन्छन् ।
- विविध प्रतिभाहरू फस्टाउन पाउँदैनन् ।
- सदस्यहरूमा नैराश्यता आउँछ ।
- सदस्य कर्मचारीहरूको मनोबल घट्छ ।
- नैतिक मूल्य र मान्यता नै खतम हुन्छ ।
- सामाजिक विकृति आउँछ ।

ख) लोकतान्त्रिक/प्रजातान्त्रिक नेतृत्वशैली (Democratic)

- यो नेतृत्वशैलीमा सबै सदस्यहरूको विचार समेट्ने गरी व्यवहार गरिन्छ ।
- नेतृत्व र कार्यकर्ताबीच बराबरीको व्यवहार हुन्छ ।
- नेता र समूहबीच खाडल रहँदैन ।
- सहकर्मीहरू सबै सुसूचित हुन्छन् ।

यस्तो नेतृत्वशैलीबाट कुनै पनि कुरा निष्कर्षमा आउन धेरै समय लाग्न सक्दछ, तथापि निर्णय सर्वसम्मत र दिगो हुन्छ ।

ग) कुनै पनि कुरा आफ्नो अधिकारमा नराख्ने नेतृत्वशैली (Free Reign Leadership Style)

यस्तो शैली भएको नेतृत्व सदस्यद्वारा सञ्चालित वा होच्याइएको हुन्छ । नेतृत्वले आफ्नो कुनै पनि निर्णायक मत दिँदैन । यस्तो शैलीमा नेतृत्व आफ्नो शक्तिबाट टाढा भाग्छ । निर्णय आफूले नलिएर समूहलाई नै छाडिदिन्छ । नेतृत्वको योगदान नगण्य हुन्छ । फलस्वरूप समितिका सदस्यहरू मियो बेगरेका हुन्छन् । सदस्यहरू आ-आफ्नै तालमा लाग्छन् । यस्तो अवस्थामा समूहमा नयाँ नेतृत्वको जन्म हुनपुग्छ । कुनै समूहमा दोस्रो पुस्ताका नेतृत्वले सम्हाल्न सुरु गर्छन् ।

३. भुकावमा आधारित नेतृत्वशैली (Orientation Style)

नेतृत्वको भुकाव के मा छ भन्ने कुरामा आधारित भएर हेर्दा नेतृत्वशैलीलाई निम्नानुसार वर्गीकरण गर्न सकिन्छ:

क) सहकर्मीमुखी (Employee Oriented)

यस्तो शैलीमा नेतृत्वले आफ्ना सहकर्मी कर्मचारीहरूको भावनाप्रति सजग रहेर कार्य सञ्चालन गर्दछ । सहकर्मीहरूको सुख, दुःख परिस्थितिको बारेमा जानकारी राख्ने एवं त्यसप्रति ध्यान राख्दै कार्य सञ्चालन गर्ने गर्दछ ।

ख) कार्यमुखी (Task Oriented)

यस्तो शैली भएको नेतृत्वको भुकाव केवल काम कसरी छिटो र राम्रो गरी सक्ने भन्ने हुन्छ । आफ्ना सहकर्मीलाई कसरी व्यस्त राख्ने भनेर तौरतरिका बनाउने, त्यस्लाई लागू गर्ने र जसरी पनि काम पूरा गर्ने भन्ने रहेको हुन्छ । सो नेताले सहकर्मीको व्यक्तिगत भावनाको ख्यालै राख्दैन ।

मानिसको आ-आफ्नै सामाजिक जीवन हुन्छ । परिवारसँग उनीहरू घुलमिल हुनुपर्छ । पारिवारिक दायित्व पूरा गर्नुपर्छ र त्यस्ता कुराले काममा असर पार्छ भन्ने सोचाईबाट प्रभावित नेतृत्वशैली सहकर्मीमुखी हुन्छ, तर सधैं यस्तै भुकाव मात्र सही नेतृत्वशैली मानिँदैन । अनुभवी व्यक्तिहरू के भन्छन् भने राम्रो नतिजा पाउनलाई नेतृत्वको भुकाव सहकर्मीको भावना र काम दुबैमा हुनुपर्छ तापनि केही मात्रामा सहकर्मीको भावना, विचारतर्फ बढी भुकेको शैलीलाई कुशल नेतृत्वशैली मानिन्छ ।

सफल नेताका केही गुणहरू

विश्वका प्रायः सफल र सम्मानित नेताहरूमा निम्न लिखित गुणहरू पाइन्छन् ।

१. नयाँ नयाँ चुनौतीहरू सामना गर्ने
२. सामूहिक उद्देश्य प्राप्तप्रति कटिबद्ध
३. सहकर्मीहरूलाई कार्यप्रति सदा प्रोत्साहित गर्ने
४. आफू सदा उदाहरण बनेर देखाउने
५. सहकर्मीले गरेका कार्यको सम्मान र कदर गर्ने

Resource: The Leadership Challenge, James M. Kouzes and Barry Z. Posner, बाट नेपालीमा अनुदित ।

(३) लोकतन्त्र प्रबर्द्धनका लागि सञ्जाल

सञ्जाल (Network) भनेको के हो ?

उस्तै उस्तै प्रकृतिका वा भिन्न-भिन्न पृष्ठभूमि भएका व्यक्ति-व्यक्ति, व्यक्ति, संस्था, संस्था-संस्था वा समूह समूहको अनौपचारिक वा औपचारिक स्थापित सम्बन्ध वा सङ्गठनात्मक स्वरूप नै संजाल (Network) हो । सञ्जाल भनेको खास गरेर समान किसिमको उद्देश्य प्राप्त गर्नका लागि विभिन्न ठाउँमा रहेर काम गर्दै गरेका समूह, संघ, संस्था अथवा व्यक्तिहरूले एकआपसमा भएका ज्ञान, सीप क्षमता, स्रोत, साधन, जानकारी तथा विचारहरूको आदान-प्रदान गर्दै नियमसम्मत तरिकाले अगाडि बढ्ने थलो भन्ने बुझिन्छ ।

सञ्जाल स्थापना भएपश्चात् सञ्जालसँग आवद्ध हुने पक्षहरूबीचको पारस्परिक लाभका क्षेत्रहरूको पहिचानले नै नेटवर्किङको औचित्यता पुष्टि गर्दछ । विभिन्न विषय, कार्यक्षेत्र भौगोलिक, जातीय, सामाजिक, धार्मिक, सांस्कृतिक एवम् वैचारिक पृष्ठभूमि भएकाहरूबीचको आपसी सम्बन्ध र पारस्परिक स्वार्थका निमित्त नेटवर्किङ गर्ने गरिन्छ । र ती सबै पक्षको साम्ना संरचनाले नेटवर्किङ स्थापना हुन्छ । स्थापित नेटवर्कमार्फत् आफ्नो तथा सम्बद्ध व्यक्ति वा संस्थाहरूसँगको साभ्दारीमा पारस्परिक हितको रक्षार्थसमेत नेटवर्कमा आवद्ध हुने गरिन्छ ।

नेपालको राजनीतिक तथा सामाजिक विकासको क्रमलाई अध्ययन गर्ने हो भने राष्ट्रिय तथा स्थानीय तहमा थुप्रैखालका सञ्जालहरू निर्माण भएको देखिन्छ । यसरी निर्माण गरिएका सञ्जालहरूको आफ्नै प्रकारको लक्ष्य तथा उद्देश्यहरू छन् । तर हामीले वर्तमान सन्दर्भमा लोकतन्त्रको प्रबर्द्धन र सञ्जालको आवश्यकता महसुस गरेका छौं । यो विषय आमराजनीतिक दल तथा लोकतन्त्रका हिमायतीहरूले महसुस गरेका विषय हो ।

सञ्जालहरू कसरी बन्दछन् ?

‘नेटवर्क’वा सञ्जाल २ प्रकारले बन्दछ ।

१. अनौपचारिक प्रक्रिया :

नेटवर्कको स्थापना गर्ने सोचबाट प्रभावित भई केही सक्रिय संस्थाहरूको पहलमा सुरु हुन्छ र प्रक्रिया अगाडि बढ्दै जान्छ । यसमा बाह्य सहयोग हुन पनि सक्छ ।

यदि समान उद्देश्य भएका वा सामाजिक विकास तथा अधिकारका लागि सङ्गठित समूह, संस्थाहरू कुनै निश्चित उद्देश्यप्राप्तिका लागि आपसी समझदारी र सहमतिमा एकै ठाउँमा जम्मा भएर काम गर्न सङ्गठित हुन्छन्, तिनीहरूले कानुनी रुपमा तोकिएको विधान, नीति-नियममा बाँधिएका हुँदैनन्, कानुनी रुपमा दर्ता भएका पनि हुँदैनन् भने त्यस्ता सञ्जालहरूलाई अनौपचारिक सञ्जाल भनिन्छ । अनौपचारिक रुपमा सञ्चालन गरिने सञ्जाल सदस्यहरूको आफ्नो आवश्यकताअनुसार सञ्चालन हुने भएकोले कुनै दरिलो र कानुनसम्मत पद्धतिबाट बाँधिएको हुँदैन । यस्ता अनौपचारिक सञ्जालहरू आवश्यकता र आपसी सरसल्लाहमा सञ्चालन हुन्छ ।

२. औपचारिक प्रक्रिया :

यदि समान उद्देश्य भएका वा सामाजिक विकास तथा अधिकारका लागि सङ्गठित समूह, संस्थाहरू कुनै निश्चित उद्देश्यप्राप्तिका लागि आपसी समझदारी र सहमतिमा एकै ठाउँमा जम्मा भएर काम गर्न सङ्गठित हुन्छन्, तिनीहरू कानुनी रुपमा तोकिएको विधान, नीति-नियममा बाँधिएका हुन्छन्, कानुनी रुपमा दर्ता भएका हुन्छन् भने त्यस्ता सञ्जालहरूलाई औपचारिक सञ्जाल भनिन्छ ।

गैरसरकारी संस्थाहरूको सञ्चालन, अस्तित्व र छविमा कुनै खतरा देखिएमा त्यस्तो खतराको सामना गर्न वा कुनै कार्य विशेष संयुक्तरुपमा सम्पन्न गर्नुपर्ने भएका खण्डमा आकस्मिक रुपमा केही गै.स.हरू जम्मा भई नेटवर्कको सुरुवात हुन्छ ।

‘नेटवर्क’ हरूको सफलता र असफलताको कारणहरू नेटवर्क स्थापनासँग सुरु हुने गर्दछन् । कुनै पनि प्रक्रियाबाट ‘नेटवर्क’ बन्ने प्रक्रिया सुरु भए तापनि स्थापना गर्ने पहल गर्ने समयमा निम्न पक्षमा ध्यान दिनुपर्दछ :

खासगरी सबैलाई समेट्ने र सबैको सहभागिता निश्चित गर्ने कुरा नेटवर्क सुरु गर्दाको प्रमुख चुनौती हो । एक पक्ष, एकगुट, एक व्यक्ति वा एक राजनीतिक विचारजस्ता कुराहरूको घेराभित्र नेटवर्कलाई पर्न नदिन सुरुदेखि नै सावधानी पुऱ्याउनुपर्ने हुन्छ । यसका लागि नेटवर्क स्थापना कार्यको सुरुमा गै.स.सहरूबीच व्यापक प्रसार गरिनु पर्दछ ।

सदस्यतासम्बन्धी योग्यता र प्रक्रियाको प्रारूपहरू सर्वप्रथम तयार गरिनु पर्दछ । खासगरी समान उद्देश्य भएका र सुरुदेखि नै सदस्य हुनुको मुख्य उद्देश्य प्रस्ट भएका राजनीतिक दल, यस क्षेत्रमा समर्पित व्यक्तिहरू वा संस्थाहरू मात्र भित्रिने प्रक्रिया निर्धारित गर्नु पर्दछ ।

स्थापना गर्नुभन्दा सञ्चालन गर्दा आवश्यक पर्ने नीति-नियम तथा आधारहरूको तयारी गर्नु आवश्यक हुन्छ । जसले गर्दा पछि ‘नेटवर्क’ सञ्चालनमा विवाद सिर्जना नहोस् ।

‘नेटवर्क’ को सदस्य, ढाँचा र प्रक्रिया तोक्ने र तदर्थ समिति बनाइ हाले हतार गर्नु हुँदैन । बरु उद्देश्य, प्रक्रिया तथा सदस्यका आधारहरूबारे संभावित सदस्यहरूका बीचमा खुल्ला छलफल गरिनु पर्दछ । यस्तो छलफल २-४ संस्थाको बैठकबाट गरिनुपर्छ । विस्तारै ठूलो समूहमा बनाउन लाग्नुपर्छ ।

‘नेटवर्क’ भित्र उद्देश्य र आवश्यकताअनुसार मात्र सदस्यता विस्तार गरिनु पर्दछ । सदस्यता विस्तार गर्दा सदस्य शिक्षामा विशेष ध्यान दिएर प्रवेश गर्नुभन्दा पहिले र नियमित रूपमा सदस्यलाई शिक्षा दिने परिपाटी स्थापित गर्नु पर्दछ ।

‘नेटवर्क’ स्थापना गर्ने निर्णय भए पश्चात सकेसम्म चाँडो कार्यसमिति विधिवत गठन गरिनुपर्छ । ‘सर्वसम्मति’ ‘नेटवर्क’ का लागि एउटा राम्रो भिटामिन हो तर यो सही अर्थमा हुनुपर्दछ । बहुमतमा हुने निर्णयलाई पनि सर्वसम्मतिमा बदल्न सक्नुपर्दछ ।

सञ्जालको व्यवस्थापन

व्यवस्थापन भनेको के हो ?

कुनै पनि समूह वा संस्थाको तोकिएको लक्ष्य र उद्देश्य पूरा गर्नका लागि त्यो समूह वा संस्थामा रहेको मानव स्रोत, आर्थिक स्रोत र भौतिक स्रोतको राम्रोसँग प्रयोग गर्न गरिने काम लाई नै व्यवस्थापन भनिन्छ ।

त्यसैले सञ्जालले देखेको सपनाअनुसारको लक्ष्य तथा उद्देश्यप्राप्तिको लागि गरिने नियमित काम-कारवाहीलाई सञ्जालको व्यवस्थापन भनिन्छ । सञ्जालमा रहेको रकम र अन्य भौतिक सामानहरूको सञ्जालका सदस्यहरूले ठीकसँग नियम कानुन बनाएर बढीभन्दा बढी सदस्यहरू लाई फाइदा हुने किसिमले प्रयोग गर्ने कामहरू पर्दछ ।

सञ्जालको स्रोतको सही प्रयोग तथा व्यवस्थापन गर्न सञ्जालमा लागि परेका हामी सबैको सहयोग हुनु जरूरी छ । सञ्जालको आवश्यकताअनुसार योजना तर्जुमा गर्ने, सो अनुसारको काम गर्ने, काम गर्ने समयमा कसले कसलाई अड्डाउने, कसले कसलाई प्रतिवेदन दिने, भन्नेजस्ता कुराहरूमध्ये क-कसले कुन चाहिँ कामको मुख्य जिम्मा लिने भन्ने कुरा प्रमुख रूपमा आउँदछ ।

सबै प्रकारको काम गर्दा एउटा पक्ष निर्णय गर्ने हुन्छ भने अर्को पक्ष कार्यान्वयन गर्ने हुन्छ । सुरु-सुरुको अवस्थामा सञ्जालको व्यवस्थापन गर्ने कुरामा सबभन्दा महत्वपूर्ण कुरा भनेको निर्णय गर्ने र कार्यान्वयन गर्ने पक्ष प्रायः गरेर जो बढी सक्रियतासँग लागि परेको हुन्छ, उनीहरूनै हुन्छन् । यसले गर्दा निर्णय गर्ने र काम गर्ने

मान्छे एउटै हुँदा विवाद आउन सक्छ । यस कुरामा सञ्जालका पदाधिकारी तथा सदस्य/कर्मचारीहरू मिलेर निर्णय गर्ने र काम गर्ने गर्नु पर्दछ ।

सञ्जालको काम हुँदै जाँदा सञ्जाल ठूलो भएपछि भने सञ्जाल चलाउनका लागि चाहिने नीति-नियम तय गर्ने, आवश्यक निर्णय गर्ने काममा कार्यसमितिले मुख्य रूपमा लाग्ने गर्नुपर्दछ । यसै गरेर कार्य समितिले गरेको निर्णयअनुसार काम गर्ने मुख्य जिम्मा सञ्जालका साधारण सदस्य वा भएदेखि कर्मचारीहरूको हुनु पर्दछ । जसलाई तलको चित्रद्वारा प्रस्ट पार्न खोजिएको छ ।

(४) स्रोतव्यक्तिमा हुनुपर्ने गुण, प्रवृत्ति र व्यवहार

क) लोकतान्त्रिक/प्रजातान्त्रिक भावना

- अन्य व्यक्तिहरूको विचारहरूलाई आदर गर्ने
- आवश्यक छलफलपश्चात्मात्र निर्णय गर्ने
- खुल्ला विचार राख्ने
- कुनै पनि पक्षको वकालत नगर्ने
- धेरै सुन्ने धैर्यता भएको
- औपचारिकतामा भन्दा अनौपचारिकतामा झुकाव भएको

ख) लैङ्गिक सम्बेदनशीलता

- लैङ्गिक तथा सामाजिक विभेदप्रति सजग हुनुपर्ने
- विपरीत लिंगीमाफत् आएका विचारहरूलाई सम्मान गर्नुपर्ने
- लिंग, जाति तथा वर्गको आधारमा काम नबाँड्ने
- कुनै पनि कार्यमा महिला तथा पुरुष दुवैको सहभागितालाई साभेदारीको रूपमा कार्यान्वयन गर्ने

ग) अनुभव आदान-प्रदान

- जवाफ दिनको लागि पहिले राम्रोसँग सुन्ने
- धेरै थाहा नभएको कुराहरू सिक्ने
- अन्तरक्रियामा विश्वास गर्ने, असफलतादेखि नडराउने
- मनमा लागेको भावनाहरू छलफलको लागि अन्य व्यक्तिहरूको सामुन्ने राख्ने, एकअर्कालाई आदर गर्ने
- दोहोरो विचार आदान-प्रदान गर्न सक्ने तथा पूर्वाग्रही व्यवहार नभएको

घ) आत्मालोचना

- अरूको सोचाईलाई सम्मान
- फरक विचारहरूलाई पनि स्वीकार गर्ने
- विचार फरक भए पनि मित्रवत् व्यवहार गर्ने
- अन्य विचारहरूप्रति पूर्वाग्रही नहुने
- एकअर्कामा हँसिलो व्यवहार गर्ने

ङ) सिर्जनशीलता

- पूरै शुद्धीकरणको अपेक्षा नगर्ने

- विकल्प पहिल्याउने
- सोचाई प्रक्रियामा व्यस्त हुने
- फरक किसिमको ढङ्ग भएर पनि आनन्द लिने
- सिक्ने, सिकाउने चाहना राख्नुपर्ने
- आत्म आलोचना गर्न सक्ने

च) सहभागीप्रति समर्पित

- सहभागीहरूको समस्यामा पूर्ण ध्यान दिने
- सहभागीहरूको समस्यामा सहयोग गर्ने
- सहभागीहरूको समस्या तथा विचारहरूमा छलफल गर्ने,
- काम सफल पार्नको लागि आफूसँग भएको राम्रो विकल्प पनि छोड्ने
- सोच, पद्धति र सिद्धान्तप्रति सचेत
- सादा जीवनशैली अपनाउने र उच्च विचार राख्ने
- सहभागीको वातावरण र अवस्थाबारे सूचित हुने

छ) इमान्दारिता र पारदर्शिता

- बोलीभन्दा कर्मले बढी प्रभाव पार्छ भन्ने कुरा सदा मनन गर्ने
- सहभागीको विचारसँग पनि सहमत हुने
- सहनशीलता देखाउने
- लचिलो व्यवहार गर्ने
- इमान्दारिताका साथ व्यवहार गर्ने
- जति गर्न सकिन्छ, त्यति मात्र बोल्ने
- बोलेको कुरा गर्न नसकिएमा त्यसको कारण प्रस्ट पार्ने
- गल्तीहरू महसुस गर्ने
- स्थानीय परिवेशअनुसार कार्य गर्ने
- आफ्नो टोलीमा एकअर्काको विश्वास गर्ने

(५) पाँच प्रमुख मानवअधिकारहरू

क. आर्थिक, सामाजिक तथा साँस्कृतिक अधिकार

कुनै पनि मानवले समाजमा मानिस जस्तै भएर जीवन बिताउनका लागि उसलाई नभई नहुने खाना, नाना तथा छानाजस्ता अधिकारहरू नै उसका आर्थिक, सामाजिक तथा साँस्कृतिक अधिकारहरू हुन् । यसभित्र निम्न अधिकारहरू पर्दछन् :

आर्थिक अधिकार

- हरेक मानिसले खाना नाना र छाना पाउनुपर्दछ
- जीविकोपार्जनका लागि काम गर्न पाउनुपर्छ
- आफ्नो इच्छाअनुसार काम छान्न पाउने तथा स्वीकार्ने अधिकार हरेकलाई छ
- उपयुक्त वातावरणमा काम गर्न पाउनुपर्छ
- समान कामको समान ज्याला र ज्यालासहितको बिदा पाउनुपर्छ
- दासत्वबाट मुक्त हुन पाउनुपर्छ
- श्रमिक सङ्गठन खोल्न तथा सङ्गठित हुन पाउनुपर्छ
- पेसाको पक्षमा हड्ताल गर्न पाउनुपर्छ
- सम्पत्ति कमाउन, राख्न र बेचबिखन गर्न पाउनुपर्छ
- राष्ट्रको सम्पत्तिको उपभोग गर्न पाउनुपर्छ

सामाजिक अधिकार

- समान कामका लागि महिला-पुरुषमा भेदभाव गर्न पाइँदैन
- आफ्नो निर्णय आफैं गर्न पाउनुपर्छ
- स्वतन्त्रतापूर्वक आफ्ना क्रियाकलापहरू अगाडि बढाउन पाउनुपर्छ
- उपयुक्त जीवनस्तरमा बाँच्न पाउनुपर्छ
- परिवारप्रति आफ्नो दायित्व पूरा गर्न पाउनुपर्छ
- प्रत्येक व्यक्तिले शिक्षा आर्जन गर्न पाउनुपर्छ
- जात, रङ्ग, शारीरिक उँचाइ र अपाङ्गताको आधारमा भेदभाव गर्न पाइँदैन
- सुविधाको उपभोग गर्न पाउने अधिकार सबैलाई छ
- व्यक्तित्व विकासको अवसर सबैले पाउनुपर्छ
- स्वास्थ्य, सुरक्षा, बिरामी सुविधा आदि पाउने अधिकार सबैलाई पर्छ
- सामाजिक सुरक्षा पाउनुपर्छ
- प्रसूति सेवा पाउनुपर्छ
- बाँच्नका लागि चाहिने आधारहरू प्राप्त गर्ने अधिकार सबैलाई छ ।
- काम गर्दा घाइते भएको अवस्थामा पाउनुपर्ने उपचार तथा सुविधाहरू पाउनु पर्दछ
- बालकहरूले सुरक्षाको अधिकार पाउनु पर्दछ ।
- नारी पुरुष समान हुनुपर्दछ ।

- उमेर पुगेका केटाकेटीलाई उनीहरूको मञ्जुरीमा विवाह गर्ने तथा परिवार सञ्चालन गर्ने अधिकार छ,

साँस्कृतिक अधिकार

- साँस्कृतिक जीवनमा निर्भय सहभागी हुन पाउनु पर्दछ ।
- प्रत्येक व्यक्ति अथवा समुदायले आ-आफ्नो परम्परा, रीति-थिति ।
- चालचलनअनुसार विभिन्न संस्कारहरू गर्न पाउने अधिकार छ ।
- आफ्नो रीतिअनुसार विवाह, व्रतबन्ध तथा अन्य संस्कार गर्न पाउनु पर्दछ ।
- आफन्तको मृत्युपछिको अन्तिम संस्कार गर्न पाउने र परम्पराअनुसार भेषभुसा ग्रहण गर्न पाउने अधिकार, जातीय परम्पराअनुसार संस्कार गर्न पाउने अधिकार सबैलाई छ ।
- कलाको आनन्द लिने तथा विज्ञानको क्षेत्रमा भएको प्रगति र यस क्षेत्रबाट भएको फाइदामा सहभागी हुने अधिकार सबैलाई छ ।
- प्रत्येक व्यक्तिलाई उसले रचना गरेको कुनै वैज्ञानिक, साहित्यिक अथवा कलात्मक कृतिबाट प्राप्त भएको नैतिक तथा भौतिक लाभको संरक्षणको अधिकार छ ।
- हरेकले आफूलाई मन परेको धर्म मान्न पाउने अधिकार छ ।

ख. नागरिक तथा राजनीतिक अधिकार

कुनै पनि देशमा जन्मिएको मानिसले त्यस देशको नागरिकको हैसियतले स्वाभिमानपूर्वक बाँच्न आवश्यक पर्ने अधिकारहरू नै नागरिक तथा राजनीतिक अधिकारहरू हुन् ।

नागरिक अधिकार

- बाँच्न पाउने अधिकार सबैलाई छ ।
- व्यक्तिगत सुरक्षा सबैले पाउनुपर्छ ।
- मनपरी किसिमबाट पक्राउ गर्न पाइदैन ।
- बिना पक्षपात न्याय पाउनुपर्छ ।
- कानुनले हरेक व्यक्तिलाई समान रूपले व्यवहार गर्नुपर्छ ।
- समाजमा सबै मानिसहरूले समानदङ्गले बाँच्न पाउनुपर्छ ।
- पक्राउ परेको मानिसले अदालतसमक्ष आफ्नो भनाइ राख्न तथा आफूले विश्वास गरेको वकिल राख्न पाउनुपर्छ ।
- जेलभित्र बन्दीहरूप्रति मानवीय व्यवहार गरिनुपर्छ ।
- कसैलाई पनि कुटपिट तथा डर धम्की देखाई यातना दिइनु हुँदैन ।
- बन्दीहरूको उपचारको लागि विशेष व्यवस्था गरिनुपर्छ ।
- कसैलाई पनि दास बनाउन पाइदैन र जबरजस्ती किसिमबाट कसैलाई पनि श्रम लगाउन पाइदैन ।

राजनीतिक अधिकार

- उमेर पुगेको नागरिकले चुनावमा उठ्न पाउनुपर्छ ।
- आफ्नो इच्छाअनुसारको वैचारिक आस्था राख्न पाइन्छ ।
- चित्त नबुझेमा कुनै मत तथा पार्टीको विरोध गर्न पाइन्छ ।
- शान्तिपूर्वक सभा-सम्मेलन गर्न पाउनुपर्छ ।

- छापेर वा बोलेर आफनो मतको प्रचार गर्न पाउनुपर्छ ।
- छिटो, छरितो र सस्तो न्याय पाउनुपर्छ ।
- सबैलाई गोपनीयताको अधिकार छ ।
- विशेष परिस्थितिमा देशभित्र र बाहिर आवत-जावत गर्न पाउने अधिकार सबैलाई छ ।
- सङ्घ-सङ्गठन खोल्न पाउनुपर्छ, सङ्गठित हुन पाउनुपर्छ ।

यी अधिकारहरू व्यवहारमा लागू गर्ने जिम्मेवारी राज्य (सरकार) को हो । संयुक्त राष्ट्रसंघले यिनै अधिकारहरूलाई समेटेर १६ डिसेम्बर १९६६ मा एउटा महासन्धि पनि बनाएको छ । यसलाई आर्थिक, सामाजिक तथा सांस्कृतिक अधिकारसम्बन्धी महासन्धि १९६६ भनिन्छ । नेपालले १४ मे १९९१ मा यस महासन्धिमा हस्ताक्षर गरिसकेको छ । त्यसले देशको कानूनसरह मान्यता पाउँदछ । त्यस्ता अन्तर्राष्ट्रिय सन्धिमा सरकारले सही गरेपछि राष्ट्रिय कानूनमा बाभिएको भएमा अन्तर्राष्ट्रिय सन्धिमा लेखेकोले नै मान्यता पाउँदछ । यो कुरा नेपालको संविधानमा प्रष्ट लेखिएको छ ।

मानवअधिकारको सारसंक्षेप :

नागरिक अधिकार	राजनीतिक अधिकार	आर्थिक तथा सामाजिक अधिकार	साँस्कृतिक अधिकार
नागरिक अधिकारले व्यक्तिहरूलाई स्वेच्छाचारी ढङ्गले शक्तिको प्रयोग गर्न रोक्दछ । उदाहरणको रूपमा नागरिक अधिकारअन्तर्गत धार्मिक स्वतन्त्रता, हिँड्ढुल गर्न पाउने स्वतन्त्रता, विचार तथा अभिव्यक्ति स्वतन्त्रता, अमानवीय अत्याचार गर्न नपाउनेजस्ता विषयहरू समेटेका छन् ।	राजनीतिक अधिकारले नागरिकहरूलाई राजनीतिक प्रक्रियामा भाग लिन पाउने र राजनीतिक शक्तिमा अधिकार जमाउने अवसर प्रदान गर्दछ । उदाहरणको रूपमा, राजनीतिक अधिकारहरू विश्वव्यापी र समान अधिकार जस्तै : मतदान गर्न पाउने, सभा र सङ्गठन गर्न पाउने स्वतन्त्रता, अभिव्यक्तिको स्वतन्त्रता र सुसूचित हुन पाउने अधिकार पर्दछ ।	आर्थिक तथा सामाजिक अधिकारहरूको सुरक्षा नभएमा अन्याय र असमानता बढ्दछ । यसले परनिर्भरता बढाउँछ र मानिसले नागरिक र राजनीतिक अधिकारको उपभोग गर्न सक्दैनन् । व्यक्तिले दैनिक आवश्यकताहरू पूर्ति गर्नुपर्ने बाध्यताबाट थिचिएमा स्वतन्त्रता उपभोग गर्न सक्दैनन् । अतः आधारभूत आवश्यकता पूर्ति गर्नु राज्यको दायित्व हो । यी अधिकारअन्तर्गत निम्न विषयहरू पर्दछन् : <ul style="list-style-type: none"> ● सामाजिक तथा आर्थिक समानताको अधिकार ● काम गर्न पाउने र न्यायोचित ज्यालाको अधिकार ● सामाजिक सुरक्षा र भोकबाट मुक्तिको अधिकार ● शिक्षा, स्वास्थ्य, खानेपानी, विजुलीजस्ता आधारभूत क्षेत्रहरूमा पहुँच ● कार्यथलोमा मानवीय आत्मसम्मानको रक्षा ● श्रमिकहरूको अधिकारहरू र मजदुर सङ्गठनको रक्षा 	साँस्कृतिक अधिकारभित्र सबैखालका मानवअधिकारहरू पर्दछन् । यसभित्र आफ्नो साँस्कृतिक पहिचान, भाषा, आफ्नो परम्परा र जीवनपद्धति कायम गर्न पाउने अधिकार पर्दछन् । राज्यले शिक्षा, सञ्चार र अन्य माध्यमद्वारा साँस्कृतिक अधिकार उपभोग गर्न पाउने क्षमताको वृद्धि गर्न सक्दछ ।

● યો રાજ્યવાટ પાડને સ્વતન્ત્રતા હો ।	● યો રાજ્ય ભિત્ર પાડને સ્વતન્ત્રતા હો ।	● યો રાજ્યદ્વારા પ્રદાન ગર્ને સ્વતન્ત્રતા હો ।	
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(६) पूर्व र अन्तिम मूल्याङ्कन फाराम

सहभागीको नाम :

जिल्ला:

मिति :- २०६६

आवद्ध विद्यार्थी सङ्गठनको नाम :

१	लोकतन्त्र भनेको के हो ?
२	लोकतन्त्रका आधारभूत मान्यतहरू के के हुन् ? के नेपालमा यिनको विद्यमानता छ ?
३	लोकतान्त्रिक सरकारका आवश्यक तत्वहरू के के हुन् ? हालको नेपाल सरकारमा यी तत्वहरू छन् ?
४	नागरिकका नागरिक, राजनीतिक, साँस्कृतिक र आर्थिक तथा सामाजिक अधिकारहरूको सुनिश्चितताका लागि अवलम्बन गरिएका मुख्य अन्तर्राष्ट्रिय अनुबन्ध के के हुन् ?
५	कानूनको शासन भनेको के हो ? नेपालमा यसको सुनिश्चितता कतिको छ ?
६	राजनीतिक, सामाजिक र साँस्कृतिक विविधता भएको हाम्रो जस्ता देशमा लोकतन्त्रको कसरी अभ्यास गरिनुपर्दछ ?
७	अन्तर्राष्ट्रिय सम्बन्धमा लोकतन्त्रको अभ्यास कसरी गरिनुपर्दछ ?
८	अन्तर्राष्ट्रिय फौजदारी न्यायालयको स्थापनाले दण्डहीनताको कसरी अन्त्य हुन्छ ? र, लोकतन्त्रलाई कसरी फाइदा पुग्छ ?
९	नेपालमा लोकतन्त्रको सवलीकरणका प्रमुख समस्याहरू के के हुन् ?
१०	नेपालमा लोकतन्त्रको दिगोपनाको लागि गर्नुपर्ने महत्वपूर्ण पाँच कार्यहरू उल्लेख गर्नुहोस् ?
११	नेता र नेतृत्व भनेको के हो ? के यो एउटै हो वा फरक ? व्याख्या गर्नुहोस् ।
१२	असल राजनीतिक नेतामा हुनुपर्ने गुणहरू के के हुन् ? कुनै पाँच उल्लेख गर्नुहोस् ।
१३	सञ्जाल भनेको के हो ? र, सञ्जालहरू कसरी बन्ने गर्दछन् ? व्याख्या गर्नुहोस् ।

अनुसूची

Annex-1

STATUTES OF THE INTER-PARLIAMENTARY UNION¹

*Adopted in 1976, entirely revised in October 1983,
amended in October 1987, September 1988, March 1989, April 1990, September 1992,
September 1993, April 1995, April 1996, September 1998, April 1999, October 2000 and April 2001,
entirely revised in April 2003 and amended in April 2004, October 2004, October 2007, October 2008 and April 2009.*

Contents:

- I. Nature, Purpose and Composition
- II. Organs
- III. The Assembly
- IV. Governing Council
- V. Executive Committee
- VI. Geopolitical Groups
- VII. Secretariat of the Union
- VIII. Association of Secretaries General of Parliaments
- IX. Amendments to the Statutes

I. NATURE, PURPOSE AND COMPOSITION

ARTICLE 1

1. The Inter-Parliamentary Union is the international organisation of the Parliaments of sovereign States.

2. As the focal point for worldwide parliamentary dialogue since 1889, the Inter Parliamentary Union shall work for peace and cooperation among peoples and for the firm establishment of representative institutions. To that end, it shall:

(a) Foster contacts, coordination and the exchange of experience among Parliaments and parliamentarians of all countries;

(b) Consider questions of international interest and express its views on such issues with the aim of bringing about action by Parliaments and their members;

(c) Contribute to the defence and promotion of human rights, which are universal in scope and respect for which is an essential factor of parliamentary democracy and development;

(d) Contribute to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.

3. The Union, which shares the objectives of the United Nations, supports its efforts and works in close cooperation with it. It also co-operates with the regional inter-parliamentary organisations, as well as with international, intergovernmental and non-governmental organisations which are motivated by the same ideals.

ARTICLE 2

The Headquarters of the Inter-Parliamentary Union shall be at Geneva.

ARTICLE 3

1. Every Parliament constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions may request affiliation to the Inter-Parliamentary Union. A National Group representing any such Parliament and which is already affiliated at the time of the approval of this Article² may choose to remain a Member of the Union.

2. The parliament constituted in conformity with the basic law of a territorial entity whose aspirations and entitlement to statehood are recognized by the United Nations, and which enjoys the status of Permanent Observer to that Organization with substantial additional rights and privileges, may also become a Member of the Inter-Parliamentary Union.

3. In a federal State, only the federal Parliament may request to be a Member of the Inter-Parliamentary Union.

4. Every Member of the Union shall adhere to the principles of the Union and comply with its Statutes.

5. International parliamentary assemblies established under international law by States which are represented in the Union may, upon their request and after consultation with the relevant Members of the Union, be admitted by the Governing Council as Associate Members.

ARTICLE 4

1. The decision to admit or readmit a Parliament shall be taken by the Governing Council, to which requests for affiliation or reaffiliation are communicated by the Secretary General. The Governing Council takes its decision on prior advice given by the Executive Committee, which shall consider whether the conditions mentioned in Article 3 are fulfilled, and report thereon.

2. When a Member of the Union has ceased to function as such, the Executive Committee shall consider the situation and express an opinion to the Governing Council. The Governing Council takes a decision on the suspension of the affiliation of that Member to the Union.

ARTICLE 5

1. Each Member and each Associate Member of the Union shall make an annual contribution to the expenses of the Union in accordance with a scale approved by the Governing Council (cf. Financial Regs., Rule 5).

2. A Member of the Union which is in arrears in the payment of its financial contributions to the organisation shall have no votes in the statutory bodies of the Inter-Parliamentary Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Governing Council may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member of the Union. Prior to examining this question, the Governing Council may receive a written explanation from the Member concerned. Notwithstanding the provisions of Article 10.2 of the Statutes, such a Member shall not be represented by more than two delegates at meetings convened by the Union.

3. When a Member of the Union is three years in arrears in the payment of its contributions to the Union, the Executive Committee shall consider the situation and express an opinion to the Governing Council. The Governing Council takes a decision on the suspension of the affiliation of that Member to the Union.

ARTICLE 6

1. All Members or Associate Members of the Union shall have their own Rules governing their participation in the Union's work. They shall make all structural, administrative and financial provisions required to ensure effectively their representation in the Union, the implementation of the decisions taken and to maintain a regular liaison with the Secretariat of the Union to which they shall send, before the end of January of each year, a report of their activities, including the names of their officers and the list or the total number of their members.

2. It is the sovereign right of each Member of the Union to decide on the manner in which it organises its participation in the IPU.

ARTICLE 7

It is the duty of the Members of the Union to submit the resolutions of the Union within their respective Parliament, in the most appropriate form; to communicate them to the Government; to stimulate their implementation and to inform the Secretariat of the Union, as often and fully as possible, particularly in its annual reports, as to the steps taken and the results obtained (cf. Assembly, Rule 39.2). To this end, all heads of delegations to IPU Assemblies should submit in accordance with national laws a report to their national parliaments with a copy to the IPU Secretary General as soon as possible following the closure of the Assembly.

II. ORGANS

ARTICLE 8

The organs of the Inter-Parliamentary Union are: the Assembly, the Governing Council, the Executive Committee and the Secretariat.

III. THE ASSEMBLY

ARTICLE 9

1. The Inter-Parliamentary Union shall meet in Assembly twice a year.

2. The place and date of each session shall be determined by the Governing Council (cf. Assembly, Rule 4.2).

3. In exceptional circumstances, the Governing Council may decide to change the place and date of the Assembly or not to hold it. In an emergency, the President of the Inter-Parliamentary Union may take such a decision with the consent of the Executive Committee.

ARTICLE 10

1. The Assembly shall be composed of parliamentarians designated as delegates by the Members of the Union. Members shall include male and female parliamentarians in their delegation and shall strive to ensure equal representation of men and women.

2. The number of members of Parliament appointed as delegates to the first annual session of the Assembly by a Member of the Union shall in no case exceed eight in respect of Parliaments of countries with a population of less than one hundred million inhabitants, or ten in respect of Parliaments of countries with a population of one hundred million inhabitants or more. The number of delegates to the second annual session shall not exceed five, or seven for Parliaments of countries with a population of one hundred million inhabitants or more.

3. Any delegation that for three consecutive sessions of the Assembly is composed exclusively of parliamentarians of the same sex shall automatically be reduced by one person.

ARTICLE 11

1. The Assembly shall be opened by the President of the Inter-Parliamentary Union or, in the absence of the President, by the Vice-President of the Executive Committee designated in conformity with Rule 5.2 of the Rules of the Executive Committee.

2. The Assembly shall choose its President, Vice-Presidents and Tellers.

3. The number of Vice-Presidents shall be equal to that of the Members of the Union represented at the Assembly.

ARTICLE 12

The Assembly debates issues which, under the terms of Article 1 of the Statutes, fall within the scope of the Union, and makes recommendations expressing the views of the organisation on these questions.

ARTICLE 13

1. The Assembly is assisted in its work by Standing Committees, whose number and terms of reference are determined by the Governing Council (cf. Art. 21 (e)).

2. Standing Committees shall normally prepare reports and draft resolutions for the Assembly.

3. Standing Committees may also be instructed by the Governing Council to study an item included in the latter's agenda and make a report to that organ.

ARTICLE 14

1. The Assembly shall establish the agenda for its subsequent session (cf. Assembly Rule 10).

2. The Assembly may include one emergency item in its agenda (cf. Assembly Rule 11).

ARTICLE 15

1. Only delegates present in person shall have the right to vote.

2. The number of votes to which each Member of the Union is entitled shall be calculated on the following basis:

(a) Each Member of the Union shall have a minimum of ten votes;

(b) Each Member of the Union shall have the following additional number of votes in relation to the population of its country:

From	1 to	5 million inhabitants:	1 vote
From more than	5 to	10 "	2 votes
" "	10 to	20 "	3 "
" "	20 to	30 "	4 "
" "	30 to	40 "	5 "
" "	40 to	50 "	6 "
" "	50 to	60 "	7 "
" "	60 to	80 "	8 "
" "	80 to	100 "	9 "

"	"	"	100 to 150	"	"	10	"
"	"	"	150 to 200	"	"	11	"
"	"	"	200 to 300	"	"	12	"
From	"	"	300	"	"	13	"

(c) Any delegation that for three consecutive sessions is composed exclusively of parliamentarians of the same sex shall have a minimum of eight votes (instead of the ten for mixed delegations) at the Assembly of the Inter-Parliamentary Union. For delegations entitled to a certain number of additional votes, the overall calculation will be made on the basis of eight votes instead of ten.

3. A delegation may split its votes so as to express the diverse views of its members. No one delegate may record more than ten votes.

ARTICLE 16

1. Voting at the Assembly shall be by roll call, except when the decision before the Assembly meets with no opposition.
2. For the election of officers, voting shall be by secret ballot if at least twenty delegates so request.

IV. GOVERNING COUNCIL

ARTICLE 17

1. The Governing Council shall normally hold two sessions a year (cf. Governing Council, Rule 5).
2. The Governing Council shall be convened in extraordinary session by the President if the latter or the Executive Committee deems this necessary, or a quarter of the Governing Council's members so request.

ARTICLE 18

1. The Governing Council shall be composed of three representatives from each Member of the Union (cf. Governing Council, Rule 1.2). The term of office of a member of the Governing Council shall last from one Assembly to the next.
2. All the members of the Governing Council must be sitting members of Parliament.

3. In case of the death or resignation of a representative, or a representative's inability to attend, the Union Member concerned shall appoint a substitute.

ARTICLE 19

1. The Governing Council shall elect the President of the Inter-Parliamentary Union for a period of three years (cf. Governing Council, Rules 6, 7 and 8). The President of the Inter-Parliamentary Union is the political head of the Organization and shall be ex officio President of the Governing Council.

2. The retiring President shall not be eligible for re-election for three years and shall be replaced by a person belonging to another Parliament. An endeavour will be made to ensure a regular rotation between the different geopolitical Groups.

3. The election shall take place during the second Assembly of the year. If, for exceptional reasons, the Assembly cannot be convened, the Governing Council may nevertheless hold the election.

4. In case of the resignation, loss of parliamentary mandate or death of the President, the functions of President shall be exercised by the Vice-President of the Executive Committee appointed by the latter, until the Governing Council has elected a new President. The same provision shall apply in the case of the suspension of the affiliation of the Member of the Union to which the President of the Inter-Parliamentary Union belongs.

5. The President shall also be assisted in his or her work between the statutory sessions by a group of six vice-presidents representing each of the geopolitical groups and appointed from among the members of the Executive committee for a renewable term of one year.

ARTICLE 20

1. The Governing Council determines and guides the activities of the Inter-Parliamentary Union and controls their implementation in conformity with the purposes defined in the Statutes.

2. The Governing Council shall adopt its agenda. A provisional agenda shall be established by the Executive Committee (cf. Governing Council, Rule 12.2). Any member of the Governing Council may submit supplementary proposals to this provisional agenda (cf. Governing Council, Rule 13).

ARTICLE 21

The Governing Council shall have, in particular, the following functions:

- (a) To decide on the admission and readmission of Members of the Union, as well as on the suspension of their affiliation, in accordance with Article 4 of the Statutes;
- (b) To decide the place and date of the Assembly (cf. Art. 9.2 and Assembly, Rule 4);
- (c) To propose the President of the Assembly;
- (d) To decide on the holding of all other Inter-Parliamentary meetings by the Union, including the creation of ad hoc committees to study specific problems; to determine the modalities thereof and to express its opinion on their conclusions;
- (e) To set the number and terms of reference of the Standing Committees of the Assembly (cf. Art. 13.1);
- (f) To set up ad hoc or special committees and working groups while ensuring geopolitical, geographical (regional and sub-regional) and gender balance in their composition;
- (g) To determine the categories of observers at IPU meetings and their rights and responsibilities and to decide which international organisations and other bodies shall have observer status at the Union's meetings on a regular basis (cf. Assembly, Rule 2; Governing Council, Rule 4; Standing Committees, Rule 3), in addition to inviting on an occasional basis observers that may contribute to the study of a particular item on the Assembly agenda;
- (h) To adopt annually the work programme and budget of the Union and to establish the scale of contributions (cf. Financial Regs., Rules 3 and 5.2);
- (i) To approve, each year, the accounts for the preceding fiscal year on the recommendation of two Auditors whom it shall appoint from among its members (cf. Governing Council, Rule 41; Financial Regs., Rule 13; Secretariat, Rule 12);
- (j) To authorize the acceptance of donations and legacies (cf. Financial Regs., Rule 7);
- (k) To elect the members of the Executive Committee (cf. Governing Council, Rules 37, 38 and 39);
- (l) To appoint the Secretary General of the Union (cf. Art. 26.1; Secretariat, Rule 3);
- (m) To adopt its own Rules and to express its opinion with regard to proposals to amend the Statutes (cf. Governing Council, Rule 45).

ARTICLE 22

A Meeting of Women Parliamentarians shall be held on the occasion of the first annual session of the Assembly and shall report on its work to the Governing Council. This Meeting shall establish its own Rules which shall be approved by the Governing Council. The Meeting is assisted by a Coordinating Committee whose Rules it shall approve. The Coordinating Committee will meet during both annual sessions of the Assembly.

V. EXECUTIVE COMMITTEE

ARTICLE 23

1. The Executive Committee shall be composed of the President of the Inter-Parliamentary Union, fifteen members belonging to different Parliaments and the President of the Coordinating Committee of the Meeting of Women Parliamentarians.
2. The President of the Inter-Parliamentary Union shall be ex officio President of the Executive Committee. Fifteen members shall be elected by the Governing Council; not less than twelve shall be elected from among the members of the Governing Council to which they shall continue to belong during their mandate. At least three of the members elected must be women.
3. In elections to the Executive Committee, consideration shall be given to the contribution made to the work of the Union by the candidate and the Member of the Union concerned. Only parliamentarians from States where women have both the right to vote and the right to stand for election are eligible to the Executive Committee.
4. The fifteen elected seats will be assigned to the geopolitical groups by applying the St. Laguë system to the total number of votes their members are entitled to cast in the Assembly. Should there be a change in the number of seats on the Executive Committee to which a geopolitical group is entitled, each seat concerned shall only be reassigned once the term of the existing holder of the seat has expired.
5. The term of office of members of the Executive Committee other than the President shall be four years. At least two members shall retire in rotation each year. A retiring member shall not be eligible for re-election for two years and shall be replaced by a member belonging to another Parliament. The President of the Coordinating Committee of the Meeting of Women Parliamentarians shall serve a two-year term which can be renewed once (cf. Meeting of Women Parliamentarians, Rule 32.4).

6. If a member of the Executive Committee dies, resigns or ceases to be a parliamentarian, the Member of the Union concerned shall appoint a substitute to serve until the next session of the Governing Council, when an election shall be held. If the newly elected member is from a different parliament than the outgoing member, he/she will serve a full term. Otherwise, the new member shall complete the term of office of his/her predecessor. If the President of the Coordinating Committee of the Meeting of Women Parliamentarians dies, resigns or ceases to be a parliamentarian, the First Vice-President or Second Vice-President, as the case may be, will complete the term of office of the predecessor.

7. If the President of the Coordinating Committee is already a member of the Executive Committee or belongs to the same Parliament as one of the fifteen members, she shall be replaced by the First Vice-President of the Coordinating Committee, or the Second Vice-President should the First Vice-President be a member of the Executive Committee or belong to the same Parliament as one of the fifteen members.

8. If a member of the Executive Committee is elected President of the Inter-Parliamentary Union, the Governing Council shall elect a member to fill the vacant seat. In such a case, the question shall be included automatically in the agenda of the Governing Council. The term of office of the new member shall be four years.

9. Members of the Executive Committee shall not simultaneously hold office as President or Vice-President of a Standing Committee.

ARTICLE 24

1. The Executive Committee shall be the administrative organ of the Inter-Parliamentary Union.

2. The Executive Committee shall have the following functions:

(a) To consider, whenever a Parliament makes a request for affiliation or reaffiliation to the Union, whether the conditions mentioned in Article 3 of the Statutes are fulfilled, and to inform the Governing Council of its conclusions (cf. Art. 4);

(b) To summon the Governing Council, in case of emergency (cf. Art. 17.2);

(c) To fix the date and place of the Governing Council sessions and establish the provisional agenda;

(d) To give an opinion on the insertion of supplementary items in the agenda of the Governing Council;

(e) To propose to the Governing Council the annual work programme and budget of the Union (cf. Financial Regs., Rule 3.4);

(f) To inform the Governing Council at its sessions about the activities of the Executive Committee, through a report by the President;

(g) To control the administration of the Secretariat as well as its activities in the execution of the decisions taken by the Assembly or by the Governing Council and to receive, for this purpose, all reports and necessary information;

(h) To examine candidates for the post of Secretary General with the aim of submitting a proposal to the Governing Council; to establish the terms of office of the Secretary General appointed by the Governing Council;

(i) To request the Governing Council to grant supplementary credits, should the budgetary credits voted by the Governing Council appear to be insufficient to cover the expenditure required for the execution of the programme and the administration of the Union; in case of urgency, to grant these credits with the reservation that it shall inform the Governing Council of such action at the latter's next session;

(j) To designate an External Auditor entrusted with auditing the accounts of the Union (cf. Financial Regs., Rule 13);

(k) To set the scales of the salaries and allowances of staff members of the Secretariat of the Union (cf. Staff Regs., Section IV);

(l) To adopt its own Rules;

(m) To carry out all the functions which the Governing Council delegates to it in accordance with the Statutes and Rules.

VI. GEOPOLITICAL GROUPS

ARTICLE 25

1. The Members of the Inter-Parliamentary Union may form geopolitical groups³. Each Group shall decide on the working methods that best suit its participation in the activities of the Organisation. It shall inform the Secretariat of its composition, the names of its officers, and its rules of procedure.

2. The Members that belong to more than one geopolitical group shall inform the Secretary General which geopolitical Group they represent for the purposes of submitting candidatures for positions within the Union.

3. The Executive Committee may invite the Chairs of the geopolitical groups to participate in its discussions in an advisory capacity.

VII. SECRETARIAT OF THE UNION

ARTICLE 26

1. The Secretariat of the Union comprises the totality of the staff of the organisation under the direction of the Secretary General of the Union (cf. Staff Regs., Rule 2), who shall be appointed by the Governing Council (cf. Art. 21 (l)).
2. The functions of the Secretariat shall be the following:
 - (a) To be the permanent Headquarters of the Union;
 - (b) To keep records on the Members of the Union and endeavour to foster new requests for affiliation;
 - (c) To support and stimulate the activities of the Members of the Union and to contribute, on the technical level, towards the harmonization of these activities;
 - (d) To prepare the questions to be considered at the Inter-Parliamentary meetings and to distribute the necessary documents in due time;
 - (e) To provide for the execution of the decisions of the Governing Council and of the Assembly;
 - (f) To prepare proposals for a draft work programme and budget for the consideration of the Executive Committee (cf. Financial Regs., Rule 3.2, 3.3 and 3.7);
 - (g) To collect and disseminate information concerning the structure and functioning of representative institutions;
 - (h) To maintain the liaison between the Union and other international organisations and, in general, its representation at international conferences;
 - (i) To maintain the archives of the Inter-Parliamentary Union.

VIII. ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

ARTICLE 27

1. The Association of Secretaries General of Parliaments shall be a consultative body of the Inter-Parliamentary Union.
2. The activities of the Association and those of the organs of the Inter-Parliamentary Union competent in the study of parliamentary institutions are complementary. They shall be coordinated by means of consultations and close collaboration at the stages of preparation and implementation of projects.
3. The Association shall be administered autonomously. The Union shall make an annual contribution towards the budget of the ASGP. The Rules which the ASGP establishes shall be approved by the Governing Council of the Inter-Parliamentary Union.

IX. AMENDMENTS TO THE STATUTES

ARTICLE 28

1. Any proposal to amend the Statutes shall be submitted in writing to the Secretariat of the Union at least three months before the meeting of the Assembly. The Secretariat will immediately communicate all such proposals to the Members of the Union. The consideration of such proposed amendments shall be automatically placed on the agenda of the Assembly.
2. Any sub-amendments shall be submitted in writing to the Secretariat of the Union at least six weeks before the meeting of the Assembly. The Secretariat will immediately communicate all such sub-amendments to the Members of the Union.
3. After hearing the opinion of the Governing Council, expressed through a simple majority vote, the Assembly shall decide on such proposals by a two-thirds majority vote.

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1. In these Statutes, whenever the words "parliamentarian", "President", "Vice-President", "delegate", "representative", "member" and "observer" are used, they should be construed as referring to both women and men.
 2. April 2001
 3. At the time of approval of this Article, the geopolitical groups active in the IPU were the African group, Arab group, Asia-Pacific group, Eurasia group, Latin American group, and the Twelve Plus group.

Annex-2

UNIVERSAL DECLARATION ON DEMOCRACY

Declaration adopted without a vote by the Inter-Parliamentary Council at its 161st session
(Cairo, 16 September 1997)*

The Inter-Parliamentary Council,

Reaffirming the Inter-Parliamentary Union's commitment to peace and development and *convinced* that the strengthening of the democratisation process and representative institutions will greatly contribute to attaining this goal,

Reaffirming also the calling and commitment of the Inter-Parliamentary Union to promoting democracy and the establishment of pluralistic systems of representative government in the world, and *wishing* to strengthen its sustained and multiform action in this field,

Recalling that each State has the sovereign right, freely to choose and develop, in accordance with the will of its people, its own political, social, economic and cultural systems without interference by other States in strict conformity with the United Nations Charter,

Recalling also the Universal Declaration of Human Rights adopted on 10 December 1948, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted on 16 December 1966, the International Convention on the Elimination of All Forms of Racial Discrimination adopted on 21 December 1965 and the Convention on the Elimination of All Forms of Discrimination Against Women adopted on 18 December 1979,

Recalling further the *Declaration on Criteria for Free and Fair Elections* which it adopted in March 1994 and in which it confirmed that in any State the authority of the government can derive only from the will of the people as expressed in genuine, free and fair elections,

Referring to the *Agenda for Democratisation* presented on 20 December 1996 by the UN Secretary-General to the 51st session of the United Nations General Assembly,

Adopts the following **Universal Declaration on Democracy** and *urges* Governments and Parliaments throughout the world to be guided by its content:

FIRST PART - THE PRINCIPLES OF DEMOCRACY

1. Democracy is a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity.
2. Democracy is both an ideal to be pursued and a mode of government to be applied according to modalities which reflect the diversity of experiences and cultural particularities without derogating from internationally recognised principles, norms and standards. It is thus a constantly perfected and always perfectible state or condition whose progress will depend upon a variety of political, social, economic, and cultural factors.
3. As an ideal, democracy aims essentially to preserve and promote the dignity and fundamental rights of the individual, to achieve social justice, foster the economic and social development of the community, strengthen the cohesion of society and enhance national tranquillity, as well as to create a climate that is favourable for international peace. As a form of government, democracy is the best way of achieving these objectives; it is also the only political system that has the capacity for self-correction.
4. The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.
5. A state of democracy ensures that the processes by which power is acceded to, wielded and alternates allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit.
6. Democracy is inseparable from the rights set forth in the international instruments recalled in the preamble. These rights must therefore be applied effectively and their proper exercise must be matched with individual and collective responsibilities.
7. Democracy is founded on the primacy of the law and the exercise of human rights. In a democratic State, no one is above the law and all are equal before the law.
8. Peace and economic, social and cultural development are both conditions for and fruits of democracy. There is thus interdependence between peace, development, respect for and observance of the rule of law and human rights.

SECOND PART - THE ELEMENTS AND EXERCISE OF DEMOCRATIC GOVERNMENT

9. Democracy is based on the existence of well-structured and well-functioning institutions, as well as on a body of standards and rules and on the will of society as a whole, fully conversant with its rights and responsibilities.
10. It is for democratic institutions to mediate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity.
11. Democracy is founded on the right of everyone to take part in the management of public affairs; it therefore requires the existence of representative institutions at all levels and, in particular, a Parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action.
12. The key element in the exercise of democracy is the holding of free and fair elections at regular intervals enabling the people's will to be expressed. These elections must be held on the basis of

universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency that stimulate political competition. To that end, civil and political rights are essential, and more particularly among them, the rights to vote and to be elected, the rights to freedom of expression and assembly, access to information and the right to organise political parties and carry out political activities. Party organisation, activities, finances, funding and ethics must be properly regulated in an impartial manner in order to ensure the integrity of the democratic processes.

13. It is an essential function of the State to ensure the enjoyment of civil, cultural, economic, political and social rights to its citizens. Democracy thus goes hand in hand with an effective, honest and transparent government, freely chosen and accountable for its management of public affairs.
14. Public accountability, which is essential to democracy, applies to all those who hold public authority, whether elected or non-elected, and to all bodies of public authority without exception. Accountability entails a public right of access to information about the activities of government, the right to petition government and to seek redress through impartial administrative and judicial mechanisms.
15. Public life as a whole must be stamped by a sense of ethics and by transparency, and appropriate norms and procedures must be established to uphold them.
16. Individual participation in democratic processes and public life at all levels must be regulated fairly and impartially and must avoid any discrimination, as well as the risk of intimidation by State and non-State actors.
17. Judicial institutions and independent, impartial and effective oversight mechanisms are the guarantors for the rule of law on which democracy is founded. In order for these institutions and mechanisms fully to ensure respect for the rules, improve the fairness of the processes and redress injustices, there must be access by all to administrative and judicial remedies on the basis of equality as well as respect for administrative and judicial decisions both by the organs of the State and representatives of public authority and by each member of society.
18. While the existence of an active civil society is an essential element of democracy, the capacity and willingness of individuals to participate in democratic processes and make governance choices cannot be taken for granted. It is therefore necessary to develop conditions conducive to the genuine exercise of participatory rights, while also eliminating obstacles that prevent, hinder or inhibit this exercise. It is therefore indispensable to ensure the permanent enhancement of, *inter alia*, equality, transparency and education and to remove obstacles such as ignorance, intolerance, apathy, the lack of genuine choices and alternatives and the absence of measures designed to redress imbalances or discrimination of a social, cultural, religious and racial nature, or for reasons of gender.
19. A sustained state of democracy thus requires a democratic climate and culture constantly nurtured and reinforced by education and other vehicles of culture and information. Hence, a democratic society must be committed to education in the broadest sense of the term, and more particularly civic education and the shaping of a responsible citizenry.
20. Democratic processes are fostered by a favourable economic environment; therefore, in its overall effort for development, society must be committed to satisfying the basic economic needs of the most disadvantaged, thus ensuring their full integration in the democratic process.
21. The state of democracy presupposes freedom of opinion and expression; this right implies freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
22. The institutions and processes of democracy must accommodate the participation of all people in homogeneous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance.

23. Democratic institutions and processes must also foster decentralised local and regional government and administration, which is a right and a necessity, and which makes it possible to broaden the base of public participation.

THIRD PART - THE INTERNATIONAL DIMENSION OF DEMOCRACY

24. Democracy must also be recognised as an international principle, applicable to international organisations and to States in their international relations. The principle of international democracy does not only mean equal or fair representation of States; it also extends to the economic rights and duties of States.
25. The principles of democracy must be applied to the international management of issues of global interest and the common heritage of humankind, in particular the human environment.
26. To preserve international democracy, States must ensure that their conduct conforms to international law, refrain from the use or threat of force and from any conduct that endangers or violates the sovereignty and political or territorial integrity of other States, and take steps to resolve their differences by peaceful means.
27. A democracy should support democratic principles in international relations. In that respect, democracies must refrain from undemocratic conduct, express solidarity with democratic governments and non-State actors like non-governmental organisations which work for democracy and human rights, and extend solidarity to those who are victims of human rights violations at the hands of undemocratic régimes. In order to strengthen international criminal justice, democracies must reject impunity for international crimes and serious violations of fundamental human rights and support the establishment of a permanent international criminal court.

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***After the Declaration was adopted, the delegation of China expressed reservations to the text.**

Annex-3

Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

proclaims

This Universal Declaration of Human Rights

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

*Adopted on December 10, 1948
by the General Assembly of the United Nations (without dissent)*

Annex-4

International Covenant on Civil and Political Rights

***Adopted and opened for signature, ratification and accession
by General Assembly resolution 2200A (XXI)
of 16 December 1966***

Entry into force 23 March 1976, in accordance with Article 49

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the

right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them,

and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to

the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

International Covenant on Economic, Social and Cultural Rights

***Adopted and opened for signature, ratification and accession
by General Assembly resolution 2200A (XXI)
of 16 December 1966***

entry into force 3 January 1976, in accordance with article 27

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts thereof, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts thereof, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Annex-6

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965

entry into force 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial

discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5.

(a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:

(a) within one year after the entry into force of the Convention for the State concerned; and

(b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6.

(a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7.

(a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph I of this article.

Article 15

1 . Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2.

(a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention. 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

Annex-7

Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among

countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three

experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention

सन्दर्भ-ग्रन्थ सूची

लोकतन्त्रको विश्वव्यापी घोषणापत्र

भाग १ र २ लोकतन्त्रका सिद्धान्तहरू तथा लोकतान्त्रिक सरकारका तत्वहरू तथा अभ्याससित सम्बन्धित सामग्री

नेपाली सामग्री:

- लोकतन्त्रको विश्वव्यापी घोषणापत्र, १९९७
- मानव अधिकारको विश्वव्यापी घोषणापत्र, १९४८
- नागरिक तथा राजनीतिक अधिकार सम्बन्धी अन्तर्राष्ट्रिय अनुवन्ध, १९६६
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तालिम कार्यतालिका

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