

Nepal's Ultimate Transition: Inherent Uncertainties and Opportunities

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The Emerging Nepali State:

The ongoing cooperation between the Seven Party Alliance (SPA) [spell out](#) and the Maoists marks a likely political breakthrough in the long stalemated political situation in Nepal. If successful, the Nepalese leaders will set a unique example in the annals of conflict resolution in the global arena. Nepalese leaders deserve all the support and prayers in this endeavor. The playing field for the popular leaders, however, appears loaded with many constraints as well as opportunities. Nepal has had very limited experience with democratic politics, especially so in terms of building successful democratic institutions and regularizing accountability and the rule of law. Hence, foundations of democratic polity in Nepal will have to be built brick by brick over the next months and years. Unfortunately, the conduct of politicians and political parties during the latest experiment with democracy (1990-2002) was far from reassuring in terms of their commitment to building enduring democratic practices by balancing the imperatives of good governance against their partisan and individual interests. However, Nepal's experience in this context was not atypical of many other fledgling democracies. On the contrary, the turnaround by the political forces in Nepal has been extraordinary as demonstrated by the success of Jan Andolan II in restoring a democratic political regime and popular sovereignty.

Expectation for a Good Government:

In a departure from the haunting past experience, the Nepalese people are hungry for a good government. According to Levi, "good governments are those that are (1) representative and accountable to the population they are meant to serve, and (2) effective-that is, capable of protecting the population from violence, ensuring security of property rights, and supplying other public goods that the populace needs and desires."¹ Obviously, Nepal had not had that kind of a government for a long time. The hope is high that one may be within reach but no one can be certain of its coming or the time frame that it will take. {{1 Anonymous 2006; }}

Nepal's Disadvantaged Groups, the Madhesi Issue:

All of us have heard and read debates over the shape and form of Nepal that could emerge out of the current stage of transition. The demand for greater accommodation and representation by disadvantaged and discriminated groups in Nepal is going to be one of the major issues on Nepal's political agenda. With greater consciousness of their marginality and freedom of expression and organization, Nepal's ethnic and regional groups will get increasingly more engaged in articulating and asserting their group specific aspirations and demands. We are going to start here with a quotation from the Kantipuronline as a rough starting point:

"The insurgency in Nepal is gradually taking an ethnic line. India wants the Maoist insurgency to be confined within Nepal. It does not want its tentacles spreading across the several Indian states. So some Indian leaders of bordering states may not hesitate to back the Madhesi Tigers. And other ethnic communities from different regions of Nepal may follow suit. A few years ago, the Maoist insurgency was just taking its root but today

¹ Levi, Margaret. 2006. "Why We Need a New Theory of Government," *Perspectives on Politics*. 4: 5

politicians like Gupta have begun to talk on ethnic line. The ethnic communities "Rai, Limbu and Gurung" have stopped celebrating Nepali festivals and are identifying themselves as a different race. Nepal is heading towards a long protracted war, which is likely to be an ethnic war."² [Word choice](#)

The above quotation underlines the urgency of the demands of various marginalized groups in Nepal. In Nepalese media and debates one notices mention of several such groups including the Janajatis, Dalits, Madhesis etc. According to census 2001, indigenous people, also known as indigenous nationalities constitute 37.2% (8.4 million) of Nepal's total population. Census reports that the largest indigenous groups are the following: *Magar* (7.1%), *Tharu* (6.7%), *Tamang* (5.6%), *Newar* (5.5%), *Rai* (2.8%), *Gurung* (2.4%) and *Limbu* (1.6%).³ The percentage of people from the plains, according to the census, was 28.5%. This calculation leaves out groups like Muslims, Tharus, Marwaris and others who also live largely in the plains. Among the people living in the plains the distribution between the Madhesis and Pahadis is 70-30% respectively. [Provide some other examples](#)

The current state of interethnic relations in Nepal is a reflection of the past political practices. The autocratic regimes of the past did double jeopardy by precluding participation and embracing and empowering some groups at the cost of others. The objective of Shah as well as Rana rulers was state building not nation-building. A report by the Asian Development Bank Resident Mission in Nepal divides Nepali history into three different phases for the purpose of understanding interethnic relations. The first phase (1768-1950) has been characterized as *Hierarchical Plural Society*. During this period, the state imposed parbatiyas homogenous culture (Nepali language and Hindu religion/tradition) on other groups through a rent seeking state.⁴ The second phase (1951-1990) is named *Non-Hierarchical Mono-cultural society*. Assimilation around national standard was the main feature of this era. Any assertion of ethnic or cultural diversity during this period was seen as a threat to national unity. During this period, Nepali language became passport to power and those who lacked proficiency in this language were marginalized. The third phase (post-1990) is labeled *Non-Hierarchical Plural Society*. The 1990 constitution declared Nepal a multiethnic and multilingual Hindu constitutional monarchical kingdom and granted equal rights to all citizens before law. In a departure from earlier norm, it recognized the languages of different communities as national languages. However, once again a great divide persisted between legal assertions and realities on the ground.⁵ Of course, in the post Janandolan II phase the fate of monarchy and Hindu state remains uncertain. [How do we know what happened ?](#)

² Puran P. Bista, "Gupta and his autonomy," Kantipuronline, 17 Januray 2005.
<<http://www.kantipuronline.com/kolnews.php?&nid=29233>>

³ <http://hdr.undp.org/docs/reports/national/NEP_Nepal/Nepal_2004_en.pdf>

⁴ Rajendra Pradhan and Ava Shrestha. *Ethnic and Caste Diversity: Implications for Development*. Working Paper Series No. 4
< <http://www.adb.org/Documents/Papers/NRM/wp4.pdf>>

⁵ Ibid.

As is evident, Madhesis are not the only group that suffered deprivation and disadvantage during the non-democratic systems. But this discussion focuses on the Madhesis and their perception of their place in Nepali state and the likely scenarios that may unfold amidst the fast changing political situation in Nepal. The observations here are macro level and by nature broad. The observations are based on our personal experience as a Madhesis, on sharing part of the collective experience of the Madhesis community and as a student and teacher of political science with interests in the process of nation-building, ethnic conflict and democratization.

For the people living in the plains of Nepal, the generic term used is Madhesis. Terabasis is another term but that one is much broader as I will discuss below. Like any other ethnic labels, the term Madhesis is not easy to define with precision. Having said that there are ways to get there without getting bogged down. I am using the two generally used criteria here to approach this problem: *territoriality and language*. Madhesis are the people whose original place of inhabitation in Nepal has been Nepal's plain region or Madhes. Madhesis live predominantly in the Terai region that ranges from Mechi to Mahakali.

Language combined with territoriality gives a greater grasp. People whose first language or mother tongue is one of the major languages spoken in the plains: Maithili, Bhojpuri, Awadhi, Hindi, Tharu and their variations. For this purpose language is one of the central dimensions defining Madhesis of Nepal. We say of Nepal because these languages are also spoken across the border in India.

Are you a Madhesis? The litmus test:

A puzzle that is often raised when discussing the problem of Madhesis is about the large number of people from the hills who either speak Nepali or other language of Janajatis or even the languages of the Terai live in Terai. Should they be considered Madhesis too? In order to clarify this, we propose this litmus test to determine who is a Madhesi. This test measures self-perception rather than one's territorial location.

Let's look at some of the core elements that make up the self perception of a Madhesis.

- First and foremost, being a Madhesis in Nepal has been being an "outsider." For Madhesis it means not being able to fully identify with the Nepali state and its manifestations i.e., domestic administrative set up (palace/non-palace) bureaucracy, police, military and foreign policy bureaucracy. In this sense, Madhesis main complaint is directed at the state's exclusionary policies.
- Being Madhesis also meant being looked down by others and being suspect on account of one's language, appearance, and family and ethnic connections with India. In general Madhesis are generally presumed to be Indians and the onus is always on them to prove that that is not the case. This is a societal as well as political problem and there needs to be concerted effort to change this perception
- Being Madhesis meant being "deprived" of opportunity, being "second class citizens" who if in positions of any power had to go extra miles to prove one's worth and loyalty. As Ram Deal Rakesh points out, "Madhesi were not allowed to express their identity and when they did so, Pahadis accused them of being communal."⁶

⁶ <http://www.himlassociation.org/baha/day%20_tarai%20conference.htm>

- Being Madhesi also meant having to learn other's history and finding nothing much in school or college curriculum about one's own history or traditions. This arose from downgrading or completely ignoring local history and culture and superimposing so called "national history and culture."
- Being Madhesi also meant being less of a leader and more of a follower; in feudal language being raiti rather than the zamindar. In relation to the Nepali state, the best analogy for depicting the Madhesi experience is probably that of an alien in the United States dealing with the INS.
- Being Madhesi also meant being outraged at being subjected to outright discrimination by the state. Mindful of the disproportionate contribution to Nepali economy, Madhesi are also resentful of their extraordinarily marginal role in the decision making process in the nation.
- Being a successful Madhesi does not remove the encumbrances altogether, both psychological and structural. More than anything else, it often means being burdened with extra precaution in order not to lose the position and search for more enduring ties or ways to defend one's position.
- If you are a Madhesia either living inside or outside Nepal, you are likely to frequently encounter situations that will reinforce the above elements of self perception. Most Madhesi have stories and anecdotes about how their identity was suspected or challenged both in Nepal and abroad often by their own countrymen.

It is important to note here that every one who lives in the Terai is not a Madhesi for the purpose of this discussion. A distinction must be made here between those people who are the long time residents of Terai and either citizens or have qualifications to acquire citizenship and those who are just seasonal or temporary migrants from India or refugees. But for many who have lived in Terai for many generations, citizenship is still a dream. According to reports, there are around three to four million people in Terai who meet eligibility for citizenship but are not citizens.⁷

Confronting the challenge:

As is evident from the tables⁸ that follow, the performance of the Madhesi people is critically low in terms of integrated national caste/ethnic index of governance. Their underrepresentation is across the board in all areas. In terms of Human

⁷ . "Madhesi demand immediate citizenship," *nepalnews.com*. 8 June 2006
<<http://www.nepalnews.com/archive/2006/jun/jun08/news05.php>>

INTEGRATED NATIONAL CASTE/ ETHNIC INDEX OF GOVERNANCE, 1999

High level officials in:	<i>Bahun / Chhetri</i>	<i>Newar</i>	<i>Hill Ethnic groups</i>	<i>Madhise</i>	<i>Dalit</i>	<i>Others</i>	Total
Judiciary	190 80.85%	33 14.04%	3 1.28%	9 3.30%	0 0	0 0	235
Constitutional Body and Commission	181 77.02%	32 13.62%	4 1.70%	18 7.66%	0 0	0 0	235
Council of Ministers	14 56%	6 24%	2 8%	3 12%	0 0	0 0	25
Public Administration	20 62.50%	3 9.38%	4 12.50%	5 15.63%	0 0	0 0	32
Legislature	159 60%	20 7.55%	36 13.58%	46 17.36%	4 ^a 1.51%	0 0	265
Political Parties	97 58.79%	18 10.91%	25 15.15%	26 15.76%	0 0	0 0	165
DDC President, Municipality Mayor, Vice-Mayor	106 55.50%	30 15.71%	23 12.04%	31 16.23%	0 0	0 0	191
Industry and Trade Sector	7 16.67%	20 47.62	0 0	15 35.71%	0 0	0 0	42
Education Sector	75 77.32%	11 11.34%	2 2.06%	7 7.22%	1 1.03%	1 1.03%	97
Cultural Sector	85 75.22%	22 19.47%	6 5.31%	0 0	0 0	0 0	113
Science and Technology	36 58.06%	18 29.03%	2 3.23%	6 18.75%	0 0	0 0	62
Civil Society Sector	41 66.13%	18 29.03%	1 1.61%	4 6.45%	0 0	0 0	62
Total	1011	231	108	170	5	0	1520
%	66.5	15.2	7.1	11.2	0.3	0	100
% of Nepal's Population	31.6	5.6	22.2 ^b	30.9	8.7 ^c	0.1	100
Difference (%)	+34.9	+9.6	-15.1	-19.7	-8.4	-1.0	

Source: G. Neupane, *Nepalko Jatiya Samasya. Samajik Banot ra sajhedariko sambhavana*. (Caste/ethnic problems in Nepal. Social Structure and the possibility of Cooperation) (Centre for Development Studies, Kathmandu 2000) cited in J. Gurung, Promotion of Sociocultural, Economic and Political Participation of *Dalits* and Other Disadvantaged Groups: A Strategic Approach (Draft). (Submitted to the Enabling State Programme (ESP), Kathmandu, 2002).

Note: ^aNominated members of the Upper House;

^bNot inclusive of all *Janjatis* ^cIncludes hill *Dalits* only;

⁸ Pradhan and Shrestha, p. 21-22.

< <http://www.adb.org/Documents/Papers/NRM/wp4.pdf>>

HUMAN DEVELOPMENT BY CASTE/ ETHNICITY

Human Development Indicators	Nepal	Brahmin	Chhetri	Newar	Hill ethnic groups	Madhesi	Dalit
Life expectancy,	55.0	60.8	56.3	62.2	53.0	58.4	50.3
Adult Literacy (%)	36.72	58.00	42.00	54.80	35.20	27.50	23.80
Mean years of schooling, 1996	2.254	4.647	2.786	4.370	2.021	1.700	1.228
Per capita Income (NRs), 1996	7,673	9,921	7,744	11,953	6,607	6,911	4,940
Per capita PPP (US\$), 1996	1,186	1,533	1,197	1,848	1,021	1,068	764
Life Expectancy Index	0.500	0.597	0.522	0.620	0.467	0.557	0.422
Educational Attainment Index	0.296	0.490	0.342	0.462	0.280	0.221	0.186
Income Index	0.179	0.237	0.181	0.289	0.152	0.160	0.110
HDI	0.326	0.441	0.348	0.467	0.299	0.313	0.239
Ratio to national HDI	100.00	135.87	107.31	140.73	92.21	96.28	73.62

Source: Adapted from NESAC, *Nepal Human Development Report* (Nepal South Asian Centre (NESAC), Kathmandu 1998) and J. Gurung, *Promotion of Sociocultural, Economic and Political Participation of Dalits and Other Disadvantaged Groups: A Strategic Approach* (Draft). (Submitted to the Enabling State Programme (ESP), Kathmandu, 2002).

Note: Hill ethnic groups include only, Sherpa, Gurung, Magar, Rai and Limbu;
The Madhise category includes Rajbanshi, Yadav, Ahir and Tharu (an ethnic group);
The Dalit category includes Dalits from the hills and tarai.

Development Index too, they score low in terms of literacy, income than most groups.

Is it too late to transform the self perception of Madhesis and integrate them better into the Nepali state and society? Here one needs to note that the Madhesis' backwardness can not be entirely blamed on the failure of the state. Nepal is a poor country with around 38% of the population living below the poverty line and poverty is thus endemic. Generic social features of Terai like local culture, the feudal system of economic relationships, caste system must share part of the blame and in that sense the situation of Madhesis is not that unique. However, evident deliberate discrimination on the part of the state is unique in that and more alarming in relations to Madhesis since even the more educated and well to do members of the Madhesi community feel marginalized. Yet, it might not be too late to ameliorate the situation. It is fairly clear that the discriminatory practices resulted from a closed political system that had narrowly defined participation to suit the vested interests of a few ruling elites and their bhardars. The dawn of democracy in that sense has made a difference. Democracy and the promotion of the interests of

the Madhesis appear inextricably tied. There are several reasons that come to mind that still leave considerable room for remedial policies to stem alienation and sense of deprivation among the Madhesis.

- The people of Terai still have to wake up from years of subjugation and their aspirations and expectations are still very moderate. Movement or leaders who favor confrontation over reconciliation have not gained visible popularity yet.
- Madhesi identity is fairly complex in view of the multiple cleavages of caste, economic status, urban-rural divide, education and so on. The divide along backward/forward lines, an issue of great political salience in India, will also result in conflicting perceptions of Madhesis interests in Nepal. The demographic impact of resettlement of a large number of hills people in Terai will could also be a positive countervailing factor.
- Nepal's Terai region is economically dominant not marginal. The Madhesi community has many successful professionals, businessmen and community leaders. Even if alienated from the state, members of the Madhesi community have enough shared social and economic and political stakes to favor a peaceful approach to resolving the Madhesi problem.
- The new era of relationship between India and Nepal may also hold certain degree of hope for diffusing the underlying tension between the people of the plains and the hills. A lot, of course, will depend upon the success in bringing the Maoists to the mainstream. The critical contribution of the Indian government and political leaders in facilitating Nepal's democratic transition may lead to a greater level of confidence on the part of Nepali politicians, especially those on the left, in their dealings with India and reduced fears of what is often labeled "Indian hegemony." Political and military elites in Nepal have long harbored fears, not often expressed, that the people of Terai may use the leverage of their ethnic and relational closeness to India to oppose the discriminatory practices of the Nepali state. While part of this fear could be understood in terms of the psychology of small state's fear of vulnerabilities vis-à-vis larger neighbors, part of it must also be explained in terms of the use of anti-Indian feelings by the leadership in the country both in the government and outside to advance their own interests.
- This new confidence may translate into stronger "political will" on the part of Nepali political leaders to address the genuine grievances of the Madhesis. On the other hand, the Nepalese leaders may also perceive Indian support to as evidence of lack of India's concern with the discriminatory practices toward the Madhesis and thus lacking any external urgency to place the issue high on their agenda.

Is there urgency to the challenge? The State must take both proactive and Reactive policies to address the grievances of the Madhes people. The ADB report, cited above, emphasizes the urgent need to promote programs, policies and projects that appreciates and recognizes issues relating to ethnicity, caste and gender. The urgency to tackle the Madhesis problem, as discussed earlier, may not appear urgent in the absence of effective mobilization. However, the urgency lies in the fact that with realization that sovereignty lies with the people and that in open democratic system people need to stand up for their rights and once they do they can better their lot is very powerful. The ethnicity based mobilization and movements are caused more by the

indifference of authorities and societies to reassure the disadvantaged groups that the policy makers recognize the problem and are doing their best to alter the situation. One needs to pay heed to the observation of Phadnis and Ganguly based on the study of ethnicity in South Asia that mobilization and manipulation of group identity occurs to support the groups demand for “greater concessions and share in power and authority” and that the success of building a nation as an “an amalgam of ethnic pluralities and yet to be composite as well as secular in its totality,” depends on increasing the “material and emotional stakes” of an ethnic group.⁹

Moreover, the disadvantaged groups should not be regarded as too encumbered with their cleavages to build up steam. The leaders of the political parties in Nepal should learn from their own experience of leading a successful movement despite all the cleavages. Unlikely coalitions materialize when they realize that they have no option but to confront a common enemy collectively or be marginalized and oppressed separately. Any group of people has the potential to rebel if pushed to the brink and there is no reason to doubt it will not be the case with the people of the plains. Relationship of the plains people with India is multifaceted and hence a confrontational strategy by popular leaders of Madhesi community can have profound and unsettling implications for India-Nepal relations. One has to just recall the East Pakistan’s rebirth as Bangladesh and the lingering national crisis in Sri Lanka to learn that national unity can not be used as theme to indefinitely perpetuate such policies.

Political Stability and Democratic Order, the Ultimate Factor:

None of the reforms and policies discussed above will be possible unless there is an effective government capable of institutionalizing the basic contours of a democratic system and the rule of law. Speedy resolution of the current political uncertainties through constituent assembly elections, broadly agreed constitution followed by democratic elections is in the primary interest of all Nepalese and the Nepali state. Failure to achieve this contains a serious risk of Nepal turning into a failed state with prolonged conflicts and greater foreign meddling in its affairs.

Today, plurality is deeply embedded in Nepal’s demography, political ideologies, religion and culture. A democratic framework offers social cleavages and divergence of interests a great deal of room to articulate, deliberate and possibly reach a compromise in peaceful political fashion. The reason why we are talking about the Madhesi problem in Nepal and outside is because the dawn of democratic era has shifted power to the people and the people are empowered to express what their grievances were. The 1990 constitution for the first time recognized Nepal as a multilingual, multiethnic nation and pledged to end all discrimination on the basis of ethnicity and region and also allowed greater expression to local languages and cultures. The establishment and stability of a democratic framework thus will be continue to have a positive contribution to achieve greater national integration.

The role of political leaders in paving the way forward will be critical. The Nepali leaders have a great opportunity while they are engaged in the process of shaping a new constitutional order to demonstrate their commitment to undo the past disadvantage. Below are some of the steps that could be taken during the transition and afterwards:

⁹ Phadnis, Urmila and Rajat Ganguly. 2000. *Ethnicity and Nation-building in South Asia*. New Delhi: Sage Publications, p. 14

- Recognition of the systematic discrimination and an apology, just like President Clinton did to the Slaves and their descendants. That will have a positive impact on changing national outlook toward the Madhesis.
- Decentralization: According to Human Development Report Nepal 2004, the role of local people in decision making is still extremely limited.¹⁰ Decentralization must move beyond its rhetorical stage and the local people must be allowed real role in local and regional governance. If pursued honestly, this could be an alternative to ethno-federation that entails the risk of extreme segmentation of Nepal. As David Gellner points out “any system which depended on defining all members of the population as belonging either to one or other ethnic group would cause even more problems than it solved given both considerations about hybridity, and the fact that all populations in Nepal inhabit highly mixed areas. Nepal has no ethnically pure enclaves.”¹¹
- Representation must be based on the basis of population. Allowing ten thousand and one hundred thousand people the same amount of representation is unfair. The principle of adult franchise is compromised by territorial representation
- Effective governmental initiatives to allow certain degree of positive discrimination to bring about a balance in bureaucracy, military and police. It is very important to have ethnic balance in the security forces in order for the underrepresented groups not to see them as oppressors rather than defenders.
- Reconfiguration of public policies and new emphasis on the nature of the challenge will be necessary to bring about a perceptual change among the members of the targeted groups as well as mutual perception that members of different groups have of each other. This process may create a new political culture that is more sensitive to Nepal’s diversity. The task is, of course, a gigantic one and will require both resolve and patience. In the United States the Civil Rights Act and Affirmative Action Policies created greater awareness of the historical injustices and barriers confronted by the black people in America and created new institutional norms and rules to accommodate their interests. India’s more vigorous and ever expanding but controversial reservation policies for the Scheduled Caste, Scheduled Tribe and now the OBCs are another example. Neither India nor the United States have abolished either the problems or controversies over their approaches but both have democratic systems to allow the debates over policies and practices to continue.

¹⁰ Nepal Human Development Report 2004, Empowerment and Poverty Reduction. p. 20
<http://hdr.undp.org/docs/reports/national/NEP_Nepal/Nepal_2004_en.pdf>

¹¹ David L. Gellner, “Public Order, Inclusion and Hybridity: Some preconditions for Democracy in Nepal,” p. 12
<<http://www.uni-bielefeld.de/midea/pdf/darticle1.pdf>>