

## **NEPAL'S TROUBLED TARAI REGION**

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## NEPAL'S TROUBLED TARAI REGION

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Unrest in the Tarai plains has exposed the weaknesses of Nepal's peace process, could derail elections for a constituent assembly in November and, if not properly addressed, could start a new form of conflict. Madhesi – plainspeople who are some one third of the country's population – have protested, sometimes violently, against the discrimination that has in effect excluded them from public life. Weeks of demonstrations and clashes between political rivals recently left several dozen dead. The government has offered to address issues such as increased electoral representation, affirmative action for marginalised groups and federalism but has dragged its feet over implementing dialogue. Tension had been building for several years but was largely ignored by the political elites and international observers, and the scale of the protest shocked even its own leaders. The problems will only be resolved by strengthening the national political process and making it both inclusive and responsive – starting with free and fair elections to a constituent assembly later this year.

The Tarai plains stretch the length of the southern border and are home to half the total population, including many non-Madhesi (both indigenous ethnic groups and recent migrants from the hills). With comparatively good infrastructure, agriculture, industrial development and access to India across the open border, the Tarai is crucial to the economy. It is also an area of great political importance, both as a traditional base for the mainstream parties and as the only road link between otherwise inaccessible hill and mountain districts.

The leaders of the Madhesi movement face difficult choices: they have mobilised public support but have also angered powerful constituencies. They now need to decide between a strategy of accommodation or continued confrontation. The Madhesi Janadhikar Forum (MJF) has emerged as a powerful umbrella group but lacks an organisational base and clear agenda. It is entering the electoral fray but if it is to challenge the established parties, it must first deal with rival Madhesi politicians competing for the same votes. There has also been a proliferation of Madhesi armed groups; some have expanded significantly in numbers, and their strategy and attitudes will affect the political process.

The mood among Tarai residents is increasingly confrontational, with collapse of trust between most Madhesi and the government. Most believe that further violence is likely. Unresolved grievances and the hangover from the Maoist insurgency, especially the lack of reconciliation and the greater tolerance for violence, make a volatile mix. The unrest has given a glimmer of hope to diehard royalists and Hindu fundamentalists, including some from across the border, who see it as a chance to disrupt the peace process.

The mainstream parties have changed their rhetoric but are as reluctant as ever to take action that would make for a more inclusive system. Strikes in the Tarai squeezed Kathmandu but not enough to force immediate concessions. Mainstream parties, particularly the Nepali Congress, rely on their Tarai electoral base but are unsure how to deal with the new state of flux. Unable to compete with Madhesi groups in radicalism, they have also been ineffective at communicating the positive steps they have taken, such as reforming citizenship laws. Competition within the governing coalition is hindering any bold moves. For the Maoists, the Tarai violence was a wake-up call: much of it was directed against their cadres, whose appearance of dominance was shattered. Nevertheless, they remain well organised, politically coherent and determined to reassert themselves.

Engaging in serious negotiations will be a delicate process, with no party wanting to lose face. But the key issues are clear and still offer room for a reasonable compromise:

- fair representation: the critical issue is ensuring the electoral system gives Madhesi a serious stake in the constituent assembly;
- federalism and autonomy: the government's commitment to federalism has yet to translate into action; without pre-empting the constituent assembly, steps are needed to demonstrate more serious intent, such as formation of a technical research commission that could develop a knowledge base for future discussions;

- rebuilding trust: confidence in national and local government will only come if there is decent governance, public security based on local community consent and improved delivery of services;
- redress for heavy-handed suppression of protests: demands for compensation, honouring of dead protestors and follow-through on a commission of enquiry need to be met; and
- steps towards affirmative action: some immediate moves to increase Madhesi representation in parties and state bodies could pave the way for longer-term measures to remove inequalities.

Fixing the Tarai means first fixing some issues in Kathmandu and then dealing not only with Madhesis but all excluded groups. Cross-party unity in listening to grievances and pushing for their resolution through a legitimate, elected constituent assembly is the only way to a lasting solution. This requires a change in outlook and a delicate political balancing act: the Kathmandu government must do some things immediately in order to earn Madhesi trust but deciding any major issues before the elections to the constituent assembly could compromise the constitutional process. Despite the instability, elections are still possible and essential. But reshaping state identity and institutions to make all Nepali citizens feel part of the nation is a long-term task that will present challenges in the constituent assembly and beyond.

## RECOMMENDATIONS

### To the Government of Nepal:

1. Address the reasonable demands for political participation of all excluded groups (not just those whose protests have forced attention) by:
  - (a) undertaking to discuss and resolve grievances not only with protest leaders but also with concerned parliamentarians, local community representatives and civil society representatives;
  - (b) starting back-channel communications to draw armed factions into peaceful dialogue, while emphasising that they must sign up to the political process; and
  - (c) using all available leverage to control armed groups and other organisations founded in reaction to the Madhesi movement, draw them into negotiations and prevent the communalisation of Tarai issues.
2. Show willingness to make concessions on the basis of equal rights for all citizens by:
  - (a) revising the electoral system to ensure fair representation of Madhesis and all other marginalised groups, including a fresh delineation of constituency boundaries if the mixed electoral system is retained;
  - (b) improving communication, ensuring the government's approach is clearly explained and that there are means to invite and pay attention to citizens' concerns;
  - (c) sending senior party leaders to the Tarai – as eight parties together not individually – to explain what the government has done and is doing to improve representation and make the constituent assembly a meaningful, inclusive exercise;
  - (d) implementing some immediate affirmative action measures to boost Madhesi presence in the civil service;
  - (e) initiating discussion on options for federalism, their implications and how to implement them; and
  - (f) honouring Madhesis killed in protests, compensating their families and those injured, supporting the commission of enquiry into the state's handling of the movement and guaranteeing its recommendations will not be ignored.
3. Demonstrate firm commitment to constituent assembly elections by:
  - (a) agreeing promptly on an acceptable electoral system, preferably by ensuring the Electoral Constituency Delimitation Commission delivers a revised proposal within its extended deadline that addresses Madhesi fears of gerrymandering;
  - (b) announcing a realistic election timetable;
  - (c) developing election security plans with support of all political constituencies and communities; and
  - (d) insisting that other issues should not be addressed by further interim constitutional amendments but instead be left to the constituent assembly as the sole legitimate forum for resolving them.
4. Restore law and order and rebuild trust in local administration and security forces by:
  - (a) improving community relations through meetings between chief district officers (CDOs) and Madhesi political actors and intellectuals; holding meetings to listen and respond to the public's concerns; and

- ensuring that local government offices are well staffed, performing basic duties and more accessible;
- (b) balancing deployment of armed police with a greater emphasis on civil and community policing;
  - (c) starting discussion on using affirmative action to redress ethnic and regional imbalances in the security forces through recruitment, training and promotion; and
  - (d) considering the transfer of district administrators and police chiefs responsible for excessive security action and the appointment of more Madhesi officials in sensitive districts.

#### **To Madhesi Political Leaders and Opinion-makers:**

5. Continue pressing for fair electoral representation and inclusion within the framework of the constituent assembly by:
  - (a) rejecting violence, devising forms of protest that do not adversely affect the economic and social life of people in the Tarai and bringing armed groups into the political process;
  - (b) taking part in the elections to the constituent assembly;
  - (c) showing flexibility on the new electoral system if the government commits itself to fair representation; and
  - (d) cooperating in the commission of enquiry and seeking to redress grievances by judicial means.
6. Avoid replicating exclusive models at the regional level and work to reduce communal tensions by:
  - (a) making space for women's voices in the movement and on negotiating delegations;
  - (b) ensuring representation of Muslims, Tarai *janajati* communities and all Hindu castes including Dalits; and
  - (c) not insisting on a unitary Madhesi identity if it is unacceptable to some communities.

#### **To the National Political Parties:**

7. Consult excluded groups within and beyond parties and start to explore detailed policies of concern to them such as federalism and affirmative action.
8. Wherever possible build eight-party consensus and also involve parties not represented in government, including the legislature's official opposition.

9. Implement Comprehensive Peace Agreement commitments on representation of marginalised communities within parties, explore ways to make party leaderships more representative and pay greater attention to the concerns of Madhesi and other activists within parties.

#### **To the United Nations Mission in Nepal (UNMIN):**

10. Extend technical support to inter-party discussions on development of revised electoral models.

#### **To the International Community:**

11. Continue to support the peace process, stressing respect for the principles enshrined in peace agreements and urging full implementation of the Comprehensive Peace Agreement and the interim constitution.
12. Maintain momentum for elections with both positive political pressure and practical assistance, welcome the announcement of a realistic election timetable and maintain strong public support for the process.
13. Support resolving the demands of Madhesi and other groups within the framework of the peace agreement and following its principles.
14. Donors offering development and peace process assistance should consider additional help for building Madhesi civil society capacity and supporting serious, independent academic research into issues affecting all marginalised communities.

**Kathmandu/Brussels, 9 July 2007**

## NEPAL'S TROUBLED TARAI REGION

### I. INTRODUCTION

The Tarai, a long-neglected borderland, now occupies the centre of Nepal's political stage.<sup>1</sup> The demands for political representation raised by its people cut to the heart of the peace deal and constitutional process; they also offer more direct challenges to the governing Seven-Party Alliance (SPA)-Maoist coalition.<sup>2</sup> Violent clashes have left the Tarai districts in a fragile state: people are angry and have lost trust in the state; politics is in flux as new groups emerge; demands have become more radical; and constructive talks have yet to get underway, even though the outlines of a negotiable agenda are clear.

Lack of background knowledge and the fast pace of recent events make this situation particularly hard to assess with certainty. Although clashes between plains-origin Madhesis and hill-origin *pahadis* have gained prominence, identity politics in Nepal is far more complex than this split suggests. The Madhesi issue must be seen in the broader context of the centre-periphery divide and the interplay of geography, caste, ethnicity and politics in

Nepal. Discrimination spans the country, with several communities in the hills facing similar exclusion. However, Madhesis have grievances unique to them, and the Madhesi movement has unquestionably raised critical issues; whether and how they are addressed will have a profound impact on the peace process and the reshaping of national politics.

This report sets out the issues, describes the political players and their interests, assesses the course of the Madhesi movement and outlines possible scenarios. It is a first effort to present essential information on a situation to which most outsiders, Crisis Group included, should probably have paid more serious attention earlier.<sup>3</sup> Based primarily on field research in the eastern-central and mid-western Tarai, bordering Indian states and Kathmandu, it includes detailed coverage not only of domestic actors but also of Indian interests and the particular significance of the open border and the web of social, economic and political links that stretch across it. The report reflects the concentration of much recent political activity in the eastern Tarai districts (a disproportionately high proportion of Madhesi leaders come from Maithili-speaking communities in Saptari, Siraha and adjoining districts<sup>4</sup>); Crisis Group also interviewed activists of minority Tarai communities, including Tharus and Muslims, and future reporting will examine their concerns (often at odds with Madhesi leaders) in more detail.

<sup>1</sup> Background reading on the Tarai includes Frederick H. Gaige, *Regionalism and National Unity in Nepal* (Berkeley and Los Angeles, 1975); Hari Bansh Jha, *The Tarai Community and National Integration in Nepal* (Kathmandu, 1993); Basanta Thapa and Mohan Mainali (eds.), *Madhes: samsya ra sambhavana* (Kathmandu, 2006); Mahendra Lawoti, *Towards a Democratic Nepal* (New Delhi, 2005); and Bhuwan Joshi and Leo Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation* (Berkeley and Los Angeles, 1966). Seminar papers include Ram Prakash Yadav, "Madhesi: A Disadvantaged Social Group", presented at a conference organised by Jaghrit Nepal, Kathmandu, December 2006; and Shree Govind Shah, "Social Inclusion of Madheshi Community in Nation Building", presented at a conference on "Social Inclusion and Nation Building in Nepal", Kathmandu, February 2006. Blogs including [madhesi.wordpress.com](http://madhesi.wordpress.com) and [Paramendra Bhagat's demrepubnepal.blogspot.com](http://ParamendraBhagat'sdemrepubnepal.blogspot.com) are useful sources on Madhesi issues and also sites for some debates.

<sup>2</sup> The parliamentary parties that make up the SPA are the Nepali Congress (NC); Communist Party of Nepal (Unified Marxist-Leninist, UML); Nepal Sadbhavana Party (Anandidevi, NSP (A)); Nepali Congress (Democratic, NC(D)); Janamorcha Nepal; Nepal Workers and Peasants Party (NWPP); and United Left Front (ULF).

<sup>3</sup> Some commentators did warn of trouble, for example, C.K. Lal, "The Tarai cauldron", *Nepali Times*, 28 February 2003, and "We Nepalis. How to make Nepal more inclusive", *Nepali Times*, 14 March 2003; and Suman Pradhan, "Tarai tinderbox", *Nepali Times*, 11 August 2006. Recent Crisis Group reporting includes Asia Reports N°115, *Nepal: From People Power to Peace?*, 10 May 2006; N°126, *Nepal's Peace Agreement: Making it Work*, 15 December 2006; N°128, *Nepal's Constitutional Process*, 26 February 2007; and N°132 *Nepal's Maoists: Purists or Pragmatists?*, 18 May 2007.

<sup>4</sup> Maithili-speakers include MJF leader Upendra Yadav, senior Maoist Madhesi leader Matrika Yadav, both JTMM faction leaders (Goit and Jwala Singh) and prominent mainstream leaders such as NSP's Rajendra Mahato and Anil Jha, NC's Mahant Thakur and Ram Baran Yadav and NC(D)'s Bimalendra Nidhi.

## II. MADHES AND MADHESIS: THE ISSUES

The Tarai is the mostly low-lying land along Nepal's border with India.<sup>5</sup> It forms about a quarter of the country's total area, in an 885km strip stretching from the Mahakali River in the west to the Mechi River in the east, with a width varying from four to 52km. The Tarai also includes some low hills (the Siwalik range) and valleys to their north (the inner Tarai). It was incorporated into the territory of Nepal during its unification in the late eighteenth century and in the decades of expansion that lasted until the 1814 war with the British East India Company.<sup>6</sup>

Historically sparsely populated in part because of its once dense malarial jungles, the Tarai is now home to around half the country's population.<sup>7</sup> They can be broadly divided into three categories: indigenous groups; communities which have cross-border cultural, linguistic and kinship links; and a large number of migrants from the hills, who moved into the area as it opened for development in the latter half of the twentieth century.<sup>8</sup> Migration has also taken place from the southern plains (present-day India) into the Tarai in earlier periods as well as in the twentieth century, though to a lesser degree. According to the 2001 census, hill-origin groups make up roughly one third of Tarai residents.<sup>9</sup>

The term "Madhes" is used as a near synonym of Tarai but it, and "Madhesi" (used for people), have distinct political connotations.<sup>10</sup> Madhes generally denotes the plains of

eastern and central Tarai, while Madhesis have been defined as non-*pahadis* with plains languages as their mother tongue, regardless of their place of birth or residence.<sup>11</sup> The term encompasses both caste Hindus<sup>12</sup> and Muslims and, in some definitions, the indigenous Tarai ethnic groups.<sup>13</sup> However, many ethnic groups, especially the Tharus in mid-western Tarai and Rajbanshis, claim an independent identity, saying they are the original inhabitants of the Tarai, and Madhesis came in much later as migrants.<sup>14</sup> Most Tharus in the eastern belt, which has a Madhesi majority, are comfortable being identified as Madhesis.

Even as they accept that some migration did take place, Madhesis take offence to being called outsiders and see themselves as people who have always lived in the region.<sup>15</sup> Some argue that hill migrants settled in the Tarai should be labelled Madhesis as well but most plains people do not see them, however long resident, as Madhesi. The term is often distorted as *Madise* and used pejoratively for any plainspeople not considered "true Nepalis".<sup>16</sup> Madhesis have only recently sought to reclaim the term; one slogan of the movement, which also appeared in

<sup>11</sup> Gaige, *Regionalism*, op. cit., p. 15.

<sup>12</sup> The Madhesi and *pahadi* caste systems are based on the same principle but are entirely separate and have been formally recognised as such since the development of Nepal's first national legal code in 1854. Both theoretically encompass five categories: four *varnas* (major castes) – Brahman, Kshatriya, Vaishya and Shudra – and non-caste, "untouchable" Dalits. In practice, however, the *pahadi* system has no Vaishyas and Shudras while the Madhesi system (like that of Kathmandu's Newars) is fully elaborated.

<sup>13</sup> Crisis Group interviews, Madhesi activists, Janakpur and Nepalgunj, May-June 2007. Most Madhesi politicians and academics argue Tarai *janajatis* should be defined as Madhesis because they live in the Madhes region. Yadav, "Madhesi", op. cit.

<sup>14</sup> Crisis Group interview, Tharu activist, Nepalgunj, 12 June 2007. Tharu activists say they are the Tarai's original inhabitants and entirely distinct from Madhesis, and the region should be called Tharuhat. Bhulai Chaudhary, "The Social structure of Madhesi community resembles more to the Indian states like UP and Bihar than any Nepalese society", *The Telegraph*, March 2006. Tharus are spread across the Tarai. Despite efforts to develop a unitary identity, there are major linguistic and cultural differences between the (dominant) mid-western communities (whose language, Dangaura, is normally recognised as "standard" Tharu) and those in the east, who speak the languages of the surrounding Madhesi communities. See Giselle Krauskopf, "An 'Indigenous Minority' in a Border Area: Tharu ethnic associations, NGOs and the Nepalese state", in Gellner (ed.), *Resistance and the State*, op. cit., pp. 199-243.

<sup>15</sup> Crisis Group interviews, Madhesi activists and analysts, Kathmandu, Birgunj and Janakpur, May-June 2007.

<sup>16</sup> Other terms such as *dhoti* (the Indian-origin dress of many Madhesi men) and *bhaiyya* (an informal term of address) are sometimes used insultingly or condescendingly.

<sup>5</sup> The Tarai includes twenty districts: from east to west, Jhapa, Morang, Sunsari, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Rautahat, Bara, Parsa, Chitwan, Nawalparasi, Rupandehi, Kapilbastu, Dang, Banke, Bardia, Kailali and Kanchanpur.

<sup>6</sup> The current boundaries of Nepal, including the extent of its Tarai territory, were defined in the 1816 Sugauli treaty following the defeat at the hands of the British East India Company. The only subsequent change was the UK's return of some areas to south western Nepal (known as the *naya muluk*, "new country") in recognition of its assistance in the 1857 Indian rebellion.

<sup>7</sup> In 1954, one third of Nepal's population lived in the Tarai; by 2001 the figure was almost one half. Ram Prakash Yadav, "Madhesi: A Disadvantaged Social Group", op. cit. All Madhesi political actors view the census with suspicion, claiming that *pahadis* were over-counted (migrants to the Tarai sometimes being included there, in their original district, as well as in Kathmandu if they had a home there) while Madhesis lacking citizenship certificates and land title were undercounted.

<sup>8</sup> Gaige, *Regionalism*, op. cit., p. 2.

<sup>9</sup> Yadav, "Madhesi", op. cit.

<sup>10</sup> "Madhes" is derived from the Sanskrit *madhyadesh*, meaning "middle country". In broad terms it can refer to a region stretching from the Himalayan foothills to the Vindhya hills of central India. The narrower reference "Madhes" in current usage is a relatively recent development.

Maithili-language wall-painting in Kathmandu and elsewhere, was "Say with pride, we are Madhesis".

The Tarai encompasses great linguistic and social diversity. Madhesis speak Maithili, Bhojpuri, Awadhi and Hindi, languages also spoken across the border, while ethnic groups such as the Tharus have their own languages.<sup>17</sup> Among Hindus, Brahmans and Kshatriya groups, primarily Thakurs and Rajputs, are at the top of the caste hierarchy, while the untouchables, Dalits, are considered impure.<sup>18</sup> There is also a substantial presence of the "middle castes", like the Yadavs, who are otherwise at the bottom of the caste structure but rank above Dalits. Caste divisions govern social relations, play a significant role in forming political choices and often shape economic stratification. Across castes though, the family and social structure is deeply patriarchal. Women have little say in decision-making, are at the bottom of development indicators and often have to work for long hours in exploitative conditions.<sup>19</sup> Muslims form about 3 per cent of Nepal's population and are largely spread across Tarai districts, especially Rautahat, Banke, Bardia and Kapilbastu.<sup>20</sup>

Agriculture is still the basis of the Tarai economy but the region has slowly emerged as an industrial belt, especially the central to eastern corridor between Birgunj and

Biratnagar.<sup>21</sup> With a large section of the younger workforce migrating abroad as labour, the economy relies heavily on remittances. Madhesi communities are also divided along class lines. Some Madhesis have profited from their large landholdings; others have benefited from high educational qualifications to enter academic positions in Kathmandu and elsewhere. The experience and form of discrimination can vary according to class. For example, a middle-class Madhesi professional may face subtle insinuations about his national loyalties and find it hard to rise above a certain level but a lower-class Madhesi will find it hard to get basic access to opportunities and may receive lower wages than his co-workers; similarly, middle-class Madhesis with property or other interests in Kathmandu have a more positive view of the advantages of retaining an integrated state.

Modern Nepali nationalism, largely conceived and institutionalised in the latter half of the twentieth century, was shaped around the monarchy, Hinduism and the Nepali language. This restrictive concept has always excluded Madhesis, whose distinct cultures and cross-border links have led hill Nepalis to view them with suspicion and derision. The psychological distance between Madhesis and the Nepali state, as well as other citizens, was aggravated by discriminatory policies. Some of this distance is centuries old but much reflects the more deliberate constructs of Rana and Panchayat policies.<sup>22</sup> Few older Madhesis will forget the harsh insistence on conforming to *pahadi* cultural norms embodied in the Panchayat slogan "*ek desh, ek bhesh, ek bhasa*" ("one country, one dress, one language"). Even moderate Madhesi intellectuals describe the cumulative effect as a form of "internal colonisation" and say that the overall goal of their movement is to achieve "emancipation from slavery".<sup>23</sup>

Academia and the media have paid scant attention to Madhesi concerns.<sup>24</sup> While the grievances of the hill ethnic

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<sup>17</sup> Maithili is the most widely spoken language in Nepal after Nepali; along with Bhojpuri and Awadhi, it is closely related to Hindi and often referred to on the Indian side of the border as a regional variant. Ethnic groups speak languages from the Tibeto-Burman, Austro-Asiatic and Dravidian families. See Novel Kishore Rai and Vishnu S. Rai, "Language issues in Nepal", in D.B. Gurung (ed.), *Nepal Tomorrow: Voices and Visions* (Kathmandu, 2003), pp. 498-499.

<sup>18</sup> In the Tarai, significant Dalit communities include Chamars (1.19 per cent of the national population) and Musahars (0.76 per cent). There are also Dushad, Dhobi, Khatwe, Tamta, Santhal, Jhangad, Wantar, Kahar, Mali, Dome and Halkhor communities. For data and other information on Dalit issues, see Jagaran Media Centre, [www.jagaranmedia.org.np](http://www.jagaranmedia.org.np); Hari Bansh Jha (ed.), *Dalit and Dalit Women of Terai* (Kathmandu, 2003); and "The Terai Dalits in Nepal", ActionAid Nepal, 1999.

<sup>19</sup> According to one study, women's literacy rates among Tarai-origin groups are only one quarter of men's. The female to male literacy ratio is 28:100, compared to 52:100 among *pahadis*. D. Chhetri, "Educationally Disadvantaged Ethnic Groups of Nepal", study conducted for the Agricultural Projects Services Centre and International Development Research Centre, Kathmandu, 1996. Madhesi Dalit women's literacy rates are even lower, as little as 3.8 per cent in some communities. "Analysis of Caste, Ethnicity and Gender Data from 2001 Population Census in Preparation for Poverty Mapping and Wider PRSP Monitoring", Tanka Prasad Memorial Foundation, Kathmandu, 2005.

<sup>20</sup> There is very little academic work on Muslims in Nepal. The most significant dates to the 1970s: Marc Gaborieau, *Minorités musulmanes dans le royaume hindou du Nepal* (Nanterre, 1977) and, in English, "Muslims in the Hindu Kingdom of Nepal", *Contributions to Indian Sociology*, 1(v) (1972), pp. 84-105.

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<sup>21</sup> For a district-wise classification of major industries, see "Registered Industries in Department of Industries", Federation of Nepalese Chambers of Commerce and Industry, Kathmandu, 2007.

<sup>22</sup> The Ranas ruled Nepal under a hereditary premiership from 1846 to 1951; the partyless Panchayat system, in effect direct royal rule, was instituted by King Mahendra two years after his 1960 palace coup dismissed Nepal's first elected government. See Crisis Group Asia Report N°99, *Towards a Lasting Peace in Nepal: The Constitutional Issues*, 15 June 2005.

<sup>23</sup> Crisis Group interview, Dr Hari Bansh Jha, Centre for Economic and Technical Studies, Lalitpur, 23 May 2007.

<sup>24</sup> International attention has been limited: political historians of the 1950s pay some attention to the Tarai, for example, Joshi and Rose, *Democratic Innovations in Nepal: A Case Study of Political Acculturation*, op. cit.; there has only been one full-scale book dealing with regional politics, Gaige, *Regionalism*, op. cit.; there have been some more detailed studies of particular communities, for example, Arjun Guneratne, *Many Tongues*,

groups did command some attention in the democratic interlude between 1990 and 2002, Madhesi issues were ignored. Human rights organisations did not take up the issue of discrimination against Madhesis either,<sup>25</sup> while international development agencies preferred to focus on hill ethnic groups (*janajatis*). This lack of interest was one of the spurs to the establishment of organisations such as the Madhesi Janadhikar Forum.

There are a number of key issues:

**Citizenship.** The 1964 Citizenship Act and 1990 constitution imposed stringent criteria based on descent.<sup>26</sup> Already perceived as Indians, the absence of birth certificates and other documents to prove their Nepali origin made it almost impossible for Madhesis to acquire citizenship. Local officials often demanded land ownership titles before granting citizenship, which trapped Madhesis in a vicious cycle, because they could not get land titles without citizenship certificates. The naturalisation process required fluent spoken and written Nepali. A government commission in 1994 reported that almost 3.5 million Nepalis did not yet have citizenship certificates.<sup>27</sup> As well as not owning land, those without citizenship could not apply for government jobs, register births or marriages, get a passport, stand for elections, register a business, get bank loans or access government benefits. In November 2006, the citizenship law was amended, making anyone born in Nepal before 1990 and permanently resident eligible for citizenship. Naturalisation is now open to people who can speak or read any language used in Nepal.

**Language.** State monolingualism has contributed to Madhesi marginalisation, be it from not benefiting from

Nepali-language education, facing disadvantages in entrance exams and job applications or being unable to join in national debates. Language has been a politically sensitive issue since the 1950s, with different groups demanding the right to communicate in their own languages and/or Hindi. When some municipalities sought to introduce local languages as the official language in their districts, the Supreme Court blocked the move.<sup>28</sup>

**Under-representation.** Madhesis are under-represented in all areas of national life. They occupy less than 12 per cent of the posts in influential areas, including the judiciary, executive, legislature, political parties, industry and civil society, and less than five per cent in international organisations and multilateral donor projects.<sup>29</sup> The security forces are most actively discriminatory, in particular the army, which has no senior Madhesi officers. Although statistics are hard to come by, there is a sense the post-1990 democratic period made things worse. A Madhesi commentator points out: "Until 1990 there used to be at least a dozen or more Madhesi CDOs [Chief District Officers] at any one time but now you're hard pushed to find even a few. The palace had a long time to learn how to co-opt influential regional figures".<sup>30</sup>

**Economic discrimination.** The Tarai is the backbone of the national economy, containing more than 60 per cent of the agricultural land and contributing over two thirds of the GDP.<sup>31</sup> Investment in some infrastructure has been significant but the focus has been on developing national communications rather than serving local populations. For example, the east-west highway, a vital transport artery, does not link even one Tarai district headquarter directly – all are on poor feeder roads. Madhesis are poorer and

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*One People: The Making of Tharu Identity in Nepal* (Ithaca, 2002) and Krauskopff, op. cit., on Tharus; and on religion in the Tarai, for example, Richard Burghart, *The Conditions of Listening: Essays on Religion, History and Politics in South Asia* (Delhi, 1996). Nepali academics, including Madhesis, have done little on Madhesi politics, though more on economic and development issues as well as much work on Maithili literature. On the Nepali media's lack of coverage of Madhes, see Dharendra Premarshi, "Madhesko tutulko matra dekhne nepali midiya", in Basanta Thapa and Mohan Mainali (eds.), *Madhes: samsya ra sambhavana*, op. cit. There are some exceptions: for example, in March 2005 the Social Science Baha organised a conference on Madhes, resulting in Thapa and Mainali's edited collection; the Kathmandu-based discussion forum Martin Chautari has also sustained long-term engagement, research and debate on Madhesi issues.

<sup>25</sup> Crisis Group interviews, Madhesi activists, Rajbiraj, Janakpur and Birgunj, May-June 2007. Many Madhesis complain national human rights organisations are staffed by *pahadis* who are insensitive to their concerns and do not take up Madhesi issues.

<sup>26</sup> Constitution of Nepal 1990, Part 2 (Arts. 8-10).

<sup>27</sup> For details see B.C. Upreti, "Nagariktako rajniti", in *Madhes: samsya ra sambhawana*, op. cit., p. 108.

<sup>28</sup> The decision was given on 1 June 1999, a date still marked as a black day by ethnic and regional activists. See Karl-Heinz Krämer, "Resistance and the State in Nepal: How representative is the Nepali state?", in David Gellner (ed.) *Resistance and the State: Nepalese experiences* (Delhi, 2003), p. 189.

<sup>29</sup> Madhesis were 21 per cent of MPs in 1991, 18 per cent in 1994 and 20 per cent in 1999; in the upper house, representation hovered between 8 and 15 per cent. Yadav, "Madhesi", op. cit. In 2000, there were only nine Madhesi senior bureaucrats and three members of constitutional bodies. Madhesis hold just over one tenth of senior positions in the public and private sectors. Govind Neupane, *Nepalko jatiya prashna* (Kathmandu, 2000), cited in "Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal - Summary", DFID/World Bank, Kathmandu, 2006, p. 60. In the two decades to 1991, they increased in the civil service by only 1.4 percentage points (to 8.4 per cent). Shah, "Social Inclusion", op. cit. In 2001, they were 5.2 per cent of the staff in 91 international organisations and projects implemented by multilateral agencies. "Directory of the United Nations and Its related Specialised Agencies in Nepal", UNDP, 2001, cited in *ibid*.

<sup>30</sup> Crisis Group interview, Kathmandu, 18 June 2007.

<sup>31</sup> See Shah, "Social Inclusion", op. cit.

have lower education and health indicators than hill communities.<sup>32</sup> Activists argue that this is an inevitable result of Kathmandu's stranglehold on decision-making: even when large revenues are generated locally, they are disbursed on the whims of capital-centric bureaucrats.

**Changing demographic profile.** Since the 1950s, the government has encouraged hill people to migrate to the plains. Facilitated by malaria eradication programs, clearing of forests and land resettlement schemes, the *pahadi* proportion of the population in the Tarai has increased five-fold from 1951.<sup>33</sup> Hill-origin migrants even constitute the majority in several districts. Madhesi activists complain that with their relatively privileged background and extensive contacts in local administration due to cultural links, *pahadis* wield disproportionate influence. Many in the Kathmandu establishment have harboured fears that India would use Madhesis to increase control or take over Nepal; encouraging hill migration was a move to keep Madhesis, perceived as sympathetic to India, in check.

**Electoral under-representation.** Madhesis make a strong case that they have been systematically under-represented in the electoral system: (i) the number of parliamentary seats in the Tarai does not reflect its population;<sup>34</sup> (ii) constituencies have been delimited to dilute the Madhesi vote (many on a north-south strip pattern that introduces a sizeable hill electorate); and (iii) a disproportionate number of *pahadis* are selected by the main parties for their most winnable seats (in the 1999 elections, *pahadi* candidates won a majority of Tarai seats).<sup>35</sup>

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<sup>32</sup> Literacy among Madhesis is 41 per cent but 68 per cent among Bahuns and Chhetris (the hill high castes) and Newars. Ram Prakash Yadav, "Madhesi issues", paper presented at Jaghrit Nepal, Kathmandu, December 2006. There is disparity among Madhesis: Musahars, a Dalit community, have the lowest rate (7.3 per cent). Chhetri, "Educationally Disadvantaged", op. cit. Tarai districts dominate the list of those furthest from Millennium Development Goal education targets. Crisis Group interview, Education for All program expert, Kathmandu, May 2007. A 2002 study found half of Tarai districts but only 29 per cent of hill districts "worst affected" by poverty. Within the Tarai, there is higher poverty in Madhesi-majority districts, less in districts with more *pahadi* population. Sharma and Shah, "Nepal Report: The link between poverty and environment" cited in Shah, "Social Inclusion", op. cit. For detailed statistics on health indicators, see [www.un.org.np/health/district-profiles/index.htm](http://www.un.org.np/health/district-profiles/index.htm).

<sup>33</sup> The 1951 census recorded 6 per cent *pahadi* population in the Tarai, the 2001 census 33 per cent.

<sup>34</sup> MJF leader Upendra Yadav said: "There are 10,000 people in one constituency in the hills and upper reaches and 100,000 in the Tarai. This goes against the principle of one person, one vote". Crisis Group interview, Birgunj, 28 June 2007.

<sup>35</sup> Yadav, "Madhesi", op. cit. Of the 88 seats, 46 were won by *pahadis*.

### III. POLITICS AND PLAYERS

#### A. POLITICS IN THE TARAI

Since 1950, the Tarai has been a major political centre and a critical base for the mainstream parties. Most Nepali parties were formed in the Indian cities of Banaras or Calcutta, and leaders participated in the Indian freedom struggle.<sup>36</sup> With the flow of people and ideas across the border (slightly less open during the rule of the Ranas before 1950 but still permeable), the parties naturally expanded into the Tarai. The insurrection against the Ranas was waged in Tarai districts with local support. India was a source of arms and a safe base for activists to launch cross-border attacks. While the main action was in the Tarai, the issues and demands were national.<sup>37</sup>

A distinct, identity-based political consciousness emerged with formation of the Nepal Tarai Congress under Vedanand Jha in 1951. Its core demands included an autonomous Tarai, recognition of Hindi as a national language and adequate representation in the civil service.<sup>38</sup> The government's 1957 imposition of Nepali as the sole medium of instruction sparked protests and clashes between the Tarai Congress and nationalists.<sup>39</sup> The Tarai Congress failed to win a single seat in the 1959 parliamentary elections. The other prominent Madhesi leader during that period was Raghunath Thakur, who formed the Madhesi Mukti Andolan and demanded autonomy for the Tarai, appointment of Madhesis in police, army and the bureaucracy and landownership rights. Thakur also campaigned actively in India to win support for the Madhesi cause.<sup>40</sup>

Mainstream leaders, such as the Nepali Congress's B.P. Koirala, were seen as sympathetic to Madhesis and more

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<sup>36</sup> The Banaras group included expatriates and exiles connected with earlier political episodes in Nepal and a large number of Nepali students. The Nepali Congress (NC) was formed with the merger of the Banaras-based Nepali National Congress and the Calcutta-based Nepal Democratic Congress. Joshi and Rose, op. cit., pp. 55, 61, 71.

<sup>37</sup> The anti-Rana agitation picked up in November 1950 after NC activists attacked Birgunj and captured government offices. Joshi and Rose, op. cit., pp. 74-75.

<sup>38</sup> Gaige, *Regionalism*, op. cit., p. 109.

<sup>39</sup> Activists formed "Save Hindi" committees and held mass protests. The government temporarily abandoned enforcement of the Nepali-only primary education policy but later pushed it through.

<sup>40</sup> Jai Krishna Goit, "History of Terai in Nepal", at [madhesi.wordpress.com/2007/04/04/history-of-terai-in-nepal](http://madhesi.wordpress.com/2007/04/04/history-of-terai-in-nepal). Thakur later formed the Madhesi Janakrantikari Dal. Other leaders who raised the Madhesi issue in the 1960s included Ramji Mishra, Satyadev Mani Tripathi and Raghunath Raya Yadav.

willing to respect differences. Those who had long lived in Patna and Banaras and spoke Hindi publicly probably did not share the Kathmandu elite's prejudices. However, King Mahendra viewed language issues as one tool in his effort to create a hill-based, homogeneous identity.

Nepal's division into five development regions and fourteen zones, seen as a ploy to maintain *pahadi* domination because it forced hill and plains areas into single units, created discontent but few Madhesi politicians challenged the state's discriminatory tendencies, instead mostly allowing themselves to be co-opted at different levels.<sup>41</sup> Still, democratic politics retained strong support. The Nepali Congress (NC) was the best established party but there was also a tradition of peasants' and workers' protest movements.<sup>42</sup> An insurrection inspired by India's Naxalites (South Asia's original Maoists) shook the far south eastern Jhapa district in the early 1970s.<sup>43</sup>

Caste has an important role in Tarai politics. The failure of radical left movements is attributed to the entrenched caste structure that makes it difficult to mobilise lower castes in significant numbers.<sup>44</sup> During elections in 1959 and more so through the 1990s, caste was significant for both selecting Madhesi candidates and determining voting patterns. A former politician of the Communist Party of Nepal (Unified Marxist-Leninist, UML) said: "It all boils down to caste. For example, Yadavs, across parties, will coalesce if there is a Yadav candidate in the fray, not only in parliamentary but also civic association

elections. The non-Yadav castes form another silent front with the sole aim of ensuring the victory of a non-Yadav".<sup>45</sup>

## B. PARTIES

**The mainstream national political parties.** The NC and UML have strong organisational structures and support bases in the Tarai. Mainstream leaders have their constituencies in the Tarai – for example, Prime Minister Koirala in Sunsari and UML General Secretary Nepal in Rautahat. In the first general election (1959) and in post-1990 elections, a large majority of Madhesis has voted for the major national parties, especially NC.<sup>46</sup> Though they have never offered a real voice to Madhesis, association with the large, established parties offers benefits such as government jobs and contracts, local and national political access and social status.<sup>47</sup> Voting for national parties may also reflect Madhesis' desire to be part of the mainstream and counter suspicions over their loyalties.<sup>48</sup> Several Madhesis have risen to important leadership positions, especially in the NC,<sup>49</sup> whose old guard won the support of many Madhesis. With electoral politics not revolving around issues of Madhesi identity, Madhesi leaders did not feel the need to raise grievances and concerns within parties and were content with posts for themselves.

Mainstream parties have also tried to address Madhesi sensitivities at least on symbolic issues and especially during campaigns.<sup>50</sup> With the recent rise of Madhesi identity politics, they have begun establishing Madhesi fronts. The UML has a Loktantrik Madhesi Sangathan (Democratic Madhesi Organisation), while the Krantikari Madhesi Morcha is affiliated with Janamorcha.<sup>51</sup>

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<sup>41</sup> Crisis Group interview, Madhesi activist, Rajbiraj, 26 May 2007. Madhesi politicians across the political spectrum claim the division was unscientific, did not take into account local aspirations and blocked devolution to the local level. Crisis Group interview, analyst, Kathmandu, June 2007. Many members of the politically influential Madhesi landowning elite joined the royal council or other government bodies, accepted district and regional administrator positions and had no interest in destabilising the situation. Nevertheless, in the 1980 referendum on the Panchayat system, there was higher support for multiparty democracy in the Tarai. See Martin Hoftun, William Raeper and John Whelpton, *People, Politics and Ideology* (Kathmandu, 1999), p. 93.

<sup>42</sup> Crisis Group interview, Anil Shrestha, CPN(M) Parsa district in-charge, Birgunj, 28 May 2007.

<sup>43</sup> See Crisis Group Report, *Nepal's Maoists*, op. cit., pp. 8-12. The Jhappali movement was the breeding ground for several leftist leaders who later moved in different directions, from R.K. Mainali (who joined the 2005 royal cabinet) to his brother C.P. Mainali, who heads the ULF party, a member of the SPA. On the Jhappali movement, see Deepak Thapa, *A Kingdom Under Siege* (Kathmandu, 2003), pp. 26-27.

<sup>44</sup> Crisis Group interview, Chandrakishore, Director, Centre for Social Research, Birgunj, 1 June 2007. Given the tight framework of Marxist class analysis, Nepali leftists, like their Indian counterparts, long refused to recognise caste and ethnicity as valid categories for political mobilisation.

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<sup>45</sup> Crisis Group interview, Rajbiraj, 26 May 2007.

<sup>46</sup> The Nepal Tarai Congress failed to win a single seat in 1959. The NSP won between three and six seats in each of the post-1990 parliamentary elections. For the two main parties the totals were: 21 UML, 50 NC in 1991; 35 UML, 39 NC in 1994; 18 UML, 59 NC in 1999.

<sup>47</sup> Crisis Group interview, NC leader, Rajbiraj, 27 May 2007.

<sup>48</sup> Crisis Group interview, Chandrakishore, Birgunj, 1 June 2007.

<sup>49</sup> Mahendra Narayan Nidhi was a top NC leader during the anti-Panchayat agitation; Mahant Thakur was prominent through the 1990s in NC party and ministerial positions; other Madhesi ministers in democratic governments have included Bijay Kumar Gachhedar, Jay Prakash Prasad Gupta, Ram Baran Yadav and Bimalendra Nidhi; Chitrallekha Yadav has earned respect as House of Representatives and interim legislature deputy speaker.

<sup>50</sup> Hill-origin leaders give speeches in Hindi and other local languages during village meetings and door-to-door campaigning. Even conservative nationalists like the Rashtriya Prajatantra Party use Hindi posters to publicise rallies.

<sup>51</sup> The Krantikari Madhesi Morcha (KMM) is led by Ram Rijhan Yadav, a Madhesi leader from Siraha who had long

**Nepal Sadbhavana Party.** The NSP was the only regional party active in the post-1990 multiparty system.<sup>52</sup> Unable to register openly as a political movement, it was launched as a cultural association, the Nepal Sadbhavana Parishad, in 1983. Its core aim was political and cultural rights for Madhesis.<sup>53</sup> With introduction of the multiparty system, it became a political party on 17 April 1990, headed by Gajendra Narayan Singh, a senior democratic leader from Saptari district, in the eastern Tarai. A long-time NC activist and exile in India for eighteen years, he was elected to the National Panchayat in 1986 and raised Madhesi issues.<sup>54</sup> Past association with a mainstream democratic party, extensive links in Kathmandu and Delhi and a support base in some Tarai districts helped him gain acceptability in the capital. Key NSP demands have been reformed citizenship laws; official recognition for Hindi; a federal system; and greater Madhesi representation in the civil service and security forces.<sup>55</sup> It opposed the 1990 constitution, though working within its framework, and has consistently demanded a constituent assembly.<sup>56</sup>

The NSP has district committees across the Tarai but is stronger in the east.<sup>57</sup> During the instability of the 1990s, it allied with all political groups to be in government and justified this by saying it was trying to make a difference for Madhesis from within. But this, coupled with inability to deliver on any of its demands, eroded the party's credibility in the Tarai. The other top leaders were mostly

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been with the MJF and retained this affiliation for some time while heading the KMM.

<sup>52</sup> It gained official recognition despite constitutional restrictions on regional and ethnic parties and has maintained national party status by consistently winning over 3 per cent of the national vote in general elections.

<sup>53</sup> Well-known demographer and planner Harka Gurung's categorisation of Madhesis as people of Indian origin helped trigger the NSP's formation. Gajendra Narayan Singh was arrested while campaigning against Gurung's stance; he established the NSP on his release. Rajendra Mahato, *Hamare prerana ke srot – Karamvir Swargiya Gajendra Narayan Singh* (Kathmandu, 2004).

<sup>54</sup> Ibid.

<sup>55</sup> See Hoftun et al., op. cit., pp. 330-333. A brief summary of the party position is at [www.nepaldemocracy.org/institutions/major\\_parties.htm#nsp](http://www.nepaldemocracy.org/institutions/major_parties.htm#nsp).

<sup>56</sup> The NSP burnt copies of the 1990 constitution and demanded a new one through the democratic period but it participated in the political system. "*Vartaman samasaya ka ek hi hal, samvidhan sabha ke liye janata main chal*", undated NSP(A) pamphlet.

<sup>57</sup> The NSP won six seats (4.1 per cent of the vote) in the first parliamentary elections in 1991, three seats (3.6 per cent) in 1994 and five seats (3.18 per cent) in 1999. Its candidates have won seats in Morang, Saptari, Sarlahi, Nawalparasi and Rupandehi but none from the west, mid-west or far-west districts.

upper caste landowners.<sup>58</sup> Singh's death in 2002 deprived the party of its most charismatic face and left it rife with factionalism and leadership squabbles. When the next leader, Badri Prasad Mandal, supported the king's 4 October 2002 decision to sack Prime Minister Sher Bahadur Deuba, the party split, with one faction headed by Mandal, the other, the NSP(A), a member of the SPA, by Singh's widow, Anandi Devi.<sup>59</sup> The two factions reunited in June 2007 under Anandi Devi.

**The Maoists.** The Maoists established a Madhesi Rashtriya Mukti Morcha (Madhesi National Liberation Front, MRMM) in 2000 in Siliguri, India, under the leadership of Jai Krishna Goit. This was part of their strategy to tap into identity politics and win support among excluded communities. While MRMM leaders say the goal is an autonomous and discrimination-free Madhes, its true role is largely subordinate: supporting the CPN(M) by providing a regional front, developing locally popular policies, recruiting and organising. The Maoists emphasise the Madhes's difference from the hills in terms of social structure and production relations and also stress that its problems stem from both *pahadi*, ruling-class policies and Madhesis' own exploitative feudal and caste structures.<sup>60</sup> MRMM leader Prabhu Sah says: "MRMM is the true representative of the Madhes. The NSP did raise the issue before us but we put it on the political agenda. We fought for it and lost our comrades in the armed struggle. Our contribution must be recognised".<sup>61</sup>

The Maoists face tough policy decisions. Since the formation of their autonomous people's governments they have divided Madhes into two units: Tharuwan (in the west) and Madhes (in the east). This has angered Madhesi leaders; the official line has not changed but Maoists say they are open to revising it, although a unified province could still incorporate a separate Tharu administrative unit.<sup>62</sup> The Maoists support the right to self-determination but caution this does not include secession.<sup>63</sup> The MRMM demands proportional Madhesi

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<sup>58</sup> The top leaders of the party include Hridayesh Tripathi, Rajendra Mahato, Sarita Giri and Anil Jha. All four are upper caste.

<sup>59</sup> This was not the NSP's first split. It had earlier seen one leader, Ram Janam Tiwari, walk out and Hridayesh Tripathi form a short-lived Nepal Samajwadi Janata Dal before returning.

<sup>60</sup> Crisis Group interview, Prabhu Sah, MRMM general secretary, Kathmandu, 23 May 2007.

<sup>61</sup> Crisis Group interview, Kathmandu, 23 May 2007.

<sup>62</sup> Crisis Group interview, Athak, CPN(M) Banke district in-charge, Nepalgunj, 15 June 2007.

<sup>63</sup> Crisis Group interview, Maoist leaders, Kathmandu, 23 May 2007. See also Baburam Bhattarai, "Madhesi prashnalai herne dhrishtikonharu", *Lal Madhes*, March 2006. Bhattarai recognises the differences in the population composition of

inclusion in state institutions; full distribution of citizenship certificates; use of Maithili, Bhojpuri and Awadhi as local official languages and protection of other cultural rights; reinvestment of Madhes tax revenues in the region; revolutionary land reform; and an end to dowry, women's exploitation, untouchability and social discrimination.<sup>64</sup> Unlike the NSP, it opposes Hindi as an official link language in the Tarai, calling it an upper caste and Indian ploy.<sup>65</sup>

The CPN(M) and MRMM have a common ideological and policy stand. A few top MRMM leaders are also influential within the Maoist hierarchy but Front leaders say they have autonomy to decide on policies and running of the organisation, and MRMM members are not necessarily Maoist members.<sup>66</sup> The MRMM has a central committee of 22, three regional coordination committees and district committees.<sup>67</sup> Matrika Prasad Yadav, who was appointed head of the MRMM in 2004, also led the Madhes autonomous government. However, at the district level, the head of the MRMM and the people's government were usually different persons, though there was close cooperation between the organisations.<sup>68</sup>

The MRMM has internal tensions, with Sah objecting to Yadav's dual appointments as head of the front and minister; the rift is also attributed to caste tensions between members of the Yadav caste and non-Yadavs. In late June 2007, matters came to a head when the differences became public, and the party took direct control of the MRMM and appointed a new ad-hoc central committee. This division has trickled down to district units. Yadav has the upper-hand in the party hierarchy and commands more support but Sah has

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eastern and western Tarai and says federal units must be based on language and culture, economic and social situation, geography and popular will. The Maoists believe regional and ethnic self-determination is not only inherently justified but also better for national unity than a top-down, centralised approach. One Maoist Madhesi leader explains: "Even if you make Madhes a separate country, it will not be independent in this age of globalisation. What is needed is autonomy". Crisis Group interview, Kathmandu, May 2007.

<sup>64</sup> Prabhu Sah, *Janayuddha ra madhesi muktiko karyadisha* (Madhesi Rashtriya Mukti Morcha, 2006), pp. 19-20.

<sup>65</sup> Ibid, p. 20.

<sup>66</sup> Crisis Group interview, Prabhu Sah, Kathmandu, June 2007. He said: "MRMM's key aim is the national liberation of Madhes; the CPN(M)'s is communism. Theoretically, all those who support the MRMM cause may not support Maoist aims. In practical terms however, there is an overlap, and most MRMM members are also in the party".

<sup>67</sup> The Mithila, Bhojpur and Awadh coordination committee serves as the link between central and district levels.

<sup>68</sup> Crisis Group interview, Maoist leader, Kathmandu, June 2007.

pockets of influence and the support of a few senior Maoist leaders.<sup>69</sup>

The MRMM has links with all other Maoist fraternal ethnic organisations. It talks with leaders of these fronts but mostly within the framework of the party. Any decision on a common approach is made by the party leadership in consultation with the front leaders. The unity of the excluded nationalities is a key part of Maoist strategy. "Even if we get proportional representation, at best Madhesis are 40 per cent of the population", Sah says. "If we ally with other communities, our voice can become decisive".<sup>70</sup>

**Madhesi Janadhikar Forum.**<sup>71</sup> The MJF was established in 1997 and initially registered as an NGO. Founding leaders say the Maoists supported its creation.<sup>72</sup> It developed as a cross-party intellectual forum to discuss and promote Madhesi concerns, publishing several research papers and books.<sup>73</sup> Other activities included seminars and training programs to spread awareness, building an organisation and reaching out to Indian leaders.<sup>74</sup> The MJF emerged as a leading force in the Madhesi movement and in April 2007 applied to the Election Commission to register as a political party.<sup>75</sup> It had two main leaders – Jai Prakash Prasad Gupta (a Koirala protégé and former NC minister from Saptari who adopted the Madhesi cause after falling out of favour with the party leadership) and Upendra Yadav (a UML

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<sup>69</sup> Crisis Group interviews, analysts, local journalists and Maoist activists, Kathmandu, Janakpur and Birgunj, May-June 2007.

<sup>70</sup> Crisis Group interview, Prabhu Sah, Kathmandu, 23 May 2007.

<sup>71</sup> The MJF is sometimes referred to in Nepal's English-language media as the MPRF, reflecting a translation of its Nepali name (Madhesi People's Rights Forum).

<sup>72</sup> Crisis Group interviews, present and former MJF leaders, Biratnagar, May 2007.

<sup>73</sup> Among others, the MJF included Amresh Singh (NC), Ram Rijhan Yadav (Janamorcha) and independent activists. Publications include: Upendra Yadav, *Nepal ka madhesi samuday: ek vivechana* (Biratnagar, 1997), *Nepali janandolan aur madhesi mukti ka sawal* (Biratnagar, 2004), *Madhes; madhesi samasya ra samadhan* (Kathmandu, 2005), *Conspiracy Against Madhesh* (Kathmandu, 2005); Jai Prakash Prasad Gupta, Hari Bansh Jha, Amresh Narayan Jha and U. Yadav, *Nepali madhesika samasya: char bichar* (Kathmandu, 2004); *Madhes bani* (Kathmandu, 2003).

<sup>74</sup> "Madhesi janadhikar phoranko pratinidhi mandal bharat bhramanma", *Madhes Mulyankan*, January 2006. A four-member delegation led by Upendra Yadav visited Delhi, Patna and Lucknow in November 2005. Yadav has frequently visited India to rally support.

<sup>75</sup> The MJF provided over 32,000 signatures to support its application; the Election Commission is yet to make a formal decision.

candidate in the 1991 elections from Sunsari who briefly joined the Maoists but left them in 2004);<sup>76</sup> Gupta quit the MJF in June 2007. Although it seeks to build a Madhes-wide base, most leaders come from the eastern Tarai, and its central committee consists largely of upper and intermediate caste Hindus, with a predominance of Yadavs.<sup>77</sup>

The MJF identifies internal colonisation as well as regional and racial discrimination against the Madhes as its key concerns. Its demands include declaration of a federal democratic republic with an undivided, autonomous Madhes, secularism, a proportional electoral system, citizenship certificates for all Madhesis, inclusion of Madhesis in all state organs, special schemes for Dalits and other oppressed Madhesi castes, local promotion and use of Maithili, Bhojपुरi and Awadhi languages, recognition of Hindi as a lingua franca, end to internal migration of *pahadis* to Madhes, investment in Madhes of a substantial portion of taxes raised in the region, an end of discrimination against Nepali Muslims and official recognition for madrasas.<sup>78</sup> MJF has also tied Madhesi politics to larger national developments. It opposed the king's rule and Maoist violence and called for elections to the constituent assembly based on equitable population representation under UN supervision.<sup>79</sup>

### C. MILITANT AND FRINGE GROUPS

**Janatantrik Tarai Mukti Morcha.** The JTMM is an armed Madhesi militant group which has split into three factions. Former MRMM leader Jai Krishna Goit broke from the Maoists to set up the organisation in July 2004. He was unhappy with *pahadi* domination of party leadership positions in the Madhes and discrimination against Madhesis in the People's Liberation Army; he

also resented Matrika Yadav's appointment as the head of MRMM while he was shifted to the position of senior adviser.<sup>80</sup> In August 2006, he expelled the group's eastern commander, Nagendra Paswan (Jwala Singh). Goit says he acted against Singh for indiscipline; Singh, who complains of Goit's dictatorial tendencies and caste attitudes,<sup>81</sup> established his own JTMM group. Both factions endorse violence and have been responsible for abductions, extortion, physical attacks and murders. Still, neither can be dismissed as purely criminal.

Goit and Singh have political agendas. Goit was a political activist with the UML before joining the Maoists, and Singh comes from a journalism background.<sup>82</sup> In late June 2007, JTMM(Goit (G)) split again, with eight rebels, led by Bisfot Singh, forming a splinter faction.<sup>83</sup>

The Jwala Singh faction claims to have an organisation modelled on the Maoists, with a central committee, central and district level Tarai governments, a Tarai Liberation Army and district committees across the region.<sup>84</sup> Goit has a central committee, East and West Tarai Regional Bureaus, village, ward and cell committees, and a parallel military organisation. For both factions, it is hard to confirm how their claims translate into ground reality, although they have certainly recruited members and expanded significantly.

Goit's faction identifies the Tarai issue as one of colonialism and has demanded independence. He refuses to call himself a Nepali citizen and believes that Nepal has no legal claim to Tarai.<sup>85</sup> Goit has also demanded that all administrative posts in Tarai be filled by Madhesis and the government return the tax revenues raised from the region back to the people.

Jwala Singh also questions Nepal's historical claim to the Tarai.<sup>86</sup> He identifies three main issues: the

<sup>76</sup> See "Madhes Violence: The Identity Clash in Nepal", Conflict Study Centre, Kathmandu, 30 January 2007. Yadav also attended the Madhesi Rashtriya Mukti Morcha's first national convention on 10-11 July 2003. MRMM, press statement, 30 July 2003. Upendra Yadav, Matrika Yadav and Suresh Ale Magar were arrested in Delhi in February 2004. While Matrika Yadav and Ale Magar were quietly handed over to Nepali authorities, Upendra Yadav was released within a few months. The Maoists accuse him of selling out to the Indian establishment and acting as an informer. He has spent most of his time after release in India, especially Bihar; although no one has evidence, some suspect that he developed ties with leaders of the Hindu right (including the then-governing BJP that ordered his release), other politicians and possibly intelligence agents. Crisis Group interview, former MJF leader, Biratnagar, 24 May 2007.

<sup>77</sup> Crisis Group interviews, MJF leaders, various districts, May-June 2007.

<sup>78</sup> MJF manifesto, 1997.

<sup>79</sup> Resolution of MJF central committee, 19 October 2005, Birgunj, reprinted in *Madhes Mulyankan*, January 2006.

<sup>80</sup> Crisis Group interview, analyst, Kathmandu, May 2007.

<sup>81</sup> Crisis Group interview, Jwala Singh, May 2007.

<sup>82</sup> Interview with Jwala Singh, INSEC Online, at [www.inseconline.org/interview/Interview.pdf?newsid=53](http://www.inseconline.org/interview/Interview.pdf?newsid=53).

Jwala Singh joined the Maoist parliamentary front Samyukta Janamorcha Nepal (United People's Front) as Siraha district secretary in 1993. He was also a reporter with the Maoist weekly *Janadesh* and an office-bearer of the Federation of Nepalese Journalists, Siraha.

<sup>83</sup> "JTMM(G) also splits", *The Kathmandu Post*, 27 June 2007. Bisfot Singh accused Goit of seeking personal benefits and deserting the Madhes cause.

<sup>84</sup> Crisis Group interview, Jwala Singh, May 2007.

<sup>85</sup> Crisis Group interview, Jai Krishna Goit, June 2007. Goit asserted that the Tarai became a part of Nepal after 1816 and 1860 treaties between British India and Nepal which were annulled after the Indo-Nepal treaty of 1950. This leaves Nepal, in his view, with no legal claim over the Tarai.

<sup>86</sup> Crisis Group interview, Jwala Singh, May 2007.

authoritarian *pahadi* state and its colonial exploitation of Madhes and Madhesis, class differences and caste differences.<sup>87</sup> He believes the Madhesi movement has failed until now because its leaders have not picked up guns, saying: "First, the colonial problem needs to be solved through an armed struggle – our main aim is independence. Once we are free from *pahadi* rule, we can solve the other problems".<sup>88</sup> However, JTMM (Jwala Singh (JS)) sympathisers say this is a bargaining position; Singh recognises that independence may not be feasible and would be satisfied with a unified Madhes province within Nepal.<sup>89</sup> He has also asked for a fair electoral system, a fresh census conducted in Madhes by Madhesis, appointment of only Madhesis in citizenship distribution teams, an end to Maoist fundraising and the return of seized property, as well as for all revenue collected from the Tarai to be spent in the region.<sup>90</sup>

**Fringe groups/local alliances.** Some dozen armed groups in the Tarai claim to be fighting for the Madhes cause, including both JTMM factions.<sup>91</sup> Little is known about them, and residents view them as opportunistic, making the most of weak law and order. Their activities are largely criminal, and most have not issued political manifestos. The Madhesi Tigers, formed almost a decade back but only recently again active, are believed to be led by Praful Yadav.<sup>92</sup> Activities include abductions and killings, especially in Sunsari, Saptari and Siraha. The Tigers have clashed with the security forces in Saptari.<sup>93</sup> The Nepal Defence Army supports a Hindu kingdom in Nepal. It may have royal links but it is unlikely Indian Hindutva (militant Hindu) organisations actively support it.<sup>94</sup>

The Chure Bhawar Ekta Samaj (CBES) was set up by *pahadis* in the eastern Madhes, primarily those living around or north of the main highway, to protect their interests against growing Madhesi mobilisation. Its central committee is reportedly dominated by UML-affiliated persons,<sup>95</sup> others point to strong ties with the NC

and the fact that there are ex-servicemen in its ranks.<sup>96</sup> Most Madhesis believe their opponents (including mainstream parties, state administration and security forces) encouraged and support it.<sup>97</sup> The government has in effect recognised it by holding two rounds of formal talks with its representatives.<sup>98</sup>

**Hindu and royalist groups.** The relationship between religion, royalism and Madhesi activism is complex and sometimes contradictory. Madhesi intellectuals quickly point out that King Mahendra's palace-led Panchayat system, instituted in 1962, was most responsible for institutionalising discrimination and actively imposing unitary, *pahadi*, cultural norms; they also note King Birendra repeatedly used residual powers even in the democratic period to block citizenship reform.<sup>99</sup> The MJF and JTMM agree on secularism and fighting for a federal republic.<sup>100</sup> The MJF's letter introducing its demands for the 1 June 2007 talks with the government was strongly anti-palace, accusing the NC, UML and CPN(M) of conspiring to retain a ceremonial monarchy, contrary to the wishes of the people's movement.<sup>101</sup> The Tarai seems to have retained some affection for the monarchy, however; Gyanendra attracted larger crowds for his tours there than elsewhere; some towns had relatively high turnout in the palace-backed, party-boycotted February 2006 municipal elections; and local Madhesi elites have kept ties to the palace.<sup>102</sup>

While all Madhesi political formations point to the need to address caste exploitation, the Maoist MRMM and JTMM(JS) identify Hindu Madhesi caste structures as one of the root causes of underdevelopment. For most

<sup>87</sup> Interview with Jwala Singh, INSEC Online, op. cit.

<sup>88</sup> Crisis Group interview, Jwala Singh, May 2007.

<sup>89</sup> Crisis Group interviews, Janakpur, May 2007.

<sup>90</sup> Crisis Group interview, Jwala Singh, May 2007.

<sup>91</sup> Crisis Group interview, Chandrakishore, Birgunj, 1 June 2007.

<sup>92</sup> Crisis Group interviews, Madhesi activists, Biratnagar, Rajbiraj and Lahan, May 2007.

<sup>93</sup> For example, two Madhesi Tigers activists were killed in a 4 May 2007 clash in Saptari. "Saptari, Siraha affected by Madhesi Tiger Terai strike", *ekantipur.com*, 5 May 2007.

<sup>94</sup> Crisis Group interview, RSS activist, Raxaul, June 2007. Hindu fundamentalists in India dismiss the Nepal Defence Army as insignificant.

<sup>95</sup> A well-informed observer says nine of fourteen members are UML cadres. Crisis Group interview, Kathmandu, 18 June 2007.

<sup>96</sup> Crisis Group interview, analyst, Kathmandu, June 2007.

<sup>97</sup> Crisis Group interviews, eastern Tarai districts, May-June 2007.

<sup>98</sup> See "Govt, Chure Samaj start second round of talks", *nepalnews.com*, 17 June 2007.

<sup>99</sup> For details on the legislation's progress, see B.C. Upreti, "Nagariktako rajniti", in *Madhes*, op. cit., pp. 108-109.

<sup>100</sup> On secularism, MJF manifesto, 1997; Crisis Group interview, Jwala Singh, May 2007. On anti-monarchism, MJF leader Upendra Yadav's *Conspiracy Against Madhesh*, op. cit., published in the wake of Gyanendra's takeover, was a blistering critique, whose two sections were "Royal regression and the future of democracy" and "Madhesh: a colony of terror under monarchy of Nepal".

<sup>101</sup> MJF letter to government talks team, 1 June 2007.

<sup>102</sup> On crowds, Crisis Group interview, Madhesi civil society activist, Kathmandu, May 2007. On the elections, see "Poor turnout, hundreds arrested, one shot dead as municipal polls end", *The Kathmandu Post*, 8 February 2006. On palace ties, Crisis Group interview, Vijay Kanta Karna, Jaghrit, Lalitpur, May 2007. He suggested that Tarai feudal elites may have survived the conflict more easily than their hill counterparts because the Maoists were never strong enough to uproot them entirely.

other politicians (apart from Dalit activists), caste is of interest mainly as a potential basis for securing votes, and few complain about caste-based inequities. Although Madhesi and *pahadi* caste structures are separate, some observers suggest the shared adherence to mainstream Hinduism is one of the more solid bonds between hill and plains dwellers.<sup>103</sup> The Madhesi movement did have some Hindu strands: resentment against the government's May 2007 secularism declaration was used as a rallying call; some MJF central committee members have past associations with Hindutva groups; the MJF has also used inflammatory Hindu imagery in publicity.<sup>104</sup> Smaller sects and popular gurus may also have helped rally anti-secular opinion.<sup>105</sup> Although religious sentiment does not necessarily translate into Hindu nationalism or monarchism, there may be more sympathy for Hindu politics than Madhesi leaders and secular-oriented commentators would like to admit.<sup>106</sup>

Pro-palace and active Hindutva groups also have multifaceted agendas. For some formerly prominent royalist politicians, active support of the Madhesi movement may have been an opportunity for rehabilitation as much as a deliberate plan to boost the king. A Birgunj-based analyst said:

Royalists used a movement for social justice to gain social acceptability and get rehabilitated back in local politics after having been marginalised. It is also useful to remember that royalist politicians have other interests, too. Just because they are pro-palace does not mean everything they do is for the king. But there was definitely an element which

wanted to create anarchy and destabilise the process.<sup>107</sup>

Some smaller, moderately royalist parties have a small base in some Tarai pockets.<sup>108</sup> Some Hindu political organisations, generally with Indian origins or links, have long been present in Nepal, including the Shiv Sena Nepal, the Hindu Swayamsevak Sangh and Vishwa Hindu Mahasangh.<sup>109</sup> Newer organisations have also sprung up, although some may exist largely on paper.<sup>110</sup>

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<sup>103</sup> Many Madhesi commentators and activists stress the importance of religious ties, although most caution that these do not necessarily imply political support for the palace. Crisis Group interviews, May-June 2007.

<sup>104</sup> On resentment, Crisis Group interviews, Madhesi activists, May 2007. Much opposition centres on lack of consultation as much as the announcement, many arguing the government should have deferred the issue to the constituent assembly. On Hindutva associations, Crisis Group interviews, independent Madhesi analysts, local journalists, Kathmandu, Birgunj and Janakpur, May-June 2007. On inflammatory publicity, a magazine sympathetic to MJF carried an image of a Hindu rioter from the 2002 Gujarat pogrom on its back cover (bizarrely juxtaposed with a Gandhi quote), *Madhes Mulyankan*, January 2006.

<sup>105</sup> For example, Sai Baba, Kripali Ji Maharaj, Radhe Radhe and other smaller, independent sects, organisations and religious leaders. Crisis Group interview, analyst, Kathmandu, May 2007.

<sup>106</sup> Crisis Group interview, analyst, Kathmandu, June 2007. Some point out that even Muslim *maulvis* (clerics) found royal Hinduism comfortable to live with because they knew where they were in Koranic terms – in a land of non-believers.

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<sup>107</sup> Crisis Group interview, Chandrakishore, Birgunj, 1 June 2007.

<sup>108</sup> For example, the Rashtriya Janashakti Party's Renu Yadav is an MP for Saptari. She was formerly with the Rashtriya Prajatantra Party.

<sup>109</sup> The Shiv Sena Nepal participated in elections in the 1990s but had a negligible vote and failed to win a single seat. The Hindu Swayamsevak Sangh is the Nepal wing of the Indian Hindu extremist organisation Rashtriya Swayamsevak Sangh (RSS) and maintains close links with it and Vishwa Hindu Parishad (VHP). Theoretically, Vishwa Hindu Mahasangh (VHM) is a global Hindu organisation and VHP is affiliated with it; in practice, VHM relies almost wholly on VHP and other Indian Hindutva leaders.

<sup>110</sup> For example, Madhesi Hindu Samaj, Arjun Shakti Kendra, Ram Shakti Dal and Pashupati Lathi Samiti but little is known about them.

## IV. THE MADHESI MOVEMENT

### A. VIOLENCE IN THE TARAI

Madhesi discontent had been rising since it became apparent the April 2006 people's movement would not lead to a rapid addressing of their grievances. Federalism emerged as a key demand of all Madhesi groups; armed outfits increased their activities; and Maoist-Madhesi tensions escalated, in some cases violently. The parties, happy to be back in power and concentrating on talks with the Maoists, paid little attention to Madhesi issues or political dynamics.<sup>111</sup> When the draft interim constitution – prepared by the SPA and Maoists without broad consultation<sup>112</sup> – became public in December 2006, it prompted protests. Madhesi groups, as well as Madhesi MPs across party lines, objected to silence on federalism and what they saw as an unfair electoral system.<sup>113</sup>

The first flashpoint was in Nepalgunj, where the NSP had called a strike. The administration tried to block the march; at the same time, *pahadis* attacked Madhesi-owned shops in the heart of town. There were reports of retaliation by Madhesis but *pahadi* violence and police complicity were captured on camera. A DVD showing the anti-Madhesi rampage was widely circulated, fuelling anger and raising tensions.<sup>114</sup>

The promulgation of the interim constitution spurred 21 days of protests in January-February 2007. On 16 January, MJF leaders were arrested while burning copies of the document in Kathmandu. Three days later, MJF activists protesting the arrests in Lahan, Siraha district, clashed with Maoists, who shot dead Ramesh Kumar Mahato, a young MJF activist. On 20 January, as the MJF demanded action against the perpetrator and compensation, Maoist cadres seized his body and cremated it. The MJF stepped up protests against both the government, for inaction, and the

Maoists, whose leaders grudgingly and belatedly apologised. The escalation of tensions surprised even those who led the movement. "Everyone, including Madhesi leaders, failed to read the intensity of [popular sentiment]", commented an Indian diplomat who followed events closely. "Even when Upendra Yadav and his colleagues burned the interim constitution, they did not quite realise what they were doing – and when the NSP called a *bandh* [strike], its own leaders were shocked at its success".<sup>115</sup>

Mahato's killing was the spark for prolonged agitation. Madhesi activists called for a general strike in the Tarai and organised widespread protests; the government responded with curfews and an increased police presence. On 25 January, the MJF announced it would continue the protests indefinitely until the interim constitution was amended. Activists looted government offices, police posts, banks, mainstream parties' district offices and media organisations; in a move reminiscent of the Maoists' anti-monarchy actions during the April 2006 movement, they vandalised statues of *pahadi* political leaders. The blocking of Kathmandu's key supply routes had a more direct impact, leading to travel disruption, price rises and a petrol shortage. Although there were sporadic attacks on Tarai-based *pahadis*, communalism was not a defining feature of the unrest. The state response was harsh: police shot dead more than 30 people and wounded 800.<sup>116</sup>

The protests initially centred around Lahan and Janakpur but soon spread to all other major Tarai towns. The MJF organised some demonstrations but others were spontaneous or organised by local groups.<sup>117</sup> These mobilised people, provided support to the injured and helped coordinate protests.<sup>118</sup> Malangwa, Birgunj, Lahan and Biratnagar saw major clashes. In some cases, agitators turned their ire on journalists, blaming them for not covering the movement sufficiently.<sup>119</sup>

<sup>111</sup> Suman Pradhan, "Tarai tinderbox", *Nepali Times*, 11 August 2006.

<sup>112</sup> See Crisis Group Report, *Nepal's Constitutional Process*, op. cit., pp. 5-10, 23-26.

<sup>113</sup> The interim constitution (Art. 63(3)) provided for a 425-member constituent assembly with 205 elected by a first-past-the-post system, 204 elected by proportional representation and sixteen "distinguished persons" selected by the interim council of ministers. Madhesi groups' basic objection is that electoral constituencies are not delineated by equitable population representation.

<sup>114</sup> Crisis Group interview, human rights activist and eyewitness, Nepalgunj, 12 June 2007. Maoists say they created the DVD to expose the administration's attitude towards Madhesis but NSP and MJF leaders used it to support their cause – something that still rankles with the Maoists. Crisis Group interviews, Maoist activists, May-June 2007.

<sup>115</sup> Crisis Group interview, Kathmandu, 31 May 2007.

<sup>116</sup> The number of people killed remains unclear. Human rights organisations speak of 27, while Madhesi leaders say 40 or 42. Most Madhesis accept the highest figure, although around a dozen of the deaths may have come in clashes between Madhesi activists rather than from police fire. Crisis Group interviews, Kathmandu, Biratnagar, Janakpur and Birgunj, May-June 2007.

<sup>117</sup> Crisis Group interviews, Madhesi activists, Birgunj and Rajbiraj, May 2007.

<sup>118</sup> Crisis Group interview, Rajeev Jha, Tarai Samrakshan Samiti (TSS), Janakpur, 29 May 2007. Organisations like the TSS kept in touch with all protesting groups, provided some logistical support, took injured to the hospital and collected donations for medical care.

<sup>119</sup> For example, protestors vandalised the Birgunj FM station and the Federation of Nepalese Journalists' office; reporters covering demonstrations in Biratnagar, Birgunj, Inaruwa, Lahan, Bara and Saptari were threatened. Journalists say they covered the

The MJF emerged as the movement's leading group but the protests lacked clear planning. "It was Lahan that created Upendra, not the other way around", commented one observer.<sup>120</sup> Caught off-guard by its sudden prominence, the MJF was not prepared to make the most of the public support. A district level leader admitted:

We didn't know how to handle the movement. We had four to six leaders and about 20 to 30 activists in each district, who had to suddenly deal with thousands of protestors. We had neither the organisation nor the leadership to channel this energy for the benefit of our party or to keep in touch with people who might have turned into long-term supporters.<sup>121</sup>

Participation in the protests cut across political divides; activists of other groups, from NC and UML to both JTMM factions, played a major role. Madhesi' long-standing grievances, aggravated by exclusion from the peace process, even spurred CPN(M) cadres to join in, despite the anti-Maoist theme of many protests.<sup>122</sup>

## B. THE RESPONSE

The intensity and duration of the protests took the government by surprise. It had ignored similar demands by Madhesi MPs across party lines and did not negotiate with Madhesi groups when trouble was brewing. Instead, it treated the protests as a law and order problem, arresting leaders, imposing curfews and authorising police to shoot violent protestors. Many mainstream politicians were happy to see a militant Tarai force emerge to challenge the Maoists.<sup>123</sup> Only when they themselves became targets and the unrest showed no signs of abating did SPA leaders start looking for a political solution. The Maoists dismissed the MJF and JTMM as criminals, claiming royalists and Hindu fundamentalists from India were driving the movement. They urged the government not to grant it

legitimacy through negotiations and consistently argued that the newly prominent activists were "irresponsible" and lacked the "moral authority" to represent Madhesi.<sup>124</sup>

After a week of protests, Prime Minister Koirala, in a 31 January televised address, invited protesting groups to negotiations, promised to increase electoral seats in the Tarai and announced a commitment to federalism.<sup>125</sup> On 2 February, the government set up a ministerial-level talks team.<sup>126</sup> However, Koirala misjudged the popular mood. MJF-led protestors rejected the offer and complained he did not empathise with their movement. Many Madhesi felt that the speech was high-handed and unilateral and did not recognise Madhesi demands as rights that were due to them. A week later, as the situation deteriorated further, Koirala made a second address, recognising the contribution of Madhesi to strengthening democracy, expressing regret over loss of life<sup>127</sup> and promising electoral representation and inclusion of marginalised groups in state bodies on a proportional basis.

The MJF cautiously welcomed this announcement, suspending its agitation for ten days to allow the government to implement its promises but setting preconditions for talks: the home minister's resignation, action against those responsible for the killings and a judicial commission to examine the government's behaviour. The JTMM(JS) conditionally agreed to talks but the JTMM(Goit) (then the much stronger faction) rejected the offer. The government prevaricated. It delayed amending the constitution, backed the home minister and did not even address uncontroversial demands such as compensating victims. The promised judicial commission – which, given the tradition of such enquiries in Nepal, would probably have been a painless way of deferring judgement on tricky issues – was only formed months later and dominated by establishment figures, including the police chief, whose own force's actions are under investigation.<sup>128</sup> There were no talks with the JTMM(JS).<sup>129</sup>

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movement consistently but sometimes missed information about activities in villages where there were no reporters. Crisis Group interview, journalist, Biratnagar, 25 May 2007. See also "IFJ Outraged Over Violence Against Journalists During Demonstrations in Nepal", 30 January 2007, and "Journalists Attacked and Work Destroyed in Nepal", 28 February 2007, International Federation of Journalists press releases.

<sup>120</sup> Crisis Group interview, Kathmandu, 31 May 2007.

<sup>121</sup> Crisis Group interview, MJF leader, June 2007.

<sup>122</sup> Madhesi Maoist activists not only participated but in some cases actively mobilised people to join the movement. One said: "This is what we had been fighting for all along – a Madhesi consciousness. I see no contradiction in being a Maoist and a part of the agitation". Crisis Group interview, Maoist district activists, Parsa, 3 June 2007.

<sup>123</sup> Crisis Group interviews, NC leaders, Biratnagar and Rajbiraj, May 2007.

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<sup>124</sup> Crisis Group interview, Prabhu Sah, MRMM, Kathmandu, 23 May 2007. Maoists see themselves as the true representatives of the Madhesi people, having forcefully raised Madhesi issues and shed blood while fighting for them.

<sup>125</sup> A translation of the address was published in *The Rising Nepal*, 1 February 2007.

<sup>126</sup> It was headed by NC's Mahant Thakur; the other members were NC(D)'s Gyanendra Bahadur Karki and UML's Rajendra Pande.

<sup>127</sup> A translation of the address was published in *The Rising Nepal*, 8 February 2007.

<sup>128</sup> The cabinet formed the commission on 25 May 2007, with Supreme Court Justice Khilraj Regmi as its head; other members are the eastern regional police chief, Rabindra Pratap Shah; Deputy Attorney General Rajnarayan Pathak; National

The movement prompted mixed reactions outside the Tarai, including in *pahadi*-dominated civil society. Although the need for a more inclusive state is now a rhetorical commonplace, Madhesi militancy prompted fears and resentment, often reinforcing old prejudices. Despite concern for a backlash from other communities feeling threatened by Madhesi strength, most marginalised communities expressed support and emphasised they shared the demand for federalism and proportional representation. Civil society groups visited the troubled districts, agreed the agitation was mostly spontaneous and urged the government to address legitimate demands.<sup>130</sup> Media attention was finally drawn to Madhesi concerns, prompting some sympathetic reporting. However, much *pahadi* reaction mirrored the party response. While some human rights organisations accused the government of excessive force, some Madhesi commentators charged *pahadi*-dominated human rights groups and the media with bias.<sup>131</sup> Many Kathmandu residents vociferously opposed the movement, believing it had been stirred up by “regressive elements” or was an Indian conspiracy to undermine Nepal’s sovereignty.<sup>132</sup>

There was a cross-border dimension. Indian political and social groups, especially in Jogbani and Raxaul, organised camps to give shelter and medical care to the injured.<sup>133</sup> Many politicians were quietly supportive, with some border legislators making public statements in favour of Madhesi rights and others organising rallies on the Indian side.<sup>134</sup> Some members of legislative assemblies (MLAs) are reported to have told district administrators not to

lean too heavily on Madhesi activists, both armed and unarmed.<sup>135</sup>

Maoist-MJF tensions continued to increase and turned violent in Gaur on 21 March, when the MRMM organised a mass meeting at the same time and venue as the MJF. MJF activists allegedly destroyed the MRMM stage, provoking a similar response.<sup>136</sup> After initially fleeing, MJF partisans attacked the outnumbered Maoists, killing 27. Some human rights activists allege that five women were raped and mutilated and accuse the MJF of hiring professional killers.<sup>137</sup> Other assessments, including the UN report, say there were no rapes and blame the police for not enforcing order, the Maoists for provocation and the MJF for preparing and resorting to violence. Several victims were summarily executed. There may have been a caste component to the clash, for Gaur has sizeable Rajput and Yadav populations. Angry with the Maoists for mobilising lower castes, they used this as an opportunity to assert local dominance.<sup>138</sup> The massacre has left the MJF with a legitimacy crisis and encouraged the Maoists to build a more organised militant force in the Tarai.

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Investigation Department deputy head Sukhchandra Jha and Siraha district court judge Sahadev Bastola.

<sup>129</sup> The JTMM(JS) had declared a ceasefire and set up a talks committee after the prime minister’s address but said the government did not reciprocate. Jwala Singh said: “It did not respond to our efforts and instead continued with their strategy of using force. They filed cases against our activists and did not try to engage with us”. Crisis Group interview, May 2007.

<sup>130</sup> See, for example, Citizens’ Movement for Democracy and Peace, press statement on goodwill visit to the Tarai, 26 January 2007, at <http://insn.org/?p=4144>.

<sup>131</sup> Paramendra Bhagat, “The Madhesi Movement in Nepal is Lonely”, *American Chronicle*, 12 March 2007.

<sup>132</sup> Crisis Group interviews, Kathmandu, January-February 2007.

<sup>133</sup> Crisis Group interviews, Madhesi activists, Biratnagar and Birgunj, May 2007.

<sup>134</sup> Crisis Group interviews, Raxaul and Patna, June 2007. Sitamarhi MLA Shahid Ali Khan gave an interview to local FM stations in the Tarai supporting the “Madhesi struggle for dignity”. Anil Sinha of the Bharatiya Janata Party organised a protest march in Raxaul and urged the government to support protestors more actively.

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<sup>135</sup> Crisis Group interview, civil society activist, Janakpur, May 2007. There appears to be a basic protocol, and Madhesi leaders do not carry arms in India.

<sup>136</sup> “Findings of OHCHR-Nepal’s Investigations into the 21 March killings in Gaur and Surrounding Villages”, United Nations Office of the High Commissioner for Human Rights, April 2007, at [nepal.ohchr.org/en/resources/Documents/English/reports/IR/Year2007/Gaur.pdf](http://nepal.ohchr.org/en/resources/Documents/English/reports/IR/Year2007/Gaur.pdf).

<sup>137</sup> Interview with Mathura Shrestha, [ekantipur.com](http://ekantipur.com), 26 March 2007.

<sup>138</sup> Crisis Group interview, NSP leader, Kathmandu, May 2007.

## V. THE CURRENT STATE OF PLAY

### A. THE LIE OF THE LAND

When the government dragged its feet in the wake of the second prime ministerial announcement, the MJF resumed its agitation and added new demands, such as autonomy for the Tarai and the appointment of Madhesi as chief district officers in all Tarai districts.<sup>139</sup> Madhesi support for a fully autonomous and unified Madhes government appears to have increased significantly.<sup>140</sup> With no talks between the government and JTMM, options for bringing armed groups into the political process were closed. The Tarai's political landscape became characterised by frequent MJF protests and strikes, Maoist-MJF clashes, occasional JTMM attacks on government posts and killings of political rivals.

The movement threw up new forces and leaders. Mainstream parties can no longer rely on token Madhesi faces to appear inclusive. To retain support they must make fundamental changes in their approach. The government will have to address Madhesi grievances seriously, which means not only announcing new policies but also embarking on a slow, painful and complex process of institutional change across state institutions. The MJF is on the defensive after the Gaur massacre; NC and UML are yet to carve out a new strategy; the Maoists have lost support; and both JTMM factions remain underground. The shape of politics may be changing, with a rise in identity-driven allegiances (be they Madhesi vs. *pahadi* or caste- and religion-based) and most players considering new alliances.

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<sup>139</sup> Observations in this section are based mainly on Crisis Group interviews in Morang, Dhanusha, Saptari, Siraha, Parsa, Banke and Kathmandu, May-June 2007; no interviews were conducted in far-west and west Tarai. Interviewees included representatives of all political parties and other organisations, including armed groups; government officials and security forces; journalists, human rights activists and civil society; Tharu and Muslim activists; businesspeople, trade unionists and other residents.

<sup>140</sup> Crisis Group interviews, May-June 2007. Across the eastern Tarai, support has grown for a unitary "Madhes *sarkar* [government]". All major Madhesi political groups and mainstream party activists say this is the only way to gain control of their own political affairs and economic resources, and any other form of federalism would mean *pahadi* dominance. However, some intellectuals point to opposition within the Tarai (especially, but not exclusively, from Tharus) and possible economic difficulties. "I would prefer to build mutually beneficial integrative mechanisms with the hills than go it alone", a Birgunj-based academic said. Crisis Group interview, Birgunj, May 2007.

**Trust deficit.** The government is intensely distrusted throughout the Tarai. Many Madhesi are convinced it wants only to suppress protests, manipulate, bribe or split parties, distract from the real issues and craft short-term compromises. They feel mainstream parties encouraged the movement to counter the Maoists but then became scared of its strength and built up opponents like the CBES. While the government moved quickly to declare a murdered *pahadi* engineer a martyr, the lack of similar recognition and compensation for the dozens of Madhesi dead suggested to many that a *pahadi*'s life was worth more – and the home minister's career was more important than Madhesi's grievances.<sup>141</sup> *Pahadis* alarmed by Madhesi's confident, sometimes militant demands have been severely disappointed by the state's failure to maintain law and order and offer a sense of security.<sup>142</sup>

**Confrontational mood.** There is a general sense that further confrontation – in the form of a rekindled agitation or, more probably, sporadic violent incidents – will be hard to avoid. Most people are keen on constituent assembly elections but few believe they are likely to happen, mainly because they believe the major parties do not want them. If they occur, they will be considered meaningless if Madhesi issues have not been addressed. Madhesi across the political spectrum feel another round of agitation is necessary. "This is only the beginning of the struggle. We have woken up after so long and will not give in so easily. They do not want to share power and go beyond tokenism", says a Madhesi activist.<sup>143</sup>

Madhesi feel they are viewed with suspicion more than ever and that discrimination in the hills has increased.<sup>144</sup> Although most Madhesi do not want to turn the movement into a communal conflict, even some moderates now say privately that *pahadis* should leave the Tarai, even those who have lived there for generations. A civil society activist in Birgunj said: "They settled here as a

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<sup>141</sup> The engineer's name was Nabaraj Bista: "Govt declares Bista martyr", nepalnews.com, 21 May 2007. Crisis Group interviews, Madhesi activists, Biratnagar, Rajbiraj, Lahan, Birgunj, Nepalgunj and Kathmandu, May-June 2007.

<sup>142</sup> Crisis Group interview, factory owner, Birgunj, 1 June 2007. Many upper and middle-class *pahadis* say firm government security action could quickly contain the Madhesi movement.

<sup>143</sup> Crisis Group interview, Abdul Sattar Ansari, Biratnagar, 25 May 2007.

<sup>144</sup> Crisis Group interview, hotel owner, Rajbiraj, 3 June 2007. Also see C.K. Lal, "Playing with matches", *Nepali Times*, 8 June 2007. Crisis Group interviews, Rajbiraj and Janakpur, May-June 2007. Anecdotal evidence suggests Madhesi are increasingly being harassed in the hills. "Their insecurity has turned into aggressiveness in areas where they are strong. But *pahadis* should know they cannot get away with treating Madhesi like dirt, here or in the hills. We will give it back", a bus driver said.

part of a systematic plan. We need to drive some of them out not as much to decrease the numbers as to pass on a strong message. The rules of the game have changed and they can no longer take us for granted".<sup>145</sup> While the general sentiment is that MJF missed the moment by not talking to the government in February, a few criticise Upendra Yadav for compromising prematurely; some feel that if they had kept on after the second prime ministerial address, their demands would have been fulfilled.<sup>146</sup>

**Acceptance of armed action.** Although open support for armed action remains limited, many moderates quietly condone it, arguing it is an understandable last resort when all other means of being heard have failed. Most Madhesi see both JTMM factions as retaining a political core but dismiss other armed groups as criminals.<sup>147</sup> A Janakpur-based civil society activist said: "I don't support violence but I can understand why they're doing it. They have played an important role. If it was not for them, the government would have suppressed the movement long back".<sup>148</sup> Many still view the armed groups positively for standing up to the Maoists and breaking their culture of fear. At the same time, they point to Maoist "success" as paving the way for the groups' rise and acceptance.<sup>149</sup>

Constant communication with the mainstream means the armed groups are not beyond the pale. Moderates worry that a resort to arms could degenerate into violence for its own sake and criminality, which would increase Madhesi' problems by encouraging the government to crack down, but still feel that "*yah hamare pahalwan hain*" ("these are our fighters").<sup>150</sup> Even NC activists admit there is a degree of sympathy for armed groups.<sup>151</sup> Radicalisation is not yet irreversible but the space for moderation is being squeezed.

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<sup>145</sup> Crisis Group interview, 1 June 2007.

<sup>146</sup> Crisis Group interview, MJF sympathisers, Rajbiraj and Lahan, May-June 2007.

<sup>147</sup> Crisis Group interviews, May-June 2007. There is concern about JTMM criminal activities and members' lack of political training but leaders (especially Goit, who is often referred to by the respectful term *netaji*) tend to be seen as following a more or less coherent political agenda.

<sup>148</sup> Crisis Group interview, 29 May 2007.

<sup>149</sup> Crisis Group interviews, Biratnagar, Janakpur, Rajbiraj and Nepalgunj, May-June 2007. Armed group leaders, sympathisers and non-violent moderates all say the Maoist example has been the main spur for Madhesi militants. An analyst said: "The general feeling is that if the Maoists can get 83 MPs and five ministers through the sheer power of the gun, what is wrong if other groups with more genuine causes take the armed route?"

<sup>150</sup> Crisis Group interviews, NSP leaders, Kathmandu and Rajbiraj, May 2007.

<sup>151</sup> Crisis Group interview, NC leader, Janakpur, July 2007.

**Caste politics.** Caste has always been a feature of politics in the Tarai and elsewhere. However, most politicians and observers assume it will play a growing role in shaping future voting patterns. It is already a feature of agitation politics but fault lines have been partly suppressed by shared interests in countering *pahadi* domination. In the MRMM, MJF and JTMM(G), the predominance of Yadav leaders has bred resentment, especially among non-Yadav intermediate and lower castes who feel relatively more alienated from the movement. JTMM(JS) includes a large number of Dalits and Brahmans. "People relate to party leaders of their own caste. It's natural for Yadavs to dominate given the large size of their community", says an MJF leader.<sup>152</sup> Many Brahmans worry that proportional representation will weaken them if it means guaranteed votes for other, numerically superior, castes. Caste loyalties can trump party loyalties.<sup>153</sup>

## B. THE ESTABLISHMENT: SHAKEN, NOT STIRRED

The movement forced the political class, civil society and the international community to pay attention to Madhesi grievances. Mainstream actors, including the Maoists, could have used this opportunity to make the peace process more inclusive by fulfilling some minimum preconditions laid down by agitating groups and creating an open environment for talks. Instead, the eight parties calculated that conceding some substantive demands unilaterally could obviate the need for negotiations. Koirala's second address aimed to defuse the situation and undercut the Madhesi agenda but Madhesi groups claimed the parties were not sincere about a negotiated settlement and resumed agitation.<sup>154</sup> Continuing protests, international pressure and stalemate in March and April forced a rethink and more openness to talks but underlying attitudes have hardly shifted.

### 1. The NC and UML

Party leaders have realised that Madhesi identity politics are here to stay but lack a coherent message and are unwilling to address real issues of inclusion. Although they have organised mass rallies in some Tarai towns, their district units have been inactive, failing even to communicate achievements. Party leaders have not been

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<sup>152</sup> Crisis Group interview, Biratnagar, 25 May 2007.

<sup>153</sup> Crisis Group interviews, Brahman leaders, Kathmandu and Rajbiraj, May 2007. One activist said he might campaign for his party but vote for someone of his own caste, even if from another party. Crisis Group interview, Janakpur, 29 May 2007.

<sup>154</sup> Crisis Group interview, Upendra Yadav, Birgunj, 28 May 2007.

listening to their own Madhesi colleagues.<sup>155</sup> The emergence of new political actors threatens their support base: Madhesi central- and district-level leaders are yet to leave in significant numbers but discontent is brewing; they know their parties will lose out if they do not articulate Madhesi concerns.<sup>156</sup> NC and UML activists participated in the Madhesi movement; their parties reined them in only after Koirala's second address.<sup>157</sup>

Still, Madhesi activists now have greater bargaining power and better prospects for promotion. "If the party leaders don't listen to us, we will move on to other groups and they will lose out. The days of imposing a *pahadi* agenda are gone", an NC activist said.<sup>158</sup> Dealing with assertive identity politics requires new political strategies, for example, promoting local and national Madhesi leaders, offering a regional agenda and explaining why, despite being in power for so long, the bigger parties did not address Madhesi grievances. Unless the established parties innovate, politics may follow the pattern of neighbouring Indian states, whose experience suggests that national parties find it hard to cater to identity-based aspirations and lose ground to local groups.<sup>159</sup>

## 2. The NSP(A)

The NSP(A) organised protests after the interim constitution was drafted but was unwilling to give up the perks of power. In retrospect, some party leaders believe that if they had quit the government and adopted a more radical stance, the MJF might not have emerged as a power.<sup>160</sup> Party leaders said they supported the movement but would work for change from within, pressing other

parties to accept demands. When the government did not respond, the sole NSP(A) minister, Hridayesh Tripathi, resigned on 29 January.

The NSP(A) is unclear about the implications of the rise of MJF and Madhesi identity politics and the nature of other groups. While some leaders claim that other Madhesi leaders are criminals who should be fought, most feel the emergence of other groups, including armed ones, will benefit the Madhesi cause by forcing the government to pay attention.<sup>161</sup> Newer Madhesi parties may not harm the NSP(A)'s electoral base, given that though it has won less than 15 per cent of the Madhesi votes in past elections, it has a loyal constituency.<sup>162</sup> The assertion of Madhesi consciousness may in fact provide an opportunity for the NSP(A) to expand its base in the absence of other strong Madhesi parties. For this, leaders realised they needed to consolidate the party organisation and expedited the reunification of both factions.<sup>163</sup> Party leaders plan a two-pronged electoral strategy. In the wake of the radicalisation of political discussions, some leaders will adopt more hardline slogans.<sup>164</sup> At the same time, NSP(A) will play up its image as a responsible party which has stuck to the Madhesi cause without creating communal disharmony. "We are the party that raises Madhesi issues, yet is committed to protecting *pahadis* in the Madhes and the Madhesis in the hills", said an NSP(A) leader.<sup>165</sup>

## 3. The Maoists

The Maoists' public image took a severe battering during the movement, largely due to their own mistakes, and they have continued to be damaged by disputes over control of Madhes policy. They resisted Madhesi demands even

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<sup>155</sup> District-level Madhesi activists had warned that the interim constitution needed revisions. Crisis Group interviews, Rajbiraj, 27 May 2007. NC(D)'s Bijay Kumar Gachhedhar, for example, made a speech in the first sitting of the interim legislature articulating Madhesi objections.

<sup>156</sup> NC activists say it is largely leftists who have joined the JTMM and MJF (although a few NC members have joined the latter); they feel less threatened by possible defections. Crisis Group interviews, Rajbiraj and Biratnagar, May 2007.

<sup>157</sup> Crisis Group interview, NC leader, Biratnagar, 25 May 2007.

<sup>158</sup> Crisis Group interview, NC district committee member, Rajbiraj, 27 May 2007.

<sup>159</sup> All of India's major national parties have suffered from the rise of regional, ethnic and caste-based parties that have eaten into their former support bases. See Kanchan Chandra, *Why Ethnic Parties Succeed: Patronage and ethnic head counts in India* (Cambridge, 2004) and Zoya Hasan, *Parties and Party Politics* (Delhi, 2004).

<sup>160</sup> On perks of power, Crisis Group interview, NSP central leader, Kathmandu, May 2007. NSP district leaders say the rift between the two main central leaders, Rajendra Mahato and Hridayesh Tripathi, was responsible for failure to seize the moment. Crisis Group interview, NSP leader, Janakpur, May 2007.

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<sup>161</sup> Crisis Group interview, Babunandan Yadav, NSP Morang district president, Biratnagar, 25 May 2007. Yadav sees other Madhesi groups as the biggest enemies of the Madhesi cause and warns their actions will create a backlash against Madhesis in the hills. He welcomed the deployment of the Armed Police Force on the border as a counter to criminals in armed groups. Others, however, welcomed the rise of armed groups as a sign of Madhesi consciousness. Crisis Group interviews, NSP members, Kathmandu and Rajbiraj, May 2007.

<sup>162</sup> Crisis Group interview, NSP leaders, Kathmandu, May 2007. NSP leaders realise they generally win few Madhesi votes. Even if they do not gain from the present mobilisation, other Madhesi groups or candidates will win – at least an improvement on *pahadi* domination.

<sup>163</sup> NSP(A) and NSP reunified in June 2007 under the leadership of Anandi Devi. The party kept the NSP(A) name; its declared aim is a federal democratic republic.

<sup>164</sup> NSP(A) minister Rajendra Mahato asserted that only Madhesis have the right to rule in Madhes. "Minister Mahato's remarks spark protests", nepalnews.com, 13 May 2007.

<sup>165</sup> Crisis Group interview, Anil Jha, NSP central committee member, Kathmandu, May 2007.

though many were in line with their own longstanding policies and refused to engage with protesting groups. They were on the defensive since their action in Lahan and misjudged the popularity of Madhesi groups.<sup>166</sup> Their insistence that they were the first to raise key Madhesi demands and their frustration with newer groups hijacking their agenda left them looking like bad losers, even among their supporters. "There is no point in complaining", observed a Maoist-nominated MP. "This happens in democratic politics, and the Maoists need to get used to it".<sup>167</sup> Nevertheless, the Maoists have shown restraint in not retaliating violently despite the killing of more than four dozen of their cadres in Gaur and other incidents. The recent pattern of targeted assassinations of mid-level Maoist leaders in the Tarai runs a direct risk of inciting a heavy response.

The problem was not so much that people had forgotten their championing of these issues but that they failed to deliver. In the words of an MJF sympathiser, "the Maoists contributed to the militant mood in the Madhes. They sowed the crop but lost out when the time came to reap the harvest. They armed us with new consciousness but then the bullet turned on them".<sup>168</sup> Maoist leaders claim they had merely left these issues for the constituent assembly because of the need for compromise on the interim constitution.<sup>169</sup> Madhesi activists do not buy this. "Why is it that the Maoists are so easily willing to compromise and give in on Madhesi issues, while remaining steadfast on other things that concern them? This shows the real motive of the *pahadi* leadership".<sup>170</sup>

The Maoists also suffered from the fact that disparate groups – from the SPA to the MJF and JTMM and India – were keen to use the genuine disillusionment felt towards them to weaken them.<sup>171</sup> Many in the Tarai

and India consider the movement and subsequent protests to be directed as much against the Maoists as the state.<sup>172</sup> There are frequent references to the struggle between Madhesi and Maoists. The Maoists clearly failed to counter the widespread perception that they were responsible for Madhesi not getting rights.<sup>173</sup> Leaders admit this has eroded the party's support and credibility in the Tarai.<sup>174</sup> Organisational strength has dropped, with some members defecting to JTMM factions and MJF.<sup>175</sup>

Some Madhesi activists within the party are also upset with its leader, Prachanda, for advocating strong-arm measures against other groups.<sup>176</sup> "This puts us in a difficult spot. It is impossible to defend that kind of stand at the ground level. We will vote for our own party but will also support pro-Madhesi activities of all other outfits as well", an activist said.<sup>177</sup> Internal leadership tensions within the Madhes came to a head in June 2007, when the CPN(M) central secretariat took direct control of activities in the Tarai, sidelining the MRMM.<sup>178</sup>

The weakening of the Maoists, however, needs to be seen in perspective. They were never as strong in the Tarai as

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intense personal bitterness between activists. Most members of the JTMM are reportedly former Maoists who left because they were disillusioned with their attitude on the Madhes issue or because of personal enmity. They seized the chance to wrong-foot the Maoists. On India, Crisis Group interviews, government officials and analysts, Patna and Delhi, June 2007. The general impression in India is that Madhesi groups have been a welcome counter-force to the Maoists.

<sup>172</sup> For the Tarai, Crisis Group interviews, Madhesi activists, Biratnagar, Rajbiraj and Janakpur, May 2007. For India, Crisis Group interviews, government officials and analysts, Patna and Delhi, June 2007.

<sup>173</sup> "We have not been able to explain our policies. There is fear and anger and a question mark on our agenda and commitment". Crisis Group interview, Prabhu Sah, MRMM general secretary, Kathmandu, May 2007.

<sup>174</sup> Crisis Group interviews, Maoist leaders, Kathmandu, Birgunj and Nepalgunj, May-June 2007.

<sup>175</sup> Crisis Group interview, Maoist trade union leader, Birgunj, June 2007. The activist says that in his village in Parsa district, the MJF and the Maoists have about 800 members each, with MJF's strength increasing steadily. Both factions of the JTMM have about 60 members each, mostly ex-Maoists.

<sup>176</sup> Prachanda has advocated strong police action against Madhesi groups. See "Aba ekaisaum shatabdiko naulo janabidroh hunechha", *Janadesh*, 20 March 2007.

<sup>177</sup> Crisis Group interview, Maoist trade union leader, Birgunj, June 2007.

<sup>178</sup> "Madhes banda sthagit", *Janadesh*, 19 June 2007. The MRMM central committee was dissolved and Maoist MP Ram Kumari Yadav was appointed coordinator of a new ad-hoc committee formed in its place. "Maoist Madhesi Front central body dissolved over appointment row", *ekantipur.com*, 22 June 2007.

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<sup>166</sup> Crisis Group interview, Maoist leader, Birgunj, May 2007. Maoist activists admit they underestimated Upendra Yadav as well as both factions of JTMM.

<sup>167</sup> Crisis Group interview, Kathmandu, April 2007.

<sup>168</sup> Crisis Group interview, Birgunj, 1 June 2007.

<sup>169</sup> Crisis Group interview, Athak, CPN(M) Banke district in-charge, Nepalgunj, 15 June 2007.

<sup>170</sup> Crisis Group interview, human rights activist and former Maoist sympathiser, Nepalgunj, 12 June 2007.

<sup>171</sup> For the SPA, Crisis Group interviews, NC activists, Biratnagar and Rajbiraj, May 2007. The Tarai has been a Congress bastion, and the party was keen to weaken its rival. The UML will be competing with the Maoists for the same leftist votes. Given that the Maoists had won over some segments of marginalised Tarai communities, it benefited UML to erode their support. For the MJF, Crisis Group interviews, party activists, Kathmandu, Biratnagar, Janakpur, Nepalgunj, May-June 2007. In view of their past antagonism and the fact that their substantive demands are similar, MJF views the Maoists as their primary competitors. This is coupled with

made out to be. Their strategy to mobilise lower castes antagonised several powerful sections; talk of revolutionary land reform scared the mid-sized land owners, who felt their only asset would be lost; the use of intimidation alienated many; the presence of *pahadis* as party leaders in the Tarai led to suspicions about their commitment; and the leadership was never united – several key members quit the party.<sup>179</sup> Fear has diminished with their entry into a more open, competitive political system, making people more confident to express these grievances.

Yet, it would be naïve to write off the Maoists. They are well organised; have trained and articulate party leaders who can communicate persuasively; retain support among very marginalised communities;<sup>180</sup> and have clear policies which place Madhesi issues within a broader framework.<sup>181</sup> They are trying to rebuild support and explain their stand by organising mass rallies in Tarai towns. They adopted a multi-pronged strategy, which includes emphasising MJF links with royalists and Hindu fundamentalists, claiming credit for raising Madhesi issues early, encouraging other communities like Tharus in the west, Kochilas in the east and Dalits to assert their identity, publicly apologising for the Lahan incident, targeting deprived Madhesis by increasing focus on land reform and seeking sympathy by pointing to the Gaur massacre.<sup>182</sup> They announced a month-long “people’s war”-styled protest in the Tarai in June 2007 but dropped it amid an acrimonious clash that saw the MRMM cut out of decision-making.<sup>183</sup> In the wake of this embarrassment, it is not clear if there is yet a revised concept.

## C. REBELS WITHOUT A ROADMAP?

The reluctance of the government to initiate negotiations explains only part of the problem. Madhesi groups themselves face internal tensions and lack of clarity on immediate demands and long-term strategy.

### 1. The MJF and other Madhesi leadership

The movement left the MJF as a leading force: it had mobilised people and changed national political dynamics. But translating this into lasting political advantages

will be difficult, and its leaders differ over strategies of confrontation or accommodation.<sup>184</sup> Following the prime minister’s second address, some had wanted to push their demands, believing the movement still had momentum.<sup>185</sup> Others felt the time was ripe for dialogue, and there would be little support for renewed agitation. The leadership hedged its bets by “cautiously welcoming” the address but imposing preconditions for talks.<sup>186</sup> In hindsight, MJF leaders admit they were mistaken.<sup>187</sup> Public sympathy dipped, and there was no focus for recruitment and organisation-building; the MJF was criticised for misjudging its agenda.<sup>188</sup> Efforts to claim sole credit for the movement alienated non-MJF activists.<sup>189</sup>

The MJF’s suspected links with royalists and Hindu fundamentalists in India have raised suspicions in the Tarai about its true agenda, especially among left activists and Muslims.<sup>190</sup> Upendra Yadav has also faced criticism for promoting people of his own caste.<sup>191</sup> The Gaur massacre was a greater challenge. Some leaders believe the incident bolstered their anti-Maoist credentials, privately take pride in having “taught the Maoists a lesson” and resisted calls to apologise.<sup>192</sup> But the incident brought national and international censure, restricted activists’ movements, left top leaders scared for their physical security and weakened

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<sup>184</sup> Crisis Group interview, MJF central committee member, Kathmandu, 23 May 2007.

<sup>185</sup> Crisis Group interviews, MJF leaders, Biratnagar and Lahan, May 2007.

<sup>186</sup> Crisis Group interview, MJF central leaders, Kathmandu and Birgunj, May 2007.

<sup>187</sup> Crisis Group interviews, MJF central and district leaders and sympathisers, Kathmandu, Birgunj, Nepalgunj and Rajbiraj, May-June 2007.

<sup>188</sup> For example, critics say it should not have insisted on Home Minister Sitaula’s resignation as a precondition when it could have pushed for substantive progress. Crisis Group interview, Madhesi political activists, Kathmandu and Biratnagar, May 2007.

<sup>189</sup> Crisis Group interview, NC and NC(D) activists, Biratnagar and Janakpur, May 2007; journalists and civil society members, Birgunj and Janakpur, May 2007.

<sup>190</sup> “We support the Madhesi cause but are confused when we hear about MJF’s links with Hindu extremist organisations like the RSS. The MJF must come clean on this”. Crisis Group interview, Mohammadi Siddiqui, civil society activist, Nepalgunj, 12 June 2007.

<sup>191</sup> Some key MJF district leaders in eastern Tarai and a disproportionate number of central committee members are Yadavs.

<sup>192</sup> An MJF-appointed commission exonerated it for the Gaur incident, blaming the Maoists and the local administration. A MJF leader present at Gaur said: “The Maoists had it coming. They disrupted our rallies in other towns and provoked us in Gaur. The backlash was inevitable and necessary and shows only we can counter them effectively”. Crisis Group interview, May 2007.

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<sup>179</sup> Crisis Group interview, Chandrakishore, director, Centre for Social Research, Birgunj, 1 June 2007.

<sup>180</sup> C.K. Lal, “Playing with matches”, *Nepali Times*, 8 June 2007.

<sup>181</sup> Crisis Group interview, Prabhu Sah, Kathmandu, 23 May 2007.

<sup>182</sup> Crisis Group interview, Chandrakishore, 1 June 2007.

<sup>183</sup> The CPN(M)’s 15 June central secretariat meeting decided to launch a “strong struggle” in the Tarai but withdrew the MRMM’s scheduled *bandh*. “Madhes banda shagit”, *Janadesh*, 19 June 2007.

MJF bargaining capacity. Upendra Yadav had to flee to India, where it appears he was advised to halt all violent activities and immediately start talking with the government and participate in the broader process.<sup>193</sup>

The decision to register as a political party has raised its own problems. As a cross-party forum, the MJF could draw broad support but sympathisers with existing affiliations will think hard before jumping ship to join the new party.<sup>194</sup> Yadav argues the decision is still well founded: "A political party is essential to run a sustained movement, institutionalise its gains, solve problems and address issues. We are ready to bear short-term costs but the MJF as a political party is a historic necessity".<sup>195</sup> The MJF also started talks with the government, privately and then officially, without its preconditions being met.<sup>196</sup> Party leaders argue they retain their demands but are talking so as not to appear obstructive.<sup>197</sup> Some activists, however, accuse them of inconsistency and weakness.<sup>198</sup>

The MJF retains political strengths. It has won widespread recognition as the main champion of Madhesi rights (even many who disagree with its tactics accept it has pushed the Madhesi issue onto the agenda in a way the NSP failed to do for two decades);<sup>199</sup> it has flexed its muscles with strikes that can close down the eastern Tarai and hurt Kathmandu; its leaders have extensive links in India and can still gain from presenting themselves as the only effective counter to the Maoists. Yet, there are questions over its political

judgement and planning. Madhesi politicians are not rushing to join, and some feel it has missed its moment.<sup>200</sup> It may be displaced by other forces now that it has put the issue on the agenda. As a close observer puts it, "there are many people who think the MJF has done a great job but will be happy to see the torch now handed on to other parties".<sup>201</sup>

Madhesi parliamentarians have been active within their own parties and in giving more coordinated support to the Madhesi agenda. An informal 26-member, cross-party alliance rejected the proposal of the Electoral Constituency Delimitation Commission (ECDC) and called for a new delineation of constituencies. Breaking with their own parties, they blocked the functioning of the interim legislature for more than a month.<sup>202</sup> The group is led by NC(D)'s Bijay Gachhedar and Jai Prakash Prasad Gupta, NSP(A)'s Hridayesh Tripathi and UML's Mahendra Yadav; some have considered forming a common Madhesi party. They see association with national parties as a liability when people are demanding radical change, and the political vacuum leaves space for another force.<sup>203</sup> But unity will be difficult because of differences on leadership and a long-term strategy. Other challenges would include building an organisation and explaining why they had not raised the Madhesi issue until now.<sup>204</sup>

## 2. The JTMM

Both factions participated in the Madhesi movement and had activists shot by police.<sup>205</sup> In the post-movement vacuum, the armed groups have gained strength; their organisational base and activities have increased, and they have even gained a level of acceptability in some Madhesi intellectual circles. Goit and Jwala are underground and live mostly in Bihar but are in close contact with other Madhesi leaders, give occasional interviews and travel in Tarai districts. Both factions are comfortable with using violence: abductions – primarily of *pahadis* but increasingly of Madhesis as well;<sup>206</sup> stealing property and confiscating

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<sup>193</sup> Crisis Group interviews, analysts, Kathmandu and Birgunj, May-June 2007.

<sup>194</sup> "We had hoped MJF could be a training ground for Madhesi activists and a broader ideological school. It is just another political party now". Crisis Group interview, NC(D) activist, Biratnagar, 24 May 2007.

<sup>195</sup> Crisis Group interview, Upendra Yadav, Birgunj, 28 May 2007.

<sup>196</sup> Minister for Peace and Reconstruction Ram Chandra Poudel met Upendra Yadav in Birgunj in May 2007, paving the way for formal government-MJF talks in Janakpur in June.

<sup>197</sup> On the home minister's resignation, Upendra Yadav explained: "In the larger interest and for the sake of going forward, we have shown flexibility. But the entire episode reveals how the home minister sticking to his post is more important for the ruling class than the sentiments of all Madhesis". Crisis Group interview, Birgunj, 28 May 2007.

<sup>198</sup> Crisis Group interviews, journalists and activists, Birgunj, Janakpur and Rajbiraj, May 2007. One MJF leader responded: "We have done what everyone was urging us to do: drop our insistence and start talking. But now the same people are turning back and saying that we have deserted the cause. That is unfair and no one can blame us. It is now up to the government". Crisis Group interview, Janakpur, 20 May 2007.

<sup>199</sup> Some believe it has a strong connection with villagers who view it as a "Madhesi force", but even if true it probably lacks the organisation to leverage rural support. Crisis Group interview, Atma Ram Sah, civil society activist, Birgunj, 1 June 2007.

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<sup>200</sup> "Unless we have faith in the political instincts of the MJF leaders, how can we jump ship and leave an established party?" Crisis Group interview, NC activists, Rajbiraj, 27 May 2007.

<sup>201</sup> Crisis Group interview, Kathmandu, 22 June 2007.

<sup>202</sup> Bhojraj Bhat, "Avrudh gati", *Nepal*, 27 May 2007.

<sup>203</sup> Crisis Group interviews, Madhesi politicians, Biratnagar, Rajbiraj and Janakpur, May 2007. Activists are pressuring leaders to come together.

<sup>204</sup> As an analyst put it, "these MPs are trying to be radical now after others have done the ground work and put Madhes on the agenda. People can see through this new-found radicalism". Crisis Group interview, Birgunj, 1 June 2007.

<sup>205</sup> Crisis Group interview, JTMM sympathisers, Janakpur, 29 May 2007.

<sup>206</sup> *Pahadis* have sometimes been targeted as representatives of the state (district administration officials have been particularly

land, mostly from *pahadis* but also from Madhesis;<sup>207</sup> attacking government posts and carrying out bombings; and threatening *pahadi* administrators.<sup>208</sup>

Jwala Singh's faction has expanded rapidly<sup>209</sup> and appears stronger in numbers and activities. JTMM(JS) is willing to begin talks with the government if certain preconditions are met: declaring killed party activists martyrs, a ceasefire and withdrawal of cases against JTMM members. This may stem from the need to win recognition as a legitimate political actor. Singh believes Madhesi politics requires a loose alliance of all groups and calls Goit the key obstacle to forging such unity.<sup>210</sup> Goit has publicly expressed his willingness to talk in the past but the government did not respond actively. Goit feels let down and is reluctant to commit himself to sustained dialogue.<sup>211</sup> However, he says he is not against negotiations and will come on board if the Maoists withdraw their publicly declared war against JTMM(G) and the government assures him of full security and creates the proper environment by reaching out to Madhesis.<sup>212</sup>

JTMM(JS) has emerged as the preferred alternative for non-Yadav castes in the armed movement and can create disturbances in eastern Tarai districts. Jwala Singh is the younger and more energetic of the two leaders but knows his limitations and that he must compromise ultimately. He is perceived to lack political maturity, has very few senior advisers and has limited links in Kathmandu, which restricts his access to information and ability to play groups against one another. He also does not command much support in Madhesi civil society or intelligentsia. Many recruits do not have adequate political training and are believed to come from criminal backgrounds. JTMM sympathisers argue it is necessary to rely on all kinds of people in an armed movement but insist that the organisation retains a political core.<sup>213</sup>

Goit's activities are similar but more limited. He appears less compromising on independence, telling several interlocutors this is his final political battle, and he will not relent. But he realises this may not be feasible in the short term and says he is laying out the theoretical foundations for future generations to take the struggle forward.<sup>214</sup> JTMM(G) has suffered because of internal tensions and its leader's frail health. Goit's real advantage, however, lies in his reputation as a committed political activist. He commands respect in Madhesi civil society and among political activists of all hues and his activists are seen as more politically inclined than those of JTMM(JS). That JTMM(G) has been relatively more restrained in its violence may reflect either limited strength or a calculated attempt to be seen as more responsible.

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vulnerable) and Madhesis for extortion, but the division is not clear-cut.

<sup>207</sup> For example, JTMM(JS) took over land owned by NC leader Ram Baran Yadav in Dhanusha and poet Siddhicharan Shrestha in Siraha. "Andolanko adma aparadh", *Himal Khabarpatrika*, 30 May 2007.

<sup>208</sup> For example, see JTMM(JS) press statement, 14 April 2007.

<sup>209</sup> Crisis Group interview, Jwala Singh, May 2007. Singh claims by early July 2007 he will have a presence in all Tarai districts.

<sup>210</sup> Ibid.

<sup>211</sup> Crisis Group interview, JTMM(G) sympathiser, Kathmandu, June 2007.

<sup>212</sup> Crisis Group interview, Jai Krishna Goit, June 2007.

<sup>213</sup> "Intellectuals do not join armed groups. You need footsoldiers who are comfortable with weapons and can communicate a message persuasively". Crisis Group interviews, JTMM sympathisers, Rajbiraj and Janakpur, May 2007.

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<sup>214</sup> Crisis Group interview, Jai Krishna Goit, June 2007.

## VI. INTERNATIONAL DIMENSIONS

### A. CROSS-BORDER CONNECTIONS

In an unsettled neighbourhood, New Delhi does not want to add hostile relations with Kathmandu to a lengthy list of headaches.<sup>215</sup> “We already have strained ties with Pakistan and China and do not get along too well with Bangladesh. The relationship with Sri Lanka is complex because of the civil war and its implications for us. Nepal can be India’s true diplomatic success in the region”, said an Indian analyst.<sup>216</sup> Yet, expertise on Nepal and sustained attention to its politics is hard to come by, not only in Delhi but even in the capitals of bordering states which have very direct interests.<sup>217</sup> Nevertheless, India is concerned about instability and has supported the peace process. Key security concerns include what policy-makers see as the rising influence of Pakistani intelligence agencies, the increase in madrasas in the Tarai, links between Maoists and Indian Naxalites, large-scale cross-border crime and possible Chinese intervention.<sup>218</sup>

Although almost all Indian politicians and diplomats preface remarks by emphasising that they do not dabble in foreign politics, many Indians do not see the Tarai as “foreign”.<sup>219</sup> A degree of cross-border political involvement is considered perfectly natural. There is

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<sup>215</sup> The analysis of Indian attitudes in this section is primarily based on Crisis Group interviews in Bihar, Uttar Pradesh and New Delhi in May-June 2007. Interviewees included representatives of most major Indian political parties, bureaucrats, police officers, journalists, civil society activists, serving and retired diplomats. One interviewee was of Indian *pahadi* origin.

<sup>216</sup> Crisis Group interview, Delhi, 7 June 2007.

<sup>217</sup> A senior Lucknow police official said: “Nepal occupies very little space in the minds of policy-makers here”. This view was reiterated in Bihar, though interest in Patna is slightly higher. Two senior home ministry officials of the Bihar government track developments in Nepal, especially if major events take place close to the border. There is negligible interest among either national or state-level journalists; no prominent Indian media has covered the Madhes agitation extensively, though local editions from border towns publish Nepal news. There is little public discussion of Nepal politics and minimal civil society interest. Crisis Group interviews, Patna and Lucknow, June 2007.

<sup>218</sup> Crisis Group interviews, government officials, Patna and Lucknow, May-June 2007.

<sup>219</sup> This is especially true of the Hindu extremist organisations, which include Nepal in their vision of a “greater India” (Akhand Bharat). But it also applies to others, including government officials, some left-leaning politicians and civil society activists. A Lucknow police official said: “We are all one. Nepalis are our people”. A civil society activist admitted: “For most Indians, Nepal is not a separate country, and it takes time to register that it is independent.” Crisis Group interviews, Raxaul, Patna and Lucknow, June 2007.

widespread sympathy for the Madhesi cause, and most politicians and bureaucrats do not hesitate to express “moral support”.<sup>220</sup> Such feelings are especially intense in the border areas, which are more familiar with the situation. “We know exactly what Madhesis go through in Nepal because we experience the same treatment when we visit Nepal ourselves”, observed a Raxaul-based journalist.<sup>221</sup>

There are common features to the outlook of many India interest groups, from government and political parties to journalists and academics. Most (like *pahadi* Nepalis) see Madhesis as basically Indian or of Indian origin. In Patna, a senior bureaucrat constantly referred to Madhesis as Biharis and of Bihari origin and was surprised to know there was more to it than that.<sup>222</sup> Many politicians talked about Madhesis “as our own people who settled in Nepal”. Even academics saw Madhesis in the same vein and wondered about the absence of a sub-national Bihari consciousness.<sup>223</sup> Despite a generally supportive outlook, most Indians (apart from those living near the border) have little sense of the detail of Madhesi demands. Those who take an interest generally say they will be happy if demands are addressed but stress that Madhesis have to shape and lead their movement themselves. There is no obvious support for Madhesi independence among either officials or the wider population.<sup>224</sup>

There is awareness among officials that serious unrest would not be good for India but agitation like that of January-February 2007 has little direct impact, except the very local level where strikes and shutdowns affect border residents. Most people are still more concerned about Maoist influence; there is a widespread sense that the Madhesi movement was primarily anti-Maoist and usefully set the former insurgents back. No one interviewed mentioned the risks for mainstream parties. While some,

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<sup>220</sup> Crisis Group interviews, Raxaul, Patna and Delhi, June 2007. Individual leaders from the Hindu nationalist BJP to the centrist Janata Dal (United) and Samajwadi Party and the above-ground Naxalite Communist Party of India (Marxist-Leninist) expressed support for the Madhesi cause.

<sup>221</sup> Crisis Group interview, Bijay Giri, *Dainik Jagaran* bureau chief, Raxaul, 1 June 2007. Giri said Nepali security forces attacked him while he was covering the Madhesi movement, smashing his camera and abusing him for supporting the movement by reporting on it.

<sup>222</sup> Crisis Group interview, Patna, 5 June 2007.

<sup>223</sup> Crisis Group interviews, Patna, 4-5 June 2007.

<sup>224</sup> Crisis Group interviews, Patna and Delhi, June 2007. Even sympathetic politicians made it clear Indian parties would not support a Madhesi movement request for independence. Some BJP politicians may have silently encouraged some Madhesi groups to radicalise their demands but there is no support for independence among mainstream Indian parties, security agencies and bureaucrats.

especially on the right, worry about Chinese interference, concerns about the UN role in the Tarai or increased U.S. involvement are very limited and attract almost no attention in the mainstream press.<sup>225</sup>

There is little expertise on Madhesi issues in either New Delhi or any of the bordering states.<sup>226</sup> Many Indian politicians explicitly compare Nepal's recent upheavals to India's struggle for independence.<sup>227</sup> They assume that Nepali politics will gradually take on Indian-style features – possibly republican, most likely secular, with an increased focus on caste-oriented vote banks, a natural process of different groups agitating for greater representation and a system flexible enough to accommodate them.<sup>228</sup> A sense that Nepal is very similar to India and its politics can be understood in similar terms may partly explain Indians' generally relaxed view of the risks posed by unrest in the Tarai.

**The open border.** Nepali and Indian citizens cross the 1,753km open border without formal identification and, at least in theory, enjoy the same employment rights.<sup>229</sup> There are longstanding traditions of seasonal migration from Nepal to find work in the agricultural off-season, some economic migration in the other direction and

settlement, both in neighbouring areas and further afield.<sup>230</sup> Many Madhesi say the border is in any case “artificial”.<sup>231</sup> Despite occasional tensions, it has only rarely been sealed.<sup>232</sup> Customs posts control goods, and security forces, especially Indian, have bases and use patrols to monitor people but this has not affected cross-border dynamics.<sup>233</sup>

**Family links.** There are strong family and kinship ties across the border, with overlapping religious, linguistic and social structures – a *roti-beti* (bread and daughters) relationship in which mutual dependence can be seen in economic and marital ties. A Biratnagar-based Madhesi said: “This border means little to me. My wife's family is in Jogbani in Bihar. We visit each other every few days and hop across if we need any support, financial, social or anything else”.<sup>234</sup> For both Hindus and Muslims, caste structure shapes social relations more than nationality: people celebrate the same festivals and practice similar rituals.<sup>235</sup> Those with cross-border marital ties have several advantages, such as legal title to property and a greater chance of accessing second passports. Many on both sides admit they have dual citizenship, though this status is not recognised in either Indian or Nepali law.<sup>236</sup> Nepali citizenship makes it easier for Indians to own property in Nepal, get visas for foreign countries, keep their assets on both sides, obtain admission for children in professional colleges under the reserved category for foreign students and exert political influence legitimately. For Nepalis,

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<sup>225</sup> Crisis Group interview, former senior government official, Delhi, June 2007. He said: “The U.S. or UN cannot do anything in Nepal without us. When we have a clear thought, we can go ahead, and they cannot stop us. The UN is helping our cause right now, and we do not need to worry”. Indian concerns on the Tarai and other cross-border interests rarely feature in the Indian press.

<sup>226</sup> While a few analysts and journalists in New Delhi track Nepal closely, there is no expert on Madhesi issues. Seminar organisers have difficulty finding speakers on Tarai politics and have to rely on part-time journalists from the region.

<sup>227</sup> Crisis Group interviews, Bihar MLA, Patna, and Communist Party of India leader, Lucknow, June 2007.

<sup>228</sup> India itself has gone through many reconfigurations, from the 1955 States Reorganisation Commission, which redelineated it along linguistic lines, to the creation of Uttaranchal, Jharkhand and Chhattisgarh largely on ethnic lines in 2000. India also experiences frequent struggles, sometimes violent, over quotas and occasional identity-based outbursts such as the June 2007 Gujjar agitation that shut down parts of New Delhi.

<sup>229</sup> The 1950 Indo-Nepal Treaty of Peace and Friendship (Arts. 6 and 7) grants citizens of each country reciprocal rights to carry out industrial, economic and commercial activities and in matters of residence, ownership of property and movement. The text is at [www.nepaldemocracy.org/documents/treaties\\_agreements/indo-nepal\\_treaty\\_peace.htm](http://www.nepaldemocracy.org/documents/treaties_agreements/indo-nepal_treaty_peace.htm). Useful coverage of cross-border relations can be found in Hari Bansh Jha (ed.), *Nepal-India Border Relations* (Kathmandu, 1995); Hari Bansh Jha (ed.), *Duty-Free Border Trade and Special Economic Zone between Nepal and India* (Kathmandu, 1995); and C.K. Lal, “Cultural flows across a blurred boundary”, in Kanak Mani Dixit and Shastri Ramachandran (eds.), *State of Nepal* (Kathmandu, 2002), pp. 100-118.

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<sup>230</sup> Many Madhesi travel to bordering states and the agriculture-rich Punjab for seasonal employment, while people from Bihar work in Nepal as agricultural or construction labourers, fruit and vegetable vendors or semi-skilled technicians. Particular Indian occupational castes have always been welcome – from bangle sellers in Kathmandu to barbers and mattress-makers. A good train network and road links from Indian border towns allow Nepali migrants to spread across India.

<sup>231</sup> Crisis Group interviews, Madhesi activists, Birgunj and Janakpur, May 2007. This interpretation is bolstered by the horse-trading over border districts that went on in both the pre-British period and following the 1814-1816 Britain-Nepal war.

<sup>232</sup> For example, the border is sealed during elections on either side for a day or two. Most border points were blocked for a sustained period in 1989, when Indo-Nepal relations were tense, and for some time after the 2001 royal massacre in Nepal. Some points may be blocked briefly when there is local trouble.

<sup>233</sup> Security was beefed up on the Indian side during the Maoist rebellion; the paramilitary Seema Suraksha Bal (SSB) was deployed on the border.

<sup>234</sup> Crisis Group interview, Biratnagar, 24 May 2007.

<sup>235</sup> Conversely, some groups – notably Tharus – have developed quite differently due to the different political environment on each side, despite sharing the same origins. See Krauskopff, “An ‘Indigenous Minority’ in a Border Area”, op. cit.

<sup>236</sup> Crisis Group interviews, Kathmandu, Janakpur and Patna, May-June 2007.

there are similar economic incentives as well as easier access to government offices and subsidised schemes.

**Economic interests.** The open border has crucial economic implications. Nepal needs to import fuel and other essential supplies; India is more interested in access to a growing consumer market, while its manufacturers benefit from cheap labour and tax breaks when setting up joint ventures.<sup>237</sup> Urban centres have emerged as both trading and industrial hubs but some ties are much more local: for example, Indian farmers get better prices in Nepal and sell sugarcane for processing to Nepal-based industries.<sup>238</sup>

**Politics.** Inhabitants have a keen interest in the politics of the other side. Politicians cross over to campaign for friends, allies and family members.<sup>239</sup> The fact that the border is sealed during elections reflects the awareness that such linkages are exploited on both sides. Many people are enrolled on voters' lists in both countries.<sup>240</sup> Politicians admit there is also a tradition of hired Indian criminals coming over to support candidates during elections in Nepal.<sup>241</sup> Border sealing does not do much to impede these activities; as one Indian politician explained, "by the time the border is sealed, everyone is in place anyway".<sup>242</sup>

**Crime.** The open border also brings problems. Criminal groups from Bihar and Uttar Pradesh, states with poor law and order records, use Nepal as sanctuary and operational base, especially for car thefts and kidnappings.<sup>243</sup> A

crackdown by Bihar's government coupled with Nepal's weak law enforcement may have encouraged some groups to shift to the Tarai, especially Birgunj.<sup>244</sup> Critics allege that Madhesi groups have used some of these criminals to incite unrest;<sup>245</sup> there are similar allegations that anti-Maoist vigilante groups set up under royal rule may have drawn on Indian criminal elements.<sup>246</sup> Price differences on basic commodities, such as food grains and petroleum products, sustain a healthy smuggling industry.<sup>247</sup> For the Indian central and state governments, a greater worry than all of the above is that the open border offers a soft entry point for Pakistani agents.

## B. INDIAN INTERESTS

### 1. Central government

The Indian establishment appears sympathetic to Madhesi demands but does not go out of its way to pressure Kathmandu for concessions. Madhesi leaders have easy access to senior Indian politicians and diplomats but many feel India takes them for granted, uses their support as a bargaining chip with *pahadi* leaders and does not support them substantively. A Madhesi politician said: "India takes us for granted because it knows we will never turn against them because of our unique relationship with Indian people. If they had supported us, Madhesi would not have been killed during the movement, and Koirala would have given in to our demands".<sup>248</sup> The government

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<sup>237</sup> This is in strong contrast to the pre-liberalisation days, when Nepal was more important as a source of cheap imported consumer goods; now Indian companies want to sell.

<sup>238</sup> Crisis Group interview, Champaran politician, Patna, 4 June 2007.

<sup>239</sup> Crisis Group interview, NC leader, Biratnagar, 24 May 2007. Politicians say their campaigning is useful because they can influence relatives and other friends to support a particular candidate.

<sup>240</sup> Crisis Group interviews, border politicians and residents, Raxaul, Patna and Lucknow, June 2007. Double-voting has become harder since the Indian Election Commission introduced voter identity cards and the home ministry started issuing identity cards for residents of some border areas.

<sup>241</sup> Interviewees preferred to cite examples of their rivals' misbehaviour. A former UML election candidate in Rajbiraj said his opponent had brought two jeeps with arms and ten criminals from India to intimidate other candidates' supporters and seize voting booths. Crisis Group interview, Rajbiraj, 26 May 2007. A member of the Bihar Legislative Assembly from Sitamarhi recalled helping a candidate on the Nepal side by preventing his rivals bringing in hired muscle from India. Crisis Group interviews, Rajbiraj and Patna, 5 June 2007.

<sup>242</sup> Crisis Group interview, Champaran politician, Patna, 4 June 2007.

<sup>243</sup> Crisis Group interview, senior police officer, Lucknow, 14 June 2007. Indian criminals have long taken stolen cars to

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Nepal, from where they either demand a ransom or sell them. See also Deepak Goel, "Cross border crime in the Indo-Nepal border region", in Hari Bansh Jha (ed.), *Nepal-India Border Relations* (Kathmandu, 1995), pp. 67-71.

<sup>244</sup> Crisis Group interview, Abhay Mohan Jha, journalist, Patna, 4 June 2007. Bihar's Nitish Kumar-led government, elected in November 2005, has been tougher on crime than its predecessor, the long-serving Lalu Prasad administration. There is a perception that crime rates have come down.

<sup>245</sup> Crisis Group interviews, Maoist leader, Birgunj, 28 May 2007. Maoists allege that Indian criminals played a key role in the Gaur massacre along with MJF. MJF leaders deny this and any criminal links but admit Indians from the border may have attended their rallies. Crisis Group interview, MJF central leader, May 2007.

<sup>246</sup> Crisis Group interviews, Patna and Lucknow, June 2007. Some journalists and border politicians say Indian criminals hired by vigilante groups have stayed on in Nepal and may have acquired property. They have a strong interest in weakening the Maoists.

<sup>247</sup> Food goes from India to Nepal; petrol and diesel (subsidised in Nepal) go the other direction. Serious money can be made: a long-running scam involves gangsters paying children to carry small legal amounts of flour into Nepal on a rotating basis. Crisis Group interview, retired senior Uttar Pradesh police officer, Lucknow, 14 June 2007.

<sup>248</sup> Crisis Group interview, Biratnagar, 25 May 2007.

opposes Madhesi secessionist demands and in general is keen on a unitary state with a single point of contact in Kathmandu; it has little desire to deal on issues such as water resources with multiple regional administrations.

Foreign policy pronouncements increasingly stress that a peaceful neighbourhood is essential if India is to emerge as a global power.<sup>249</sup> Given the open border, a stable Tarai is particularly important, and New Delhi has in recent years developed a clearer sense of how to use economic ties to promote more stable (and binding) political relations. It encourages cross-border ties between the Tarai and Bihar and Uttar Pradesh and is interested in developing new rail links. In 2005 it opened a consulate in the southern industrial town of Birgunj; it has also reoriented its large development aid program to fund many more projects in border areas.<sup>250</sup>

Achieving a unified policy towards neighbours has never been easy in New Delhi. Amid competing foreign policy priorities, Nepal receives far less attention than many Nepalis believe; there are also differing constituencies and concerns within the government and beyond. The home ministry and intelligence agencies view Nepal as a security risk for its potential as a base for “anti-India activities” offering easy access to underworld elements and Pakistani intelligence.<sup>251</sup> There are continuing suspicions regarding Maoist influence and links to Indian counterparts.

Other institutions have strong Nepal interests: the army includes some 40,000 Gurkha soldiers and maintains close army-to-army links; a long tradition of marriage between north Indian and Nepali royal families (both Shahs and Ranas) means there are influential blue-blood ties. Large businesses with significant Nepal investments have political clout. Compared to these interests, government composition (in either New Delhi or Kathmandu) has relatively little bearing on policy: the key features of the relationship and the parameters within which they can be

altered are defined by factors that individual administrations can do little to change.

Nevertheless, India has, since 2005, developed a more coherent, proactive line and secured support for it from most domestic constituencies. New Delhi remains strongly committed to assisting the peace process and ensuring that constituent assembly elections go ahead. This is partly pragmatism. Most policy-makers still believe it the best way for Nepal to regain stability and avoid further conflict. It is also about reputation since, as the silent framer and guarantor of the peace deals, India has invested considerable political capital in making the process a success. Seeing the elections through would also conclude the UN mission, which India has supported but is not keen to see extended indefinitely, and reduce opportunities for any other countries to become more involved in politics on the border. The ministry of external affairs views Madhesi issues within this broader context: demands for greater representation should be addressed at the constituent assembly and not be an excuse for derailing the process.

Indian diplomats insist they have no project to destabilise the Tarai or use the Madhesi movement to weaken Maoists, although some are perfectly happy to see the Maoists suffer a set back.<sup>252</sup> India has sent strong messages to the MJF and JTMM to reject violence but has not used all its leverage to drive this point home.<sup>253</sup> Still, Indian analysts point out that India cannot be seen as purely pro-Madhesi. It also has significant hill populations (both caste Hindus and ethnic groups) and has been through its own hill-plains agitations: in Darjeeling in the mid-1980s and in Kumaon and Garhwal more recently, leading to the creation of a separate Uttaranchal hill state in 2000. With sensitive electoral politics in these areas, Indian politicians cannot afford to alienate their own hill constituencies unthinkingly.<sup>254</sup>

## 2. State governments

In theory, Indian states do not have a say in foreign policy but they do have interests and some influence.<sup>255</sup> Nepal shares borders with five Indian states: the longest and most significant are with Bihar and Uttar Pradesh; there are also borders with Uttaranchal, West Bengal and Sikkim. Nepal's major parties, the NC and CPN, were both founded in Banaras (Uttar Pradesh), the centre for much

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<sup>249</sup> Shiv Shankar Menon, “India and International Security”, speech at the International Institute of Strategic Studies, London, 3 May 2007, at [www.rediff.com/news/2007/may/04guest.htm](http://www.rediff.com/news/2007/may/04guest.htm). He said: “We are acutely conscious that a peaceful periphery is a prerequisite to sustain our growth and development”.

<sup>250</sup> An Indian diplomat explained: “We didn't pay enough attention to the Tarai in the past but have made a conscious decision in recent years to increase our investment”. Crisis Group interview, Kathmandu, 20 June 2007. Madhesis are resentful of past policies and believe that even now Indian spending is disproportionately on *pahadis*. Crisis Group interview, Madhesi commentator, Kathmandu, 18 June 2007.

<sup>251</sup> The 1999 hijacking of a Kathmandu-Delhi Indian Airlines flight and reports of counterfeit Indian currency being introduced into the Indian market from Nepal fuelled these worries further. While India regularly demands a crackdown, independent observers in Nepal believe the concerns are exaggerated.

<sup>252</sup> Crisis Group interviews, Indian diplomats, May-June 2007.

<sup>253</sup> On Indian leverage over Madhesi groups, see below.

<sup>254</sup> Crisis Group interviews, Indian politicians and activists, Delhi and Lucknow, June 2007.

<sup>255</sup> The central government guards its foreign policy monopoly but some diplomats argue that bordering states should build more direct links to the Nepal government. Crisis Group telephone interview, Indian diplomat, 15 June 2007.

Nepali political activity during the Rana period; Bihar hosted many exiled politicians in the Panchayat period, and there were close personal ties, especially between J.P. Narayan's socialists and the NC but also between Nepali communists and their Indian comrades. The interest of these neighbouring states in Nepal's politics has diminished in recent decades, as have the ties between politicians.<sup>256</sup> Bihar and Uttar Pradesh have high poverty rates and poor records on governance, development and law and order. In both, caste is a key feature of politics but communal tensions have largely been kept in check.<sup>257</sup> Although they are only sub-national units, their populations dwarf Nepal's.<sup>258</sup>

For both Bihar and Uttar Pradesh, spillover from the Madhes unrest ranks low among their security concerns.<sup>259</sup> More important are flooding (especially in Bihar and eastern Uttar Pradesh – blamed on poor water flow control in Nepal);<sup>260</sup> possible links between Nepali and Indian Maoists; other matters related to the porous border (Pakistani infiltration, smuggling, arms dealing, criminal refuge).<sup>261</sup> Only after these do Madhesi issues figure in security terms, and even then only if they generate flows of refugees,<sup>262</sup> lead to links with anti-state

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<sup>256</sup> That J.P. Narayan was Indira Gandhi's most prominent critic did not help NC's relations with the Indian Congress party, which should have been its most natural partner.

<sup>257</sup> Lalu Prasad Yadav's Rashtriya Janata Dal, which ruled Bihar from 1990 to 2005 was supported by Yadavs and Muslims; in 2005, it gave way to a coalition of the Janata Dal (United), which relied on non-Yadav intermediate castes for support, and the upper caste-focused Hindu nationalist BJP. The March-April 2007 state elections in Uttar Pradesh saw the Dalit-oriented Bahujan Samaj Party win an unexpected outright majority by allying with Brahmans and non-Yadav lower castes. Bihar has not had Hindu-Muslim clashes for two decades; Uttar Pradesh has been relatively calm since major riots following Hindu activists' 1992 demolition of the Babri Masjid, a mosque they said had been built on the site of Hindu god Ram's birthplace.

<sup>258</sup> In 2001, Uttar Pradesh's population was 166 million and Bihar's 83 million, see [www.censusindia.net](http://www.censusindia.net).

<sup>259</sup> Uttar Pradesh security officials say Lucknow has negligible interest in political developments across the border. In Bihar, senior home ministry and police officials pay attention to major developments in Nepal close to the border. There is regular police and intelligence reporting to state capitals but little political interest. Crisis Group interviews, government officials, Patna and Lucknow, June 2007.

<sup>260</sup> Experts admit that blaming Nepal is convenient for Bihar and Uttar Pradesh politicians but largely unfair. Crisis Group interviews, state disaster management chief and other government officials, Patna, June 2007.

<sup>261</sup> Crisis Group interviews, police officials, Lucknow, 14 June 2007.

<sup>262</sup> While some officials worry about possible refugees, others acknowledge they could probably be easily absorbed, like the millions of Nepalis already living and working in India. Crisis

Indian armed groups or intensify so that there are real economic effects. State politicians and administrators have little interest in meddling in foreign policy but do encourage quiet local cooperation and bend rules occasionally if circumstances demand.<sup>263</sup>

### 3. Party perspectives

Madhesi leaders have approached Indian politicians of all parties for support. Apart from the Hindu nationalist BJP (see below), no party has direct interest in the movement. India's Congress party is not keen to see a Maoist/moderate-left combine sweep Nepal but beyond that has few partisan concerns; the fact that the NSP emerged along traditional Congress-leaning lines makes it a more natural associate in the Tarai but does not preclude interaction with other groups. Both Congress and the major national leftist parties have little support in Bihar and Uttar Pradesh. This limits their influence across the border, although the fact that Congress leads India's coalition government, and the Communist Party of India-Marxist (CPM) supports it, makes them essential interlocutors for Madhesi leaders.

The CPM would like to expand its base in Bihar and Uttar Pradesh, which have a decisive role in shaping national politics, and some activists hope a strong parliamentary left in Nepal's border districts might help.<sup>264</sup> Naxalites, present in some parts of Bihar but hardly in Uttar Pradesh, had similar plans but the Maoists' decision to enter mainstream politics has caused friction and reduced the already slim likelihood of serious cooperation.<sup>265</sup> Non-aligned leftists are more likely to see the Madhesi movement as a subset of the larger issue of state restructuring and urge that it not degenerate into identity-based fundamentalism.<sup>266</sup>

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Group interviews, Lucknow and Patna, 14 June 2007.

<sup>263</sup> Local authorities, including security forces, often have strong informal cooperation. A retired Uttar Pradesh police officer cited a case of Nepal police near the border asking for Indian help in the face of a planned Maoist attack. Without formal contacts or clearance, Uttar Pradesh police deployed an armed company on the Indian side of the border as a deterrent. "On issues like this and more local-level crimes, we prefer to handle it on our own instead of going through tedious bureaucratic channels and following international law to the letter". Crisis Group interview, Lucknow, 14 June.

<sup>264</sup> Crisis Group interviews, CPM activists, Delhi, June 2007.

<sup>265</sup> On Maoist-Naxalite relations, see Crisis Group Report *Nepal's Maoists*, op. cit., pp. 8-12. Although they worry about risks, senior police in both states point out there has never been much, if any, evidence for serious links beyond the ideological. Crisis Group interviews, Patna and Lucknow, June 2007.

<sup>266</sup> Crisis Group interview, Vijay Pratap, national convenor, Socialist Front, New Delhi, 6 June 2007.

Madhesi activists have been speaking to state-level politicians and trying to mobilise political support but their efforts have either been very localised or sporadic. They have yet to put Madhes on the agenda (it receives hardly any media attention and has not been raised in state legislative assemblies), cultivate links with Indian-based organisations or set up India-based fronts along the lines of other parties, including the Maoists.<sup>267</sup> They have developed some direct cross-border links: for example, in the 2007 Uttar Pradesh state assembly elections, a Hindu nationalist candidate promised to counter the cross-border Maoist threat (MJF district leaders backed him); leftist candidates looked to their counterparts in Nepal for support.<sup>268</sup> However, even if such aid could build useful links, neither Bihar nor Uttar Pradesh face elections for some years. Unless the situation significantly deteriorates, Madhesi issues are unlikely to become a rallying point for Indian parties beyond the immediate border.

#### 4. The Hindu Dimension

The relationship between the MJF and the Hindu right-wing Rashtriya Swayamsevak Sangh (RSS) in India is neither straightforward nor well documented. There are certainly contacts (Upendra Yadav has visited RSS leaders in Delhi to ask for support) but this is not surprising. All parties try to foster links in Delhi across the ideological spectrum; whom they speak to does not in itself reveal much about their position. Right-wing Hindu groups see Nepal as part of greater India (Akhand Bharat). They still perceive and value it as the world's only Hindu state, despite its turn to secularism, and like that it has kept alive the traditional concept of Hindu kingship and the idea (beloved to high-caste, hill Nepali Hindus) that it preserved "pure" Hinduism untouched by Muslim or Christian invasion.<sup>269</sup>

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<sup>267</sup> Unlike the Maoists, Madhesi groups have not built links with human rights organisations such as Patna's People's Union for Civil Liberties. Indian politicians say Madhesi groups visit sporadically but do not sustain their engagement or follow up with specific requests for help. Madhesi leaders do not appear to have significant ties with Lucknow politicians or even Uttar Pradesh border MLAs. Crisis Group interviews, Patna, Delhi and Lucknow, June 2007. Most Nepali parties have at least one *pravasi* (migrant/expatriate) Nepali-affiliate organisation in New Delhi; some have branches across India. The Maoist-affiliated Nepali Janadhikar Suraksha Samiti was at times very active in India.

<sup>268</sup> Crisis Group interview, Gorakhpur student leader, Lucknow, 15 June 2007. Yogi Adityanath, BJP MP from Gorakhpur, has campaigned on countering the Maoist threat from Nepal. On MJF-Adityanath links, see Piyush Srivastava, "UP's new Naxals", *The Indian Express*, 29 April 2007.

<sup>269</sup> The preservation of Hinduism in the face of India's waves of non-Hindu rulers is part of Nepal's founding nationalist

Hindu activists in India know the Madhesi movement is unlikely to back the same values: the MJF and others may be flexible but their stated goal is a federal republic, not return to Hindu monarchical rule.<sup>270</sup> The MJF has also worked to cultivate secular credentials: it has called for affirmative action for Muslims and has won the support of Muslim politicians in Bihar, which it could hardly do if it were hardline on religion.<sup>271</sup> Rather than protecting Hinduism, it sees the Madhes movement's main advantage as resistance to Maoist penetration in the Tarai – something no other party has managed so determinedly.

The RSS and its ally in Nepal, the Vishwa Hindu Mahasangh, have always hoped to build a strong organisational base but have had limited success.<sup>272</sup> Their efforts have been supported by the monarchy. The RSS is worried not only about the Maoists but also what it sees as rising influence of Islamic madrasas in the Tarai.<sup>273</sup> The RSS and its political front, the Bharatiya Janata Party (BJP), which is a part of the Bihar government, have been accused of supporting the MJF during the Tarai unrest, something they deny.<sup>274</sup> The RSS's limited strength in Nepal means it can offer encouragement and some aid but not engineer a movement. While it takes Upendra Yadav more seriously than other activists (his RSS contacts are in the border areas as well as Delhi and may have offered something more than moral support<sup>275</sup>) it may view backing the movement mainly as a chance to regain a foothold in Nepali politics now that the active monarchy appears finished.<sup>276</sup> Even strong opponents point out that

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identity. King Prithvinarayan Shah, who united the core of the modern state in the late eighteenth century, defined his country as a "true Hindustan". Ludwig Stiller, *Prithvinarayan Shah in the Light of Dhyana Upadesh* (Kathmandu, 1968).

<sup>270</sup> Crisis Group interview, RSS activist, Raxaul, June 2007. The MJF cannot back a Hindu *rashtra* (nation) if it wishes to retain Muslim support but RSS leaders hope it will not actively oppose a ceremonial monarchy.

<sup>271</sup> Crisis Group interview, Shahid Ali Khan, Sitamarhi MLA, Patna, 5 June 2007. Khan says he supports the Madhesi movement and gave interviews to Tarai FM radio stations.

<sup>272</sup> Crisis Group interviews, RSS sympathisers, Raxaul and Delhi, June 2007.

<sup>273</sup> Crisis Group interview, RSS activist, Raxaul, June 2007.

<sup>274</sup> Crisis Group interviews, Rajiv Pratap Rudy, BJP national spokesperson, New Delhi, 8 June 2007, and senior RSS leader, New Delhi, 6 June 2007.

<sup>275</sup> Crisis Group interviews, journalists, Raxaul and Lucknow, June 2007. Some Hindu activists appear to have participated in the Madhesi movement; some local journalists suspect they may also have offered financial help.

<sup>276</sup> This does not mean ties to the monarchy have been severed. The palace's links to *maths* (Hindu seminaries) in border areas are alive and symbolically valuable; at least one politician close to the RSS travelled to Kathmandu in early 2007 to meet Gyanendra and Crown Prince Paras. Crisis Group interview, senior RSS leader, New Delhi, 6 June 2007.

the RSS and BJP are dedicated to firm governance and are unlikely to seek instability in Nepal as an end in itself.<sup>277</sup>

Gorakhpur (an Uttar Pradesh railhead close to the Bhairahawa border in central Nepal) has been the site of the most active involvement. Local politics there has ties to developments in Nepal, partly through business but more through Hindu connections. Gorakhpur is home to the Gorakhnath *math*, a Hindu seminary with close links to Nepal's royals (Gorakhnath is the Shahs' family deity). Its chief, the outspoken Hindu nationalist Yogi Adityanath, built his political reputation campaigning against the risks of Pakistani intelligence and Maoist influence in Nepal.<sup>278</sup> He has extensive ties with royalist politicians; General Bharat Keshar Simha, a key royal advisor and head of the Vishwa Hindu Mahasangh is a frequent visitor to Gorakhpur.<sup>279</sup> His active association with the town has made him, in the words of a local journalist, a "superhit" in the local Hindi media.<sup>280</sup>

Adityanath also has links with Madhesi politicians and may have provided active support – money, people and ideas – to the movement. Upendra Yadav and other Madhesi activists attended a December 2006 meeting he organised in Gorakhpur.<sup>281</sup> But a Gorakhpur observer pointed out that "Adityanath is not the quiet, diplomatic type – if he were doing something he'd loudly tell the world about it".<sup>282</sup> Several Gorakhpur-based landlords with major property interests in the Tarai have been affected by the Maoist rise and might support Madhesi groups. Rallies in Indian border towns venting ire at the Maoists do have some impact on the other side and may have contributed to the Hindi media's strongly anti-Maoist stance.<sup>283</sup>

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<sup>277</sup> Crisis Group interviews, civil society activists and former RSS associate, Lucknow, 15 June 2007.

<sup>278</sup> Crisis Group interview, Gorakhpur student leader, Lucknow, 14 June 2007; also see Piyush Srivastava, "UP's new Naxals", *The Indian Express*, 29 April 2007.

<sup>279</sup> Crisis Group interview, journalist, Lucknow, 14 June 2007. Simha was re-elected international president of the VHM at the Virat Hindu Sammelan in Gorakhpur in December 2006. He was chief guest at a program supported by Adityanath for select MLAs who won seats in the March-April 2007 state elections.

<sup>280</sup> Crisis Group interview, Lucknow, 14 June 2007.

<sup>281</sup> Crisis Group interviews, Raxaul and Lucknow, June 2007. A similar meeting was hosted by the RSS-associated Seema Jagaran Manch in Raxaul on 2-3 December 2006. Yadav and other Madhesi politicians attended; RSS leaders say they discussed the possibility of a movement.

<sup>282</sup> Crisis Group interview, Gorakhpur civil society activist, Lucknow, 14 June 2007.

<sup>283</sup> Crisis Group interview, journalist, Lucknow, 14 June 2007. The Maoists have done little to counter the perception in Indian border areas that they were responsible for an anti-Madhesi reign of terror.

## C. OTHER INTERNATIONALS

Other international involvement in the Tarai has so far been limited. Powerful constituencies, including India, would like to keep it that way but Madhesi activists have been quick to appeal to outsiders and try to build foreign leverage. Despite a large and longstanding development agency presence, the Madhesi movement took internationals, like Kathmandu, by surprise. Even donors who since the early 1990s had become committed to issues of social inclusion had paid little attention to Madhesi concerns – partly because of the under-representation of Madhesis on their local staffs. Statistics on exclusion tended to subsume Madhesis within broader categories or ignore them altogether.<sup>284</sup>

Forcing internationals to wake up to their grievances has been one of the Madhesi activists' most striking achievements. Apart from India, the U.S. is the only country to have taken a strong political interest in Madhesi affairs. It has added both JTMM factions to its terrorist list<sup>285</sup> but has also reached out to Upendra Yadav, affording him a degree of legitimacy through well publicised meetings; Yadav was also granted a visa to visit the U.S. for a Tarai diaspora event. The U.S. sees the MJF as an effective force which can counter Maoist influence in the Tarai and appears keen to promote it.<sup>286</sup> Most development partners have been concerned by the impact of unrest on their programs and fear that worsened security may derail elections and possibly evolve into communal warfare. Some have started to review their staffing and project focuses so as to become more inclusive in their practices.

The UN has taken on both public and quietly diplomatic roles. The Office of the High Commissioner for Human Rights (OHCHR) has started to champion social exclusion as a core concern to the delight of Madhesi activists but leaving some observers concerned the attention is disproportionate,<sup>287</sup> while the UN mission (UNMIN) has

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<sup>284</sup> For example, the extensive DFID/World Bank exclusion study "Unequal Citizens", op. cit., paid almost no attention to Madhesis as a category.

<sup>285</sup> For details, see the 2006 country report on terrorism, released by the U.S. State Department's Office of the Coordinator for Counterterrorism in April 2007. The overview is at [www.state.gov/s/ct/rls/crt/2006/82734.htm](http://www.state.gov/s/ct/rls/crt/2006/82734.htm).

<sup>286</sup> Crisis Group interview, analyst, Kathmandu, June 2007.

<sup>287</sup> During the movement, OHCHR mobile monitoring teams were in regular contact with protest organisers, authorities and members of the police to seek assurances protest would be peaceful and no excessive force would be used. It called on all parties to talk. OHCHR press statement, 28 January 2007. OHCHR Representative Lena Sundh said her office has given highest priority to monitoring the Tarai situation, OHCHR press statement, 11 February 2007. Some feel OHCHR has allowed inclusion issues to overshadow other central tasks such as building human rights capacity at a national level. Crisis Group

maintained contacts with key Madhesi actors and gently argued for dialogue. UNMIN's mandate is limited: Secretary-General Ban Ki-moon has reiterated the need for an inclusive peace process but UN officials insist they can only become more involved at the government's express request.<sup>288</sup> Some observers are happy with this restraint but others believe the UN could give technical aid and use of its good offices more to push for dialogue.<sup>289</sup>

## VII. PROSPECTS

The political situation is complex, and a number of scenarios are possible. Fault lines cut across each other: Madhesis are fighting the state for their rights; political actors are struggling for space and support; Madhesi-*pahadi* tensions have risen; and caste factors may be assuming a new prominence. Some of these struggles may be short-lived; others could become lasting features of a reshaped landscape. While a compromise on key issues is theoretically possible, further instability is likely, and serious deterioration is possible, especially if communal tensions are fanned. Governance and service delivery are already weak, law and order poor and the state's presence severely limited – not good grounds for positive steps by the government.

### A. COMMUNAL RISKS ... BUT INCENTIVES TO TALK

The risk of communal violence between *pahadis* and Madhesis is real. The line between the struggle against the state and against *pahadis* has blurred in Madhesi politics; armed groups have selectively targeted *pahadi* bureaucrats and businessmen; *pahadis* have become insecure, and some are migrating;<sup>290</sup> *pahadi* groups like the CBES, combined with heightened anti-Madhesi prejudice, have polarised the situation further;<sup>291</sup> and some extremist

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interviews, human rights activist and analysts, Kathmandu, May-June 2007.

<sup>288</sup> India is not keen on greater UN involvement. A senior diplomat warned: "Outside intervention will only exacerbate the conflict. It is better for the UN and others to stay out and not even offer technical assistance for talks". Crisis Group interview, Kathmandu, 20 June 2007.

<sup>289</sup> An international observer pointed out that fears of Indian obstruction are probably exaggerated: "India can't afford *not* to cooperate with UNMIN if it's for the sake of the peace process". Crisis Group interview, Kathmandu, 22 June 2007.

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<sup>290</sup> Many Madhesis say *pahadis* will naturally face consequences for their history of exploitation. Crisis Group interviews, Madhesi activists, Rajbiraj, Janakpur, Birgunj, May-June 2007. Also see "Madhes chhadne urdi", *Samay*, 10 May 2007. A senior Nepal expert said "ethnic cleansing" has already taken place. David N. Gellner, "Caste, Ethnicity and Inequality in Nepal", *Economic and Political Weekly*, 19 May 2007, at [epw.org.in/epw/uploads/articles/10625.pdf](http://epw.org.in/epw/uploads/articles/10625.pdf). An experienced conflict expert said: "I am struck by how similar the mood is in the Tarai to Sri Lanka as the conflict was taking off – not that Nepal will inevitably follow that pattern but it's a serious possibility in the future". Crisis Group interview, Lalitpur, 18 June 2007.

<sup>291</sup> Crisis Group interviews, *pahadi* businessmen, Birgunj, 1 June 2007. Some *pahadis* advocate outright suppression of the Madhes movement. They say Madhesis should give up their Indian loyalties before asking for rights in Nepal and fear any concessions would lead to an Indian influx or the start of a "Sikkimisation" process designed to undermine Nepal's sovereignty. One commentator warned that "the formulation of the citizenship provision has paved a way for the distribution of millions of Nepali citizenship certificates to the foreigners, who are residing or have come from adjoining states of Bihar, UP, West Bengal. The decisions of the eight-party government and the so-called parliament persistently lack the will to safeguard Nepal's sovereignty, independence and territorial integrity". Madan Regmi, "Ganapathy forgets Prachanda", *The Kathmandu Post*, 29 May 2007.

groups on both sides may have an incentive to incite communal clashes to radicalise politics and bolster their support. At the same time, the situation is unlikely to escalate to all-out ethnic conflict. An attack on *pahadis* in a Tarai district could create a backlash against Madhesis elsewhere; within the Madhesi movement, a strong school of thought cautions against reducing the struggle for rights to inter-community conflict; strong economic, professional and social ties between the communities may play a balancing role; and mainstream parties and India will use their leverage to calm matters.

A negotiated settlement is possible but will require a process that reaches out to multiple groups and allows all sides to claim victory. Both sides have incentives to talk: the government knows continued unrest in the Tarai could destabilise the entire political process, while Madhesi groups must negotiate at some stage if they are to deliver results, win legitimacy and become part of the political process. Attitudes are not irreconcilable but building trust will be hard.

The government lacks a sense of urgency, while Madhesi groups are disunited and each may need different face-saving measures. In early July, in the wake of internal and external pressure not to legitimise violence, coupled with its own reluctance to make concessions, whether substantive or symbolic, the government announced a decision to deploy the Armed Police Force as well as civilian police to deal with the violence in the Tarai.<sup>292</sup> Though this has not translated into action on the ground yet, a massive security crackdown without addressing political grievances would further exacerbate the conflict, lead to human rights excesses, strengthen the Madhesi extremists, fuel anger among common citizens and make dialogue difficult. MJF leaders may see it as a moment to withdraw from talks and feel that they could benefit from more time to improve their organisation, prove their strength by renewed agitation or just wait for the political flux to take shape and guide them on new alliances. JTMM factions might suffer a temporary set-back but the possibility of serious dialogue would recede, and armed groups would play up the image of fighting against an oppressive state.

If the government sincerely reaches out to armed groups and satisfies some minimum pre-conditions laid out by them, it is still possible to pull back from the law and order approach to dealing with the problem. Public efforts and behind-the-scenes diplomacy would make it difficult for both JTMM factions to remain intransigent and force them to engage. The format of talks may be messy – there might have to be a combination of separate negotiations with individual groups and some form of roundtable. Much

will hinge on the broader political situation: if the country is moving determinedly towards elections, Madhesi leaders will not want to be seen as spoilers; if there is uncertainty and in-fighting in Kathmandu, they will be tempted to turn more confrontational. The armed groups face similar calculations but start from a weaker popular base and will have to concentrate first on legitimising themselves, possibly by supporting other groups in the electoral process.

## B. THE AGENDA

The government and MJF sat down for preliminary talks on 1 June 2007 in Janakpur.<sup>293</sup> The MJF presented 26 demands.<sup>294</sup> The government agreed to declare those killed during the movement martyrs and compensate their families; provide relief to the injured; include all marginalised groups in state institutions; distribute resources proportionately; restructure the state and address Muslim and Dalit demands.<sup>295</sup> But it did not agree to core demands for proportional representation, regional autonomy

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<sup>293</sup> The government team was headed by Ram Chandra Poudel and included ministers Gyanendra Karki and Ram Chandra Yadav. The MJF team was headed by Upendra Yadav and included Sitanandan Raya, Mohammed Nasir Siddiqui and Kishore Biswas.

<sup>294</sup> The major demands include: declaring all those killed during the movement martyrs and providing compensation; withdrawal of cases filed during the Madhesi movement and release of those arrested; UN technical assistance during talks; dismissal of Home Minister Sitaula; establishing participatory democracy; a federal system with the right to self-determination; a constitutional arrangement for an autonomous Madhes; appointment of Madhesis in government departments in Madhes; half of all positions in state institutions and government-owned media bodies for Madhesis; recognition that Madhesis have the right to the natural resources in Madhes; affirmative action and quotas for Dalits and stringent action against discrimination and untouchability; protection of Muslim religious and linguistic rights; establishment of a madrasa board; declaration of Muslim festivals as public holidays; creation of a Muslim personal law; a three-language policy in government and education which would allow the use of local mother tongue, Nepali or Hindi, and English; making it easier for Madhesis to get citizenship, including by sending citizenship-distribution teams to villages; investing at least 75 per cent of taxes raised from Madhes in the region; return of property seized by the Maoists; declaration of dates for constituent assembly elections immediately followed by dissolution of the interim legislature and formation of a representative caretaker government; an electoral system based fully on proportional representation; reconstitution of the election commission; and removal of restrictions on regional and caste-based parties. In the talks, MJF also expressed its commitment to a democratic republic. MJF letter to government talks team, 1 June 2007.

<sup>295</sup> Sanjaya Dhakal, "Hard Negotiations", *Spotlight*, 8 June 2007.

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<sup>292</sup> "APF, police to deploy against terai violence", *The Kathmandu Post*, 3 July 2007.

and the home minister's dismissal.<sup>296</sup> It also stalled on the MJF's demand for UN technical assistance. While both sides called the talks positive, MJF leaders are privately sceptical about the possibility of real progress. A central committee member said: "We doubt whether they will even implement what they have agreed to, and they don't seem to be in the mood to address substantive issues".<sup>297</sup>

If talks progress further the central agenda items are clear:

**Electoral model.** Equitable electoral representation lies at the heart of the Madhesi movement. Calls for "full proportional representation", essentially referring to quotas for different population groups, have gained ground but there is still some attachment to having some local, constituency-based representatives.<sup>298</sup> The government introduced an amendment to the electoral law in mid-June 2007 but did so without consulting protesting groups. It provides reservations for excluded groups within the proportional representation category, with parties also to make a principled commitment to include candidates of all groups in the first-past-the-post system.<sup>299</sup> The NC, the most powerful party in the ruling alliance, has made it clear that a fully proportional system is unacceptable. The MJF has publicly opposed the law but may agree to come on board as it does not want to be seen as the only spoiler.<sup>300</sup>

Fixing 22 November as the constituent election date, the cabinet promised to address all inclusivity issues and agree on a mixed electoral system acceptable to protestors. That the announcement was not blocked by Madhesis within the major parties suggests a deal is possible. If so, the key

issue will be redrawing constituencies fairly, something the ECDC appointed in March 2007 has failed to do. Its recommendations – to increase constituent assembly seats to 497 and add 28 in the Tarai – were rejected by Madhesi groups, who saw gerrymandering to benefit *pahadi* candidates. The government has extended the ECDC mandate by 21 days<sup>301</sup> to draft a new plan, still a challenging task as an acceptable compromise will require taking into account concerns of all Madhesi MPs and implementing commitments on Madhesi candidates. A Madhesi analyst said, however: "People may not be completely satisfied but will accept the system. We started from a sub-zero position and have now got to 30 per cent. Any jump higher right now and there is a risk of falling over".<sup>302</sup>

### **Federalism, autonomy and self-determination.**

Although the constituent assembly is meant to have the final say, the government has already declared its intent to introduce federalism. Many groups, including *janajati* representatives, call for federalism but have different understandings. The stronger Madhesi demand for "self-determination" does not go down well with hill groups or Tarai *janajatis*.<sup>303</sup> There has been little discussion of fiscal implications such as division of local tax revenues and sharing of development investment or of the degree of devolution.

The Madhesi call for a single "Madhes government" is a powerful rallying cry and is gaining increasing acceptance as a political slogan but is highly unlikely to be acceptable to the Kathmandu establishment. The demand may be diluted but there is a consensus among Madhesis, across party lines, that federal units should not be carved out north-south, with built-in hill dominance (as in the Panchayat-designed development regions). This demand will be hard for the government to deny. The possibility of secession features frequently in conversation among Madhesis (even those in mainstream national parties and the NSP). Several Madhesi groups, including MJF and JTMM(JS), reportedly held a meeting in Patna in May 2007 and requested Ram Raja Prasad Singh, a veteran republican leader from Madhes, to assume leadership of a struggle for complete independence. Singh says he rejected the offer.<sup>304</sup> This

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<sup>296</sup> "MJF presents 26 point demands", www.nepalnews.com, 1 June 2007.

<sup>297</sup> Crisis Group interview, Kathmandu, 22 June 2007.

<sup>298</sup> Crisis Group interviews, Madhesi activists, Kathmandu and various districts, May-June 2007.

<sup>299</sup> "House approves CA bill", www.nepalnews.com, 14 June 2007. Out of 497 seats, 240 are allotted for proportional representation. Within that, 15.6 per cent of seats have been set aside for Madhesi men and women each, 6.5 per cent for Dalit men and women, 18.9 percent for *janajati* men and women, 2 per cent for men and women of backward regions and 15.1 per cent each for the "others" category. The parties have also committed themselves in principle to include candidates of excluded groups in direct constituency elections for 240 seats. Seventeen delegates are to be nominated.

<sup>300</sup> Crisis Group interview, Kishore Biswas, MJF leader, Kathmandu, 29 June 2007. The MJF says that the law is not transparent; parties may not give tickets to Madhesi candidates in the direct constituency contests since this is not legally required; and it should have been consulted before the law was framed. Some Madhesi politicians argue that Madhesis will lose out under the system, because Madhesi groups will be forced to give seats to all other groups in the same proportion and will not be able to allocate all seats they win only to Madhesi candidates. Crisis Group interview, NC dissident, Janakpur, July 2007.

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<sup>301</sup> "CA poll on 22 November", *The Kathmandu Post*, 25 June 2007.

<sup>302</sup> Crisis Group interview, Kathmandu, June 2007.

<sup>303</sup> In the words of the Nepal Federation of Indigenous Nationalities president, Pasang Sherpa, "our friends in the Madhesi movement call for 'one Madhes, one province' but we disagree. The Madhes's various *janajatis* have a different identity...[Madhesi activists'] interpretation of self-determination and our interpretation are also different". Sherpa also stressed that *janajatis* had stuck to peaceful protests, unlike many Madhesi groups. Interview, *Jana Aastha*, 20 June 2007.

<sup>304</sup> Tilak Pathak, "Patna baithakko antarkatha", *Nepal*, 1 July 2007.

reflects an effort by Madhesi groups to forge a common front as well as a gradual radicalisation of the mood. Yet, few perceive independence as more than an aspiration or initial bargaining position. The Madhesi elite with serious economic interests in Kathmandu would oppose it; the demand is completely unacceptable to India; and it would be a recipe for communal violence.

While the government and several analysts say that the shape of the federal structure should be left to the constituent assembly, Madhesi groups are demanding some guarantees on the basic principles of that structure, even if the specific contours and implementation are postponed.<sup>305</sup> Federalism is a complex issue, and it might be best to leave it to the elected assembly. For now, in order to show serious intent, the government could consider setting up a purely technical commission to develop data and information for future discussions; parties, for their part, could set up internal committees to begin homework on the issue.

**Movement aftermath.** Demands that relate to the aftermath of the January-February 2007 movement are both psychologically important and relatively painlessly addressed. Recognising dead Madhesi protestors as martyrs, offering compensation to families and the injured and pushing forward the commission of enquiry all have little political cost. The government has agreed to most in principle and prompt implementation could build goodwill before the next round of talks. The resignation of Home Minister Sitaula, earlier an unshakeable MJF precondition, has slipped down the agenda but not been forgotten. The idea that at least one member of the government should accept moral responsibility and consequences remains powerful. Prime Minister Koirala is not keen to lose a trusted lieutenant, and the Maoists have also backed Sitaula, who has been a key member of peace talks. But a critical verdict from the commission of enquiry might be an opportunity to let him go.

The withdrawal of criminal cases against MJF and JTMM leaders will be a thorny topic, particularly as killings and abductions continue. Some in the government still view them as criminals and will be extremely reluctant to drop charges as a price for talks. But the need for carrots as well as sticks could well lead to a quiet amnesty for those who sign up to the political process.

**Affirmative action.** The government has committed in principle to include Madhesi in state institutions but an activist said: "We have heard these promises several

times. What is needed is action".<sup>306</sup> The government can bridge this trust deficit by immediately appointing one third Madhesi to important bodies like the National Human Rights Commission and National Planning Commission; making special provisions for their recruitment in police and bureaucracy; reserving a percentage of local posts in the Tarai for them; organising training so they can compete at the national level; and appointing deserving Madhesi bureaucrats to important positions both nationally and in Tarai towns. These steps should also be specifically targeted to women and other marginalised communities like Muslims and Dalits. Other decisions could include infrastructure development programs such as road extension and irrigation. The government must be sensitive not to appear to be buying off people with economic packages without addressing political concerns but these steps taken together would address demands of Madhesi, reduce the visible dominance of *pahadis* in all spheres and create an environment for talks with still protesting groups.

### C. FIXING KATHMANDU FIRST

None of the Tarai tensions can be viewed in isolation. The Madhes is not a discrete geographical unit unaffected by its surroundings, nor are its politics regionally compartmentalised. Dealing with Madhesi demands first means changing attitudes and policies in Kathmandu; it also requires addressing issues within a national framework – many grievances in the plains stem from similar causes to those that could destabilise the hills. Despite repeated commitments to satisfy demands (including the prime minister's explicit promise when the 22 November 2007 election date was announced)<sup>307</sup> there is little sign of the kind of shift in mentality that might persuade protestors that this time leaders are serious.

Even if a basic compromise is agreed, sequencing is tricky. Managing the choreography well would put spoilers in a tough position. Much of the current atmosphere of lawlessness is conditioned by political uncertainty. An electoral timetable, forward momentum and solid international support would turn the situation around, making it much harder for small factions to disrupt the process – and forcing them to come on board if they hope for a share of the spoils. If the MJF joins all other major parties in standing for election, the JTMM factions may prefer to bargain their support for strengthened policy positions and personal guarantees on rehabilitation. The onus for defusing tensions in this way lies on national leaders.

<sup>305</sup> Crisis Group interview, Upendra Yadav, 28 June 2007. He recalled that in India, Jawaharlal Nehru presented an objectives resolution laying out basic principles, which guided discussions in its constituent assembly.

<sup>306</sup> Crisis Group interview, Rajeev Jha, Janakpur, 29 May 2007.

<sup>307</sup> "Dissenting groups' demands will be fulfilled before polls, assures PM", *ekantipur.com*, 25 June 2007.

A unified eight-party demonstration of intent to proceed with elections would be one of the best ways to bring protestors to the table. But preparations for polls must be coupled with serious engagement with protesting groups. A constituent assembly which faces opposition from the outset might face a crisis of credibility, not command bipartisan support and encourage different political forces to question its decisions.

## VIII. CONCLUSION

There is no guarantee a deal on elections would halt all political violence: The presence of determined armed groups, Maoist ambivalence on further street action and retention of military capacity, the MJF's occasional violent actions and the response from its rivals are all dangers. Strained relationships, especially between Madhesi activists and Maoists, suggest turbulence, even if the emergence of new alliances gradually delivers a more stable configuration. Sustained agitation along the lines of the January-February movement would be difficult for any group but localised incidents are easy enough to organise, as are the established techniques to intimidate voters and influence elections. Perfect polls in an entirely peaceful environment are not in the cards but a sensible, balanced and determined approach from a united Kathmandu can still deliver a reasonable outcome.

Internationals have a role to play. Should it choose (and the signs are it will), India can exert considerable leverage on all parties for viable elections. Apart from putting pressure on Kathmandu to deliver on promises, hard security measures (such as cracking down on armed groups seeking refuge across the border and bolstering the Nepali government's policing capacity), the threat of withdrawing moral support, freezing activists out of Delhi and leaning on funders can hit home. All external actors can help by supporting efforts towards peace (including full implementation of the Comprehensive Peace Accord), respecting the principles of the process rather than engaging in partisan politics and extending strong public support for each step forward. There is a danger that warnings of insecurity making polls impossible and predictions of ethnic warfare could become self-fulfilling. Nepal's friends are right to be concerned at the risks but should be cautious about playing into the hands of those who seek to derail the entire peace process.

There are no quick fixes or ideal solutions. Addressing demands for representation and rethinking the nature of the nation are tough tasks that will remain long after the elections. Ethnic, caste and regional mobilisation is likely to be a lasting feature of the political landscape. India's example suggests that a flexible constitutional framework and robust electoral competition are viable means of dealing with identity-based demands reasonably peacefully. Nepal's circumstances are not identical, and there is no reason why its political institutions should ape those of its neighbour, but to do better will mean embarking on a long road towards a more inclusive state.

Even assuming the constituent assembly goes ahead, factors such as the debate it generates and new political alliances will affect progress towards a lasting resolution.

Many Madhesis suspect further agitation will be necessary at some stage. They may well be right: Nepal's political history, from the 1950 "revolution" to the 1990 people's movement, suggests that fundamental change always encounters institutional and political resistance and is never achieved in one bound. This is frustrating for impatient activists but a gradual release of pressure (albeit with violent phases) is more likely than a dramatic collapse into anarchy. Political leaders will have to dig deeper to find the patience, compromise and broad-mindedness to manage the process of change.

**Kathmandu/Brussels, 9 July 2007**

## APPENDIX A

### MAP OF NEPAL



Map No. 4304 UNITED NATIONS  
 January 2007 (Colour)

## APPENDIX B

### GLOSSARY OF ACRONYMS

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BJP	Bharatiya Janata Party
BSP	Bahujan Samaj Party
CA	Constituent Assembly
CBES	Chure Bhawar Ekta Samaj
CDO	Chief District Officer
CPA	Comprehensive Peace Agreement
CPI	Communist Party of India
CPI (Maoist)	Communist Party of India (Maoist)
CPM	Communist Party of India (Marxist)
CPN(M)	Communist Party of Nepal (Maoist)
ECDC	Electoral Constituency Delimitation Commission
HSS	Hindu Swayamsevak Sangh (RSS's Nepal affiliate)
JTMM	Janatantrik Tarai Mukti Morcha (in two factions: Jwala Singh (JS) and Goit (G))
KMM	Krantikari Madhesi Morcha (Janamorcha front)
LMS	Loktantrik Madhesi Sangathan (UML front)
MJF	Madhesi Janadhikar Forum
MLA	Member of Legislative Assembly (in state legislatures in India)
MPRF	Madhesi Janadhikar Forum (acronym formed from English translation: Madhesi People's Rights Forum)
MRMM	Madhesi Rashtriya Mukti Morcha (Madhesi National Liberation Front), Maoist front
NC	Nepali Congress
NC(D)	Nepali Congress (Democratic)
NSP(A)	Nepal Sadbhavana Party (Anandidevi)
NWPP	Nepal Workers and Peasants' Party
OHCHR	Office of the United Nations High Commissioner for Human Rights
PLA	People's Liberation Army (Maoist)
RPP	Rashtriya Prajatantra Party
RSS	Rashtriya Swayamsevak Sangh
SP	Samajwadi Party
SPA	Seven-Party Alliance (includes NC, UML, NSP(A), NC(D), Janamorcha Nepal, NWPP and ULF)
ULF	United Left Front

UML	Communist Party of Nepal (Unified Marxist-Leninist)
UNMIN	United Nations Mission in Nepal
UP	Uttar Pradesh
VHM	Vishwa Hindu Mahasangh
VHP	Vishwa Hindu Parishad
YCL	Young Communist League

## APPENDIX C

### CHRONOLOGY OF KEY MADHES EVENTS

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- 1951: Nepal Tarai Congress formed under Vedanand Jha.
- 1952: First Citizenship Act introduced.
- 1957: Imposition of Nepali as sole language for education sparks protests in Tarai.
- 1959: NC sweeps first democratic elections; Nepal Tarai Congress wins no seats.
- 1964: New Citizenship Act based on 1962 Panchayat constitution makes it harder for Madhesis to acquire citizenship.
- 1979: King Birendra holds referendum on Panchayat system; higher support for multi-party democracy in Tarai districts.
- 1983: Nepal Sadbhavana Parishad formed under Gajendra Narayan Singh to raise Madhesi issues.
- 1990: People's movement brings Panchayat system to an end. New constitution promulgated. Nepal Sadbhavana Parishad registers as party to contest elections but demands constituent assembly.
- 1994: Government sets up Dhanapati Commission on citizenship issue.
- 1996: Maoists launch insurgency.
- 1997: Madhesi Janadhikar Forum (MJF) established in Biratnagar as cross-party intellectual platform.
- 2000: Maoists set up Madhesi Rashtriya Mukti Morcha (MRMM) under Jai Krishna Goit in Siliguri.
- 2004: Matrika Yadav appointed as head of MRMM; Goit splits and forms the Janatantrik Tarai Mukti Morcha (JTMM).

#### 2006

- 24 April: Following nineteen-day mass movement, king announces reinstatement of parliament.
- 18 May: Parliamentary proclamation curtails royal powers and declares Nepal a secular state; Hindu organisations, especially in the Tarai, protest.
- 17 July: Matrika Yadav announces war against JTMM.
- August-October: Jwala Singh expelled from JTMM and forms his own faction. Frequent JTMM strikes (both factions) affect normal life in Tarai. Increasing Maoist-JTMM and JTMM factional clashes.
- 23 September: JTMM(G) activists shoot dead RPP MP Krishna Charan Shrestha in Siraha.
- 22 October: JTMM(G) expresses willingness to talk; government agrees in principle (26 October) but makes no move for negotiations.
- 26 November: Citizenship law amended enabling Madhesis to get citizenship certificates and associated rights.
- 16 December: NSP(A) protests interim constitution provisions on electoral system and its silence on federalism. JTMM(JS) imposes prohibition on non-Madhesis driving on Tarai roads for a fortnight.
- 26 December: NSP(A) protest turns violent in Nepalgunj; communal aspects with *pahadi*-Madhesi clashes, while police accused of anti-Madhesis bias. Government forms commission to investigate (27 December).
- 30 December: Prime Minister Koirala expresses his willingness to solve Tarai problem through talks. Ian Martin, special representative of the UN Secretary-General, voices concern about violent activities in eastern Tarai.

#### 2007

- 6 January: JTMM(JS) expresses willingness to talk to government under UN auspices.
- 12 January: Three-day Tarai strike called by JTMM(G).

- 16 January: MJF announces strike in Tarai to protest interim constitution's promulgation. Its leaders are arrested while burning copies of the statute in Kathmandu.
- 19 January: Maoists clash with MJF activists in Lahan, killing student Ramesh Kumar Mahato.
- 20 January: Maoist cadres seize and cremate Mahato's body; Lahan put under curfew.
- 21 January-7 February: Movement picks up across eastern Tarai against the government and Maoists, with growing public support, mass defiance of curfews, clashes between police and protestors, attacks on government offices and almost 40 people killed. Maoists accuse feudal elements and royalists of inciting unrest and reject talks.
- 29 January: NSP(A) minister Hridayesh Tripathi resigns from government. Government arrests former royal ministers on charges of instigating violence.
- 31 January: Prime Minister Koirala makes national television address appealing for dialogue; protestors reject the offer.
- 2 February: Government forms committee led by Mahant Thakur to talk to all agitating groups.
- 7 February: Koirala makes second address; government agrees to introduce federalism and allot half the seats in the constituent assembly to Tarai.
- 8 February: MJF cautiously welcomes Koirala's address, suspends agitation for ten days and sets preconditions for talks: home minister's resignation, declaration of all those killed as martyrs and a Madhesi-led, independent panel to investigate atrocities.
- 11 February: Madhesi MPs demand immediate amendment of interim constitution.
- 13 February: JTMM(JS) agrees to talk and halt violence. JTMM(G) rejects talks offer (14 February).
- 15 February: Home Minister Sitaula apologises for mistakes during Tarai unrest but refuses to quit.
- 19 February: MFJ renews its agitation, saying government failed to create environment for talks. JTMM(G) calls three-day Tarai shutdown (21 February).
- 22 February: Thakur committee asks government to withdraw all charges against JTMM factions to create environment for talks.
- 1 March: Madhesi Tigers abduct eleven people from Saptari.
- 4 March: JTMM(JS) resumes armed revolt, accusing government of not wanting negotiations.
- 6 March: NSP(A) threatens to leave SPA if interim constitution is not amended.
- 9 March: Legislature amends interim constitution creating Electoral Constituency Delimitation Commission (ECDC) to revise constituencies and guaranteeing federalism.
- 21 March: MJF-Maoist clash in Gaur, killing 27 Maoists and leaving dozens injured. Curfew imposed. Government forms panel to investigate and submit report in fifteen days (23 March). MJF protests banned in Rautahat, Siraha, Jhapa and Morang (24 March).
- 11 April: Peace and Reconstruction Minister Ram Chandra Poudel calls MJF and JTMM for talks.
- 18 April: Madhesi MPs reject ECDC recommendations, demand fresh census and block functioning of interim legislature for over a month.
- 20 April: OHCHR investigation holds law enforcement agencies, MJF and Maoists jointly responsible for Gaur massacre.
- 26 April: MJF applies to the Election Commission to register as a political party.
- 10 May: Ram Chandra Poudel meets MJF president Upendra Yadav in Birgunj.
- 13 May: JTMM(G) kills JTMM(JS) district chairman of Rautahat. JTMM(JS) retaliates by killing two JTMM(G) activists.
- 25 May: Cabinet forms commission to investigate killings during the Tarai unrest.
- 1 June: Government-MJF talks in Janakpur; MJF presents 26 demands.

- 8 June: NSP factions merge under banner of Nepal Sadbhavana Party (Anandidevi).
- 13 June: Two Maoists killed in clash with MJF in Rupandehi.
- 22 June: MRMM central committee dissolved after differences between Matrika Yadav and Prabhu Sah. Ram Kumari Yadav appointed co-ordinator of new ad-hoc committee; Prachanda takes charge of the party's eastern Tarai region.
- 24 June: Government announces 22 November date for constituent assembly elections; extends ECDC term by 21 days so it can review its earlier report.

## APPENDIX D

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Crisis Group's Senior Advisers are former Board Members (not presently holding national government executive office) who maintain an association with Crisis Group, and whose advice and support are called on from time to time.

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