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# Nepal's Terai: Constructing an Ethnic Conflict

*PRIO South Asia Briefing Paper #1*

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## **Nepal's Terai: Constructing an Ethnic Conflict**

### **PRIO briefing to Norwegian Ministry of Foreign Affairs**

#### **Executive Summary and Recommendations**

After the government of Nepal signed a peace agreement with the Communist Party of Nepal-Maoist in 2006 to end a 10 year civil war, local and international observers were surprised to see new fighting erupt in the Terai region of southern Nepal. The violence, however, was initiated not by either party to the civil war but by groups targeting both the state and the Maoists, polarizing citizens along ethnic issues largely unaddressed during the civil war. In 2007, three of these groups joined forces to create a coalition called the United Democratic Madhesi Front (UDMF).

The UDMF's stated goal is to transform the Terai into a single autonomous province of Madhes. To accomplish this, the UDMF has redefined the identity of those people living in the Terai and those outside of it, in turn exacerbating ethnic division and violence at the grassroots level. This narrative has benefited the UDMF by binding otherwise disparate ethnic groups together, constructing a history of the Terai that makes it their exclusive political domain, polarizing society into a 'Madhesi vs. Pahadi (Kathmandu valley)' dichotomy that scapegoats elite ethnicities for local problems, and dissociating Madhesi political leaders from their Maoist past.

The UDMF uses political violence to draw attention to the plight of those from the Madhesi ethnic group, signing two peace agreements over the past year with political leaders in Kathmandu to push reform and articulate their grievances. However, implementation of the agreements is complex and problematic. Nepal's government is in a difficult spot: it committed to UDMF directives that, if implemented in their entirety, will likely increase conflict within the Terai while simultaneously fracturing the state and weakening Nepal's fragile institutions. In order to reduce the risk for future armed conflict, seven factors should be addressed:

- 1) **Successfully sell a compromise that is not 'one Madhes' to Madhesi supporters.** Kathmandu needs to guarantee protection of Madhesis within a framework of federal autonomy that does not exacerbate tensions among others of Nepal's 100+ ethnic groups.
- 2) **Encourage the UDMF to move beyond a single-issue party.** UDMF leaders currently use Terai-centric lenses for almost all political decisions; incorporating them into stakeholder positions for Nepal as a whole would help break through this mentality.
- 3) **Integrate Madhesis into the Nepal Army.** Madhesis are currently represented at anemic levels in the armed forces. However, including battalions of untrained Madhesis would expand an already bloated Army, further militarizing Nepali society. A quota system should be created for Army enlistment, incorporating a sunset date for later review.
- 4) **Integrate Madhesis in the civic bureaucracy.** The foreign service, civil service, and police are also all under-represented by Madhesis. Again, implementing quota systems sends a signal to Madhesis that the centre is serious about correcting past mistakes, without forcing unqualified people into easily corruptible high-ranking positions.
- 5) **Address the Madhesi desire for vengeance and retribution against Pahadis.** Increased Madhesi political participation at the centre, representation in pan-Nepal organizations, and involvement in international programs would illustrate that discriminatory policies of the past 40 years were misguided but correctable non-violently.
- 6) **Address security issues in the Terai.** The Terai is engulfed in a perfect storm of limited state capacity, a porous international border, easy access to weapons, financial incentives for criminality, and violent actors. National and international actors should jointly work to increase local police capacity in the hardest-hit districts.
- 7) **Incorporate Tharu Concerns.** Tharu minority communities are substantial, also live in the Terai, and are against Madhesi autonomy. Shutting them out of the negotiation process will exacerbate inter-ethnic conflict in the Terai in the short-term.

## Introduction

Nepal's recent history has been fraught with civil violence. After a peace agreement was signed to end a 10-year civil war between the government of Nepal and the Communist Party of Nepal-Maoist in 2006, local and international observers were surprised to see new fighting erupt in southern Nepal, within a region known as the Terai. The violence, however, was initiated not by either party to the civil war but by groups fighting on behalf of those who profess a Madhesi ethnicity. These groups targeted both the state and the Maoists, polarizing Terai citizens along ethnic issues that were largely unaddressed during the civil war. In 2007, the three largest of these groups, the Madhesi Janadhikar Forum (MJF), Terai Madhesh Loktrantrik Party (TMLP), and Sadbhavana Party (SP), joined forces to create a coalition called the United Democratic Madhesi Front (UDMF). UDMF groups participated in the recent national elections, but have threatened a return to violence if their demands are not met. The UDMF's goal is to rectify generations of discrimination through the creation of an autonomous state of Madhes that is free of direct rule by the traditional power elites in the capital of Kathmandu. To build support, the UDMF has redefined the ethnic identity of Terai citizens and those outside of it, encouraging racial and ethnic violence. The UDMF has negotiated two peace agreements with Nepal's government, but implementation is complex, difficult, and may increase violence if ignored or done haphazardly.

## Background and History

The Terai is often interchangeably called 'Madhes', but the terms differ in their original usage. The 'Terai' refers to the fertile strip of low-lying land sandwiched between the Himalayan foothills and the Indo-Gangetic alluvial plain, running from west to east throughout southern Nepal, and stretching to India and Bhutan.<sup>1</sup> The Terai incorporates 20 of Nepal's 75 districts, includes close to half the population of Nepal's 26 million citizens, and houses well over half of Nepal's agriculture and industry sector outputs. The origin of the word 'Madhes' is contested, but believed to originate from 'medhya-desh', a geographic marker distinguishing the plains from the hill region (or parbat, from which is derived Pahadi, meaning hill-dweller) of modern Nepal.<sup>2</sup> A Madhesi, therefore, originally meant only an inhabitant of this region.

Politicians in southern Nepal have used the term 'Madhes' to distinguish local issues since at least 1947.<sup>3</sup> However, the attempt to gain votes on a Madhes identity did not develop until after Nepal's period of direct royal rule from 1960-1990 (the Panchayat era). During this period, the state attempted to assimilate the 100-plus ethnicities of Nepal into a pan-Nepali identity through language, schooling, and legal directives. These policies codified the cultures of upper caste Pahadis, legalizing systematic discrimination and under-representation in the government of any in Nepal who did not have this lineage.<sup>4</sup> This policy was enforced rigorously; discussion of ethnic difference or inequality was a jailable offence until 1991.<sup>5</sup> Further, a government-sponsored resettlement program in the mid-1980s financed migration of Pahadis to the Terai in an attempt to solidify control over the valuable agricultural and industrial region.<sup>6</sup> Architects of the program viewed Terai citizens as 'conquered people' or illegal Indian migrants with no land rights.<sup>7</sup>

<sup>1</sup> The band is 20-35 km wide, forming Nepal's southern border with India.

<sup>2</sup> See David Gellner, "Caste, Ethnicity and Inequality in Nepal." *Economic and Political Weekly* 19 May, 2007. p. 1825, Krishna Hari Pushkar, "India's Neighborhood Intervention in Madhes." *Nepal Monitor*, February 2008, and Sukhdev Shah, 31 January 2007. "Terai's Fate-Looking Within." University of the South Pacific. 'Medhya-desh' predates India and Nepal, used in the *Mahabharata* and *Ramayana* epics.

<sup>3</sup> Gajendra Narayan Singh is considered the father of the Madhesi movement, entering politics in 1947 and founding the SP in 1985. However, his integration into Nepal's political elite led many to feel that he abandoned the Madhesi cause.

<sup>4</sup> See "Nepal's Troubled Terai Region." International Crisis Group Asia Report #136, 9 July 2007, p. 1-6, and Frederick H. Gaige, 1975. *Regionalism and National Unity in Nepal* (Berkeley:1975).

<sup>5</sup> Townsend Middleton and Sara Schneiderman, "Reservations, Federalism, and the Politics of Recognition in Nepal." *Economic and Political Weekly* 10 May, 2008.

<sup>6</sup> Migration began in the 1960s, but this program was the first to fund resettlement. The percentage of Pahadis in Terai districts varies from 7% to 92% of district population (2001 census). Pitamber Sharma, 2008. "Unravelling the Mosaic: Spatial Aspects of Ethnicity in Nepal." Himal Books: Kathmandu.

<sup>7</sup> Sukhdev Shah, "Terai's Fate," op. cit.

The first systematic challenges to this policy were undertaken by the Indigenous Nationalities Movement (INM). Dozens of disparate indigenous groups throughout Nepal organized collectively in the early 1990s in an effort to restore and defend cultures and practices that clashed with Kathmandu's conceptions of who is 'Nepali'.<sup>8</sup> Unification of these disparate groups was formalized through the creation of the Nepal Federation of Nationalities, which reframed Hindus as non-natives, "a rhetorical move that also enables ethnic activists to portray the dominant group as colonizers," whereas indigenous groups are "the bearers of the 'original'...Nepal, and thus more authentically Nepali than caste Hindus."<sup>9</sup> The movement also intentionally worked to introduce race as a form of self-identification in Nepal, in the process strengthening racial identities for both the marginalized and their oppressors.<sup>10</sup>

Political elites in the Terai recognized how ethnic divisions could be used to mobilize supporters and pressure Kathmandu, and began to build a Madhesi identity movement along similar lines.<sup>11</sup> The formation of the MJF in 1997 by activist Upendra Yadav was a milestone in this development. Originally an academic platform for Terai citizens to air their grievances and discuss ways in which discrimination of Madhesis by Pahadis could be addressed, the MJF became more political and radicalized during the 10-year civil war between the Communist Party of Nepal-Maoist and the government, and MJF leaders including Yadav either sympathized with or joined the Maoists. With the greater financial and military standing that this alliance provided, the MJF was able to more quickly mobilize and coalesce than the INM before it.<sup>12</sup>

MJF documents during the war were integral in the effort to reframe the word 'Madhesi' to incorporate ethno-racial elements. The MJF hand-selected historical events damning to Pahadis, dismissing others that muddled their claim of Madhesis as a uniform people.<sup>13</sup> MJF pamphlets demonize Pahadis from the Kathmandu valley, accusing Pahadis of operating a 'colony of torture' rooted in racial discrimination, with Madhesis 'under the threat of extinction' due to their domination and suppression by Pahadis 'since the foundation of the state of Nepal...at all levels' of society.<sup>14</sup> Madhesis are not just Terai citizens, but a true ethnicity with caste structures, languages, names, and religious rituals distinct from both Indians and Nepali Pahadis.<sup>15</sup> Madhes identity was thus re-invented, incorporating ethnicity, caste, and class in addition to geography.

These efforts have been largely successful. In common usage, 'Madhesi' now refers specifically to non-tribal, caste Hindus of Indian origin that live in the Terai,<sup>16</sup> thus adding racial/ethnic connotations in addition to the geographic association.<sup>17</sup> Those living in the Terai who do not fit this definition (including Muslims, Tharus, Pahadis, and indigenous groups who predated Madhesi immigration) are therefore not officially 'Madhesi', but foreigners.<sup>18</sup> Several different groups have gained politically from this re-definition, none more so than the UDMF.

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<sup>8</sup> Susan Hangen, 2007. "Creating a 'New Nepal': The Ethnic Dimension." East-West Center (Washington) Policy Studies Report #34.

<sup>9</sup> Later called the Nepal Adivasi Janajati Mahasangh (Nepal Federation of Indigenous Nationalities, or NEFIN). Hangen, op. cit. p. 19-20.

<sup>10</sup> Hangen, op. cit., p. 23. Hangen also explores the relationship of race to ethnicity. See footnote 4.

<sup>11</sup> For background, see "Nepal's Troubled Terai Region," op cit., and the Nepali Times Madhes section at <http://www.nepalitimes.com.np/special/madesh.php>. For the Madhesi perspective, see "Conspiracy Against Madhesh: Conspiracy of Silence Against Madheshee People Under Monarchy of Nepal." MJF press, 2005, and the <http://madhesi.wordpress.com/> blog. On the rise of ethnic politics and indigenous collective identity construction, see Hangen, op. cit.

<sup>12</sup> Hangen, op.cit., p. 36

<sup>13</sup> The Panchayat unification system and continued under-representation in government are the most often cited examples of discrimination against Madhesis.

<sup>14</sup> 'Conspiracy' op. cit. p. 17,44. 'Conspiracy' laid the foundations for the MJF's election platform.

<sup>15</sup> 'Conspiracy', op. cit.,

<sup>16</sup> Khreizodilhou Yhome, 2005. "Constructing Identity: The Case of Madhesis of Nepal Terai," paper presentation, 11 March, Social Science Baha, Kathmandu. This geographic area was traditionally sparsely populated due to malarial jungles, with migration increasing from eradication of malaria in 1955.

<sup>17</sup> See Gellner, op. cit. The terms 'race' and 'ethnicity' are used differently in Nepal as opposed to the academic literature, often to explain explicitly physical features (i.e., using race to define someone who 'looks Indian'). This relationship will be explored more comprehensively in a subsequent article.

<sup>18</sup> Gellner, op. cit., p. 1825

### **The United Democratic Madhesi Front (UDMF): Leadership Through Ethnic Division**

After the Maoists signed a 2006 peace agreement with the Nepal government, high-ranking Madhesis in the Maoist movement were relegated to the sidelines, observing firsthand how Maoist rhetoric of equality did not apply in their case. In response, large numbers of supporters from the Terai broke away from the Maoists to start their own movements, combining indigenous social mobilization tactics with knowledge gained on how to strategically attack the state from involvement in the Maoists. Groups flying the Madhesi banner have proliferated by exploiting popular demands for change and attacking both the state and other actors who would challenge their supremacy in the vacuum created by the civil war.<sup>19</sup> Hoping to dissociate themselves from this violent past, the three largest Madhesi organizations formed the UDMF in 2007 in order to project a united front, create a platform for negotiation with Kathmandu and distance the larger political players from criminal gangs who use Madhesi slogans as cover for their actions.

UDMF demands were crystallized in two peace agreements signed with the Government of Nepal following non-violent agitations in August 2007 and February 2008.<sup>20</sup> The principal demand calls for the 'liberation' of the entire Terai by redrawing the region into a single autonomous unit called Madhes that will have the right to self-determination under Nepal's yet to be finalized federal system.<sup>21</sup> This demand is known in common parlance as 'One Madhes' in Nepal. The first post-war nationwide elections in Nepal were held in April 2008, and each of the organizations of the UDMF chose to participate with an election slogan of 'Ek Madhes, ek Pradesh' (one Madhes, one state, collectively gaining 11.3% of the nationwide vote and 81 of 601 seats.<sup>22</sup> Other political promises made included greater representation in the political, bureaucratic, and military spheres, recognition of Nepali citizenship, recognition of Maithili as an official language of Nepal, and ending discrimination of Madhesis by Pahadis by evicting Pahadis from the Terai if necessary.

The UDMF has gained politically from selling Madhes identity through the One Madhes ideal. Madhes identity has been used in order to turn historical grievances into political opportunities, mobilize grassroots support and justify violence against the state. Shifting the definition of Madhes from its geographic origins into a racial and ethnic identity has benefited the UDMF by:

- Requiring any Terai political leaders to be Madhesi. In the process, this disqualifies members of the traditional Kathmandu power elite that wish to dictate policy in the Terai, ensuring that the Terai is the exclusive domain of UDMF leaders.
- Enabling the UDMF to forward a historical narrative that rewrites the complex history of the Terai. By reframing history through the lens of current events, UDMF politicians can dismiss inconvenient facts. For example, most of those who identify themselves as 'Madhesi' can only trace their Terai roots to around 1955. The Madhesi narrative excludes those indigenous groups who populated the Terai before this migration.
- Polarizing society into a 'Pahadi vs. Madhesi' dichotomy, allowing Madhesi leaders to scapegoat a monolithic 'Pahadi' population as cause for varying social and economic ills. Although discrimination against the Madhesi community from the Kathmandu elite is evident in almost every sphere of bureaucracy, many ethnicities lumped under the constructed 'Pahadi' umbrella have been equally passed over in favor of traditionally well-connected castes and groups, such as high-caste Bahun and Chhetri Pahadi groups. Being the glue that binds otherwise disparate groups together against a common cause.

<sup>19</sup> These groups number over 30, and rapidly fracture/reunite as political situations evolve. See Appendix 1.

<sup>20</sup> See Appendix 2. The UDMF was temporarily dissolved during the April 2008 election period, then revived to increase the collective power of the Madhesi 'voting block' in the Constituent Assembly.

<sup>21</sup> The term 'self-determination' is itself contested, as politicians and legal experts in Nepal argue over whether the term includes the possibility for secession/independence, and the exact degree of autonomy allowed to a state. Most specifics have been postponed until a new federal constitution is created.

<sup>22</sup> Over 1,150,000 citizens voted for Madhesi parties. See appendix 1. In the last pan-Nepal election (1999), pro-Madhesi parties had 5 seats & little real representation. Almost all of the UDMF-affiliated seats came from eastern Terai. For an excellent analysis of Nepal's recent election, see International Crisis Group, 2008. *Nepal's Election: A Peaceful Revolution?* Asia Report #155, 3 July, International Crisis Group, *Nepal's Election and Beyond*. Asia Report #149, 3 July, and *Nepal's Troubled Terai*, op. cit., p. 7-9.

- Dissociating influential Madhesis from their Maoist past. Several UDMF leaders, including Upendra Yadav and Rajendra Mahato, were associated with the Maoist movement, which has lost most of its support in the Terai (see below). To maintain political relevance, playing Madhes identity politics fills this legitimacy gap.

UDMF leaders alternate between threatening rhetoric and conciliatory statements to press their demands. For example, Yadav professes that, "We would like to govern ourselves now...if the government does not respect our demands, we will be forced to divide the Terai region from Nepal."<sup>23</sup> Further, "the people of the Madhes want one province. This is a non-negotiable demand for us and not a bargaining chip. If we compromise on this issue, the Madhes will be finished...If there are internal issues within the Terai, we will deal with it ourselves within one Madhes, that is our business. If the other parties do not agree, we will launch a decisive movement and go back to the streets."<sup>24</sup> Yadav has also promised to "capture" the Terai unless an autonomous Madhes with the right to self-determination is created.<sup>25</sup> SP head Rajendra Mahato has said "We will wage the struggle for one Madhes one Pradesh. There are no other alternatives...We will not allow Pahadis to rule us."<sup>26</sup> Other Madhesi leaders have advocated separatist movements if the Nepal Army is deployed into the Terai for peacekeeping purposes.<sup>27</sup>

However, Yadav has also stated "We are ready to support any party...that can forge a national consensus."<sup>28</sup> MJF spokesperson Jaya Prakash Gupta states that "our demand is one Madhes one Pradesh," and "one Pahad one Pradesh," arguing for separate states for the two groups.<sup>29</sup> The UDMF has shifted allegiances several times among political parties on the left and right in Kathmandu since elections, hoping to strike a deal with any party that will support One Madhes.<sup>30</sup> However, The lack of implementation of either peace agreement has hardened demands, as UDMF leaders now push for constitutional guarantees of autonomy, military representation and even secession if the foot-dragging continues. Privately, Yadav admitted that secession and self-determination are merely political mobilization and bargaining tools, designed to get the SPA to the table when more conciliatory measures have failed.<sup>31</sup> He encourages the UDMF to begin negotiations from an extreme position, to provide opportunities to compromise within a final agreement that is closer to their original demands of just representation and a more equitable distribution of Nepal's jobs and resources. Although Yadav uses examples of other ethnic struggles for autonomy from around the world in his speeches, he is ambivalent about the long-term ramifications of these struggles.

### From the Centre: Delayed Responses and a Promise Forward

Most political moderates in the Seven Party Alliance (SPA)<sup>32</sup> of mainstream political parties are fighting the One Madhes proposal. Outgoing Prime Minister Girija Prasad Koirala (NC) argues that it would split the country, stating: "I cannot fulfill the demand creating whole Madhes as a

<sup>23</sup> Anirban Roy, "People of Terai Want to Secede From Nepal." Hindustan Times, 17 December 2008

<sup>24</sup> Prashant Jha, "Koirala Must Resign." Interview with Upendra Yadav. Nepali Times, 23 May 2008. The primary political tool used by the UDMF has been the *bandh* (blockade/strike), taking the form of Terai road obstructions that bring the country to a standstill due to a weak national transportation infrastructure.

<sup>25</sup> "Yadav Warns of Madhes Capture", 14 February 2008, Nepal News.

<sup>26</sup> Keshab Poudel. "What Next?" Nepalnews.com special report, March 2008.

<sup>27</sup> "Tripathi warns of separatist movement if army is mobilised in Terai." Kantipur, 11 December 2008.

<sup>28</sup> "MJF Chief Calls for National Consensus Before First CA Meeting." 6 May 2008, Nepal News

<sup>29</sup> 20 June, 2008 interview with Kathmandu Post journalist Kamal Raj Sigdel, available at:

<http://lookandgaze.blogspot.com/2008/06/interview-with-jaya-prakash-gupta.html>, accessed 23 June.

<sup>30</sup> On UDMF/NC overtures, see "Yadav for Inducting Open Leader in Security Council," Gorkhapatra, 24 June 2008, "NC Seeks TMDP, SP Backing," Himalayan Times 25 June 2008, and Kantipur Publications "Madhesi Parties Support NC," 25 June 2008.

<sup>31</sup> Author interview, Upendra Yadav, November 2007.

<sup>32</sup> Consisting of Nepali Congress (NC), Communist Party of Nepal-United Marxist Leninist (CPN-UML), CPN-Marxist Leninist (CPN-ML), People's Front Nepal (PFN), Nepal Workers Peasants Party (NWPP), Nepal Sadbhava Party-Anandi Devi (NSP-A) and the Communist Party of India-Maoist (Maoists). The parties have divergent agendas/goals, and are not a real 'alliance' *per se*, but are uniform in their reluctance to share power with the UDMF or incorporate UDMF leaders into discussions on the new government.

one state no matter what power on this world forces me to do so."<sup>33</sup> Although Maoist leader Prachanda has been more conciliatory towards the idea of self-determination in the Terai, the Maoists and CPN-UML released a joint statement on 27 June firmly rejecting the 'One Madhes' proposal as it stands.<sup>34</sup> Other political parties were equally ambivalent after the UDMF's continued attempts to incorporate a Madhes autonomy amendment into the current constitution.<sup>35</sup>

SPA leaders are pragmatic about 'One Madhes', choosing to ignore the most inflammatory rhetoric while at the same time signing multiple agreements with the UDMF in a conciliatory short-term attempt to diminish violence. However, the SPA has not seriously considered sharing power with Madhesi groups in the new Constituent Assembly, and few non-Terai parties have supported their demands to implement many of the promised points in either the August 2007 or March 2008 agreements. The SPA has used two tools for leverage: blaming Madhesi parties for negotiation difficulties in order to attempt to fracture them, and saying that Madhesi parties are nothing more than tools of Indian political and security forces. Nepali Congress, CPN-UML and the Maoists continue to limit representation in post-election coalition building and negotiation, viewing the UDMF as easily swayed due to their one-issue mandate. SPA leaders have also attempted to fuel divisions, leaking to the press how the UDMF ruins 'tantalizingly close' negotiations because of 'cracks in their alliance.'<sup>36</sup>

Most SPA politicians consider Madhesi rights as a topic to be addressed within the greater umbrella of federalism and/or decentralization of a 'New Nepal'. In high-level workshops, SPA representatives have discussed the degree of decentralization, whether to create ethnic or administrative federalism, where to draw boundary lines, and how many provinces to create (anywhere from 8 to 40).<sup>37</sup> Members from Madhesi parties have been included in some of these meetings, with the One Madhes demand dominating their platform. The exact number of states is a political bargaining chip and not the primary concern, aside from the near-universal wish of SPA members to subdivide the Terai into at least 4-5 subunits. While decentralizing power to the existing district level is possible, most SPA members and international observers feel that Nepal has neither the institutional capacity nor infrastructure to support 75 autonomous regions.

In return, UDMF leaders perceive that the SPA takes neither their movement nor their demands seriously. During the height of pre-election Terai agitations, Upendra Yadav was summoned to PM Koirala's office for talks, responding: "We have sacrificed everything for the negotiation but it is the government which has shown complete apathy towards us...we spent all the night sitting at the sofa in prime minister's residence."<sup>38</sup> The UDMF now feels that it must resort to large public demonstrations of its power in the Terai in order to bring the SPA to the table. Thus far, the most effective mobilization technique has been to demonize Pahadis at the grassroots level.

### **From the Grassroots: Belief in Leadership, Increasing Polarization**

<sup>33</sup> Keshab Poudel. "What Next?" Nepalnews.com report, March 2008. Despite starting his political career championing trade unionism and workers rights from his home constituency of Biratnagar, Koirala's actions have alienated him there, as he has ousted several prominent Terai members (incl. committee member Mahantha Thakur (Sarlahi), CA member Jay Prakash Gupta (Saptari), Mahasamiti members Ram Chandra Kushwaha (Parsa) and Brishesh Chandra Lal (Dhanusha)), and advocated the Sri Lankan government's 'neutralizing' of the LTTE. The UDMF fears that Madhesis will be treated similarly. Surya Prasai, Jan 2008. "Nepali Political Transitions in 2008: Building Terai Disenchantment." Nepalnews.com.

<sup>34</sup> "One Madhes One Province Demand Rejected." Telegraph Nepal, 27 June 2008.

<sup>35</sup> Yuvraj Acharya and Bishnu Budhathoki, "CPA Meeting Stalled Again: SPA Divided on Madhes Issue." eKantipur, 28 June, 2008. While the NSP-A and NC supported the amendment in principle, the CPN-Maoist and UML voted to table it, and CPN-ML, PFN and NWPP all rejected it.

<sup>36</sup> "Inside Story Govt-UDMF Talks." eKantipur report, 26 February 2008. There are also persistent rumors within the Kathmandu valley that Madhesi parties are merely tools of former King Gyanendra, used to undermine the government in an effort to remain some semblance of power.

<sup>37</sup> "Analysis of the Need, Challenges, and Bases of Federal Structure." August 2007 cross-party dialogue, and "The Restructuring of the State of Nepal and Federal System," NC and CPN-UML conference, 22-24 March, 2007. Minutes from both are available from the Center for Economic and Social Development (CESOD), Kathmandu. For a more recent take, see a series of interviews conducted by Nepalnews.com with political leaders, available at: [http://www.nepalnews.com/archive/2008/jul/federal\\_interviews.php](http://www.nepalnews.com/archive/2008/jul/federal_interviews.php).

<sup>38</sup> Keshab Poudel. "What Next?" Nepalnews.com special report, March 2008.



The anti-Pahadi fire stoked by the UDMF in grassroots supporters has manifested into action, resulting in calls for not only autonomy, but also secession and a Pahadi-free Terai. In response, ethnic cleansing of Pahadis by hardcore supporters has already begun in some parts of eastern Terai.<sup>39</sup> The UDMF stokes the expectations of supporters by promising to fulfill a One Madhes demand that is increasingly unlikely. In turn, supporters promise to return to violence and fight for secession if the February 2008 agreement is not implemented 'line by line', with the One Madhes promise top on the priority list.<sup>40</sup> Echoing UDMF rhetoric, grassroots supporters feel that One Madhes is the only way to reverse the injustices perpetuated against Madhesi peoples.<sup>41</sup> The MJF has splintered because of peace agreements made with the government that some members felt compromised this ideal.<sup>42</sup> Although most continue to back the MJF for the time being, this backing is not unconditional. To note from one supporter: "We fully support the current party line (of the MJF), but if the party line deviates from 'Ek Madhes', we will return to revolution."<sup>43</sup>

Despite the rise of Madhesi politics, citizens in rural areas of the Terai continue to struggle with legacies of Pahadi placement in social services, as many feel that they have been denied hospital and schooling services solely because of their race.<sup>44</sup> Local anger is directed towards the Kathmandu 'ruling elite', at the Maoists, and at international organizations, as populations see the practice of hiring almost exclusively Pahadi field staff as a form of neo-colonization, particularly when Pahadis are hired to work in Madhesi areas.<sup>45</sup> Regarding the Maoists, Madhesi farmers have threatened 'a flood of blood' if the Maoists attempt any form of land redistribution, a central campaign promise.<sup>46</sup> Several current UDMF supporters who left the Maoists did so after they saw less skilled Pahadi comrades rising up the chain of Maoist command much faster than themselves or their Madhesi brethren.<sup>47</sup> Supporters viewed this glass ceiling as the product of a directive from senior Maoist leadership to only accept fellow Pahadis into high-ranking positions.<sup>48</sup>

Madhesi political gains came at the expense of the Nepali Congress and UML, where the Terai had traditionally been a strong base of support, the Maoists, who fared better in other parts of Nepal,<sup>49</sup> and Madhesi militant groups, as voting was an act of resistance against their tactics of violence.<sup>50</sup> Most Madhesi politicians had been members or supporters of at least one of these three groups before 2006. Those from the Nepali Congress left because they felt that Madhesi populations were being used simply as a vote bank, offering little in return in terms of Madhesi leadership positions or pro-Terai policies.<sup>51</sup> When the Maoist agitation moved to the Terai in 2001, Maoist slogans promised rectification of longstanding discriminations, but Madhesis were under-represented in top levels as key Madhesi leaders (including Upendra Yadav) were relegated to lower levels of Maoist hierarchy.<sup>52</sup> Even Madhesi politicians who remained with the Maoists

<sup>39</sup> Gellner, p. 1827, & Indo-Asian News Service, "400 Civil servants Quit in the Terai," 7 November 2007. The extent of this cleansing will be researched firsthand and reported in a forthcoming article.

<sup>40</sup> Author interviews, Sunsari and Saptari districts, April 2008.

<sup>41</sup> Author interviews, Sunsari district, April 2008.

<sup>42</sup> Forming the MJF-Madhes, headed by Viswas. See Appendix 1.

<sup>43</sup> Author interviews, Survan village, April 2008. Some activists bristle at the term Terai, calling it a form of 'internal colonization.' (Author interviews, Kathmandu/Biratnagar, April 2008). Also see "Madhes or Terai and Tharus or Madhesis: New Frontier of Etymopolitics in Nepal." Vivaswan Kumar, March 2007

<sup>44</sup> Author interviews, Sunsari villages, April 2008. Some villagers say that they were denied services after hospital staff 'took one look' at their faces. See footnote 3 on the race vs. ethnicity distinction.

<sup>45</sup> Author interviews, NGO workers and MJF supporters, Biratnagar, April 2008. The policy to hire Pahadis was not necessarily intentional, but more a reflection of Kathmandu-centric approaches taken indicative of the greater pool of western schooled, English speaking, politically accessible people in Pahadi communities vis-à-vis Madhesis. Although organizations are working to reduce the gap, discrepancies remain.

<sup>46</sup> Author interviews, Kaptangunj village (Sunsari), April 2008.

<sup>47</sup> Author interviews, Deniyam village, April 2008.

<sup>48</sup> Author interviews, Deniyam village, April 2008.

<sup>49</sup> voting fractured heavily along geo-ethnic lines. While Maoist support was close to or even exceeded 50% of voters in hill and mountainous districts of the country, support hovered around 20% in the Terai.

<sup>50</sup> Several groups threatened violence, but there was minimal physical violence in the Terai on election day.

<sup>51</sup> including Jay Prakash Gupta. Author interviews, NC leaders, Kathmandu, April 2008.

<sup>52</sup> Fears by Madhesi groups that the Maoists were just as guilty as Nepali Congress of disingenuously using Terai issues for political gain arose before the war ended. See Mahendra Lawoti, 2003. "The Maoists and Minorities: Overlap of Interests or a Case of Exploitation?" *Studies in Nepali History & Society* 8(1):67-94.

through 2008 elections seemed unenthusiastic, hoping that party leadership would adapt quickly after elections to better accommodate Madhesi aspirations.<sup>53</sup> Maoist leaders were quick to blame the voters themselves for falling into the 'ethnic trap' of the UDMF, as "the root cause of the Maoist decline is the lack of political sense among people of the Terai."<sup>54</sup>

Widespread institutionalization and legitimization of Madhesi identity impacts dozens of other ethnic minorities within the Terai.<sup>55</sup> The One Madhes policy challenges a Teraian's conception of self, as individuals are forced to choose between being Nepali and Madhesi, in the process abandoning the overlapping, coexisting, and sometimes contradictory identities of class, caste, and religion that are commonplace in Nepal.<sup>56</sup> UDMF leaders give discouraging statements on the fate of these erstwhile minorities. When asked about how minority concerns would be addressed within an autonomous Madhes state, Upendra Yadav was ominous, saying "These people will not exist in Madhes. We will not have any minorities."<sup>57</sup>

Statements like this have created significant tensions between Madhesi-dominated eastern Terai and western regions heavily populated with the Tharu ethnic community.<sup>58</sup> Tharus have begun to mobilize and protest against the UDMF's One Madhes policy, fearing ostracization, discrimination and violence against Tharus if it is pushed through. Tharu organizations have begun to assert greater political muscle as they resist Madhesi efforts to label all Terai citizens as Madhesis. The Tharu Kalyankari Sabha is the most visible, launching several agitations as it attempts to unite all 32 elected Constituent Assembly politicians under a Tharu ethnic banner.<sup>59</sup> Also, the Tharu Welfare Assembly has stated that "the Tharus will create a havoc sort of situation in the country immediately and the situation thus could not be controlled by the State", because "the lands which the Madhesi leaders claim to be theirs is in effect a land inhabited by the Tharus primarily since time immemorial-much ahead of the Madhesis."<sup>60</sup> Tharu leaders are finding it increasingly politically advantageous to play up anti-Madhesi sentiment, evidenced by recent *bandhs* called to resist the One Madhes policy.

Post-election violence is also on the rise in eastern Terai, particularly in the form of kidnappings, killings and extortions that target workers of industrial sites by criminal Madhesi organizations including the Terai Army and Janatantrik Terai Mukti Morcha (JTMM)-Jwala Singh faction.<sup>61</sup> JTMM-Singh is one of several militant groups that forward political agendas, as Singh declares Madhes independence in speeches and literature.<sup>62</sup> JTMM and UDMF supporters have also clashed in turf wars with the Young Communist League, the youth wing of the Maoists. Further, grassroots UDMF supporters are increasingly rigid in their One Madhes support, and say that although they are tired of violence, they will not hesitate to go to war with either the YCL, Tharu groups, or the state if this demand is not met.<sup>63</sup>

Madhesi leadership movement on structural issues in Nepal beyond identity and/or federalism will determine how serious they are about institutional change instead of their own legacies and coffers to consolidate personal power. Many Madhesi supporters were frustrated during the election, openly wondering why Madhesi parties seemed more interested in securing exclusive power in the Terai than ensuring a share of power in Kathmandu, lending credence to fears that

<sup>53</sup> Author interview, Siddnarayan Mandal (Madhesi Maoist who lost to MJF in Morang dist.), April 2008.

<sup>54</sup> Author interview, Mandal, op. cit.

<sup>55</sup> See Sharma op. cit. for excellent sub-district graphic examinations of overlapping ethnicities in Nepal.

<sup>56</sup> Many Terai minorities identify themselves first as neither Madhesi nor Nepali, including many Muslim, Buddhist, and Tharu communities across the Terai. For example, Sunsari and Morang districts, two Madhesi strongholds, each have over 50 different languages spoken. Sharma, op. cit., p. 78-9.

<sup>57</sup> Author interview, Yadav, November 2007

<sup>58</sup> This was recognized by the Maoists, who divided the two as distinct zones of control during the conflict.

<sup>59</sup> Kantipur Publications, "Tharu Community to Launch Ethnic Protests." 29 May 2008.

<sup>60</sup> "Tharus Restive: Reject Notion of One Madhes-One Pradesh." Telegraph Nepal, 28 June 2008. This policy has also been rejected by the TKS and Chure Bhawar Ekata Party (CBEP)

<sup>61</sup> See Sudeshna Sarkar, "Nepal Workers Demand Compensation for Slain ITC Worker." 21 June, 2008. Indo-Asian News Service, and "Factory Worker Shot Dead." Nepalnews.com, 20 June 2008. For a comprehensive list of political organizations using violence in the Terai, see appendix 1.

<sup>62</sup> The JTMM-Singh declaration of Madhesi independence (in Nepali) is available at <http://www.mysansar.com/?p=1433>. Accessed 23 June, 2008.

<sup>63</sup> Author interviews, April 2008, several villages in eastern Terai

secession is the final endgame of the UDMF.<sup>64</sup> UDMF lionizing of the Madhesi brand threatens to increase violence and ethnic cleansing, and it will be tempting for UDMF leadership to scapegoat further to distract from a lack of real leadership or development in the area. At some point grassroots supporters may expect more than identity from their leadership, recognizing that the Madhes agenda is only a peripheral cover used to push personal and institutional goals. Further, demands of independence and cultural division can take a life of their own, as followers increasingly subscribe to the narratives politicians broadcast.

### India: The Elephant Next Door

Nepal's relationship with India is complex and intimately intertwined with the Terai. The roots of Indo-Nepal cooperation and angst lie in the 1950 Treaty of Peace and Friendship.<sup>65</sup> The Maoists and other politicians in Nepal have attacked this treaty for the last several years, arguing that it should be scrapped because the security arrangement benefits India's neo-colonialist designs on Nepal. In particular, Article V is interpreted to limit Nepal's ability to import weapons, noting that '(t)he Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for to this arrangement shall be worked out by the two Governments acting in consultation.'<sup>66</sup> Further exacerbating the struggle is the porous border and lack of police on either side of the border, giving easy access to weapons and encouraging violent separatist groups to proliferate.<sup>67</sup> Criminal organizations, political parties, and separatist groups have all used the Indian state of Bihar as a safe haven, exploiting the porous border to withdraw from Nepal when threatened by Kathmandu.

India's relationship with Madhesi leaders elicits varied responses in Kathmandu. Maoist Minister of Local Development Dev Gurung stated: "By inviting UDMF...leaders in Embassy premises for negotiations, India has shown how it is meddling in Nepal's internal affairs...This kind of interference is unacceptable to us."<sup>68</sup> Former-PM Koirala, on the other hand, believes that only a joint Indo-Nepal commission can solve the Madhes issue, officially approaching the Indian government for assistance.<sup>69</sup> Support of India by Madhesi leaders is by no means universal, however. TMLP leader Hridayesh Tripathi is an outspoken advocate against Indian involvement in Madhes, viewing any Indian involvement as a conspiracy of the Nepal government against Madhesis.<sup>70</sup> Yadav, however, has met several times with right wing organizations in India, declaring in December 2006 that he would help make Nepal a Hindu nation again.<sup>71</sup>

Given India's role as a regional hegemon, Nepalis naturally feel wariness towards Indian aims, even if well-intended. As International Crisis Group notes, India 'appears to have lost none of its appetite for interventionist micromanagement' rankling Nepali politicians on all sides.<sup>72</sup> Suspicions in Kathmandu are high that there is covert or even overt Indian involvement in the Madhesi movement. Security forces from both the Research and Analysis Wing (India's national intelligence agency) and Sashastra Seema Bal (Indian border police) have entered Nepali territory without permission 'in pursuit of criminals'.<sup>73</sup> Delhi is rumored to have extensive relationships with the TMLP.<sup>74</sup> Madhesi criminal groups openly use Indian border towns as bases of operation, tacitly supported by the Indian government.<sup>75</sup> There are also fears that India wishes to undermine

<sup>64</sup> Prashant Jha, "Things Fall Apart." Nepali Times, 1 February 2008.

<sup>65</sup> Full text at: [http://www.telegraphnepal.com/news\\_det.php?news\\_id=58](http://www.telegraphnepal.com/news_det.php?news_id=58). Accessed 29 June 2008.

<sup>66</sup> Ibid.

<sup>67</sup> "Small Arms Fills Power Vacuum." IRIN Asia Report, 14 May 2008.

<sup>68</sup> Keshab Poudel. "What Next?" Nepalnews.com special report, March 2008.

<sup>69</sup> Krishna Hari Pushkar, "India's Neighborhood Intervention in Madhes." Nepal Monitor, Feb. 2008.

<sup>70</sup> Akhilesh Tripathi & S. Ghimire. "Interview with Hridayesh Tripathi," eKantipur, 15 December 2007.

<sup>71</sup> Mallika Aryal, "The Rise of a Party." Nepali Times, 18 May 2007.

<sup>72</sup> International Crisis Group, 2008. *Nepal's New Political Landscape*, 3 July, p. 13.

<sup>73</sup> Pushkar, op. cit. This transgression is perhaps less nefarious as it sounds, as the Indo-Nepal border is one of the most open and ill-defined in the world. It is extremely porous, has limited border forces, populated with similar people who often intermarry and have family on both sides, and unmarked. SSB forces have also set up camps in Nepal. See "SSB Evicted from Nepali Territory." 17 December 2006, nepalnews.com.

<sup>74</sup> Crisis Group, *Nepal's New Political Landscape*, op. cit. p. 10.

<sup>75</sup> Pushkar., op. cit. This is evidenced by the fact that while journalists and Indian officials enjoyed constant communication with Maoist/Madhesi leaders while in India, there were no substantive extradition efforts.

a Maoist-led government by supporting an armed Madhesi uprising.<sup>76</sup> Delhi-based analysts fuel this fire, with comments such as: "India needs some strategic space. And Madhesi groups can provide us that leverage with Kathmandu if the Maoists ever get too belligerent. I am not saying support armed groups, but Delhi must use Madhesi politicians for its benefit."<sup>77</sup>

### Recommendations:

Given the expected transition of Nepal to a federal state, international actors can assist by illustrating which structures of federalism best encourage long-term security and individual protections while at the same time discouraging those that serve only to bolster sub-national groups and ethnic politics at the expense of the state. Regardless, Madhesi identity must now be respected as a genuine movement. To ignore the demands for autonomy now would likely only create a hollow short-term fix that will encourage state dissolution and violence. However, empirical evidence suggests that federal state division along ethnic lines generally causes more conflict than it prevents, and serves to concretize differences, especially if the structuring was done in a post-conflict setting.<sup>78</sup> A solution more conducive to durable peace involves dividing large-block ethnic groups into distinct districts in order to temper the lure that political leaders will surely face to play upon ethnic, caste, or religious identity to gain votes.

Several sticking points remain to potential resolution, however. First are the agreements already signed between the SPA and UDMF explicitly granting 'an autonomous Madhes state.'<sup>79</sup> The language of the agreements, however, do not specify the size of what this Madhes state must be or what kind of autonomy it will have, leaving it up to the Constituent Assembly to 'devise a way to apply the formulation of such states and the rights attributed to the region and the centre while keeping national sovereignty, unity and integrity intact.'<sup>80</sup> This suggests that the ramifications of a One Madhes policy have not been calculated beyond short-term political gain. This provides an opportunity, however; as all sides continue to focus on the 'what' of the agreements, the vagaries of the documents allow for a wide degree of latitude in the 'how', or implementation phase.

Recognizing the fact that a One Madhes policy would result in a pyrrhic victory for people of the Terai, it remains necessary to incorporate a solution that addresses the issue in a fundamental way that satisfies both UDMF leadership and the expectations from the grassroots. Even the most militant One Madhes supporters may accept a Terai divided into a small number of autonomous units if the UDMF publicly and strongly backs such an agreement, articulating how greater decentralization will allow Madhesis to assume more ownership and control than a One Madhes alone would.<sup>81</sup> To that end, hybrid, multi-subunit provincial solutions may serve to allow for Terai co-operative political mobilization without incorporating or necessitating a 'One Madhes' solution. Likelihood for resolution and/or future armed conflict depends on seven factors:

- 1) **Successfully sell a compromise that is not 'one Madhes' to Madhesi supporters.** In order to get beyond the political impasse of the 'one Madhes' debate, SPA leadership in Kathmandu needs to work with UDMF leaders to change their frame of reference. The UDMF feels that federal autonomy is the only way to guarantee protection of Madhesis, and with both Madhesis and other indigenous groups strongly backing ethnic federalism, attempting to force through a purely administrative federal structure is an invitation to

<sup>76</sup> Prashant Jha, "Poll-Post Mortem," *Nepali Times*, 25 April 2008.

<sup>77</sup> Prashant Jha, "South of the Border," *Nepali Times*, 2 May 2008, & ICG, "Troubled Terai," op. cit., p. 22

<sup>78</sup> For background reading, see Turton, David (Ed.), 2006. *Ethnic Federalism*. Oxford: James Currey; Abbink, J., 2006. "Ethnicity and Conflict Generation in Ethiopia: Some Problems and Prospects of Ethno-Regional Federalism." *Journal of Contemporary African Studies* 24(3):389-425; Hale, Henry, 2004. "Divided We Stand: Institutional Sources of Ethnofederal State Survival and Collapse." *World Politics* 56(2):165-193; Diamond, Larry, 2002. "Thinking About Hybrid Regimes." *Journal of Democracy* 13(2):21-35; Amoretti, Ugo. M, & Nancy Bermeo (Eds.), 2004, *Federalism and Territorial Cleavages*. Baltimore: Johns Hopkins; and Bakke, Kristin M., and Erik Wibbels, 2006. "Diversity, Disparity, & Civil Conflict in Federal States." *World Politics* 59(3):1-50.

<sup>79</sup> 28 February 2008 agreement, article 2. See Appendix 2 for full text.

<sup>80</sup> 28 February 2008 agreement, article 2.

<sup>81</sup> Author interview, senior East Terai expert, June 2008.

further agitation.<sup>82</sup> However, Tharus and others within what would be 'one Madhes' are determined to prevent their rule by Madhesi leaders. Although respected international observers are suggesting that Nepal 'respect the pre-election deals...by implementing fully the agreements' with the UDMF,<sup>83</sup> constructing an ethnic federal framework solely along the lines of agreement will increase the risk of ethnic conflict and exacerbate the problems of internal displacement that proliferated during the civil war. One potential solution is to maintain the one Madhes philosophy by shifting Nepal's regional alignment boundaries from the current north-south framework to an east-west configuration, decentralizing limited powers to provinces drawn on a map based either upon the existing 75 provinces or roughly two dozen states. A Madhes that can lean upon regional ties while at the same time devolve certain administrative power to four or five geographically defined regions satisfies the spirit of autonomy and assuages fears of exacerbating a north-south rift. This type of hybrid system has also been successful in other states for addressing the demands of the aggrieved as well as protecting those who become minorities in new provinces defined partially by ethnicity.<sup>84</sup>

- 2) **Encourage the UDMF to move beyond a single-issue party.** Implementation of non-controversial peace agreement points, and providing credible assurances that negotiation channels remain open for the two most contentious issues (Madhesi representation in the Army and autonomy), would signal to the UDMF that Madhesi politics alone is not a viable platform. Although placing a Madhesi leader in the largely ceremonial role of President is encouraging, it is unlikely to temper autonomy demands.<sup>85</sup> The UDMF has shown little interest in playing "post-identity" politics, even as those who consider themselves Madhesi are beginning to examine what they voted for beyond One Madhes.<sup>86</sup> UDMF leaders use Terai-centric lenses for almost all political decisions; incorporating them into stakeholder positions for Nepal as a whole would help break through this mentality. UDMF leaders can also be brought on board to help tackle some of Nepal's many challenges of poverty and development if given a limited number of important ministerial positions. Further, while fracturing Madhesi parties for short-term political gain is tempting for SPA parties, it should be resisted. The SPA has squandered previous opportunities to implement Madhesi agreement points, encouraging greater radicalization. As a warning, Yadav has promised that "I hope that this agreement is fully implemented so that Madhesis do not have to launch another agitation. If we...launch another agitation it would be decisive and much more intense."<sup>87</sup>
  
- 3) **Integrate Madhesis into the Nepal Army.** Here, Madhesi groups see a double dishonor: not only are Madhesis currently represented at anemic levels in the armed forces (figures vary from 1% to 4%),<sup>88</sup> but ongoing negotiations to integrate some 10,000 Maoist troops (who are almost exclusively Pahadi) into the Nepal Army would mean a further reduction in representation. In response, the UDMF has insisted that a significant number of Madhesi troops be integrated into the Army at the same time as the Maoists. However, incorporating battalions of Madhesi and Maoists would unnecessarily expand an already bloated Nepal Army and further militarize Nepali society. Further, these erstwhile Madhesi forces collectively have almost no practical training or military expertise, a fact noted by the Nepal Army as it has resisted these calls. A more reasonable solution would

<sup>82</sup> Hangen, op. Cit., 49-50.

<sup>83</sup> Crisis Group, Nepal's New Political Landscape, op. cit.

<sup>84</sup> See footnote 77.

<sup>85</sup> The first president of Nepal will be Congress/UML-supported Dr. Ram Baran Yadav, a Madhesi.

<sup>86</sup> Prashant Jha, "Post-Identity Politics." Nepali Times, 16 May 2008.

<sup>87</sup> Govt, UDMF seal a deal; agitation withdrawn, nepalnews.com, 28 February 2008

<sup>88</sup> Neupane, Govinda, 2000. *Nepalko Jatiya Prashna: Samajik Banot ra Sajhedariko Sambhawana*.

Kathmandu: Center for Development Studies. Adapted from 1999 "Integrated National Index of Governance" by Mahendra Lawoti, 2005. *Towards a Democratic Nepal: Inclusive Political Institutions for a Multicultural Society*. New Delhi: Sage. This discrepancy is rooted in the period of British rule, as certain ethnicities were singled out for their 'superior innate fighting abilities'. (Hangen p. 8). TMLP leader Hridayesh Tripathi claims 1% Madhesi representation in the Nepal and Maoist Armies. Tripathi, op. cit.

be to incorporate a quota system directly proportional to self-identified population for future Army enlistment, incorporating a sunset date for later review.

- 4) **Integrate Madhesis in the civic bureaucracy.** The foreign service, civil service, and police are also all under-represented by Madhesis, due as much to Panchayat language policies as corruption and discrimination. Again, implementing quota systems sends a signal to Madhesis that the centre is serious about correcting past mistakes, without requiring entire systems to be scrapped or forcing unqualified people into high-ranking positions, thus providing a powerful incentive to contribute to Nepal's endemic corruption. However, these provisions must be implemented in more than just name only, and a straight quota under a simple 'Madhesi' umbrella may only mask the tremendous caste, class, and ethnic variations within the Terai. Unfulfilled promises to Madhesi groups from peace agreements and politicians using Madhesis as vote banks have increased skepticism; implementation requires dedication and willingness to implement needed change.
  
- 5) **Address the Madhesi desire for vengeance and retribution against Pahadis.** Implementation of the above recommendations would illustrate a willingness to accept responsibility for and address historical wrongs, but there also needs to be a shift in Pahadi mentality to recognize that a) Madhesis are also Nepali, and b) that the current popular groundswell for One Madhes would not have happened without the institutionalized discrimination of the past 40 years. To call the movement 'groundless', as some senior ministers have done,<sup>89</sup> or propose solutions without consulting Madhesi leadership,<sup>90</sup> are counterproductive and only reinforce Madhesi fears. International actors should encourage the SPA to allocate Madhesi political participation at the centre, support greater Madhesi representation in pan-Nepal organizations, and have better representation of Madhesi workers in their own Nepal programs. Beyond the political sphere, social inclusion measures addressing north-south gaps in poverty, land assets, and education would temper the need for vengeance if applied transparently.<sup>91</sup>
  
- 6) **Address security issues in the Terai.** The Terai is engulfed in a perfect storm of limited state capacity, a porous international border, easy access to weapons, financial incentives for criminality, and groups using violence to compete for territorial supremacy. India can play a central role, using its more extensive border-patrol resources to limit Uttar Pradesh and Bihar as 'safe havens' for Madhesi criminal organizations, and cracking down on drug, weapon, and human trafficking both from and to Nepal. Political parties, criminal organizations and official forces all engage in heavy-handed tactics that breed insecurity among Terai citizens, encouraging them to support armed groups in the absence of state capacity. However, bringing in the Nepal Army would encourage violence and be derided by the UDMF as neo-colonization. Instead, national and international actors should jointly work to increase local police capacity in the hardest-hit districts. As an example, a new community police initiative by the Nepal Police established 179 'community service centers' in 72 of 75 districts of Nepal in an effort to better local relations.<sup>92</sup> However, although the programs are successful in other parts of the country, they have yet to gain traction in the Terai because of continued placement of Pahadis in key posts, a problem typified by a lack of cultural awareness in the original planning document.<sup>93</sup> Further, the program contained a Special Task Force designed specifically to track down 'separatist' Terai movements by force. Again, addressing security issues need to incorporate more than rhetoric if they are to address violence.

<sup>89</sup> Gorkhapatra, "Demand for One Madhes Province Groundless." 1 July 2008.

<sup>90</sup> Gorkhapatra, "Demand of One Madhes Province Against Pact with Gov't: UML." 30 June 2008.

<sup>91</sup> See Shree Govind Shah, 2006. 'Social Inclusion of Madhesi Community in Nation Building', Social Research Inclusion Fund, for details on both the gaps and potential policy recommendations.

<sup>92</sup> The program is partially funded by the UK Department for International Development (DFID). Details available at: <http://www.nepalpolice.gov.np/communitypolice1.php>. Accessed 24 June 2008.

<sup>93</sup> "Nepal Police Development Project (Stage 1)." Nepal Police Project Document to DFID, June 2003.

- 7) **Incorporate Tharu Concerns.** Tharu communities are of a substantial size, also located in the Terai, and are against both the One Madhes philosophy and any sort of Madhesi autonomy that is not coupled with Tharuhat autonomy in western Terai. Shutting them out of the negotiation process on the future of the Terai will not only exacerbate the inter-ethnic conflict has recently begun, but also provide the foundation for another conflict modeled upon the Madhesi struggle. However, simply breaking the Terai into 'separate but equal' provinces of Tharuhat and Madhes would likely stimulate huge population transfers and additional ethnic cleansing while providing no protections to groups who are neither Tharu nor Madhesi. Tharu leadership should be invited to negotiations on the new federal map for Nepal, but given the clear statement that the process is not just to reward ethnic statehood to groups that agitate violently.

**Appendix 1****Madhesi Political Organizations**

- Madhesi Janadhikar Forum (MJF, also called Madhesi People's Rights Forum or MPRF)
  - Leader Upendra Yadav, 51 seats (of 601) in new constituent assembly
- Terai Madhesh Loktrantrik Party (TMLP, also called Terai Madhes Democratic Party)
  - Leader Mahantha Thakur, 20 seats.
- Nepal Sadhvawana Party (SP)
  - Leader Rajendra Mahato, 10 seats
- Madhesi Janadhikar Forum-Madhesh (MJF-M)
  - Bhagyanath Prasad Gupta, president

**Terai Political Alliances**

United Democratic Madhesi Front (UDMF), consisting of:

- Madhesi Janadhikar Forum
- Terai Madhes Loktrantrik Party
- Nepal Sadhvawana Party

Federal Republican National Front (FRNF), consisting of:

- Madhesi Janadhikar Forum,
- Federal Democratic National Forum, (2 seats)
- United Tharu National Front,
- Federal Limbhuwan State Council (FLSC), leader: Sanjuhang Palungwa
- Dalit Janjati Party, leader Birendra Paswan
- Tamangsaling Autonomous State Council, leader Singman Tamang
- Madhesi Democratic Front.

Tharu Kalyankari Sabha (TKS)

- Raj Kumar Lekhi (Joint Secretary), working to consolidate an alliance with 32 Tharu politicians elected in the Constituent Assembly under different parties

**Other Organizations using violence within the past 18 months in the Terai:**

- Janatantrik Tarai Mukti Morcha (JTMM) – Jwala Singh faction
  - Leader Nagendra Kumar Paswan aka Jwala Singh, did not contest elections
- Janatantrik Tarai Mukti Morcha (JTMM) – Goit faction
  - Leader Jaya Krishna Goit, did not contest (aka Akhil Terai Mukti Morcha (ATMM))
- Janatantrik Tarai Mukti Morcha (JTMM) – Bishfot Singh faction
- Madhesi Mukti Rashtriya Morcha (Madhesi National Liberation Front), leader Prabhu Shah
- Madhesi Mukti Tigers (Maoist splinter, leader Sher Singh Rajput, chairman Rajan Mukti)
- Nepal Janatantrik Party (pro-King, leader Rana Bahadur Chanda 'Samrat')
- Terai Tigers (leader alias 'Arjun')
- Tharu Mukti Morcha, leader Laxman Tharu, President
- Chure Bhawar Ekata Samaj (demands the establishment of a Chure Bhawar state. Pro-Pahadi, UML-supported, early splinter group from MJF. Leaders Somnath Lama & Keshav Mainali)
- Janajati Mahasangh, leader Pasang Sherpa
- TM Don Group (operating in western Terai)-leader undisclosed
- AASK Group-leader undisclosed
- Terai Army (Leader 'Mr. John'/'Mr. Deva')
- Terai Utthan Sangat, leader Rajendra Singh, coordinator
- Samyukta Janatantrik Tarai Mukti Morcha (SJTMM), leader 'Mr. Pawan'
- Liberation Tigers of Terai Elam, President Ram Lochan Singh
- Terai Cobras (pro-Terai independence, leader Nagraj)
- Madhesi Virus Killers, Mr. Sanket
- Nepal People's Army-leader undisclosed
- Nepal Defence Army (pro-King, leader 'Parivartan')
- Madhesh Raksha Bahini (Madhesh Security Brigade): Leader Shiva Patel
- Terai Baagi, leader Shyam Baagi
- Samyukta Jankranti Party, coordinator Kishan Mandal



**Appendix 2****Agreement between the Nepal Government and United Democratic Madhesi Front, 28 February 2008 (unofficial full-text translation)<sup>94</sup>**

Respecting the sentiments and aspirations of the Madhesi people of Nepal, expressed during the protests and movements that they have organized time and again for equal rights, this agreement was signed between the Government of Nepal and the United Democratic Madhesi Front, to ensure (the establishment of) a federal democratic republic in Nepal (with a) multiparty democratic system of governance, by guaranteeing equality, freedom and justice for all the nation's people, as well as by putting an end to all types of discrimination. This agreement will be immediately implemented. The points of the agreement are as follows.

1. The state shall declare as martyrs those who were killed during the Madhes movement and shall provide adequate compensation to those maimed and those who are yet to receive compensation. Similarly, arrangements shall be made for those injured during the movement to receive medical expenses and those martyred shall be given due recognition and their families shall be provided rupees 1 million as relief, and those arrested shall be immediately released.
2. By accepting the Madhesi people's call for an autonomous Madhes and other people's desire for a federal structure with autonomous regions, Nepal shall become a federal democratic republic. In the federal structure, power shall be divided between the centre and states in a clear manner according to the (constitutional) list. The states shall be fully autonomous and shall enjoy full rights. By keeping Nepal's sovereignty and integrity intact, the decision regarding details of the (constitutional) list and the division of power between the centre and the states shall be made by the Constituent Assembly.
3. The existing legal provision for 20 percent, in Sub-section 14 of Section 7 of the Election of Members to the Constituent Assembly Act 2064, shall be changed to 30 percent.
4. It shall be mandatory for the state to carry out appointments, promotions and nominations in a manner such that there is inclusive proportional representation of Madhesis, indigenous nationalities, women, Dalits, (people from) backward regions and minority communities in all state bodies, including the security sector.
5. Proportional, inclusive and group entry [*tr.* entry in the army as a group] of Madhesis and other communities shall be ensured in order to give the Nepal Army a national and inclusive character.
6. The Government of Nepal and the United Democratic Madhesi Front request all armed groups agitating in the Tarai to come to talks for a peaceful political process and to find a solution through dialogue. The Government of Nepal will take immediate steps to create a conducive environment for this purpose. We appeal to everyone to help conduct the Constituent Assembly election on 10 April in a peaceful, violence-free, impartial, fair and fear-free environment.
7. The Government of Nepal will immediately release all those who have been detained, withdraw cases filed against Madhesi leaders and party cadres of the Forum as well as of other parties, and immediately implement all other points of the 22-point Agreement signed between the Government of Nepal and the Madhesi People's Rights Forum on 30 August 2007 (2064 Bhadau 13).
8. All protest programs called by United Democratic Madhesi Forum shall be immediately withdrawn.

The Government of Nepal will be responsible for the constitutional, legal, political and administrative aspects of the points of this agreement. The government shall form a high-level monitoring committee including members of the Front to monitor the implementation of this agreement.

Signed,

Rajendra Mahato, National Chairman Sadbhavana Party  
Upendra Yadav, Madhesi People's Rights Forum  
Mahantha Thakur, Chairman, Tarai Madhes Democratic Party  
Girija Prasad Koirala, Prime Minister, Government of Nepal

<sup>94</sup> Available at: <http://www.unmin.org.np/downloads/keydocs/2008-02-28-Agreement.SPA.Govt.UDMF.ENG.pdf>. Accessed 15 June, 2008.



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