

However, the context of these terms is critical to understanding the positions of all sides in the present debate on social inclusion and federalism. The Carter Center hopes that the data presented here will inform Nepali-led debates on these two issues, which appear to have stalled since May 2012; it also

The report concludes with several recommendations including:

Political parties, identity-based organizations, civil society, the media, and local government should do more to increase public understanding of different forms of federalism and relevant terms at the local level in order to facilitate an informed discussion and debate.

Nepali constitution-drafters should develop, and widely publicize, a baseline of basic rights which each Nepali citizen will be guaranteed, irrespective of their ethnicity and the delineation of future federal states.

Peace process stakeholders and those drafting the constitution should discuss mechanisms to ensure social inclusion within a future federal setup of all sections of society, particularly those that are not geographically concentrated in certain regions.

Demonstration organizers and participants should respect freedom of speech and the right to peaceful protest, especially around major constitutional deadlines.

Conflict management best practices should be developed at the local level.

Peace process stakeholders should increase local level dialogue between police, political parties, civil society and citizens around major national-level deadlines.

####

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more

TABLE OF CONTENTS

I.	INTRODUCTION	5
A.	FEDERALISM IN THE COMPREHENSIVE PEACE AGREEMENT AND INTERIM CONSTITUTION.....	5
B.	NOTES ON READING THIS REPORT	6
C.	METHODOLOGY.....	6

I. INTRODUCTION

Since the restoration of multi-party democracy, Nepal has experienced considerable transformation. A major trend in this period is rising levels of political activism based on specific forms of identity, including ethnicity, caste, region, class, and gender. Identity politics remains one of the most important and most misunderstood contemporary political issues facing Nepal, particularly in its increasingly complex relationship with the sensitive topic of federalism. Both of these issues provided context for escalating tensions and aggressive protests around the deadline for the Constituent Assembly to complete a constitution in May 2012. Identity politics and federalism remain key features of the national debate, despite not being at the forefront of immediate political discussions. They demand a timely analysis now, in the hope of ensuring a more positive outcome when the constitutional process, and debates on both issues, resumes once more.

This report intends to explore one aspect of identity politics in Nepal, namely the recent identity-based mobilizations in April/May 2012, placing them in the context of data collected by The Carter Center and other civil society-based organizations, their relations with mainstream political parties, communal tensions, and their impact on recent discussions about federalism. Our observations help explain the background to mobilizations in April/May 2012, explore examples of high tensions, and areas where positive measures reduced tensions. This report also highlights the views of citizens on all of these topics.

The Carter Center is an international observer that has been invited by the Nepali government and political parties to observe the peace process and constitution drafting process (of which identity issues are a direct part, as outlined below). The Carter Center is not a donor or development agency, and does not fund any Nepali organizations, nor does it carry out development tasks. However, the Center hopes that the data presented here will inform Nepali-led debates on federalism and the search for appropriate mechanisms to address ethnic and social inequality—including access to economic and political opportunities—which appear to have stalled since May 2012; it also intends to aid a contemporary understanding of identity politics for organizations working on Nepal who are familiar with its history.

The Carter Center recognizes the sensitivity for Nepalis and internationals to discuss issues such as identity politics and federalism. In this light, the Center wishes to express its immense gratitude to representatives from political parties, media, civil society, government officials, and citizens who participated during the research of this report and contributed to its findings.

A. Federalism in the Comprehensive Peace Agreement and Interim Constitution

A history of exclusionary practices and a highly centralized state has been recognized as one of the main factors that fueled the decade-long armed conflict in Nepal.¹ As a result, inclusion of historically marginalized communities was a key feature in both the Comprehensive Peace Agreement (CPA) signed in November 2006, and the Interim Constitution in 2007. The commitment to state restructuring was encapsulated in the CPA signed by former Prime Minister Girija Prasad Koirala and Maoist Chairman Pushpa Kamal Dahal. The Interim Constitution stated an agreement for:

In particular, Clause 3.5 of the CPA

complicated and deserve closer scrutiny. This report shall highlight the context in which identity-based actors have articulated their message about identity, and their positions on federalism and perceptions of Nepali politics in general, at the local level. Often Carter Center observers found a profound lack of information about the terms and concepts used in this debate among ordinary citizens, but also among activists and even some politicians.

This report reflects The Carter Center but does not take a position on which community fits into these categories, nor how to best address their rights. That said, The Carter Center does recommend that political parties, civil society, the media, and local government should do more to increase understanding about different forms of federalism, rights of inclusion, and participation for all members of society at the

larger share of Constituent Assembly constituency seats) discussed in this report, their political activity (or inactivity) have been found to exhibit similar patterns. However, specific trends about Madhesi parties are highlighted where relevant and/or are notably different to other identity-based actors.

es,

Nepali state itself. The terms Janajati and Adivasi are used synonymously in this report and refer to citizens of different historically marginalized communities (with mother tongues other than Nepali) in line with government-led definitions of indigenous nationalities and to groups and organizations such as the Federal Limbuwan State Council (FLSC), the Tharuhat movement, or the Nepal Federation of Indigenous Nationalities (NEFIN) who claim to represent their interest. It is important to note that, after protests by the National Integrity and Ethnic Goodwill Joint Struggle Committee (NIEG), an alliance which includes the Brahmin Samaj and Chhetri Samaj Nepal on May 17, 2012, the government pledged to formally recognize Brahmins and Chhetris as indigenous to Nepal.¹⁰

C. Methodology

The findings included in this report are primarily based on qualitative data gathered by The Carter Center long-term observers from September 2011 until December 2012. These are highlighted in sections IV-VII. The report is based on evidence collected from 59 districts and should be viewed as a

that became known as the
reign.²⁵

II (Jana Andolan II)

scored 83 seats in the assembly (43 first-past-the-post, 40 proportional representation), became the fourth largest political force in the Constituent Assembly and have formed part of government

to be applied on government and the leadership of political parties through street protests and agitations. Decisions and agreements related to the constitution drafting process also provided a key political trigger for identity-based organization activity. Deadlines for major political agreements served to spark small-scale protests. As the May 27, 2012 constitution deadline approached and it became increasingly clear that a draft or full constitution might finally be produced (including a decision on federalism), Nepal witnessed its most intense identity-based mobilizations since the Madhes Andolan of 2007 and 2008.

As the constitutional deadline approached, a wide range of groups intensified protest programs, enforced *bandhs* and transportation strikes, and carried out demonstrations across the country with conflicting demands related to federal state restructuring. Large-scale protests were led by NEFIN, Adivasi Janajati organizations through the Indigenous Nationalities Joint Struggle Committee (INJSC) and by the newly formed National Integrity and Ethnic Goodwill Joint Struggle Committee (NIEG),³⁶ an alliance of 11 different groups including the Brahmin Samaj and Chhetri Samaj Nepal.

A rough agreement on 11 federal states was reached between the three main parties on May 15, 2012. However, strong dissent was conveyed nationally by indigenous and Madhesi political and civil society actors. Members of the ruling coalition subsequently distanced themselves from the compromise. *Bandhs* and protests by the Muslim community, INJSC, Madhesi activists and the NIEG led to an increasingly tense situation, with the government eventually reaching various agreements

III. PREVIOUS CARTER CENTER FINDINGS

A. Findings on Identity Politics and Federalism

The Carter Center has made a number of observations on identity politics and federalism in Nepal in previously released reports. It should be noted that reporting does not support the idea that identity-based organizations have been relatively dormant before increasing dramatically in April/May 2012; rather, our findings indicate that since 2009, identity-based activity in Nepal has increased and decreased at intermittent periods while many underlying issues affecting such organizations remained unaddressed by the government.

The Carter Center in August 2009 noted:

Limited public debate at the national or local level on state restructuring and that political parties had mostly disengaged themselves from the state restructuring debate after the Constituent Assembly elections.³⁸

High levels of identity-based activism, especially in early to mid-2009. The drive for autonomous ethnic states was leading representatives from marginalized groups to stake claims to smaller autonomous regions, possibly due to fear of being subsumed in a larger state.³⁹

Identity-based actors used ILO Convention 169 as part of their political rhetoric in competing ways.⁴⁰

The Carter Center in February 2010 noted:

As found in 2009, identity-based activists representing indigenous and marginalized local level left open due to general political party inactivity and a perceived reluctance of mainstream parties to deal

Many identity-based organizations supported ethnic-based federalism in order to ensure decentralization and end discrimination against their communities.

A diversity of views in the Tarai on federalism, especially differences within and between

³⁸ Observers -based organizations in particular, are unilaterally framing the debate on state restructuring from their own perspective and raising expectations among their respective communities. These groups are promoting demands ranging from official recognition of basic rights, inclusion of local languages in national and local office use, and multiple citizenship certificates, to rights over development policymaking and control of natural resources, t August 2009, p.4. <http://www.cartercenter.org/countries/nepal-peace.html>

³⁹ The FDNF affiliated FLSC

The growth of the Chhetri Samaj Nepal and increasing activities by the Far Western Awareness Forum, in response to the mobilization of indigenous organizations demanding ethnic-based states.⁴¹

The Carter Center in November 2010 noted:

A general decrease in identity-based activities due to splits and internal factionalism, seasonal factors, a lack of central focus on constitutional issues and an increased crackdown on aggressive activities of identity-based groups by local police and administration.

IV. LOCAL-LEVEL IDENTITY POLITICS: ACTORS, DEMANDS, AND MOBILIZATIONS

This section seeks to explore broader trends regarding identity politics and identity-based mobilizations based upon data gathered by The Carter Center observers between September 2011 and December 2012. It discusses the relationship between political parties and their ethnic-based sister wings, and outlines observations and analysis on events in April/May 2012, when identity-based mobilization peaked ahead of the Constituent Assembly deadline. The section also looks at broader themes regarding identity-based organizations, notably their activities and dialogue with other identity-based groups which were observed in the period under review. Given that multiple districts are subject to overlapping territorial claims by various groups, the lack of discussion between identity-based organizations about their political goals is particularly concerning. This should be closely monitored as future constitution-drafting deadlines approach.

A. Identity Based Actors: Demands, Activities, and Political Party Relations

Some identity-based organizations, which had previously focused largely on cultural and development activities, appear to have shifted emphasis onto a advocating a more political agenda.

Many identity-based organizations in Nepal that have traditionally concentrated on cultural programs have come to emphasize a strong political agenda since 2008. Typically this has meant a focus on

support for an identity-based federalism agenda and calls for proportional representation at all levels of the state. Selected examples include several Gurung groups in Pokhara, Tamang and Newa associations in the Kathmandu Valley, as well as Kirat groups in the Eastern hills, which had become increasingly focused on politics in their programs.⁴⁵ An NWPP representative in Bhaktapur told

communities in Nepal. This is wh

these increasingly vocal demands for iden-5005100030057>4004B004800039004600511(f)-37man0048000ca030055

organizations which were previously apolitical have extended their activities into the political arena in particular, this meant increasingly challenging the state and mainstream political parties on issues such as social inclusion and federalism.

That said, many other identity-based organizations still remain primarily focused on cultural activities or on advocating for basic development needs. For example, in Baitadi, observers were told in late 2011 by many interlocutors that the lack of development was the main issue affecting people in the district, not other political issues.⁴⁷ This included local representatives of Dalit identity-based organizations who were carrying out small development activities. In another example, the NEFIN president in Okhaldhunga stated to observers in early 2012 that identity-based organizations in the district mainly focus on cultural activities and are rarely politically active. They reportedly focused on social and cultural events concerning their own language and culture. However, the NEFIN president predicted that identity groups in Okhaldhunga will become more politically active in the future if , and are not included in the mainstream.

For the majority of the period under review, identity-based organizations were largely in a 'wait and see' mode with the significant exception of the wave of activity leading up to the Constituent Assembly elections in May 2012. However, throughout this time, committees of various identity-based organizations reported that they were working on internal organizational strengthening and forming local level alliances to expand their reach.⁴⁸

Interlocutors across all development regions of Nepal noted that identity-based actors like many political parties and civil society groups had been relatively inactive between September 2011 and December 2012, with most claiming they were in the process of developing their internal organization but would act when a national-level event prompted them to do so; many also informed observers they would wait for directions from their central-level leadership before undertaking any action in this regard. This included groups such as the Tharuhat Autonomous State Council (TASC), Brahmin Samaj and Chhetri Samaj Nepal. For example, in Makwanpur the Maoist-affiliated Tamang Rastriya

attitude of wait-and-see. We will come up with our plans on the basis of the Constituent Assembly final decision on the federalism question.

found that the Chhetri Samaj Nepal was not conducting any protest programs then because they were awaiting concrete news from the government on whether or not they would be classified as indigenous as well as the outcome of the State Restructuring Commission.

Slight exceptions to this trend were found in the Eastern hills as well as parts of the Western, Central, and Eastern Tarai where levels of identity-based organization activity have been higher in the past. In December 2011, the Federal Limbuwan State Council organized a general strike in nine districts of the Eastern Region, demanding their representation in the State Restructuring Commission per a previous agreement with the Government. Madhesi and Limbu identity-based organizations had also opposed, for different reasons, during early to mid-2011.⁴⁹ Such developments are partly explained as a response by identity-based

⁴⁷

The report noted that the community in remote Darchula district saw development needs as a priority and that many Byash community members were unaware or unsupportive of the proposed autonomous region.

⁴⁸ This has allegedly included the expansion of Diaspora communities fundraising activities in India, Australia, Western Europe and the United States for these groups. International Researcher, In Conversation, November 2012.

⁴⁹

<http://www.cartercenter.org/countries/nepal-peace.html>. The Election Commission of Nepal successfully reached an agreement in May 2011 with the FDNF-affiliated FLSC faction to allow registration to proceed. While the ECN did not reach a nationwide deal with Madhesi parties, after much long-term effort the ECN was able to negotiate on a district-level basis to reopen voter registration in affected districts.

organizations to (what they perceive) as an opaque political decision-making process, and the lack of any meaningful public debate on key issues in drafting the constitution.⁵⁰

Identity-based activists in some districts accused the major national political parties (NC, UCPN(M), CPN-UML) of hindering the promotion of rights for marginalized ethnic communities, despite the presence of party-affiliated ethnic sister wings.

In districts such as Makwanpur, Arghakhanchi, Kapilvastu, and Nawalparasi, observers found that ethnic sister wings of national parties were rarely active or mobilized by their parties to reach out to communities on identity issues before 2012. This led some identity-based activists to accuse political parties of using their ethnic sister wings to gain support from certain communities without being serious about ensuring their rights and fulfilling their demands on federalism. In Chitwan, for indigenous communities, encouraging indigenous groups to wear their traditional dress at the biannual Chitwan festival. This, they argued, was diluting the real agenda of identity politics according to some activists in the district who demanded a stronger focus on the concrete and meaningful promotion of the rights of indigenous groups. As alluded to above, such disenchantment about the political process was frequently encountered by Carter Center observers among Janajati activists and to some extent reflects a wider alienation of citizens from the constitutional process, and a widespread frustration with what is perceived as an insincere political leadership.

Most ethnic sister wings of mainstream political parties reported to be following their respective party line on federalism prior to April 2012. However, evidence of worsening relations between them and their affiliated parties on the issue of ethnic based fed

noted that

2011.⁵⁷ Despite the relative inactivity in Madhesi identity politics in the period under review, many Madhesi interlocutors in Mahottari district noted the increased confidence levels of Madhesis and that now there was wider recognition of Madhesi identity across Nepal. An MJF-N representative in

during January 2012, political party representatives and civil society members said that the Andolan had increased awareness among people of their political and social rights.

Many Madhesi interlocutors were also proud that the Andolan forced the central government to agree to federalism demands. FNJ and MJF-Republic in Rautahat told observers that reservations in public bodies and greater inclusion were a definite achievement of the Andolan but more changes were also needed. Observers visiting Parsa in January 2012 found that the increased political participation of Madhesis at the center and in government was highlighted as another outcome of the Madhes Andolan. Many interlocutors highlighted the high number of Madhesi ministers in the most recent government coalition government

This was particularly true in local development bodies, which control government spending, where political parties also retained their dominance over identity-based organizations. In nearly every district visited, organization representatives complained that political parties blocked their access to development funds allocated to marginalized communities through the Indigenous Nationalities Coordination Committee of the District Development Committee.⁵⁸ In Lalitpur, a representative of the

However, as noted in the following section and annex, observers were informed of localized tension in Kanchanpur, Kaski, Kailali, Nawalparasi and Morang (amongst other districts) as the Constituent Assembly deadline approached. In these places, communal anger was found to be directed against other ethnic or caste groups as well as the Kathmandu political establishment, as divergent federal demands by different identity groups were increasingly viewed as zero-sum games during the protests.

B. Debates and Negotiations on Federalism

Observers did not find much evidence of discussions on federalism between groups holding differing views, especially regarding boundaries, protections for minority groups, and autonomous zones, within future states.

This is a pertinent issue as most districts in Nepal do not have a clear majority of one community and are heterogeneous in terms of caste and ethnic groups; the federal future of mixed districts claimed by multiple identity-based organizations is also unclear. However, even though districts such as Kailali and Kanchanpur, Sunsari, Syangja, Chitwan, Sankhuwasabha or Solukhumbu are subject to overlapping claims by multiple identity-based organizations to be part of their prospective federal states, observers found little evidence of discussions between groups about how to address their conflicting claims.

Observers were also told of fears from ethnic groups who were minorities in districts and felt excluded from dialogue on the proposed boundaries of a future federal state. In Udayapur, Tharu Welfare Society representatives were concerned about the lack of political dialogue involving them and between different identity-based organizations on the boundaries of proposed states. The Tharu Welfare Society representatives stated that they had submitted a plan for a proposed Eastern Tharu State (incorporating all of Saptari, parts of Siraha, Sunsari and 7 southern Village Development Committees plus half the district headquarters of Udayapur) to the Constituent Assembly restructuring committee. However, locally they had not been able to engage other groups in a discussion on the boundaries.

In November 2012, observers in Nepalgunj were told that while the situation in Banke was at that point calm, relations between different groups and identity-based organizations could not be described as amicable. Rather, the situation was characterized by an absence of any activity, a scenario which could rapidly change once political stakes are raised. Interviewees also showed concern that in the absence of any dialogue an opportunity was missed to resolve outstanding issues between different groups with regards to competing federal claims during this current low-stakes environment.

Observers found isolated examples of some groups in the Eastern Hills conducting outreach efforts to other communities, which emphasized that proposed federal states would be inclusive and non-discriminatory.

In Taplejung, Ilam and Jhapa, observers found members of other communities, including Brahmins and Chhetris on committees of Limbuwan groups. Furthermore, observers were informed that both factions of the FLSC in Taplejung made efforts in September 2011 to reassure people publicly that a Limbuwan state would not only be for Limbus and stressed their commitment to protecting the security of non-Limbus in a future Limbuwan state (including Brahmins and Chhetris). FLSC district

wider public
in the district headquarter and Village Development Committees. Indeed, while these efforts by both factions of the FLSC are commendable, observers have found that such explicit assurances to other communities have largely been limited to Limbuwan groups in the East.

V. IDENTITY-BASED MOBILIZATIONS, APRIL/MAY 2012

As detailed above, identity-based organizations have been conducting activities throughout the constitution drafting process including the period under review. Most of these activities, including protest programs and strikes, have been largely peaceful, and have not garnered much national-level attention. However, identity-based activism has spiked at moments when there has been a major national event to react to – such as when a decision is made, or appears imminent, that could produce perceived (or actual) winners and losers. In the period under review, this has been observed as the constitution- drafting deadline in May 27, 2012, approached.

This section highlights trends regarding activities and impact of identity-based mobilizations in the buildup to the dissolution of the Constituent Assembly, the various agreements and decisions taken in April/May 2012, as well as measures taken to reduce tension. Those trends which differ from those found during the period under review are noted where relevant. This section also discusses tensions between mainstream political parties and their ethnic sister wings and where relevant points to the continuing impact of these trends after the Constituent Assembly dissolution. The effect of protests on communal relations at this time is discussed in subsequent section. It should be noted that while polarizations did occur between Janajati-Adivasi groups on one side, and Brahmin/Chhetri organizations on the other, this was not the only fault-line observed. Indeed, these tensions were also informed by the role of Maoist party cadres and particularly regional unity groups – particularly the Undivided Far West movement. Furthermore, many parts of the country, notably rural areas, remained free of these tensions.

A. Shifts in Identity-Based Mobilizations around 2012 Constitutional Deadline

Shifts in Identity-Based Mobilizations around 2012 constitution drafting deadline.

The Carter Center observers reported a sense among many identity-based activists that the 2012 Constituent Assembly deadline represented a last chance to realize their ambitions, whether in favor of or against ethnic-based federalism or in terms of names and number of federal states. INSEC

atmosphere of high stakes, previously faction-ridden movements united, activists resorted to unusually strong enforcement of *bandhs* or opposed them equally strongly, and rhetoric against the government and other communities increased. As mentioned above, the May 2012 deadline, therefore, provided the context for protests throughout the country, in particular by NEFIN and other Adivasi-Janajati organizations through the Indigenous Nationalities Joint Struggle Committee (INJSC). It also provided the impetus for the newly formed National Integrity and Ethnic Goodwill Joint Struggle Committee (NIEG) to begin greater mobilization and organizational expansion throughout the country.⁶⁴

Multiple identity groups were strong enough to launch competing claims.

For example, both Kailali and Kaski districts were areas that were strongly contested by different identity groups (in Kailali, the Undivided Far Western Citizen Movement Mobilization Committee and the Joint Tharu Struggle Committee launched competing protest programs, and in Kaski, an alliance of Janajati groups and the Brahmin Samaj and Chhetri Samaj Nepal organized public

⁶⁴ Such committees to coordinate protests against ethnic federalism were formed, amongst others, in Kaski, Rupandehi and Nawalparasi. For example, The Carter Center observers visiting the Far West in the second half of 2012 reported that the FWAF appears to be largely limited to districts of the Mahakali zone (e.g. Baitadi, Darchula, Dadheldura and Kanchanpur), with observers finding little evidence of the presence of the organization in other districts of the region.

demonstrations to oppose the others' political demands). By contrast, although Limbu areas in the Eastern Region have seen high levels of identity-based organization and activity by Limbuwan groups, these areas were relatively quiet in the lead-up to May 27. As mentioned, some interlocutors suggested the calm was explained by the confidence of Limbuwan groups in their strength, and the relative absence of equally strong groups that could challenge their position.

Identity-based mobilization escalated rapidly, even in areas where it seemed unexpected.

Carter Center observers in both the Western and Far Western Regions noted that they were surprised by how quickly and how strongly identity-based mobilization occurred in certain parts of their regions. This was not necessarily a reflection of strong citizen opinions on state restructuring prior to mobilization. For example, in Kaski district previous observation indicated that many citizens were

demonstrated solidarity with those elsewhere.⁶⁶ Moreover, in districts such as Kailali and Rupandehi, Carter Center observers had been told that people from rural areas in those districts had actively participated in protest programs in its urban centers.

Polarization between Adivasi-Janajati organizations and Brahmin/Chhetri organizations as well as regional unity movements was also seen in efforts to compete in organizing stronger *bandhs* than each

the Brahmin/Chhetri *bandh* Constituent Assembly deadline were
bandh stronger than
bandh following one

called by NIEG. This meant a desire to implement the program at least as strictly as the preceding NIEG *bandh*. Furthermore, in Nawalparasi, an initial scuffle during a *bandh* called by the Joint Tharuhat Struggle Committee on May 8, 2012 quickly escalated when supporters of the united struggle committee (of Brahmin, Chhetri, Thakuri, Dasnami and Dalits) were stopped on their way to a mass-gathering in Butwal. The group retaliated against Tharu demonstrators by vandalizing a Tharu museum in Danda Bazaar. Subsequent protests by Tharu youths in Kawasoti led to clashes between

range of federal claims on the district, violence did not take place in the run-up to the constitution-drafting deadline of May 27, 2012.

B. Relations between Identity-

the calls for goodwill were more directed at ethnic activists than at Brahmin/Chhetri activists. Observers reported this feeling in Kathmandu, Pokhara and other locations such as Tansen, Palpa.⁷¹

In the wake of the April/May protests, The Carter Center observers across Nepal have also heard criticism of, rumors about, and allegations of bias directed toward the international community and donor-funded NGOs and INGOs. Although some of this skepticism has come from Adivasi-Janajati activists in certain regions, the most serious and widespread allegations have come from opponents of ethnic federalism, who have accused the international community and its Nepali partners of discrimination against Brahmins and Chhetris (such as in hiring practices) and of promoting identity

C. Measures Taken To Reduce Conflict at Local-Level

Close coordination between Chief District Officers, civil society actors, police, government and others appears to have helped prevent escalations of tension in some districts. However, the long-term efficacy of these initiatives, and their applicability to other contexts throughout the country, remains unclear.

Given the nature of clashes which occurred and the stark pro- and anti-federalism divisions in several areas of Nepal, many observers expected conflict to escalate further. Furthermore, many interlocutors across Nepal said that the dissolution of the Constituent Assembly by and large immediately brought an end to many identity-based mobilizations. While this was critical in helping to end localized conflict, steps had also been taken by government representatives, civil society groups, political parties and the police to diffuse tension while also allowing communities the right to protest freely. This occurred despite the lack of neutral institutions in many districts. Most of the sites were urban, district headquarters, with Village Development Committees and rural areas remaining largely peaceful.

Chief District Officers in districts such as Kanchanpur, Kaski, Ilam, Banke, and Chitwan called

ensure that competing groups were not scheduling programs for the same time and location. Observers in Ilam reported on a security meeting that the Chief District Officers called in the run up to the Constituent Assembly deadline. The Chief District Officers invited groups that had announced *bandhs* as well as security personnel, journalists and other NGOs. The purpose of the meeting was to discuss how to avoid communal tensions and ensure continued supplies during *bandhs*. Reportedly all groups agreed to hold only peaceful protests, to take action against violent cadres, and to allow the bazaar to open for fixed hours. In Banke the Chief District Officers convened a meeting with various stakeholders (religious leaders, civil society, journalists) on May 10 to stress the importance of maintaining social harmony, ahead of planned protests, in the district.

Local civil society with the support of the police and district administration officials reportedly took a positive role in areas such as Banke, Dang, Kapilvastu, Kanchanpur and Kailali in coordinating various actions to prevent communities from clashing. For instance, observers in June 2012 were informed that local civil society groups with the support of Pahadi and Tharu communities initiated a meeting in Dang on May 17 aimed at reducing the possibility of clashes between the NIEG and Tharu groups. The meeting resulted in a code of conduct, by which Pahadi and specifically Brahmin/Chhetri groups would conduct their programs at the Village Development Committee level, while the JTSC would protest in cities and towns and each group would avoid conflicting routes. In Kapilvastu observers found considerable mediation efforts including meetings and dialogue between competing groups were made to avoid historic tensions from reappearing ob2(ppe8ok)11(a n)] TJ

initiatives to encourage dialogue between identity-based activists are positive local level efforts to mediate and militate against further conflict, their long-term efficacy and suitability in other districts is uncertain.

VI. IDENTITY POLITICS AND COMMUNAL RELATIONS

Mobilizations related to the federalism debate have led to tensions in some regions, especially in April/May 2012, as described in previous sections. However, these tensions were mostly between identity-based actors engaged in political activities and rarely between ordinary citizens. Throughout 2011-12, observers reported only few isolated incidences of communal tensions or violence. Most instances related to ongoing discrimination against Dalits. Debates on such discrimination are directly linked to those on inclusion and state restructuring as advocated by Dalit activists and the State -terri although the link between federalism and ending discrimination was not made clear to observers at the local level.⁷²

Some identity-based actors as well as citizens voiced resentments against other communities and many raised fears th

limited impact on communal relations so far, both in districts where identity debates have been heated in the past and those in which they have not.

When incidents of communal tensions were reported, the most frequent examples related to ongoing discrimination against Dalits.

Although fears about communal tensions at the national level were generally focused on relations between caste and ethnic groups, Carter Center observers reported that when they did hear of communal incidents, these were most often related to discrimination against Dalits. It was clear that discrimination against Dalits by non-Dalits has persisted in both urban and rural areas of Nepal and was raised by interlocutors in districts such as Dhanusa, Kailali, Lamjung, Chitwan, Arghakhanchi, Accham, and Baitadi. This was usually reported to observers as discrimination by Brahmins and other so-called upper caste groups against Dalits, but it also involved discrimination by other ethnic groups.⁷³ However, interlocutors did not inform observers how such discrimination would be necessarily resolved by Nepal adopting federalism in a new constitution.

Other areas of communal sensitivities ± which have fed into debates on federalism ± also included localized resentment against Brahmin dominance and anti-Brahminism feelings. Observers have noted this has led to a backlash of political activity from high-caste groups in some districts.

Across Nepal observers found a range of other communal sensitivities which were not linked to federalism often very localized but had the potential to cause communal tension. Members of identity-based organizations occasionally expressed strong resentment against Brahmin dominance.⁷⁴ Long-term observers also found evidence of increasing frustration among some high caste Hindus regarding perceived lack of attention of the government for their concerns. Observers visiting Arghakhanchi heard concerns from high caste Hindus that more attention in government policies is being paid to Dalits and Muslims than to their own community, an issue that is creating tensions. A high caste member of Khas Chhetri Ekta Samaj (a Chhetri identity-based organization not classified as indigenous and do not receive reservations and quotas so we are discriminated against by the state. In reality however, we are much worse off than Tharus...52 percent of our people

region, where various Chhetri and Brahmin organizations continued to argue in favor of quotas based on economic markers rather than those on communal basis and instead supporting quotas on the basis of the Human Development Index or other similar economic measuring systems with the argument that affirmative action along ethnic and caste lines would in fact constitute discrimination and is likely to invite further conflict

73

Despite communal relations being largely peaceful, many interlocutors raised concerns that underlying tensions arising from perceived histories of domination and marginalization existed particularly between Pahadi, Madhesi, and Tharu communities in the Tarai.

Tensions between Tharus and Pahadis or Tharus and Madhesis were reported in districts such as Nawalparasi, Udayapur, Dhanusha, Chitwan, and Kailali, even though few incidences of overt tensions or violence between communities were reported. In Dhanusha, for example, people from all communities still remembered that a significant number of Pahadis were displaced during the Madhes Andolan. The situation was reportedly calm in late 2011 and some of those displaced had reportedly

Similar feelings of resentment of domination and exclusion also existed in hill and mountain districts as becomes evident through identity politics of Janajati groups but were mostly directed against the state rather than other communities throughout late 2011 and early 2012. In Kaski, for instance, various interlocutors reported underlying communal tensions as groups such as Brahmins, Chhetris, Dalits, and Janajatis complained about a perceived lack of rights and access to resources compared to other

member of CPN-UML.⁷⁵

75

Baitadi observers found particular fears that caste-exclusive organizations would be bad for society if they took on a political role based solely on caste-exclusive policies. A Chhetri Christian in local level politics. It stimulates alignments along caste lines and the popping up of caste-exclusive organizations. Ultimately, this trend will devolve into each clan of Chhetri having its own Samaj. It will invite -caste groups to be active and they were reportedly influential in the 2008 election.

B. Identity-Based Activity and Federalism

Many citizens still have very little knowledge of federalism, despite protests around federalism ahead of the Constituent Assembly deadline in May 2012. Some districts in the Tarai appear to be a slight exception to this trend.

Carter Center observers have consistently found that many Nepalis do not know what federalism means and many who had not heard of the idea at all. Many citizens interviewed by observers had little or no understanding of federalism, and said that they were more concerned about their immediate economic needs.⁷⁸ In Banepa, survival and no system makes any difference Village Development Committee, after admitting to having no knowledge of federalism, are not our concern we local people are the wrong people to ask, these matters must be decided at the central

In Rupandehi, however, Carter Center observers recently found a dramatic change both in regards to

Another Chhetri man in Gorkha linked the success of federal restructuring to seasoned political stewardship, as he told an observer in November 2012, federalism are not sufficiently competent or trustworthy

Citizens in multiple districts repeatedly told observers that the potential for tension existed, especially if a future decision on federalism was seen to exclude some communities politically and socially. Indeed, many citizens from a wide variety of ethnic and caste backgrounds were against

communal domination by one group over another and would invite conflict. For example, a Magar man in a Village Development Committee ethnic community would cause a negative feeling among other communities which could create

that it

Tamsaling, some Newa and some Brahmin/Chhetri, if various ethnic communities demand state in

79

Additionally, several identity-based organizations perceived economic benefits. Observers were told of regret by Madhesis in Dhanusa about the displacement of a significant section of the Pahadi population during the Madhes Andolan, which reportedly had a negative and lasting impact on local business. Limbu activists in Taplejung also highlighted the need to keep Brahmins and Chhetris as part of their community to avoid, amongst other reasons, the negative economic impact their large scale displacement could have. Furthermore, observers noted in districts such as Gorkha, Kailali, Lamjung and Kaski

br
communal harmony.

In Dadeldhura in July 2012, observers found increased support for federalism among upper caste groups, particularly around the Undivided Far West proposal, which one Chhetri citizen said would be

Another Chhetri male was also in favor of an Undivided Far West added:
locally without being dependent on Kathmandu decisions. , many citizens supported other, non-ethnic based, forms of federalism with many citizens suggesting naming states after geographical features such as mountains and retaining links between mountain, hill, and Tarai regions, a model that would largely follow the template of existing development regions and zones. A ma acceptable to all communities and want a proposed federal state to comprise of mountain, hill and Tarai regions. , Madhesi and Tharu citizens in the Tarai who favored federalism even if not strongly advocating ethnic federalism or divided over the question of how many states there should be formed in the Tarai appeared to generally oppose any proposal of a north-south division, as it was frequently perceived as an attempt to perpetuate Pahadi dominance.⁸⁰

⁸⁰ During the protests, leaders of the UFW movement had also reached out to NC Rana Tharu leaders advocating for a separate Rana Tharu state comprising only of Kailali and Kanchanpur and through their assurances that Rana Tharu concerns would be accommodated within the framework of an Undivided Far West managed to some extent to divide the Tharu constituency.

IX. ANNEX

During the April/May 2012, multiple identity groups were strong enough to launch competing claims in several (Kanchanpur, Kailali, Kaski and Nawalparasi, in particular). This annex outlines more detailed findings from confrontations and use of aggressive tactics by protesters which occurred during this period.

A. Kailali and Kanchanpur

In Kailali and Kanchanpur districts in the Far Western Region, growing tensions resulted in direct clashes and violence between political activists from opposed identity-based organizations as well as violence between these groups and the police. Political activism on federalism became polarized

C. Nawalparasi

Violent clashes occu