

# Backlash against inclusion

Shradha Ghale

Nepal's political elite has never been in favour of inclusion. In 1990, marginalised sections of Nepali society had hoped that the fall of the Panchayat regime and restoration of parliamentary democracy that followed the first People's Movement would open up space for their voices and interests in a new political system. Indeed, citizens' views on a new constitution were sought and there was soon a flood of demands for recognition of minority religions and languages, and for proportional representation in parliament. But the then-Chair of the Constitution Drafting Committee rejected such demands outright, calling them 'peripheral' and even complaining that it was 'unfortunate' that they had even been raised. People in power viewed the aspirations of the diverse communities as a threat to national unity, and many cited the example of India to argue that 'reservations' (quotas) and other forms of affirmative action would disrupt communal harmony.

The success of the second People's Movement in 2006, which expedited the peace process in Nepal, compelled the traditional political parties to accept the idea of inclusion. This sea change happened for two reasons. First, the popular mood at the time was strongly in favour of major political and social transformation, and the traditional parties, having lost their credibility over the previous decade, could not afford to ignore this shift. Second, and more importantly, these parties were forced to engage with new, more progressive entrants into the political sphere. The insurgent Communist Party of Nepal-Maoist (CPN-M) was especially powerful, and the end of the fighting meant it had agreed to give up its arms but not its agenda. It was pressure from the Maoists that ensured that the 2006 *Comprehensive Peace Accord* incorporated specific provisions on inclusion such as the commitment to restructure the state 'in an inclusive, democratic and forward looking manner' (Article 3.5). A material expression of the inclusion agenda – federalism – was subsequently included in the 2007 Interim Constitution as a result of a mass movement by Madhesi in the Tarai, which also saw the rise of Madhesi political parties.

## Resisting inclusion

Initial post-war gains in advancing inclusion were gradually eroded by the older parties, which, with the support of powerful establishment actors such as the army and the bureaucracy, began to reassert themselves. The new political and social forces represented primarily by the Maoists and the Madhesi were progressively weakened, including in part due to their own political and other failings. The Maoists lost their dominant position in the legislature after the end of the first Constituent Assembly. Both they and the Madhesi parties performed poorly in the 2013 elections for the second Constituent Assembly. There are many different reasons why they lost, but this provided an opportunity for the traditional parties, in particular the Nepali Congress (NC) and the Communist Party of Nepal-Unified Marxist-Leninist (UML),

to claim that the result proved people's rejection of identity-based federalism. And, although they did not go so far as to spell it out, they even took it to mean a rejection of the idea of inclusion as well.

As the political transition dragged on, influential sections of society that had never been reconciled to the political changes of 2006 became increasingly vocal. Some argued that the declaration of Nepal as a secular state in the Interim Constitution was illegal, since the political parties had not consulted the population on this, and further that Christian missionary groups were responsible for this move. For many, secularism was emblematic of a more progressive political system given the earlier association of Hinduism with state-sponsored elitism [see *article on secularism, p.109*]. Others lashed out at federalism, claiming that it would disrupt social harmony and lead to ethnic conflict, or, as discussed below, that the demand for inclusion was a donor construct. Such arguments were often voiced in Nepal's mainstream media, which itself is dominated by 'upper-caste' elite males.

Another typical argument used against inclusion is that no group should be entitled to special measures because many people from the hill 'upper castes' (eg Bahuns and Chhetris) are poor as well. This, however, fails to recognise that marginalised caste or ethnic groups represent a disproportionate share of the poor in Nepal. Moreover, exclusion in Nepali society is systemic, and so it is far more difficult for a poor Dalit ('low caste') or Janajati (from an indigenous group) to achieve upward social mobility than for a poor Bahun. Statistical data corroborate this. The three editions of the Nepal Living Standards Surveys (1995–96, 2003–04 and 2010–11) show that the number of Bahuns and Chhetris living below the poverty line decreased from 34 to 19 per cent between 1995–96 and 2003–04, whereas the fall over the same period was much smaller among Hill Janajatis, from

49 to 44 per cent, and Dalits, from 58 to 46 per cent. By 2010–11, when the poverty rate had shrunk to 25 per cent nationally, it was still 44 per cent among Hill Dalits, 38 per cent among Tarai Dalits, 29 per cent among Madhesi ‘other’ castes, and 28 per cent among Hill Janajatis as opposed to 10 per cent among Bahuns.

Major political parties have also moved to stop their Janajati, Dalit and Madhesi members from raising identity-related issues. In September 2014, when Janajati lawmakers tried to form a cross-party caucus to push Janajati demands, NC and UML leaders warned them against it. The structure of Nepal’s political parties is such that party members are heavily dependent on the patronage of their leaders, and so many lawmakers from marginalised communities were compelled to back down.

**“ The structure of Nepal’s political parties is such that party members are heavily dependent on the patronage of their leaders, and so many lawmakers from marginalised communities were compelled to back down.”**

A major objective of the anti-inclusion agenda has been to prevent donor support for marginalised groups. The British government’s Department for International Development (DFID) came under pressure from the Nepali government to withdraw financial support to the Nepal Federation of Indigenous Nationalities (NEFIN), the umbrella organisation representing various indigenous groups from across the country, and its Janajati Empowerment Programme (JEP), which sought greater social, economic and political inclusion for indigenous groups. In 2011, NEFIN led a number of strikes to demand a federal system that recognised the identity of indigenous groups. The mainstream media vociferously criticised these protests amid reports of exaggerated levels of violence, and DFID was persuaded to stop funding the JEP.

The drafting in 2012 of the United Nations Development Assistance Framework provides another example. The Nepali Foreign Ministry and the National Planning Commission asked the UN to remove references to ‘structural discrimination’ from the draft, and to replace the description of 20 vulnerable ethnic and caste groups specifically identified with the generic term ‘poor and disadvantaged communities’. In 2014, after the NC came to power, the government pressured donors to concentrate on investment in infrastructure instead of in activities to promote inclusion.

### **New constitution**

Taking advantage of the chaos unleashed by the 2015 earthquake, the ruling parties hastily pushed through a constitution that reversed many of the gains made since 2006. Most contentiously, the model of federalism provided in the new constitution ignores longstanding demands of Madhesi and Janajatis, particularly in relation to demarcation of state boundaries and constituency delineation [see *article comparing the 2007 and 2015 constitutions*, p.64]. The new constitution also reduced the share of proportional representation (PR) seats in the House of Representatives from 58 to 40 per cent. Since PR is key to ensuring greater representation of marginalised groups, this was another backward step for the inclusion agenda [see *article on the electoral system*, p.72]. One of the most regressive provisions in the new constitution deals with citizenship. Women seeking citizenship for their children have to prove that their child was born in Nepal and that the father is a Nepali citizen, but the same rule does not apply for men.

The Maoists’ drift away from the inclusion agenda and the rise to prominence of the NC and UML has left marginalised groups without political allies. Only the Madhesi parties were able to muster significant opposition to the 2015 Constitution through a four-month-long mass movement in the Tarai. At the time of writing, the government had met only a few of their more minor demands. Janajati and Dalit groups are in an even more precarious position. Lacking resources and political organisation, they have been largely unable to make themselves heard in the public sphere.

---

Shradha Ghale is a writer who lives in Kathmandu. Her articles have appeared in *The Kathmandu Post*, *The Record*, *Nepali Times*, and the Indian online magazine, *The Wire*. She has also worked with various national and international organisations on issues related to social inclusion, environment and natural resources, and disaster response.