The Political Mobilisation of 'Indigenous Nationalities' in Nepal, 1990-2015

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ABHIJIT DIHIDAR

Centre for South Asian Studies

School of International Studies

JAWAHARLAL NEHRU UNIVERSITY

NEW DELHI-110067

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Centre for South Asian Studies
School Of International Studies
JAWAHARLAL NERHU UNIVERSITY
New Delhi-110067

Tel.: +91-1126704350

Date: 21/07/2017

DECLARATION

I declare that the thesis entitled **"The Political Mobilisation of 'Indigenous Nationalities' in Nepal, 1990-2015"**, submitted by me for the award of degree of Doctor of Philosophy of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of the University or any other university.

ABHIJIT DIHIDAR

CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

PROF. RAJESH KHARAT 21-7-17
Chairperson, CSAS

PROF. P. SAHADEVAN
Supervisor

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Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ADB	Asian Development Bank
AIPP	Asian Indigenous Peoples Network
AITPN	Asian International Tribal Peoples Network
AIWN	Asian Indigenous Women's Network
AJRA	Adivasi Janajati Rastriya Andolan
ANIJ	Association of Indigenous Journalists
ANNA	All Nepal Nationalities Association
BASE	Backward Society Education
BCN	Bahun Chettri Newar
BSN	Brahmin Samaj Nepal
CA	Constituent Assembly
CERID	Research Centre for Educational Innovation and Development
CHHE	Caste Hill Hindu Elite
CLP	Chepang Livelihood Programme
CPN (M)	Communist Party of Nepal (Maoist)
CPN (UML)	Communist Party of Nepal (Unionist Marxist Leninist)
CSN	Chhetri Samaj Nepal
CSRDSP	Committee of State Restructuring and Distribution of State Power
DAN	Disadvantaged Groups
DANIDA	Danish Association for International Development
DFID	Department of Foreign Investment and Development
DDC	District Development Committee
ECOSOC	Economic and Social Council
EFA	Education for All
EU	European Union
FDNF	Federal Democratic National Forum

FTPT	First Past the Post system
GSEA	Gender and Social Exclusion Assessment
GoN	Government of Nepal
HLRC	High Level Reservation Committee
HLSRRC	High Level State Restructuring Recommendation Commission
HUGOU	Human Rights and Good Governance Programme
IC	Interim Constitution
IFAD	International Fund for Agricultural Development
IIC	Inuit Circumpolar Council
IITC	International Indian Treaty Council
ILO	International Labour Organisation
INJSC	Indigenous Nationalities Joint Struggle Committee
IPMF	Indigenous Peoples Mega Front
IWGIA	International Work Group of Indigenous Affairs
INGO	International Non Governmental Organization
IPOs	Indigenous Peoples Organizations
JANSEEP	Janajatis Social and Economic Empowerment Project
JEP	Janajati Empowerment Project
JICA	Japanese International Co-operation Agency
JSC-NIEG	Joint Struggle Committee for National Integrity and Ethnic Goodwill
JTMM	Janatrantrik Tarai Mukti Morcha
KYC	Kirat Yakhthung Chumlung
LAHURNIP	Lawyers for Human Rights of Nepal's Indigenous Peoples
LMM	Limbuan Mukti Morcha
LRJSC	Language Rights Joint Struggle Committee
MJF	Madheshi Janaadhikar Forum
MLD	Ministry of Local Development
MGRI	Minority Group Rights International

MNO	Mongol National Organization
MoE	Ministry of Education
MS	Nepal Danish International
NC	Nepali Congress
NCC	National Cultural Committee
NCDN	National Committee for the Development of Indigenous Nationalities
NEFEN	National Federation of Nationalities
NEFIN	National Federation of Indigenous Nationalities
NEPC	National Educational Planning Commission
NESP	New Educational System Plan
NFDIN	National Foundation for the Development for Indigenous Nationalities
NGO	Non Governmental Organization
NGO-FONINN	Non-governmental Organization Federation of Nepal's Indigenous Nationalities
NIEG	National Integrity and Ethnic Goodwill Joint Struggle Committee
NIWF	National Indigenous Women's Federation
NLPRC	National Languages Policy Recommendation Committee
NLSS	Nepal Living Standards Survey
NMTC	Nepal Mother Tongue Council
NNIW	National Network of Indigenous Women
NORAD	Norwegian Fund for International Development
NPC	National Planning Commission
NSM	New Social Movements
PLA	Peoples' Liberation Army
PMAS	Poverty Monitoring and Analysis System
PPP	Preferential Political Rights
PRSP	Poverty Reduction Strategy Paper

RBA	Rights Based Approach
RBPS	Rajbanshi Bhasa Prachar Samiti
RHO	Right Holder Organizations
RNA	Royal Nepal Army
RPP	Rastritya Prajatantra Party
SDC	Swiss Agency for Development and Cooperation
SJM	Samyukta Jana Morcha
SPA	Seven Party Alliance
SNV	Netherlands Development Organization
TMLP	Tarai Madhesh Loktantrik Party
TSM	Transnational Social Movement
TSWC	Tajpuriya Society Welfare Council
UCPN	United Communist Party of Nepal
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration for the Rights of Indigenous Peoples
UNO	United Nations Organization
UPFN	United Peoples Front Nepal
UN PFII	United Nations Permanent Forum for Indigenous Issues
UPFN	United People’s Front of Nepal
USAID	United States Aid
VDC	Village Development Committee
WB	World Bank
WCIP	World Council of Indigenous Peoples
WHO	World Health Organization

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INTRODUCTION

The Government of Nepal, through a Constitutional Act passed on 7 January 2002, acknowledged the presence of "indigenous nationalities" in the country. The Act defined indigenous nationalities as "a tribe or community as mentioned in the schedule having its own mother tongue, traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history". The schedule listed 59 indigenous nationalities. In 2007, owing to the growing demands of indigenous nationalities, the interim government ratified the International Labour Organization's (ILO) Convention No. 169 on the Rights of Indigenous and Tribal peoples, as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), making Nepal the first country in South Asia to ratify these conventions. The present study seeks to analyse the successful transformation of ethnic groups in Nepal into "indigenous nationalities" by 2002, and the politics associated with this recognition.

Under the absolute monarchy, ethnic associations and political parties were forbidden as public entities in Nepal. These associations were considered communal, and an obstruction to the process of national unity and integration. But the situation changed with restoration of democracy in 1990. The democratic environment brought a kind of "political openness", which gave space for assertion and mobilization, to a large number of groups such as women, Dalits, Maoists, Madhesis and indigenous nationalities.

There are many causes behind the mobilisation of indigenous nationalities since 1990. The Nepali Constitution, adopted in 1990, acknowledged the country to be multi-ethnic and multi-religious but failed to come out with a list of distinct indigenous nationalities. The indigenous nationalities were clubbed under the single category of Hindu religion, although they demanded the country to be secular. In addition, the Nepali language was given preference over other languages, with Nepali declared as the official language of the country. The political parties in the post-1990 period also failed to live up to the expectations of indigenous nationalities. There were frequent inter-party and intra-party

splits as well changes of government. As there were only a few members of indigenous nationalities in the mainstream political parties, their demands were neglected.

In the post-1990 period, the ethnic groups decided to distinguish themselves from the caste-Hindus by creating a distinct identity of their own. These groups started mobilizing by calling themselves as *Janajatis* (nationalities). As part of their strategy, they started to base their movement on the concept of "indigenous" identity which was becoming popular across the world. The concept of "indigeneity" or indigenousness gained ground in Nepal in 1993, when the UN declared that as the "Year of Indigenous Peoples". The declaration came as an important opportunity for the ethnic groups in Nepal, and some rapid measures were undertaken to establish the fact, that ethnic groups in Nepal meant the same as "indigenous peoples" in the international context. The leaders of these ethnic groups also began to attend the conferences organized by the United Nations Permanent Forum for Indigenous Issues and also affiliated themselves with organizations such as the Asian Indigenous Peoples Pact (AIPP). These measures were undertaken to establish linkages and networks in order to garner support and recognition from other indigenous movements across the world.

The main demands of indigenous nationalities in Nepal are: (i) reforms in the 1990 constitution (ii) freedom to choose to one's religion; (iii) equality of languages; (iv) equal representation in state and other institutions and; (v) access to common properties and natural resources, right to autonomy and self-determination. The mobilisation of these indigenous nationalities is carried forward by organizations such as National Federation of Indigenous Nationalities (NEFIN), National Indigenous Women's Federation (NIWF) and various Indigenous People's Organizations (IPOs) representing single indigenous groups, indigenous peoples' activists and many other advocacy groups. NEFIN came into existence in April, 1990, as an association of eight ethnic groups. Until 2003, it was known as Nepal Federation of Nationalities, but thereafter the word *adivasi* (indigenous) was added to it. NEFIN has played an important role as a host to different indigenous nationalities. It has organized a number of programmes for the preservation and

promotion of cultural heritage of indigenous nationalities. NEFIN's demands include mapping of the country on linguistic and indigenous lines and creating new regions in areas where major indigenous nationalities are concentrated. Its focus has been the creation of indigenous enclaves which are more or less autonomous from the centre, each one under control of the main indigenous group associated with it. NEFIN has proposed the division of the country into thirteen provinces or autonomous regions based on ethnic and linguistic affiliations as follows: Khasan, Jadan, Magarat, Tamu Dhi or Tamuan, Tamba Saling, Nepal, Khambuan, Limbuan, Kochila Maithil, Bhojpuri and Awadhi. At international level, NEFIN is affiliated to the AIPP, while the National Network of Indigenous Women, Nepal (NNIW) is affiliated to the Asian Indigenous Women's Network (AIWN).

IPOs such as Tharu Kalyakarini Sabha, Thakali Sewa Samity, Nepal Magar Sangh, Kirat Yakhthung Chumlung, and Nepal Tamang Ghedung have played an important role in the mobilisation of indigenous nationalities. They have increased the awareness of indigenous nationalities about their rights. They have also made efforts to preserve the diversity of language and religion. A number of indigenous nationalities have also established centres outside Nepal. This has happened due to the presence of a substantial Nepali population in the United States, the UK, Japan, Korea, the Gulf and Malaysia. In the US, the Gurungs have formed the Tamu Association, the Newars have established the Newa Khala and the Tamangs have formed the Tamang Society of America. They seek to preserve and promote indigenous identities in the diaspora and provide ways for people to be involved in the indigenous nationalities' movement in Nepal. They contribute funds to organizations in Nepal in support of the movement and also send their representatives occasionally.

The political parties representing indigenous nationalities have also played an important role in mobilization. The Election Commission of Nepal in 1990 imposed a ban on political parties, which were formed on the basis of religion, community, caste, tribe or region. Thus, parties such as the Mongol National Organization (MNO) and Nepal

Rastriya Janajati Party were denied registration. A few ethnic parties such as the Rastriya Janamukti Party, which campaigned for ethnic quotas were allowed to contest the polls, but their electoral success was extremely limited. Nevertheless, they have played an important role in raising the indigenous nationalities' awareness regarding their fundamental rights.

The Communist Party of Nepal (Maoists) has played a significant role in the mobilisation of indigenous nationalities. The Maoists began their "people's war" in 1996, and one of their strategies was to incorporate the indigenous nationalities in their war against the state. In 1996, the Maoists' 40-point demands to the government also included certain demands of indigenous nationalities. This was a well crafted move to earn their support. In the course of their "peoples' war", the Maoists also established many ethnic militias and placed their leadership under ethnic heads. In 2004, the Maoists formed their first regional government as the Magaranth Autonomous District and proposed to replicate the phenomenon for other indigenous nationalities. After the Constituent Assembly (CA) elections in 2008, the Maoists were the most vocal supporters of ethnic federalism but their support to indigenous nationalities has been viewed with suspicion by many scholars, especially because of their failure to take forward the issue of ethnic federalism despite winning the maximum number of seats in the 2008 CA elections.

The indigenous nationalities also received external support from various UN programmes, donors, international NGOs, scholar-activists, the International Working Group of International Affairs (IWGIA) and networks formed with other indigenous movements across the world. The UN organs and programmes such as the United Nations Development Program (UNDP), the Office of the High Commissioner for Refugees (OHCHR) and the ILO played an important role in the mobilisation by creating awareness among the people.

Financial assistance from the World Bank, the Asian Development Bank, the European Union's International Fund for Agricultural Development (IFAD) and the British Department of Internal Development (DFID) was also significant. The Netherlands

Development Organization (SNV), Helvatas (Switzerland) and Danish International Development Agency (DANIDA) have also worked with single indigenous nationalities in "community empowerment" projects. Foreign assistance to Nepal, which carried certain conditionalities such as good governance, human rights, social inclusion and democracy promotion, contributed to strengthening the movement. The scholar-activists also played an important role in creating awareness about the rights of these indigenous nationalities.

The government's response to the mobilisation of indigenous nationalities came first in 1992, when a decision was taken to form a National Cultural Council. A task force was set up in 1994, which recommended to air news in those indigenous languages which have speakers of more than one lakh. A second task force was constituted in 1996 which led to the establishment of a National Council for Development of Nationalities (NCDN) in 1997. In 2002, the NCDN was upgraded into a National Foundation for Development of Indigenous Nationalities (NFDIN). However, the governmental steps were considered to be little and too late by the indigenous nationalities.

The indigenous nationalities' mobilisation has made an impact on the Nepali state. The state has recognised the presence of indigenous nationalities within its territory, and accepted the need to extend institutional support for their uplift. The 20-point agreement signed between the indigenous nationalities and the interim government in 2007 fulfilled most of the former's demands. They have been given reservation in administration through the Civil Service Act of 2007, which granted 27 per cent of vacant posts to indigenous nationalities. The government, abiding by its commitment, also signed the ILO Convention 169 and the UNDRIP in 2007, thereby accepting the obligation to protect the rights of indigenous nationalities. It was because of this indigenous nationalities' movement and the Maoists that the issue of federalism has become significant in Nepal. As the issue of federal restructuring remains to be settled, the indigenous nationalities' movement has gathered momentum since 2006.

The present study seeks to analyse how political openness, which emerged with the process of democratization of Nepal in 1990, has contributed to the mobilization of indigenous nationalities. It examines the techniques employed by IPOs in carrying movement forward. Further, the study analyses the role of the Maoists and international actors in the growth of the movement. An attempt will also be made to assess the changes which have occurred in Nepal after the ratification of ILO Convention 169 and the UNDRIP as well as the overall impact of the mobilisation on Nepali society and polity.

Review of the Literature

There is much theoretical literature on the emergence and growth of social movements based on collective identity. But with regard to the mobilization of indigenous groups in Nepal, the literature is inadequate. The present study examines how mobilization based on collective identity transforms into a social movement. The existing literature is classified into five categories, as follows:- (i) collective identity and social movements; (ii) mobilisation of indigenous nationalities; (iii) the role of the Maoist and external actors; (iv) government's response; and (v) impact of the mobilisation on the Nepali state.

Collective Identity and Social Movements

Inspired mainly by the works of Pizzorno (1978), Touraine (1981) and Habermas (1984), Melucci provided one of the most elaborate, detailed and influential theory of the role of collective identity in the study of social movements. Melucci (1989a: 35) defined collective identity "as a process by which the actors develop the common "cognitive frameworks" which enables them to assess their environment and to measure the costs and results of their action'. For Melucci (1996), a mobilization is based on construction of a "collective identity", which is dependent on the collective understanding of the objectives, means and chances to achieve them as well as the common goal of the movement. This theory focused on the complex and indelible "symbolic processes" of translating the microcosm of individual identities into a collective manifestation. In later years, Melucci introduced the concept of "shared" and "interactional" to his definition of

collective identity, arguing that individuals or groups construct a shared definition of the group depending on their actions, their field of opportunities and their limitations (Melucci 1994:15).

Defining collective identity as "shared definition of a group that is derived from members' common interests, experiences and solidarity", Taylor and Whittier (1992: 105-108) states that identity construction processes are crucial in all forms of collective mobilization. They identified three factors which lead to the formation of collective identity: (1) formation of socially constructed boundaries which separate a category of persons from the dominant group; (2) formation of consciousness and criteria that provides the strengthening of a group identity (3) promotion of a group's differences by politicization of everyday life'. For Gamson (1992), collective identity is "influenced by actors' conscious efforts to construct and manipulate identifying symbols. It is also a result of strategic decision as it depends more on mental attitudes and collective memories which get stronger with time".

For Della Porta and Diani (1999: 87-91), the construction of identity 'does not simply proceed as a collective action, rather the formation of identity entails a process shaped by collective action'. For them, identity is neither a object one can posses, nor a property of actors. They describe three important mechanisms for it to happen, 'the collective action defines and redefines the boundaries between actors in conflict, it endangers the networks of relationships of trusts, and it offers a continuous sense of belonging' (Della Porta and Diani 2006: 92). Unlike the other thinkers, Polleta and Jasper (2001: 285) locate collective identity within the individual, defining it as 'an individual's cognitive, moral and emotional connection with a larger community, category, practice or institution'. It is more often understood as something generated and created between two individuals.

There are many elements which lead the construction of collective identity such as collective memories, identification of adversary, conflict, emotions etc. According to Della Porta and Diani, a collective identity depends on the 'attitudes' and 'collective memories', which has been consolidated over time, and over which movement actors

posses control (Della Porta and Diani 2006: 103). The collective memory is developed through festivals, concerts, forums and seminars, educational projects and international co-operation. Research on collective memory have proved that "actors re-appropriate social experiences and history, manipulating them and transforming them creatively, forging new myths and new institutions" (Kononenko and Karpova (2012: 85).

According to Touraine (1977), the identification of an "adversary" is important for a collective identity to develop. Melucci agrees with the above view of Touraine as he considered the "identification of adversary" as essential to the process of consolidating a collective identity (Melucci 1989a: 48-49). Porta and Diani (1999: 43) argues that the adversaries are not fixed or easy to recognize and an "episode of collective action" will probably include the recognition of differing adversaries at different points during a confrontation. Adversaries might include "the state, either as a bureaucratic or administrative force or as a force of domination, the media, scientific or technological elites and even other social movements" (Porta and Diani 1999: 43).

The process of identity formation also contains the elements of memory and emotions. According to Hunt and Benford (2004), emotions play an important role in the formation of collective identity between different actors. Milan argues that emotions are subjective experiences that mediate day to day interactions between human beings. They play major role in participation of the actors in a social movement (Milan 2013: 62). Fominaya (2010) claims that emotional ties between actors keep them going "during setbacks and help them overcome the effects of repression"

The Mobilisation of Indigenous Nationalities

Toffin (2013a: 35) points out that NEFIN has been at the forefront of all activities related to the indigenous nationalities' mobilisation in Nepal. Its main demands include 'reservation of seats in political institutions, employment in public services to ensure better representation at national level, national language status to indigenous languages and education in mother tongues'. Gellner and Karki (2008: 110) claim that NEFIN, since

1993, decided to build alliance with other indigenous movements across the world through the UN Economic and Social Council (ECOSOC). In March 2000, it organized a National Conference on Linguistic Rights, which saw the participation of 75 other organizations. It also played a significant role in the "second peoples' movement" against King Gyanendra in 2006 to restore democracy, and in the success of the 20 point agreement with the government. NEFIN, with an affiliation of 58 IPOs by 2010, is the largest indigenous organization in Nepal with offices in the United States, Australia, Canada, Japan and South Korea (Hangen 2010: 39).

The role of IPOs representing single indigenous groups such as Nepal Magar Sangh and Kirat Yakhthung Chumlung (KYC) is also very significant. These IPOs organize different training and advocacy programmes for members of their respective communities on peace, democracy, indigenous autonomy and constituent assembly. They have also played an important role in the negotiation processes with the government. Bhattarai (2004: 318) claims that along with these IPOs, armed ethnic militias, such as the Limbuan Liberation Front, Mongol National Organization and various other ethnic militias raised by the Maoists, played an important role in increasing the awareness of indigenous nationalities.

Bhattachan (2003a: 34) has discussed the role of women belonging to indigenous nationalities in the mobilisation. In order to claim their rightful position in both the women's rights movement and national development, they have established their organizations and affiliated them to the National Indigenous Women's Federation (NIWF) in 2001, which until the year 2003 had 19 affiliated women's organisations. The NIWF has led the struggle for distinct a identity and space for indigenous women and gender equality within the indigenous nationalities' movement (Bhattachan 2012a: 1).The National Network of Indigenous Women (NNIW) came into existence in the year 2005 and is comprised of indigenous women, activists, professionals and teachers (Lama Tamang 2010: 20).

The political parties representing indigenous nationalities also played a significant role, though they failed to win sufficient seats in the elections (Lawoti 2005: 69) According

to Bhattachan (2013: 40), the Nepal Rastriya Janajati Party and Nepal Rastriya Janamuki Morcha were the first to raise the issue of federal restructuring when they demanded the division of the country into 13 provinces. The Maoists included in the demand in their demands when they launched the "peoples' war".

The indigenous nationalities also received support from indigenous nationalities professional and occupational organizations such as Lawyers for Human Rights of Nepal's Indigenous Peoples (LAHURNIP), the Association of Indigenous Journalists (ANIJ), Indigenous Film Archive and Nepal Federation of Indigenous Students and Indigenous Peoples, and NGOs such as NGO Federation of Nepal's Indigenous Nationalities (NGO-FONIN) and its affiliated NGOs (Bhattachan 2012b: 21). Journalists belonging to indigenous nationalities also decided to create a media forum for advocacy work through Association of Nepalese Indigenous Journalists. It has also trained journalists who supported the indigenous nationalities' movement through media advocacy (Gurung 2007: 21). An informal caucus of the CA members of indigenous nationalities' origin (formed after the CA elections) has been successfully raising the issues of the indigenous groups in the interim parliament.

The Role of Maoists and External Actors

The indigenous nationalities' mobilisation also received support from the Nepali Maoists. According to Gurung (2005: 147), though the Maoists' "peoples' war" officially started on 13 February 1996, the CPN-Unity centre started mobilising the indigenous nationalities since 1991 when they adopted the agenda of a secular state and equality of language and ethnic groups. Since then, it undertook various measures such as the establishment of the All Nepali Nationalities Association in 1992. In 1995, during its first national conference, the Maoists declared regional and national autonomy with right to secession for oppressed regions and nationalities (Viswakarma 2007: 116). According to Bhattachan (2013: 49), the Maoists realized quite early that before addressing class issues, it was important to "gender, caste, ethnicity, language, religion and regional issues". Thus, in their 40-point demands, submitted to the government in 1996, they

decided to uphold the right to self-determination, ethnic, linguistic and regional autonomy, self-rule and equality. According to Gellner (2007: 1827), "the Maoists had the knowledge of ethnic differences. So, they used it as a part of their strategy to establish bases in the territories inhabited by indigenous nationalities as the Naxalites have done in India. So, they established their first base area in the districts of Rolpa and Rukum which is mainly by the Kham Magar indigenous group.

In 1996, when the Maoists decided to abandon the electoral path, the need arose for the establishment of a "ground level" power base. While realising the ethnic discontent, they took advantage of the perceived co-relation between ethnicity and poverty and established the base areas in mid-western hills, mostly inhabited by the Kham Magar indigenous group (Thapa 2002: 87). According to Karki and Seddon (2005: 28), between 1998 and 2000, the Maoists formed about a dozen ethnic/regional front organizations such as the Magaranth (Magar) National Liberation Front, Tamang National Liberation Front, Tamuwan (Gurung) National Liberation Front), etc. The Maoists chose the heads of these militias from the respective indigenous groups (Pyakurel 2007: 92).

In the year 2000, an ethnic department was formed by the Maoists. The party appointed Dev Gurung to head this department. In 2001, as the guerilla war intensified, the Maoists introduced a 14-point programme, which publicly stressed freedom and equality of oppressed nationalities and their right to self-determination. In January and February 2004, they declared nine regions as autonomous (Lama Tamang 2010: 39). The Maoists gave a thrust towards federalism and autonomy through which many of the indigenous nationalities were mobilised but after the formation of the interim government, they have failed in taking forward the idea of federal state. This has created apprehensions among certain indigenous groups. Scholars like De Sales (2008) and Lecomte-Tilouine (2004) have blamed the Maoists for using the indigenous nationalities as "cannon fodders", but it should not be forgotten that the Maoists are the most vocal supporters of ethnic federalism till date.

Along with the Maoists, certain international actors also lend their support towards indigenous nationalities. The support came in the form of bilateral assistance by donor countries, UN programmes, INGOs and activists-scholars. Donors have been active in Nepal since the 1950s concentrating their work in a variety of fields such as poverty reduction, reconstruction and rural development etc. As the government had not officially recognized indigenous nationalities by 1997, most of them did not have any specific policies or targeted programmes for them except a few such as Chepang Livelihood Programme (CPL) initiated by SNV (Shakya 2008). However, since the beginning of the 1990s, donors realized the necessity to work in collaboration with IPOs after the government encouraged them as it declared that social exclusion of these communities were pushing them to the doors of the Maoist (Hangen 2010: 41).

Thus, the indigenous organizations started receiving funds from Plan International, the UNDP and the Canadian government. After the establishment of NFDIN in 2002, and more particularly with the realization that social exclusion was a direct cause of conflict, a number of multilateral and bilateral donors and INGOs such as DFID, IFAD, the World Bank, ADB, DANIDA, USAID, NORAD, Swiss Helvatas, SNV, and MS-Nepal started linking their projects with the indigenous nationalities (Bhattachan 2005: 85). EU in collaboration with a NGO named Action Aid Nepal has carried out the 'Samarthya Project' to empower marginalized indigenous groups. Care Nepal has implemented Janajatis Social and Economic Empowerment Project (JANSEEP) (Bhattachan 2012a: 36).

In 2004, the British government's DFID financially supported NEFIN to carry out a three year Janajati Empowerment project (JEP). With a budget of 1.52 million pounds, this was the largest project with international funding to be carried out by a Nepali indigenous organization. The JEP' objective was to 'increase the role of indigenous nationalities in socio-economic and political process at all levels and to enhance the capacity of IPOs to carry out a successful mobilisation (Hangen 2007: 43).

A number of INGOs have also worked for the empowerment of indigenous nationalities (Lama Tamang 2010: 11). According to Riaz and Basu (2010: 78), the INGOs working with the local communities have in this process fostered "community identities" among indigenous nationalities. As identities got strengthened, the groups set forward to demand various rights from the state. In addition to donors and INGOs, the support of scholar-activists has contributed significantly to the mobilization of indigenous nationalities. According to Dixit (2011: 235), ethnographers played an important role in fostering the idea of the construction of new autonomous regions for the indigenous nationalities, who were earlier not aware of their rights.

The Nepali Government's Response

In response to the growing the mobilisation of indigenous nationalities, the government formed a task force in 1993 whose recommendations led to the establishment of a National Languages Policy Recommendation Committee, a year later (Bhattachan 2003a: 46). Based on the Committee's recommendation , a decision was taken to broadcast news on Radio Nepal for five minutes every day in those national languages (ethnic) which had speakers of more than one lakh (Acharya 2002: 69).

Poudyal (2001 74-75) states that the committee recommended that primary education be imparted in one's own mother tongue and, in this regard, listed some eight languages. But the non-availability of text-books, trained human resources and other resources have imposed constraints on implementation of these recommendations. In 1996, the government constituted a second task force headed by Santa Bahadur Gurung. It recommended the establishment of a 'National Foundation' or an academy for ethnic groups. But, before the formation of a national foundation, the government decided to form a National Committee for Development of Nationalities (NCDN). As per NCDN's recommendations, the government in collaboration with NEFIN recognized 61 ethnic groups in 1997 and came out with a definition of an ethnic group. It also recognized Sankhadhar Sakhwa as the national hero of the Newars and Lakhan Thapa Magar as the first ever martyr as demanded by the Magars (Gellner and Karki 2008: 110).

In 1999, the government came out with the Local Self Governance Act (LSGA) which had various provisions for the decentralization of power from the centre to the District Development Committees as well as Village Development Committees. Under this Act, proposals were made to handover certain number of schools to the local community as well as the recognition of indigenous languages (Mahat 2002: 95). In 2002, the government decided to uplift NCDN as National Foundation for Development of Indigenous Nationalities (NFDIN) under the NFDIN Act, 2002 and recognized the presence of "indigenous nationalities", and also came out with a definition of indigenous nationalities. NFDIN was placed under the Ministry of Local Development (MOLD) and the Prime Minister was made its Chairperson (Sharma-Pokharel 2005: 24).

As far as Nepal's five year economic plans are concerned, the Eighth Plan (1992-1997), proposed "poverty alleviation" as one of its objectives. The Ninth Plan (1997-2002) had a separate chapter for in terms of development. The government also started allotting public funds for programmes of indigenous nationalities. The indigenous nationalities were recognized in the Ninth Plan as 'having distinct and valued identities and traditions that should be preserved and a small scholarship was allocated for girls and Dalits' (Bennet and Parajuli 2013: 6). The Tenth Plan (2002-2007), which had a Poverty Reduction Strategy Paper (PRSP), accepted "social inclusion" as one of the four areas, and, separate programmes were developed for indigenous groups, *Dalits* and women (Bhattachan 2013: 53).

Hacchethu (2003) notes that the political process under parliamentary democracy in post-1990 Nepal created conditions that encouraged the emergence of "disunited elites" who were suspicious of being sidelined by others in the struggle for power. Thus, the disunity led to frequent changes of government, political instability, and nationwide deleterious consequences. Under these conditions, issues of indigenous nationalities were neglected. Hangen (2010) claims that it was only after the Maoists started attracting the indigenous nationalities, that the major political parties, such as the Nepali Congress Party (NCP) and Communist Party of Nepal-Unionist-Marxists-Leninist (CPN-UML),

started initiating programmes for indigenous nationalities. In this regard, the CPN-UML formed a *Jatiyo Mamilla Bibhag* (Ethnic Issues Department) in 1998, while the NCP established a Nepali Indigenous Nationalities Association in 2001. On the issue of ethnic federalism, only the Maoists have a clear agenda.

Impact of Mobilisation on the Nepali State

The outcomes of the mobilization of indigenous nationalities can be seen in a number of developments. First, the government has recognized the existence of distinct indigenous nationalities, along with the formation of NFDIN. In 2006, the NEFIN played an important role in the movement against King Gyanendra who abdicated his powers. In July 2006, the government established District Co-ordination Centres (DCCs) for indigenous nationalities in all district development committees (Lama Tamang 2010). In January 2007, the interim constitution was promulgated following the signing of a peace accord between the Maoists and the political parties that officially brought an end to the "peoples' war". Due to protests by indigenous nationalities led by NEFIN and Madhesis, the first amendment to the interim constitution was made to declare the country a federal republic (ibid.).

NEFIN also called a *bandh* to demand proportional representation and self-determination. In response to NEFIN's demands, in July 2007, the National Planning Commission announced a three-year interim plan 2008-10, which set specific targets and allocated a budget for the development of indigenous nationalities. Most of the developmental agencies including the UN have laid emphasis on "social inclusion" and broadened the developmental discourse to include both identity and cultural rights. In August 2007, the Civil Services Act was amended to include the provision of 45 per cent vacant seats to be reserved for Dalits, indigenous nationalities, Madhesis and those from backward regions (Jones 2009: 17).

NEFIN was also successful in getting the interim government to address the major issues raised by indigenous nationalities. The interim constitution recognized the right of every

community to get “basic education in their mother tongue as provided for in the law” and the “right to preserve and promote its language, script, culture, cultural civility and heritage”. Article 21 of the interim constitution recognized the rights of indigenous nationalities to “participate in state structures on the basis of proportional inclusion”. Article 23 guaranteed the right of every individual to adopt any religion and follow one’s own culture. Article 3 authorised the state to implement special measures “for the protection, empowerment and advancement of indigenous nationalities” (Ananya 2009: 11)

In August 2007, a 20-point agreement was signed between NEFIN and the interim government after ten rounds of negotiations, held prior to the CA elections. Some of the main achievements of indigenous nationalities are acceptance of proportional representation in political parties, use of local language in local bodies and establishment of a State Restructuring Commission to address the issue of federalism (Jones 2009: 17).

On 14 September 2007, the government ratified ILO Convention 169 followed by the adoption of the UNDRIP in the General Assembly. With the signing of ILO Convention 169, the interim government accepted the legal obligation to protect the rights of indigenous nationalities (Lama Tamang 2010: 14). In CA elections held in April 2008, 218 representatives were elected from indigenous nationalities. It included 82 members, elected under the first past the post system, 120 members under the proportional reservation system and 16 nominated ones (ibid: 12).

Out of the total 59 indigenous nationalities recognized by the government, members from 30 groups got representation in the CA while the rest of the 29 groups, which did not get representation, had a very small population. The candidates from indigenous nationalities were successful because the demand for proportional representation was accepted prior to the elections and all political parties were obliged to field candidates belonging to indigenous nationalities. In the elections, parties representing single indigenous nationalities also emerged and participated such as the Nepal National Party, Tamsaling Nepal National Party and various other individual indigenous group-based parties

affiliated to the Federal Democratic National Forum (FDNF)(Lawoti 2013b: 229). As differences exist among the political parties on the nature of federalism, the issue remains to be resolved. Due to the mobilisation of indigenous nationalities, the issue of federal restructuring has become important Nepal's political discourse.

The existing literature has insufficiently dealt with the causes and factors behind the emergence of indigenous nationalities' mobilization in Nepal. It has also been unsuccessful in tracing the origins of the indigenous discourse in the country. The global indigenous movement being a transnational phenomenon, there is also dearth of literature on the support received by indigenous nationalities in Nepal from other indigenous movements across the world and from the United Nations, donors and INGOs. The Maoists' position on the concept of indigenous rights and self-determination has also not been adequately researched. A detailed analysis about the implications of the government's policies towards indigenous nationalities as well the impact of their mobilisation on Nepali society and polity requires to be conducted.

Definition, Rationale and Scope of the Study

The word "indigenous" refers to the living descendants of pre-contact (generally contact by Europeans) aboriginal inhabitants who were living in tradition-based autonomous communities. As there is no unanimous agreement on the definition of indigenous peoples, the World Council of Indigenous Peoples (WCIP) passed a resolution in 1977 stating that only indigenous peoples could define themselves. The concept of indigenous identity has emerged as a condition for political action for many of the world's poorest and most marginalized populations.

As the concept is a legal one, the mobilization is viewed as an expression of identity, revealing something about the groups' collective attachments. These movements challenge the norms and institutions of the state and dominant cultures and the meanings which these structures produce and communicate. A social movement can be defined as a collective mobilisation of a group of people or groups in order to achieve certain aims

and objectives. Collective identity as a concept in social movement can be defined as the process by which an actor and or a group take part in collective action.

The rationale for the study comes from the fact that unlike the indigenous peoples' movement in other parts of the world, the indigenous peoples' movement in Nepal has not been adequately researched. The study has also become significant after Nepal ratified the ILO Convention 169 along with UNDRIP in 2007. The present work is important as it analyses the relationship between the Nepali Maoists and indigenous nationalities as well the impact of foreign aid and support of donors and INGOs on the origin, growth and outcome of the indigenous nationalities' movement.

This present study is being undertaken at a time when Nepal's political system has undergone transformation from monarchy to a republican democracy. The political condition in Nepal has changed drastically since the first CA elections held in 2008. The CA which was elected was supposed to write the constitution within two years. The deadline was extended a number of times by the CA itself, but the CA was finally dissolved in May 2012 by Prime Minister Baburam Bhattarai who announced new elections in November 2012. The CA's dissolution has given rise to doubts in the minds of indigenous leaders about the commitment of different political parties to resolve their pending demands. The second CA election was held in 19 November 2013. The NC and UML bagged the highest number of seats followed by the Maoists. A constitution brought by the strength of these parties in 2015 didn't go well with the indigenous nationalities

After the proclamation of the country as a republic in 2006, the indigenous nationalities felt that their issues of identity were not being sufficiently addressed by the interim government. They took advantage of the political fluidity and started agitations. They carried out violent strikes, agitations and blockades to draw the national and international attention to their agenda. Groups such the MNO led by Gopal Gurung, Khambuan Mukti Morcha and the limbuan Mukti Morcha have warned the interim government that if demands of indigenous nationalities are not met, then they would launch a war against the state to secure their rights. Thus, the study is also important because it analyses the

impact of indigenous mobilization on Nepali society and polity. It will also examine the transformation of the movement from a peaceful one in the 1990s to much stronger and violent one by the end of 2013.

As regards its scope, this study covers the period from 1990 to 2015. The year 1990 marked the restoration of democracy, which provided incentives for the mobilisation of indigenous nationalities. This period saw two agreements being signed between the government and indigenous nationalities in 2007 and 2012 respectively. The first led to the ratification of ILO Convention 169 in August 2007. The first Constituent Assembly (2008-2012) which was formed after the end of monarchy failed to draft a constitution because of the differences between the political parties. The CA proposed a model of "ethnic federalism" but it was opposed by NC and UML. The second CA which got elected in 2013 came out with a constitution two years later which has been contested by indigenous nationalities and Madheshis. The indigenous nationalities have intensified their mobilisation owing to the failure of the political parties to recognize their aspirations and demands.

Objectives

The main objectives of the study are to:

- Analyse the role of democracy in mobilization of indigenous nationalities in Nepal.
- Assess the methods and techniques adopted by IPOs for mobilization.
- Examine the role of Maoists and international actors in mobilization.
- Analyse the government's responses
- Evaluate the impact of the mobilisation on the Nepali state.

Research Questions

The study seeks try to answer the following questions:

- What are the causes and factors behind the mobilization of the indigenous nationalities in Nepal?
- Has the restoration of democracy played any role in the emergence of the indigenous nationalities' movement?
- Did the Nepali Maoists play any role in the mobilisation of indigenous nationalities?
- How far has the international support helped the indigenous nationalities in their mobilization?
- What are the government's responses to the mobilisation of indigenous nationalities?
- What has been the impact of the mobilisation on Nepali society and polity?

Hypotheses

These research questions will be answered by testing the following hypotheses

- The mobilization of indigenous nationalities in Nepal has been primarily facilitated by the expanded democratic space created as a result of the restoration of democracy in 1990.
- The Nepali government's inability to address the issues of indigenous nationalities and the support provided by the Maoists and external actors have led to the intensification of the mobilization process.

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Research Methodology

Using the theory of "collective identity" in the emergence of social movements, the qualitative study has adopted a case study method. This method has been adopted in order to make a comprehensive analysis of the problem in its entirety, keeping in view the unitary character of the subject. One of the main advantages of this method is to intensively study a unit from all aspects and have a greater understanding of it. This method is used to locate the factors behind the behavioural pattern of the unit under study and its relationship with the environment. The use of empirical data against a conceptual background is helpful to deduct answers for the basic questions. Field work has been conducted under the research process. The study has relied on primary and secondary sources. The primary sources include government documents, speeches of various personalities associated with the movement, interviews with political and indigenous leaders and publications of INGOs and indigenous organizations. The secondary sources include books, research articles, newspaper reports, etc.

Chapterisation

The proposed study has been divided into six chapters**.**

Introduction

The introduction has presented a comprehensive background to the chosen theme of the study. In addition, it also provides an extensive review of the literature and identify the research questions, objectives and hypotheses.

Chapter I: Collective Identity and Social Movements: A Conceptual Framework

The chapter addresses the theoretical understanding of collective identity and social movements. It analyses the processes by which collective identity is constructed, sustained and utilized for collective action. It also examines the current debates on the concept of collective identity, besides laying emphasis on movements based on indigenous identity.

Chapter II: Indigenous Nationalities and the Causes of their Mobilization in Nepal

This chapter provides an introduction to the indigenous nationalities in Nepal. It discusses their socio-economic conditions. It also examines the emergence of indigenous discourse among the indigenous nationalities and analyze the methods and techniques employed by them to associate themselves with the global indigenous discourse and other indigenous movements across the world. In Section 2, an analyses of the causes for the emergence of indigenous nationalities' mobilization has been undertaken. An assessment has also been conducted on how the political developments in Nepal since 1990 have influenced the mobilisation process. It also examines the structure of various indigenous organizations and associations and their role in mobilisation.

Chapter III: Strategies of Mobilisation of Indigenous Nationalities in Nepal

This chapter examines the strategies and methods adopted by indigenous nationalities in the process of their mobilization. It analyses the link between the indigenous nationalities movement and the Maoist movement, and the ways in which they both influenced each other. The role of international support in the mobilisation process is also studied, and a detailed analysis of the UN programmes, bilateral and multi-lateral assistance by the donors and international NGOs and efforts of scholar-activists in the promotion of indigenous rights has been undertaken. It also examines how the indigenous nationalities participated in the various international conferences to promote their issues.

Chapter IV: The Government's Response to the Mobilisation of Indigenous Nationalities

This chapter focuses on the Nepali government's response to the indigenous nationalities movement. It assesses the role and the functions of various task forces, foundations and commissions set up by the government for promoting the interest of the indigenous nationalities. It also critically analyses the role of institutions like the National Planning Commission, NCDN and NFDIN.

Chapter V: Impact of Mobilisation on the Society and Polity of Nepal

This chapter examines the impact of indigenous nationalities' mobilisation on the Nepali state. It also undertakes a detailed analysis of the socio-political changes that the country has experienced in the wake of the mobilization process. It also assess the successes and failures of mobilisation.

Conclusion

While summarizing the main arguments in the previous chapters, the concluding chapter makes an assessment of the overall changes that the indigenous nationalities' movement has brought about in the country. In the process, the hypotheses are tested and new insights on the indigenous nationalities' mobilization have been drawn.

CHAPTER ONE

Collective Identity and Social Movements: A Conceptual Framework

Introduction

This chapter deals with the theoretical framework of the study. It will examine the role of collective identity in the emergence, growth and decline of social movements. The second part of this chapter deals with the role of collective identity in the emergence of indigenous peoples' movements across the world.

Research on collective identity began in the 1970s with the emergence of "new social movements" (NSMs) in Europe and North America. The NSMs focus on "new" issues such as peace and environment (Melucci 1989b). The theorists of the NSMs were responding to what they considered to be the failure of Marxism to explain the emergence of so many "heterogeneous" movements in Europe (Webber 2011). These theorists have questioned the Marxists on the following points: the latter were considered 'guilty' of two sets of reductionisms: firstly, economic reductionism, in the sense that an economic logic determines social formations and political and ideological processes, such that politics and ideology are epiphenomena of the economic realm; and secondly, class reductionism, in the sense that the identity of social actors is derived primarily from their class position (Canel 1997: 190).

According to the NSMs theorists, the people who work unitedly to achieve social change are not just co-operating, communicating, interacting, and so forth. They are also sharing a sense of themselves as a group which has a common understanding of the problem (Melucci 1980). The NSM theorists further argue that earlier social movement theories were too narrow and "did not grasp the everyday and identity dimensions of the 'new movements' they sought to explain" These theorists recognize the quest for identity as the main goal of group formation (Johnston et al. 1994: 28). According to Melucci (1980: 218), the theorists dealing with NSMs regard the collective quest for identity as a basic criterion for mobilisation. The factors of mobilisation try to concentrate on the "cultural"

and “symbolic” issues which are connected with sentiments of belonging to a particular group. They grow around relationships which are voluntary conceived to empower the members to “name themselves”. ‘What the individuals are claiming collectively is the right to realize their own identity; the possibility of disposing of their personnel creativity, their effective life and their social and inter-personnel experience’ (Melucci 1980: 218).

Canel (1997) argues that the NSMs theorists suggest that the heterogeneity of the “new” movements were concerned more with the “process of symbolic production and the redefinition of social roles” than the economy. These movements were more expressive than instrumental ones. According to Webber (2011: 4), the NSMs engage in self-limiting, reformist struggles, primarily in the domain of civil society. The main characteristics of NSMs’ perspective consist of culture, in terms of struggle over meaning and the social construction of new collective identities, the pre-eminent role of civil society, as the domain of contention, as opposed to the state and, the stress on discontinuity, as the embodiment of the “newness” of these movements, as compared to the “traditional” collective actors of the old (Canel 1997: 189). Iyall Smith claims that the NSMs make “limited, non-negotiable demands”. They politicise everyday life and do not mobilize across class lines. They are organized around non-hierarchical and democratic ways refraining from one over-arching organization. They seek to engage in “novel political tactics” (Iyall Smith 2007: 7).

Identities: Personal, Social and Collective

According to Parekh, the identity of a being consists of those features that define it as a being or this kind of being rather than some other, and distinguish it from others. The concept of identity means in the first place to a “feeling and a consciousness of a self that remains itself in the face of others and notwithstanding change” (Parekh 2009: 9). Thus, identity according to the above definition is primordial. A person is linked to another due to some pre-existing similarities between the two. Della Porta and Diani define identity as something which is neither autonomous nor a property owned by some social actor. It is a

process by which social actors identify themselves and are identified by others, as a cohesive group (Della Porta and Diani 1999: 85).

Hall argues that identities are not static rather' they are continuously evolving. Identity should not be seen in terms of a ''stable core of an individual undergoing from beginning to end through all different phases of history without change'' Hall claims that identities are hard to define. It is, in basically a result of "social construction". An individual's own "conscious identity is a result of one's interaction with various forms of other identities" (Hall 1996: 3). According to Stevenson, an "identity is like a "narrative that has to be constantly retold and reformulated in the light of new circumstances" (Stevenson 2006: 278). Nagel (1993: 2) also formulates that the identity is a socially constructed variable definition of the self or the other, whose existence and meaning is continuously negotiated, revised and revitalized.

According to Della Porta and Diani (2006: 92), identity is "neither something which occurs naturally, nor a property of the social actors but is the process by which the social actors identity themselves and are identified by other actors as part of larger groupings, and develop emotional connections to them". These groupings may not always be defined in reference to specific social qualities such as class, gender, ethnicity, sexual orientation, or the likes, nor in reference to specific organisations (although they often get defined in those terms (Della Porta and Diani 2006: 92).

Stets and Burke argues that a conceptual distinction can be possibly done between personnel and social identity. 'Personal identities' are the self- designations and self-attributions that an individual adopts during the course of social interaction with others, and are essentially the meanings the individual attributes to the 'self'. 'Social identities', on the other hand, provide a conceptual link between the individual's representation of 'self' and the social structures and groups in which the 'self' is embedded and ultimately constituted (Stets and Burke 2000).

Snow (2001) also claims a difference between personel and social identities. The personal identities are those which the actor accepts for his or herself but the social identities are attributed or imputed to others in an attempt to situate them in social space, often consistent with social roles. He stresses that in reality, there is overlap and interaction between these different identities. However, these important distinctions are easily lost sight of in discussions about collective identity in identity based movements.

According to Tajfel, individuals and groups develop social identity with a purpose to "enhance their self-esteem through cohesiveness or through the comparison with other groups" (the outer group). Tajfel defines social identity "as a part of an individual's self-conception which emerges from his knowledge of his membership as as a social group (or groups) together with the value and emotional significance attached to that membership".A social actor desires to have a positive image of his self and considers their "in-group in a positive sense and distinct from other groups" (Tajfel 1974).

Melucci (1988) draws a distinction between social identities and collective identities. Social identities are 'socio-psychological' but collective identities are constructed, activated, and sustained only through interaction in social movement communities (submerged networks). These identities are further shaped by factors such as political opportunity structures (POS), the availability of resources, and organizational strength (resources and power) According to Melucci (1989), collective identity is an emergent socially constructed property that cannot be reduced simply to subjective individual attitudes' (Melucci 1989a: 35).

According to Snow (2001), the concept of collective identity is a "slippery" one and there is no unanimously agreed definition of collective identity. Melucci (1996: 70) defines collective identity as the "process of constructing an action system". Polleta and Jasper (2001: 285) defines collective identity as "an individual's cognitive, moral, and emotional attachments with a broader community, category, practice, or institution". It is a perception of a "shared status or relation, which may be imagined rather than experienced

directly, and it is distinct from personal identities, although it may be a part of a personal identity".

Taylor and Whittier (1992: 105) define collective identity as "the shared definition of a group which is derived from the members' common interests, experiences and solidarity". According to Melucci (1994), collective identity is a "product of conscious action or the result of self reflection rather than a set of given or structural' characteristics". The collective actor tends to construct its coherence and recognize it with the limits set by the "environment and social relations". Thoits and Vishop (1997: 107) define collective identity as the recognition of the self with a group as a whole. Friedman and McAdam (1992:157) define collective identity as, "a shorthand designation announcing a status – a set of attitudes, commitments, and rules for behavior – that those who assume the identity can be expected to ascribe to".

According to Hunt and Benford (2004: 437), collective identity replaced "class consciousness" as a factor which leads to mobilization and individual attachments to new social movements. Polletta and Jasper (2001: 283) argues that collective identity emerged as a response to fill the limitations in the resource mobilization and political process models of understanding social movements.

Construction of Collective Identity and Mobilisation

Meluccci in his work *Nomads of the Present* (1989), argued that collective identity formation invoves three fundamental dimensions, namely: (i) "formulation of cognitive frameworks[1] concerning the ends, means and field of action; (ii) activating relationships among the actors who then establish communication, and decision making networks; and (iii) emotional bonding which creates personel investment in the process and outcome" (Melucci 1989a: 55).

According to Melucci, the construction of collective identity is a social process which is performed by "submerged networks" of small groups which are concerned with the

[1] Cognitive frameworks denote poitical consciousness and relational networks.

ongoing routines of everyday life. Thus, the cognitive framework is not necessarily unified or coherent but is shaped through interaction and comprises of different and sometimes contradictory definitions. This is important because it shows that the actors do not necessarily have to be in complete agreement on ideologies, beliefs, interests or goals in order to come together and construct a collective action. The third aspect is making "emotional investments", which enable individuals to recognize themselves as the "we" in collective identity.The process of collective identity construction also includes the actor's role in "establishing linkages between different incidents, public or private, situated at different points in time and space which are important to its experience, thereby, weaving them into broader, encompassing narratives (Melucci 1988: 343).

Melucci's views on the construction of collective identity have evolved as it can be seen in his later writings. By 1995, Melucci began to see collective identity more as a "process than a product". Melucci stated the 'empirical unity of a social movement should be considered as a result rather than a starting point". Thus instead of analysing a social movement as an already constituted collective actor, he sought to understand how it became a movement in the first place (Melucci 1995). Melucci (1994:15) introduced the concepts of "interactional" and "shared" to his earlier definition of collective identity, explaining that several individuals or groups interact with each other to produce a shared definition of the group based on their orientations of actions, their field of opportunities, and their constraints. By "interactive and shared" Melucci considered the construction of collective identity as something which should be seen as a process rather than a product (Melucci 1995: 44).

Melucci further argues that a collective identity should not be viewed as something which is static; rather, it is a process through which a "collective becomes collective".Thus, it is a process of "constructing an action system", where identities are not fixed but remains continuously in motion. Meluccci described this process as "identization" to stress an orientation towards "solidarity over solidity" and emphasizes the process of renegotiation which takes place in social movements. The concept of collective identity therefore

highlights the “self-reflexive” capacity of social actors to recognize themselves and the field of opportunities and constrains in which they are situated and to adapt their practices accordingly (Melucci 1995: 47).

According to Taylor and Whittier, collective political actors “do not exist de facto by virtue of individuals sharing a common structural location; they are created in the course of social movement activity”. Thus, in order to understand any politicized identity community, it is necessary to analyze the social and political struggle which created its identity. In other words, a collective identity does not pre-exist, but is actively constructed and negotiated by the social actors (Taylor and Whittier 1992: 109). They provided three analytical tools for understanding the construction of collective identity: boundaries, consciousness, and negotiation.

Boundaries denote ‘‘the social, psychological, and physical structures that establish differences between a challenging group and dominant groups’’. The boundaries raise the “awareness of a group’s commonalities and frame interaction between members of the in-group and the out-group’’ (Taylor and Whittier 1992: 111). After boundary creation, the second component of collective identity construction is “consciousnesses”. This refers to the “interpretive frameworks which emerge out of a challenging group’s struggle to define and understand its interests”. This means the development of “political or oppositional consciousness”. The third component is “politicisation of the self and daily life”. In this process, a culture of direct opposition to the dominant order is developed. In other words, collective identity formation in social movements is “by nature oppositional to dominant cultural practices” (Taylor and Whittier 1992).

According to Eisenstadt and Giesen, a collective identity is socially constructed. It depends on a process of “induction where social actors designate certain common attributes among themselves”. The process also entails the construction of a sense of “equality” among the members of the social group (Eisenstadt and Giesen 1995: 74).

According to Johnston et al. (1994), "identity is not an immutable characteristic, pre-existing action". Rather, it is through actions that certain sense of belonging is either reinforced or weakened. Thus, the evolution of collective action produces and encourages continuous redefinition of identity (Fantasia 1988). A collective action is often a process which develops over time. The motivations which lead to action, and the underlying concerns, are developed through interaction with other actors. Social actors involved in collective actions may not always mobilize on the basis of "pre-existing identiies", but these may develop in the course of mobilisation (Della Porta and Diani 2006: 105).

Crane states that a collective identity is the definition of "we" that orients movement participants in relation to social problems, possible solutions, and action. Collective identity is socially constructed. The social actors develop their collective identity, reflecting on the meanings of their words and actions. Thus, self-identification cane be sometimes be the fundamental goal of a movement (Crane 1994: 396).

According to Hall (1990), 'identities are not static, constant, fixed or self-evident. They are a process rather than a product'. Moreover, central to the construction of identity is the dichotomization of the "self" and the "other". This is a process whereby unity is created on the basis of difference. This process of defining self from the other is fluid and looks different in different contexts where to draw the boundary between self and the other is not self-evident, since identity will always be ambiguous and categories are not mutually exclusive (Hall 1990: 222).

Role of Boundaries

A collective identity involves a sense of 'we', against 'them' in a conflict over 'this'. And this has been the essential characteristic of the new social movements (Melucci 1980). According to Melucci, a collective identity involves the ability to "distinguish the (collective) self from the other and to be recognized by those others" (Melucci 1995: 47). In a social movement, the criteria for membership are highly unstable and dependent on

mutual recognition between social actors. Thus, developing a definition of between "self and the other" is an important aspect for collective action (Melucci 1996).

Gamson (1992) argues that collective action requires the development of a "we" characterized by common qualities and a specific solidarity. Equally important is the recognition of the "other" who is defined as responsible for the actors condition and against whom the mobilisation has been undertaken (Gamson 1992). Among the methods in which collective identities are created and maintained, clarifying boundaries of membership is central (Gamson 1997: 181). In other words, identity requires difference; building collecting requires not simply pointing out similarities but also marking out the differences. The construction of collective identity is inevitably connected to some level of boundary patrol where the social actors identify their friends as well as adversaries (Gamson 1997: 181).

According to Hall (1990: 22), central to the construction of identity is the dichotomization of the "self" and the "other". This is a process whereby the collectivity forges on the basis of difference. Calhoun argues (1994: 27) that the construction of collective identity also contains aspirations to differentiate oneself from the rest of the world and to be recognized by it. According to Snow (2001), collective identity is based on a shared sense of "oneness" or "we-ness" dependent on real or imagined "shared qualities" among those who form the collective group in comparison to the real or imagined "other" group. Large part of the discussions on collective identity views the drawing up of a "cognitive boundary" as a significant step for collective action. A strong feeling for the group makes participation pleasurable in itself, which is not dependent on the movement's final goals and results (Goodwin et al. 2001: 8-9).

Melucci (1995: 47) states that construction of a collective identity depends on the ability of a "collective self to distinguish from the other". In social movements, the criteria of membership are ultimately dependent on mutual recognition between actors. The consolidation of the definition of the identity in terms of "who is and who is not part of the network" plays a significant role in the emergence and shaping of collective action.

Role of Conflict

Touraine (1977) points out that the identity of a social actor takes shape during the participation in a social movement. This takes place after a sequence of "social conflicts" which progresses 'from a vague, deeply outlined whole to a set of crystallized beliefs'. The identification of an "adversary" becomes important during the process of social movement. Touraine remarks that 'no social movement can be organized if an enemy is somehow not indicated and named. 'It is conflict which causes the adversary to emerge (i.e., to become more clearly marked out) parallel to the development of the identity of the actors on both conflicting sides'. According to Melucci (1995: 48), conflict provides the basis for the consolidation of group identity and for solidarity, rather than shared interests.

According to Melucci (1989a: 48-49), conflict leads to "consolidation of group identity and solidarity". Melucci stresses that the recognition of the adversaries is essential to the process of "identization". Social movements need to locate an enemy amongst multiple potential interlocutors. Otherwise, collective action can easily transform into "ritual, or banal equivocation".The "enemy's orchestration of power must be revealed for the movement to remain credible within its political milieu and the wider public sphere" (Melucci 1996) Thus, confrontation is an essential part of social movement activity. However, confrontation in itself is not sufficient either to indicate the presence of a social movement or to sustain a collective identity and as Tarrow (1998) suggests "it is only by sustaining collective action against antagonists that a contentious episode becomes a social movement" (Tarrow 1998: 6).

According to Della Porta and Diani (1999: 43), the adversaries are not fixed or easy to identify and an episode of collective action will probably involve the recognition of differing adversaries at different points during a confrontation. Adversaries might include

the state, either as a bureaucratic or administrative force or as a force of repression, the media, scientific or technological elites and even other social movements (Chesters and Welsh 2011: 51).

Role of Memory and Emotions

The process of identity formation also contains the elements of memory and emotions. 'The "strength" of an identity comes from its emotional side' (Goodwin et al. 2001: 9). Collective emotional experiences play an important role in the construction of a collective identity (Melucci 1996). The construction of collective identity involves the recognition of "shared identities" among individuals and the collective development of emotional investments in each other (Melucci 1989a: 35). According to Hunt and Benford (2004), emotions play an important role in the formation of collective identity between different actors. Milan argues that emotions are subjective experiences that mediate day to day interactions between human beings. They play major role in participation of the actors in a social movement (Milan 2013: 62). Fominaya (2010) claims that emotional ties between actors can keep them going during setbacks and help them overcome the effects of repression.

Collective identity also depends on the 'attitudes' and 'collective memories', which has consolidated over time, and over which movement actors posses control (Della Porta and Diani 2006: 103). According to Kononenko and Karpova (2012: 85), collective memory is produced through festivals, concerts, forums and seminars, educational projects and international co-operation. Studies of collective memory have shown that actors re-appropriate social experiences and history, manipulating them and transforming them creatively, forging new myths and new institutions (Porta and Diani 2006: 108).

Similarities between Movements of Indigenous Peoples, Women and Global Justice

Parekh (2009: 37) states that 'collective identity' establishes solidarity among marginalized groups. It provides them the strength to raise their concerns infront of the dominant culture. Based on their "shared experiences" and the demands, a partcilular

group can come together for collective mobilization. An absence of shared concern would mean that the particlur group doesn't have any 'collective identity'.

He also mentions that that all women share common experiences of exploitation and dispossession. They suffer of patriarchy, discrimination and sexual abuse. This provided the basis on which a 'shared identity' is constructed. This identity is not being granted. Rather, it is constructed by means of a careful explanation, articulation and interpretation of these commonalities. In the case of the global justice movement, activists in events as distant as the Battle of Seattle (USA) and Narmada Bachao Andolan in India come together in the same movement through the 'processes of identity-building based upon organizational networking and supranational communication' (Porta and Diani 2006: 21).

Likewise, according to Bowen (2000: 66), the indigenous peoples' movement is representative of a new social movement. It has been organized around indigenous identity aimed at changing 'existing structures of domination and exclusion'. Indigenous peoples may not have 'natural' affinities with each other. They can also not be, in a sense, homogeneous. Yet, the indigenous peoples' movement is based on a common collective identity based on their 'indigeneity'. According to Houghton and Bell, two central themes have characterized indigenous movements since the 1980s. The first has been an increasing "collective political consciousness" of their identity regarding their 'subordinated' situation, and therefore the emergence of demands for the recognition of their rights. The second has been the growth of political and cultural activities to guarantee the existence of indigenous societies (Houghton and Bell 2004: 12).

Collective identity is a complex construction which is dependent upon a high degree of reflexive work by movement actors who are required to engage in a "tripartite process" of recognition, which involves identifying themselves, their adversaries and a system or structure of power (Chesters and Welsh 2011: 50). According to Polleta and Jasper (2001), social movement scholars have also been attracted to collective identity as a response to fill the gaps in dominant resource mobilization and political process models. But at the end, it has almost become clear to us that no present theory of social movement

is successful in explaining a mobilization process. Thus, in many cases, an analysis of all the theories is required to understand a mobilization process.

Like all other theories of social movements, the theory of collective identity also suffers from certain limitations. In this regard, Tarrow (1994) has mentioned that "collective identity approach should focus on the way movement organizations mobilise within a political system of opportunity and constraint". Thus, in their later formulations, the theorists of collective identity approach have never totally dismissed the role of 'resources' and 'political opportunities' in the emergence of movements. The collective identity theory, which originated in Europe, was later on adopted by various American sociologists, though with certain modifications. Thus, although theorists of social movements have viewed the varied theoretical perspectives as competing paradigms, more recent research on social movements has viewed them as complementary.

Indigenous Peoples': Defintions

The word "indigenous" has emerged from the Latin word 'indigena' which means a person 'born in a country' or 'native' (Hodgson 2002: 103). In the mid-seventeenth century, it referred to people or products "born or produced naturally in a land or region; Native or belonging naturally to the soil, region, etc" (Oxford English Dictionary 2002, indigenous). The term developed as an 'international legal concept' within the framework of European colonialism after the Berlin Africa Conference of 1884-1885, in which European countries undertook a decision to "regulate the colonisation of Africa by basically dividing the continent and the trading rights among themselves (Erni 2014: 8).

After World War II, the term 'indigenenous' made one of its first legal appearances in a 1953 report of the International Labour Organization (ILO) "Indigenous Peoples: Living and Working Conditions of Aboriginal Populations in Independent Countries". From that point onwards, it has developed as a "global currency" which is closely connected with emerging human rights standards (Niezen 2005: 539).

The first attempt to define for indigenous peoples at UN was made in 1971 by a Special Rapporteur named Jose Martinez Cobo. The definition states:

> Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Dias 2008: 9)

Cobo's definition of indigenous peoples was not unanimously accepted. The majority of the people covered under the Cobo definition were basically groups that have been colonised by European settlers. Many felt that definition meant that the criteria for being indigenous were to have suffered a history of colonization. The groups which would come under this definition included the Aborigines (Australia, Canada), Maoris (New Zealand), American Indians or Native Americans, and Inuits in Canada, Alaska and Greenland (Eide 2007: 63).

However, this definition is not applicable to most Asian and African countries where Euoropean settlers had not "displaced whole populations of peoples and replaced them with settlers of their origin". In many parts of Asia and Africa, the European settlers have not colonised or suppressed the people. In this countries, the "dominant groups have suppressed marginalised groups and it is in this response, the indigenous mobilisations were based" (United Nations 2009: 6).

Most Asian governments until now do not explicitly recognise the concept of "indigenous peoples". They tend to either identify everyone as indigenous or argue that there are no indigenous peoples in their countries, because European colonialism has ended, the existence of which indigenous is fundamentally rooted. This is the basis, for example, of China's position (Baird 2008: 201).

Similarly, in the case of Africa, many governments have argued that all Africans are indigenous to Africa and that by dividing Africans into indigenous and non-indigenous, distinct categories of citizens are being created with differential rights (United Nations 2009: 6). Inspite of the efforts of many Asian and African governments to derecognise indigenous peoples in its territories; there has been an increasing momentum behind the claims of indigenous identity in Asia and Africa (Niezen 2003: 74).

The debate regarding who constitute as indigenous peoples in Africa was addressed by the Working Group of Experts on Indigenous Populations/Communities of the African Commission on Human and People's Rights (ACHPR) which noted that a "modern approach should not put much stress on the early definitions focusing on aboriginality and instead emphasize: (i) self definition as indigenous and distinctly different from other groups within a state; (ii) a special attachment to and use of their traditional land whereby their ancestral land and territory has a fundamental importance for their collective physical and cultural survival as peoples; (iii) an experience of subjugation, marginalisation, dispossession, exclusion or discrimination because of their different cultures, ways of life or modes of production than the dominant model"[2]

Athough a position that a definition was not essential eventually prevailed within the UN Working Group, Asian governments expressed opposition regarding the application of the concept of indigenous peoples in their countries (Erni 2014: 6). The indigenous activists from Asia who took part in the drafting of UNDRIP tried to persuade Asian governments to reconsider their position regarding the definition. Tauli-Corpuz, a former chair of the Permanent Forum and one of the leading Asian indigenous negotiators during the drafting of the UNDRIP stated:

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[2] Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities, adopted by the African Commission on Human and Peoples Rights at its 28th ordinary session (2005) pp. 92-93

> indigenous representatives who participated in the negotiations, conducted several meetings with member-states from Asia to explain why a global definition of indigenous peoples cannot be adopted (a) adopting a global definition will lead to the exclusion of certain indigenous peoples' as it can never adequately understand the diversity of indigenous peoples; (b) a permanent definition will finalise the characteristics of indigenous peoples without taking into concern, their constant evolution and development; and (c) the insistence on a definition is an act of discrimination. The term "peoples" and "minorities" has not been defined by any instruments of UN. Why in the case of indigenous peoples, the states emphasizes that a definition be made? (Erni 2014: 5).

The lack of definition of "indigenous peoples" in the UNDRIP is connected to the principle of "equality". If any actor other than the indigenous peoples themselves were to decide who is indigenous and who is not, the principle of equality would be deprived of its very essence (Barelli 2009: 961). Due to the strong objections of many states, they argued "self-identification" should be the fundamental criteria for determining who would come under the Declaration in order to defuse the power of states, the UN, and other bodies to decide who was or was not indigenous. Thus, the final text of the Declaration does not define "indigenous peoples" anywhere in the preamble or articles (Hodgson 2011: 40).The UNDRIP finally has relegated the issue of "definition" at the national level (to be decided by the respective countries) (Erni 2014: 6).

According to Niezen (2003: 224), "the ownership of the term indigenous peoples is changing hands". Thus, the indigenous title can no longer be confined to Americas, Artics and Australia rather Asians and Africans are adopting this title. In the words of Hodgson (2011: 60), by broadening the concept of indigenous peoples to include claims from Asian and African countries, the indigenous peoples' movement has transformed itself into something "more inclusive and potentially more contentious". The definition of the term has also become much more controversial as it has been adopted by many marginalised groups to define and promote their movements (Hodgson 2011: 221).

At present, the only definition of indigenous peoples that is legally binding to ratifying states is the one included in the ILO Convention 169 which was adopted in 1989 (ibid: 222). Article 1 indicates that "self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

The ILO Convention 169 also does not provide a definition of indigenous peoples. Article 1 of the Convention contains a statement of coverage rather than a definition, indicating that the Convention applies to:

> a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions (Hodgson ibid.).

The Convention states that "self-identification" as indigenous or "tribal" shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

Collective Identity, Indigeneity and Indigenism

Nair (2006: 8) defines 'indigeneity' as the quality of being indigenous or "indigenousness". According to Merlan (2009: 3), indigeneity refers to the "internationalization of the concept of indigenous identity on the basis of a sphere of commonality among those who form a world collectivity of indigenous peoples in contrast to the various others". Maaka and Fleras, define indigeneity as the "politicisation of consciousness of original occupancy" on the conditions for reward and relationships. As a discourse, indigenetiy refers to "indigenous peoples and first nations whose

customary rights to self-determination over jurisdiction of their lands, identity and political rights have never been fully suppressed but remains undisturbed for purposes of identity, belonging and relations" (Maaka and Fleras 2002: 92).

For De Costa (2006: 6), indigeneity means the "assertion and pursuit of indigenous difference and rights". Minde (2007: 35) defines 'indigeneity' as a new form of global indigenousness**.** According to Jung, the concept of "indigeneity" is broadly understood in relation to a history of colonialism and invasion that shape the economic and social location of aboriginal populations. As per this definition, it is basically the indigenous peoples' in the Americas, Australia and New Zealand who qualify as indigenous but marginalised minorities everywhere have tried to position themselves as indigenous peoples in order to claim their rights and the political opportunities accorded to them by international human rights law (Jung 2008: 184).

Niezen (2003: 3) defines "indigenism" as the global[3] movement of indigenous peoples. Indigenism is an international movement which aspires to promote and protect the right of the world's 'first peoples'". For Niezen, indigenism designates a fresh conceptualization of indigenous identity under recent conditions of globalisation. He states:

> Indigenism is a global movement which has achieved momentum over the last few decades largely out of the notice of observers, pundits and theorists of international events. This movement, it is true, is smaller in scale, more fragile, and less turbulent than the nationalist upheavals of the past two centuries, but it nevertheless has the potential the way the states manage their affairs even to reconfigure the usual alignments of nationalism and state sovereignty (Niezen 2003: 3).

According to Niezen, indigenism is "not only a legal and analytical concept but also an expression of identity, a badge worn with pride, which shows something significant and personal about its wearer's collective attachments". Indigenism is like an identity which

[3] The usage of the word global has been debated by many scholars who termed the indigenous peoples' movement as an international or transnational social movement.

"brings together survivors of the Holocaust, based on evidence, testimony and collective memory". It is also a global process which acts as a "counterweight to the hegemonic strategic interest of states" (Niezen 2003). Morgan refers to it as a "movement which is aimed at advancing the rights and status of indigenous peoples worldwide" (Morgan 2007: 278).

Niezen argues that the "indigenous leaders assemble in international conferences to share experiences and undertake collective strategies". Although, on many instances, differences have emerged between indigenous peoples from different regions but the general environment in which indigenous delegations work is one of shared experience and intensive co-ordination (Niezen 2003: 10).

Indigenism or the global indigenous peoples' movement has empowered new actors in international politics. As a part of the movement's emphasis for self-determination, it has promoted a collective subjectivist practice of identifying indigenous peoples. Recognition of a people as an indigenous people by the global movement provides a level of legitimacy that can counteract a government's refusal to acknowledge a people as indigenous. In turn, this legitimacy also strengthenes the people's agency by offering a normative basis for the making of claims, resources for framing, and potential linkages to transnational allies (Larson et al. 2008: 72-73).

According to Tuwihai Smith (2008: 108), the indigenous peoples' movement can be "understood in a simple language as an indigenous social movement which though emerged as a movement of people got transformed as a movement of peoples". The addition of an extra's' to the earlier definition demonstrates the plural and collective nature of the movement. Although the struggles of indigenous peoples in different countries have their own independent histories but the growing profile of political activities occurring on a world wide scale has provided a renewed impetus to many indigenous groups.

The indigenous peoples' movement contains many diversified features. It has grown as a "shared international discourse" which has encouraged indigenous activists to interact across cultural barriers while maintaining and taking their directions from their own communities or nations". The indigenous peoples' movement is at all levels highly political. It intersects in "complex" and often "contradictory" manner with the domestic politics of many countries (Tuwihai Smith 2008: 15).

According to Morgan, indigenous peoples are "collective" actors in the global indigenous movement. The movement has several global characteristics. In composition, it consists of representative of indigenous groups and organizations from all continents of the globe. Although, the indigenous groups from Asian and Africa have been late in joining this global movement but many of them have successfully achieved the global sources of funding, information, support and legitimacy (Morgan 2007: 276-277).

According to Greene (2004: 211) in the past few decades, the indigenous peoples from different regions of the world had succeeded to formalize their own forms of political struggle and representation at local, national and global levels. In this process, they have formed an "institutional network of indigenous activists, organizations, and advocates that is global in scope". The indigenous peoples have became aware of the existence of other indigenous people throughout the world, and this has clearly been followed by an "international movement" (Montes and Cisneros 2009: 139).

Role of Transnational Networks in Indigenous Peoples' Mobilisation

The concept of "network" has been made popular by advocates and scholars of transnational politics (Keck and Sikkink 1998a; Tarrow 2005: 163). Keck and Sikkink (1998a: 4) claim to have borrowed the concept of "network" from sociology and applied it transnationally. By doing this, they have tried to bridge the increasingly artificial divide between international and national realms.

According to Smith and Duncan, transnational networks are "infrastructures that help ideas, organizational models, and inter-personnel connections flow and converge across

national borders". They have strengthened people's ability to articulate and implement these shared aspirations and values. Such networks between social movement organizations and other actors in the global political environment have changed rapidly in recent decades, largely in response to the demands for wider solidarity (Smith and Duncan 2012: 3).

According to Keck and Sikkink, the transnational activists develop "networks" when they feel that it will strengthen their organizational missions- by sharing information, attaining greater visibility, gaining access to different publics, multiplying channels of institutional access, and so forth. The networks are normally formed around particular campaigns or claims. Networks breed networks; each networking becomes a repertoire of action that is diffused transnationally, each effort to network internationally is less difficult than once before. Over time in these issue areas, participation in transnational networks has become an essential component of the collective identities of the activist involved (Keck and Sikkink 1999: 93).

According to Castells, social movements need the legitimacy and support provided by local groups, but must at the same time think local and act global, because the "networks of power" act simultaneously at different levels (Castells 2001: 142-143). Many indigenous groups have developed networks to become a part of the global movement as well as achieve success at home.

According to Nair, the popularity of the notion of indigenous peoples has been primarily due to the "transnational networks" which have given them a common platform for articulation (Nair 2006: 2). According to Niezen, the indigenous peoples' movement is grounded in "international networks. Indigenous peoples have formed "networks" in order to establish a global "we-they" dichotomy. They have identified a set a boundaries for membership and experience which can be achieved only through "birth or hard-won international recognition" (Niezen 2003: 9). Jung claims that 'the politics of indigenous rights is a contemporary form of political organization and expression, which operates through "international networks" and alliances' (Jung 2008: 184).

According to Brysk, the indigenous peoples movement had become internationalized largely through transnational relationships with intergovernmental and non-governmental organizations (INGOs and NGOs) creating network of non-state actors which operate relatively autonomously of state interests (Brysk 1996: 39).Brysk argues that one of the most significant actors which contributed to the emergence of indigenous peoples' movements was the vast number of networks created by international humanitarian Non-governmental Organizations (NGOs). Activists from regions of the world, who were engaged in issues of development, human rights violation and environment concerns, support for self-determination emerged from these networks. They played an important role in strengthening the indigenous peoples' movement (Brysk 2000: 65). The transnational networks provided indigenous peoples, five Cs: cash, courage, contacts, consciousness and campaigns. These in turn helped the indigenous peoples to get recognition in the international arena (Brysk 2000). Puig claims that the "construction of a strong network of indigenous organizations, coalitions, and celebrities was crucial in putting indigenous peoples' issues on the agendas of national and international institutions (Puig 2010: 79).

According to Tuwihai Smith, the indigenous peoples around the world belong to a "network of peoples". In the international meeting and networks of indigenous peoples, debate, discussions, speeches, structured silences and other conventions have helped in developing trust, sharing information, strategies, ideas (Tuwihai Smith 2008: 15). According to Hodgson (2002: 1037), "an increasing number of historically marginalized groups have become indigenous by joining transnational networks and alliances which have promoted their mobilization as well as their demand for recognition of their rights from their respective nation-states and the international community".

This process, however took little time as indigenous communities rediscovered themselves and connected nationally, regionally, linguistically and then internationally (Tuwihai Smith 2008: 112). In this way, indigenous peoples' movement has succeeded in establishing a norm of indigenous-peoples' participation internationally and has also

influenced the international agenda on a number of issues. As part of this activity, the movement has also expanded it agency by constructing allies**,** mainly with the secretariat staff in important UN bodies (Larson et al. 2008: 73).

The transnational networks and alliances among indigenous peoples have been forged through organizations such as the International Work Group of Indigenous Affairs (IWGIA), Euro-American advocacy organizations (Cultural Survival) and electronic media (Levi and Maybury-Lewis 2012: 79). Some other organizations which have facilitated this 'network' are World Council of Indigenous Peoples (WCIP), the Indigenous World Association, the Internatioanl Indian Treaty Council (IITC), the Asia Indigenous Peoples Pact (AIPP) the Inuit Circumpolar Council (ICC) and the International Alliance of the Indigenous and Tribal Peoples of the Tropical Forest (Niezen 2003 10). The state, union, churches and NGOs have played a significant role in constructing these networks. While pursuing their respective missions, these organizations have provided institutional links that which allowed the construction of trans-local indigenous identities and movements (Yashar 1998: 36). In South America, certain indigenous peoples with the support of transnational organisations and coalition building have been successful to influence the national legislative agendas (Brysk 2000)

In Asia, the "transnational networks" of indigenous peoples' organisations have provided new sources of ideas, identity, legitimacy, and resources for groups and communities that were once thoroughly marginalized (Barnes et al. 1995). The AIPP since 1992 has played a significant role in promoting the rights of indigenous peoples' in Asia. According to Gray (1995: 44), AIPP provided opportunities for indigenous peoples in Asia to come together and decide as to what extent they would like to connect to the international indigenous peoples' movement. AIPP has organized many conferences in Asian countries to promote the rights of indigenous peoples. Due to the efforts of AIPP, the applicability of the term "indigenous peoples" has been increasing in many parts of Asia as various groups have come to recognize similarities between their concerns and the concerns of other indigenous peoples across the world (Gray 1995: 57).

In Africa, IWGIA has played a significant role in assisting certain African groups to connect their struggles to the international indigenous peoples' movement. It has promoted the participation of Africans groups at the important UN meetings which has led to the expansion to the working definition of "indigenous" to embrace their positions and claims (Hodgson 2011: 30). The IWGIA has sponsored national, regional, and international workshops to create awareness and discussion of the applicability of the concept. It has funded and assisted the participation of African indigenous activists at the annual meetings of the UN Working Group, the UN Permanent Forum and other important UN World Summits. It has also the funded the capacity-building and human-rights programmes of many African NGOs (Hodgson 2011: 31).

Hodgson argues that IWGIA was convinced that participation in UN meetings offered "unique opportunities" for indigenous peoples to portray their condition and pressurise the international community and national governments to respect and protect the human rights of indigenous peoples for their cultural and physical survival (Hodgson 2011: 31). In Africa, groups such as Maasai, Kung San, Batwa, and other African groups became actively involved in the international indigenous peoples' movement with the support of transnational advocacy groups. They also formed regional and continental networks to pressure African states to recognize the presence and rights of indigenous peoples within their borders, to support and coordinate the activities of African NGOs within the UN process, and, more specifically, to promote ratification of the UNDRIP (ibid: 26).

Role of Information and Communication Technologies

According to Nina O'Brien (2010: 128), online communication has helped in the construction of "shared identities" among individuals and groups. They have provided a space for interaction where individuals and groups have "enacted, constructed and reformed their identities". According to Tarrow (2005: 6), new electronic technologies and broader access to them have strengthened the capacity for movement campaigns to be organized rapidly and effectively in many locations at a time.

According to Tarrow (2005: 6), a collective action requires activists to "harness awareness, become conscious of and seize opportunities, formulate their demands in a manner that enable them to connect with others and to identify common targets". The development of less expensive networks (telephone, fax and internet) together with together with affordable travel opportunities and denser links between countries, has granted an opportunity to organisations to conduct social movements on a global scale (Cohen and Rai 2011: 8).

The formation of collective identity has become easier due to the internet's ability to bring together people of similar concerns located in geographical areas, making the diffusion of collective identity faster and easier (Della Porta et al. 2006: 108). The internet has provided many advantages. Firstly, it has helped in the organization to keep themselves "networked". Secondly, it became a medium for the direct expression of dissent. Thirdly, it had a cognitive function, which enabled information to be distributed and public opinion to be sensitized on issues hardly covered by mainstream media, thus reinforcing collective identities (Della Porta et al. 2006: 94).

According to Castells, the internet **"**fits with the basic characteristics of the kind of social movements which emerged in the information Age". The internet is not only a simple technology, it is a communication media and the material infrastructure of a given organizational form called the "network" (Castells 2001: 135–36). The internet has provided social movements with cheap and fast means of international communication that has reduced mobilization costs and favoured highly flexible, loose organizational structures (Della Porta et al. 2006: 94). It has become an organization force shaping both the relation among organizations, and in some cases, the organization themselves (Bennet 2003: 156).

The indigenous peoples have used many tools of a globalizing world such as the spread of ICT, high-speed travel, and trans- and international networking (Belton 2010: 207). The benefits of globalization has not affected indigenous groups equally but some of them have succeded to use the tools of globalization to promote their rights and achive

certain goals. The indigenous peoples' were no longer responding to the dominant discourse but were positioning themselves through cyberspace and the UN Permanent Forum to present alternative viewpoints which others had to encounter. In addition, they are no longer mere objects or subjects of study at international conferences and in international declarations rather they have become actors who influence international institutions, organise and attend international conferences, and have helped create the declarations and policies which concerns them. Indigenous peoples, therefore, are bridging the divides they did not create, and in the process are gradually remaking themselves and the world (ibid.).

The development of modern communication system such as the internet and other digital ICTs has helped the indigenous groups to establish as well as strengthen their networks (Dalhgren 2004). The internet and other forms of ICT have offered indigenous peoples spaces from which to correct representations rapidly, raise awareness about human rights issues, engage in inter personnel communication, and tell their narratives (ibid: 195).

Indigenous organizations have made use of electronic media and technologies of communication and transportation to maintain international connections (Niezen 2003: 10). According to Havemann (2011), since World War II, a number of international and national human rights provisions relevant to indigenous peoples has emerged which lends itself to an ICT-assisted politics of rights. The indigenous peoples have so far invested a large amount of resource on ICTs. These technologies have helped them to build sites of "counter-hegemonic power" which gave unprecedented exposure to their "politics of naming and shaming" to reclaim their traditions and lands through assertion of rights (Havemann 2011: 21).

The collapse of time and space through the use of ICTs has contributed to the effectiveness of "network politics" of indigenous peoples (ibid: 29). Increasingly, by employing ICTs, tribal, pan-tribal, regional and global indigenous peoples' alliances have been formed which have organized and acted in a concerted fashion in supra-state and international fora that seem open to assisting their empowerment. Information concerning

legal and political strategies, judicial decisions and human rights victories has been easily disseminated via ICTs. Such information has been deployed in a localized politics of rights (ibid: 30).

High-speed travel and telephone infrastructure has been to used to conduct the first international meetings of indigenous peoples and later, computer networking (internet) have facilitated this connection (Niezen 2005: 544). The use of the internet's powers of "virtual identity" was one of the principal methods by which the claims of indigenous peoples from Africa and Asia were given substance (Niezen 2005: 545).

According to De Costa (2006), a significant factor in the growth of regional and transnational solidarities was the massive rise in mobility and communication of the last five decades. The Aborigines of Australia not only benefited from general developments in publishing, mass media and transport, they soon created their own networks of travel and communication along which ideas quickly flowed. New contacts helped transform the "political consciousness" of aborigines from the 1960s onward. The speeches and publications of leaders of decolonizing states and of the civil rights movement, as well as news of their struggles and the response of colonial nation-states, became readily available to indigenous peoples in forms that reflected their own interests and allowed subtle processes of comparison(De Costa 2006: 12).

Role of United Nations Organisations

Prior to the United Nations' engagement with indigenous issues, transnational networks and shared claims was present among indigenous peoples located in different regions. But these networks were not that powerful. After the United Nations showed interest on indigenous issues, the local and national concerns of indigenous peoples worldwide became globalised (Morgan 2007: 277). The first significant opportunity for indigenous peoples to achieve international recognition came when the United Nations decided to conduct a series of conferences as part of its decision to make 1973-82 the 'Decade for Action to Combat Racism and Racial Discrimination' (Niezen 2003: 44).

The two United Nations conferences held in 1977 and 1981 helped indigenous peoples to strengthen and expand their networks. A large number of indigenous activists from different continents, state as well as United Nations bureaucrats discussed the situation of indigenous peoples and recommended various measures for the protection of these peoples' from discrimination committed by certain states (Morgan 2007: 278). These conferences had two implications. First, they reinforced the understanding that indigenous peoples' problems were "shared", therefore empowering an 'emerging indigenous identity based on common experiences of historical and ongoing colonialism', and, second, they brought into activity, a promising arena for the realization of goals, one in which norms of human rights influence the behaviour of states and claims of sovereignty and domestic jurisdiction must compete with ideas based on principles (Morgan 2007: 278).

In May, 1982, the United Nations Sub-commission on Prevention of Discrimination and Protection of Minorities under ECOSOC established the Working Group of Indigenous Populations (WGIP) (henceforth, Working Group) (Niezen 2003: 45-46; Morgan 2007: 278). The inaugural session of the Working Group in 1982 is usually considered as the beginning of formal contacts between indigenous peoples and United Nations. According to Gray, the establishment of Working Group has made transformed indigenous issues into an international agenda. It has also been argued that the concept of "indigenous peoples" achieved legitimacy in the contemporary vocabulary of international law with the establishment of this working group (Gray 1997: 9).

Since 1982, indigenous groups from different regions have come together in the Working Group which had granted them a platform to raise their issues (Thornberry 2002: 28). The Working Group adopted an "Open Door Policy"[4]whereby no restrictions were imposed on the participation of indigenous peoples (Minde 2007). There was no accreditation process and the principal of self identification was accepted for participation.

[4] According to the 'open door policy' adopted by the UN, any one claiming to be indigenous could attend the meetings of the working group. There was no restriction imposed like in the other UN bodies.

Furthermore, the rule of procedure adopted by the working group permitted any interested person to address the sessions and submit information (Hodgson 2011: 33).

The flexible and inclusive structure of the working group made it unique in the United Nations, and attracted a diverse range of indigenous activists from different parts of the world, representatives of advocacy groups such as IWGIA that supported their endeavours, specialized agencies, NGOs, state "observers," researchers, and those who desired to attend (Hodgson 2011: 33). The "open door policy", made the working group into "most open body in the entire system of the United Nations and the specialized agencies". It increased the possibilities of indigenous peoples in gaining political participation and influence in the UN system Indigenous' activists from various states started participating, inclsuing states which not acknowledge the presence of indigenous peoples within its territory (Minde 2007: 28).

In order to increase the indigenous peoples' participation in the working group, a significant step was undertaken by the United Nations General Assembly in 1985 when it introduced the Voluntary Fund for Indigenous Peoples. This fund was meant to facilitate the attendance of indigenous delegations (Hodgson 2011: 33-34). The fund did not apply any definition, and based its recommendations on eligibility for participation to the principal of self-identification. It helped the indigenous groups to gain recognition and influence in the UN (Frantzman et al. 2012: 80). (The fund has assisted women and tribal groups of Asia also).

Thornberry (2002) has described the meeting of the Working Group in the following lines:

> The meeting makes an impression on even the casual observer. The indigenous people crowd the chambers, often putting the dress of their people, in contrast to the sober attire of the diplomats and the (usually) casual attire of non-indigenous experts. Some of the governments choose to include indigenous representatives on their delegation. The room is full of bustle and noise, with the presence of more than five hundred or more people. Walkouts have been staged from time to time. In United

> Nationsfashion, participants come and go constantly. Sessions are often commenced by prayers. A large amount of time is spent in making and listening to the earnest interventions – statements – of representatives of governments, of UN agencies, of the indigenous, and the rest" (Thornberry 2002: 21-22).

According to Niezen (2003), the activities of participants outside the main hall is also very important where indigenous representatives meet, exchange information and documents and agree on formal statements (Niezen 2003: 46). In the first two decades (1982–2002) after its establishment, the Working Group acted as a "significant forum for indigenous activists from all across the world to meet together, share ideas and approaches, and meet face to face with representatives of United Nations bodies and international organizations" (Hodgson 2011: 34). It has also funded critical studies, expert meetings, and different types of activities. Its annual meeting provided an opportunity to indigenous peoples to make public statements about human rights violations, raise questions on the actions of states and recommend measures for future deliberations (Hodgson 2011: 34).

Although, the Working Group did not have the power to take legal actions against any state but it generated "international awareness" by its coverage of the conditions of indigenous peoples (Puig 2010: 80). The establishment of this body became a watershed for the indigenous movement". It transformed the indigenous movement from a "weak international movement to an influential transnational movement" (Minde 2007: 28). Contrassel expressed a similar viewpoint whereby he claimed that indigenous rights activism gradually transformed from a regionally based movement with a primary focus on discrimination to one that was truly intercontinental and multi-issue in scope (Contrassel 2007: 146).

The creation of the Working Group was particularly important for indigenous peoples' movement (Puig 2010: 80). It became the most important forum to expand the "global network" of indigenous peoples (Holder and Contrassel 2002: 140). The establishment of the Working Group was a crucial moment in "international" indigenous politics. It

provided the space and platform for indigenous activists to raise their concerns, network among themselves, and lobby for increased attention to indigenous affairs by the United Nations, and through the United Nations, member states (Hodgson 2011: 33).

The annual two-week meetings of the Working Group, more than any other forum in the United Nations has been responsible for the development of an "international indigenous identity" (Niezen 2003: 46). The instrumental act of bringing people together under a common category "indigenous" encouraged the development of a global "imagined community" (Niezen 2003: 46-47). The sessions of the Working Group soon became one of the largest annual events at the United Nations. According to Xanthaki, as the rules of participation were relaxed, the Working Group saw the presence of around 700 people in one of the sessions making it as "one of the largest regular human rights meetings organized by the United Nations (Xanthaki 2007: 102).

With the establishment of Working Group, indigenous peoples for the first time got access to their own UN forum, which in later years turned out to be world forum for indigenous peoples' movements. It was a place where everyone met and coordinated their world-wide efforts (Dias 2009: 48). The Working Group has helped to strengthen the collective identity of indigenous peoples (Holder and Contrassel 2002: 140). An example of this collective identity was the preparation of the "Draft Universal Declaration on the Rights of Indigenous Peoples" in 1993 which was authored by over 400 different indigenous delegations (without state interference) over a spread of eight years (Holder and Contrassel 2002: 140).

The Working Group acted as an important platform on the international stage for indigenous peoples from all around the world to come together, articulate their claims and further a "common mission" about their status (Xanthaki 2007: 3).The working group has, more than any other international body before it, made it possible for indigenous peoples to speak and be heard by the international community (Lile 2006: 15). The establishment of this group helped up to open a "new political space". It has also

allowed “grassroots movements to gain direct access to the United Nations (Karlsson 2003: 403).

Despite the success of the Working Group, the indigenous peoples have noted the absence of a permanent United Nations mechanism for indigenous peoples (Thornberry 2002: 24). In April or 31 July, 2000, the Permanent Forum for Indigenous Issues (here in after Permanent Forum) was established as a subsidiary body of the ECOSOC (Xanthaki 2007: 4).With the establishment of the Permanent Forum, the indigenous peoples were recognized as a distinct human rights concern by UN (Niezen 2005: 539).

The establishment of the Permanent Forum was a major victory for indigenous peoples. The Forum was placed very high up in the United Nations system. It gave “indigenous peoples an opportunity to nominate experts from among their own peoples”. Until the establishment of permanent forum, indigenous peoples have only been able to express their views as observers on the sideline – like audiences cheering or making noise. But after its creation, indigenous peoples were for the first time included as members of a United Nations body with the equal status as governments. This placed the participating indigenous experts on an equal footing with government appointed experts. There has been no other United Nations organs besides ILO which is composed of non-governemntal members. The Permanent Forum was also provided with the mandate to advise ECOSOC as well as coordinate the activities on indigenous issues within the UN (Lile 2006: 23-43).

The establishment of Permanent Forum has been celebrated by many indigenous activists as the official and permanent incorporation of indigenous peoples into the United Nations structure (Morgan 2007: 278). This high-level body in the United Nations hierarchy demonstrates the increasing political engagement of states in terms of cooperation with indigenous peoples to address a multiplicity of issues. More than 1,500 indigenous participants from all parts of the world attend the two week annual sessions of the PFII in New York, in addition to representatives from some countries and around 35 UN agencies and inter-governmental entities) (UN 2009: 4).

It is a spectacular gathering that has quickly grown into one of the largest annual events at United Nations Headquarters in New York (Lile 2006: 26). After these ten days of plenary meetings, special caucus meetings, workshops, lunch meetings, dinner meetings, lobbying in hallways, prayer meetings and a variety of other side events, the members of PFII gather information, sit and talk in closed meetings and produce a report to ECOSOC. The Permanent Forum Special Rapporteur drafts the report. This report is distributed to all relevant UN bodies (Lile 2006: 26).

The formal adoption of the UNDRIP by the United Nations General Assembly on 13 September 2007 was a landmark achievement of indigenous peoples around the world. The declaration was the first international legal document expressing the distinct rights of the indigenous peoples whereby "indigenous representatives also played a key role in its drafting and development") (Alix and Hitchcock 2009: 102). As a wide-ranging and often contentious process of consultation and dialogue on the rights and aspirations of indigenous peoples across the world, the passage of the Declaration marks the "collective achievement of indigenous activists, INGOs, nation-states and the UN"(Venkateswar et al. 2011: 3).

According to Xanthaki (2007: 2), indigenous representatives in their quest for justice have placed a lot of faith in the UN. Through tight cooperation, intense lobbying and deep knowledge of the systems, they have used the openings in the organization and have created new opportunities for their participation and further influence of the decision-making process (Xanthaki 2007: 2). The indigenous peoples of Asia participated in the lobbying and negotiations with states for the adoption of the UNDRIP in order to achive recognition of their identities and collective rights (AIPP 2012). According to Minde, in the last decades of twentieth century, the fight for indigenous peoples and their rights was a story of "international success". From being marginalized socially, economically and politically, with no possibility of being heard in international forums, they have got direct access to existing bodies and have been directly involved in the development of new

institutions in the UN system, working group of indigenous populations (Minde 2007: 10).

Conclusion

The concept of collective identity has been be used by social movement theorist to understand the emergence various movements, particulartly after the 1970s. Many groups such as the indigenous peoples, women and LGBTQ have constructed 'collective identities' on the basis of their shared understanding and concerns. By emphasizing a collective identity based on 'indigeneity or indigenous claims, the indigenous nationalities of Nepal have tried to forge a 'shared understanding' under the banner of NEFIN. There are altogether 59 rcognised indigenous groups in Nepal and these groups share a collective identity of being indigenous to Nepal. Under the aegis of United Nations, the indigenous nationalities of Nepal could form a collective identity with other indgeous groups of the world. This has helped them to gain recognition within Nepal as well as in international circles. The indigenous nationalities in Nepal have used the domestic political opportunity structure after 1990 to create a forum called NEFIN to collectively engage withthe government. In this regard, the CPN (Maoist) have supported the cause of indigenous nationalities. The indigenous nationalities have used the the internantional structure by participating in UN Forums and meetings INGOs to gather resources and recognition. The efforts of donors, INGOs activists have also strengthened the movement within Nepal. The following chapters will discuss the support recived by indigenous nationalities of Nepal from the different quarters in their mobilization process and the government responses and impact of the mobilization process.

CHAPTER TWO

Indigenous Nationalities and the Causes of their Mobilisation

Introduction

This chapter identifies and categorizes Nepal's indigenous nationalities. It examines the causes of mobilisation of indigenous nationalities. The first part deals with the historical narratives of indigenous nationalities dating since the unification of Nepal in 1769. The second part deals with the post-1990 period. A number of documents have been anaylsed to show the socio-economic conditions of various indigenous nationalities in the pre-1990 and post-1990 period. The chapter also deals with the role of democracy in making the mobilisation.

Indigenous Nationalities of Nepal: Definition and Classification

In 2002, the government of Nepal enacted the National Foundation for the Development of Indigenous Nationalities (NFDIN), Act, 2002. Chapter 2(a) of the NFDIN Act, 2002 defined indigenous nationalities as follows: "Indigenous Nationalities means a tribe or a community as mentioned in the schedule having its own mother language and traditional rites, distinct cultural identity, distinct social structure and written or unwritten history" (NFDIN 2003).

The schedule recognized 59 indigenous nationalities in Nepal. Out of these, 43 were covered by the 2001 census report. The total population was 8,466,334 (8.4 million), which was 37.2 per cent of the total population. The census left out 16 indigenous nationalities (mostly from mountain region) which were identified by NFDIN in 2002. After incorporating those 16 "missing" indigenous nationalities, their total population was estimated to be around 42 percent of the overall population (Bennet 2005: 29).

According to the 2001 census, the percentages of the population of indigenous nationalities with higher population were as follows: Magars (7.14 per cent), Tharu (6.75 per cent), Tamang (5.64 per cent), Newar (5.48 per cent), Rai (2.8 per cent, Gurung (2.4

per cent) and Limbu (1.6 per cent). There are four indigenous nationalities which have a population of more than one million, six have between 100,000 and a million, nine have populations of less than 100,000 and some have less than 1,000 people. The numbers of several others do not exceed 10,000 (ibid.).

On the basis of their habitation, NFDIN has categorized the 59 indigenous nationalities into certain geographical regions. They are: eighteen from mountain region, twenty four from the hill region, eleven from Terai and six from inner Terai regions (Onta 2006: 312).

The schedule of indigenous nationalities under the NFDIN Act 2002 did not have any significant referential utility with respect to the execution of development or affirmative action programmes[5].On the recommendations of NFDIN, NEFIN prepared a task force in 2003 in order to classify the 59 indigenous groups into five categories using five human development parameters: literacy rate, housing, land holding, occupation, language loss, educational level (graduate and above) and population size (Bennet and Parajuli 2013: 1).

The Federal Council of NEFIN, on 1 March, 2004, categorised the indigenous nationalities into the following groups: endangered groups (10), highly marginalized groups (12), marginalized groups (20), disadvantaged (15), and advanced groups (2). By recognizing this classification, indigenous nationalities have formally acknowledged that different indigenous groups have achieved different levels of development, and by implication, it neither seeks nor expects the same level of state support in the form of affirmative action/reservation across all groups (Onta 2006: 317).

Although, the officially classified number of indigenous nationalities is 59, many indigenous rights activists have argued that the number of indigenous nationalities is much higher as many sub-groups were categorized under a single group. Both Magars and Kham Magars, for example, were categorized as Magars. All the sub-groups of the Rai such as a Mehwanga, Thulung, Kulunh, Lohorung and Yamphu were categorized in a

[5] Schneiderman (2013: 43) claims that the classification was made due to two reasons. The first was the decision of the Surya Bahadur Deuba government to introduce reservation polcy in 2003 and secondly for proper distributution of funds under DFID's Janajati Empowerment Project which was launched in 2004.

single group. Many indigenous nationalities have approached NFDIN in order to achieve recognition as a distinct identity.

Causes of Mobilisation of Indigenous Nationalities: Historical Narratives

Studies conducted by social movement scholars reveal that most mobilisations in the world did not sprang all of a sudden rather their causes were located in history. Interviews conducted with leaders and activists of indigenous nationalities mobilisation in Nepal reiterate the same viewpoint. Most of them have claimed that the indigenous nationalities suffered "oppression" after the annexation of their territories by the Gorkhas under King Prithivi Narayan Shah since 1742. Hence, the causes of mobilization of the indigenous nationalities in Nepal are historical.

According to Hangen (2013), representations of the past are central to the construction of national and ethnic identities, and the past serves as a 'malleable resource for legitimating contemporary political concerns'. The concept of history and memory provides a useful framework for understanding the co-existence of contrasting orientations towards the past. Hangen further argues that "historical narratives" are an effective way of unifying heterogeneous peoples into a single community; even if groups of people who are to be joined in a single national or ethnic community appear to share little in common in the present, such narratives can make a compelling case for the unity of these peoples in the past, or based upon past events (ibid).

Prior to the political "unification" of Nepal by King Prithivi Narayan Shah of Gorkha[6], starting from 1742, the country was divided into numerous principalities which can be geographically classified under four main groups, as follows (1) *Baisi* (twenty two principalities) lying between the Rivers Mahakali and Bheri (2) *Chaubisi* (twenty four principalities) between the Rivers Trishuli and Trisuligandaki (but not the Gorkha kingdom) (3) Mallas of Kathmandu valley (three principalities) and (4) Sena

[6] Gorkha was a kingdom in mid-western Nepal. It is from this kingdom that the Shah kings expanded their empire to all directions of modern-day Nepal. Presently, it is one of the seventy-districts of Nepal.

principalities (three of eastern Nepal) (Vaidya 1993: 16). King Prithivi Narayan Shah "conquered" the city states of Kathmandu Valley, and absorbed all the petty states in his process of "unification" (Bhattachan and Pyakuryal 1996).

The opinion whether King Prithivi Narayan Shah "unified" or "conquered" the principalities has been a matter of much debate between the nationalist historians of Nepal such as Dilli Ram Regmi and Baburam Acharya who consider it as unification it as unification, while indigenous rights activists and academicians such as Harka Gurung, Krishna Bhattachan amd Shankar, Limbu who consider it as a conquest. The scholars, believing in the "conquest" theory, consider that the ethnic, national and linguistic groups were living autonomously in small principalities[7]and republican communities before the arrival of the Gorkhas (Lawoti 2007). According to Ramirez (2000: 104), most of the European scholars also designate it as a Gorkha conquest rather than unification.

According to Sharma (2014b: 78), generalized areas occupied by major "Mongoloid" indigenous nationalities can be recognised even till date (as an evidence of their historical claims). The eastern part of the country still has Limbus as the majority community. The Tamangs inhabit the areas in and around the Kathmandu valley. The settlement of the Gurungs is located in the foothills of the Annapurna mountain ranges. The Magars live in the mid-western hills and the Newars inhabit the Kathmandu area.

By the end of the eighteenth century, the Gorkhas brought these numerous small principalities together and consolidated them into a territory which we currently know as Nepal (Muller-Boker (2012). Hachhethu (2003: 224) argues that the "independent" kingdoms of pre-1769 period were brought under a centralized system as a part of a national integration policy.

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[7]According to Bhattachan and Pyakyuryal (1996), until 1768, there were 12 ethnic and regional clusters namely Awadhi, Bhojpuri, Jadan, Khambuan, Khasan, Kochila, Limbuan, Magarat, Maithil, Nepal, Tamba Saling and Tamuan. In recognition of these 12 ethnic clusters, a political party named National Ethnic Party in 1990 asked for the federal division of the country into 12 regions. The party was officially denied registration to contest the 1990 elections. The federal debate which has emerged in Nepal after 1990 is based on the recognition of these 12 ethnic regions.

After King Prithivi Narayan Shah shifted his capital from Gorkha to Kathmandu, participation in the political life of the new kingdom was confined mainly to "high caste" Bahun[8] and Chhetri[9] families (Gunaratne 2002: 71). The Gorkhali political elite were dominated by the Shah royal dynasty belonging to the Thakuri and Chhetri castes[10] (Riaz and Basu 2010: 9). Though Thakuris were considered to be ritually superior to the Chhetris, claiming to be descendants of the Rajput refugees from India, the two groups may be considered homogeneous in social life for all practical purposes, including intermarriage.

After 1846, the Shah rule virtually came to an end, as a lower-ranked soldier named Jung Bahadur Kunwar ushered state power through a court massacre (known as the *kot parba*) (Poudyal 2013: 204). After assuming the title of "Rana", Jung Bahadur started exercising real executive powers, though retaining the Shah monarchy as a "living symbol" for the unity of the kingdom. The Ranas made the position of Prime Minister a hereditary one and transformed it as the most powerful institution in the country. They maintained their rule through an effective control of military and civil administration (Joshi and Rose 1966: 36; Gunaratne 2002: 72). According to Blakie et al. (2014: 31), top appointments of the bureaucracy, including the important post of district governor, were conferred personally by the 'prime minister'.

The Ranas treated the country as their "personal state" and private property (Brown 2006: 6; Gunaratne 2002: 72). There was no distinction between the state treasury and the coffers of the Rana family (Amatya 2004: 28; Brown 2006: 6). The treasury surpluses were regarded as their personal income. It is estimated that between 25 and 50 per cent of

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[8]The word Bahun and Brahmin are used interchngably in Nepal although both mean the same. But after 1990, the term Bahun has come to generally signify someone who is of hill origin and the word Brahmin came to signify someone who belonged to the plains, for example, Pahadi Bahun and a Madheshi Brahmin. In this work, both the words are used, keeping in mind the original usage of the authors.

[9] The word Chhetri is a corrupt form of the word Kshatriya. The Chhetris were third in the Gorkha social hierarchy after Bahuns and Thakuris. Most of the military officers of the Gorkha regime came from the Chhetri caste. According to the 2001 census, they formed the largest social group in Nepal with a total population of around 17 per cent.

[10] The word 'caste' has originated from the Portuguese word 'casta'. In Nepal, the term for caste is *jat.*

the total state revenue was appropriated personally to the Rana Prime Minister (Blakie et al. 2014: 31).

Even in the absence of a proper taxation in the country, they managed to take British, *li* 500, 000 yearly in revenues, most of which was spent for their own luxuries in utter disregard for the country's development and public wealth (Amatya 2004: 28). According to Gellner (2008a: 9), the Ranas discouraged the education of the masses and suppressed "ruthlessly" any attempts at political change and forbade conversion from one religion to another. Bahadur KC (1993: 24) argues that those who opposed the Rana regime were arrested, imprisoned, tortured or mercilessly eliminated. The Ranas confined Nepal 'to an era of self-imposed isolation and economic stagnation for 104 years' (Gurung 2003).

The Muluki Ain of 1854 and the Establishment of Caste Hierarchy

The *Muluki Ain* [11](civil code of the country) was promulgated by Jung Bahadur Rana in 1854. It was a legal document which aimed to codify traditional social conditions, in order to bring the numerous 'ethno-linguistic groups' within the *parbatiya* Hindu caste hierarchy (Hofer 2004: 41). By claiming to be a body of legislation applicable to the entire population of the kingdom, it represented Nepali State's first attempt to impose legal uniformity (Malagodi 2013b: 88).

The *Muluki Ain* classified the population into a five-tier caste hierarchy as follows: (1) wearers of the sacred thread (*tāgādhārī*); (2) non-enslavable alcohol-drinkers (*na māsinyā matwālī*); (3) enslavable alcohol-drinkers (*māsinyā matwālī*); (4) water unacceptable groups (*pāni na calne choi chutto halnu naparne*); (5) untouchables (*pāni na calne choi chito hālnu parne*) (Hofer 2004: 39). The indigenous groups were placed in the category of *Matwallis.* Groups such as Magar and Gurung were categorised as non-

[11]The Muluki Ain was an amalgamation of many texts, sources and cultural traditions. Although, Jung Bahadur Rana tried to convert Nepal into a strong Hindu state, he was not far from accepting a Mughal-style national code. The word *'Muluki'* and '*Ain*' are both of Persian origin. The *Muluki Ain* was formulated after Jung Bahadur's return from Europe. So, many consider that he was influenced by the Napoleonic code also.

enslavable alcohol drinkers while Chepang, Bhote and Gharti fell under the category of enslavable alcohol drinkers (De Sales 1993: 93-94).

According to Malla (1992: 22), the *Muluki Ain* of 1854 tried to codify Hindu caste orthodoxy as a State ideology with Bahuns and Thahuris-Chhetris at the top of the social hierarchy. Under the *Muluki Ain*, punishment for an offence was determined by taking into account the caste of the offender and that of the victim (Sharma 1992: 7). Under no condition could a Bahun be given a death sentence (Bhattachan 2001: 72). Thus, Lecomte-Tilouine (2009a: 27) argues that that the *Muluki Ain* became one of the tools used by the "upper castes" (Bahuns and Chhetris) to dominate the indigenous nationalities in Nepal.

On many occasions, the indigenous nationalities were punished for 'Hindu-specific crimes' which were not considered as such in their own traditions, such as the killing of cows. The general Hindu prescriptions were not only against the dietary habits of several indigenous groups, but were also against their religious practices. To abandon cow or bull sacrifice was particularly difficult for some Magar clans, like the Buddhatoki of Maikot, who had to offer it to their lineage god (Lecomte-Tilouine 2009b: 296).

Land and Religious Conflict under the Gorkha Rule, 1769-1951

According to Stiller (1975: 277), land provided the basic motivation for the conquests which led to the unification of the petty states of the hills into the modern state of Nepal. King Prithivi Narayan Shah used land grants 'not only as an effective tool to reward his soldiers but also to lure men of influence in the areas under attack'. As the Gorkhalis had scarcity of monetary resources, the rulers used to pay the soldiers in the form of land grants. On most occasions, these grants came from the territories of indigenous nationalities annexed by the Gorkhas (ibid.)

Land grants either took the form of *birta, guthi* or *jagir*. The *birta* [12] system represented land grants to the members of the royal family and nobility (and therefore primarily people belonging to the higher caste) as a symbol of patronage or ritual gifts. Land donated for temples and monasteries and for religious and charitable purposes was known as *guthi.* Lands that were given to soldiers and government officials for their services and loyalties were called *jagirs*[13]. Lands granted under the *birta* system were usually inheritable and transferable. A similar type of a relatively permanent ownership was also employed by the beneficiaries of the *guthi* land grants. But in the case of the *jagir* land grants, the recipient was allowed to benefit from land only during the period of his service (Ghimire 1988: 31).

After the "unification" of Nepal, the Gorkha rulers encouraged the migration of *parbatiya* cultivators to the less densely-populated eastern districts (Hutt 1997: 111). As the Gorkhalis continued to conquer land in the east, the Tamangs were increasingly driven away from their territories. The dispossession forced the original Tamang farmers into landless tenants, tax payers, and forced labourers, which in many cases resulted in the exodus of the local population (Lama Tamang 2009: 275-278).

Along with displacement, the Tamang suffered from various forms of domination and exploitation under Gorkhali rulers. A system of forced labour (*jhara*) [14]was introduced by Prithivi Narayan Shah who required porters for his troops (Lama Tamang 2009: 281). They were also forced to construct palaces, roads, and bridges, transport materials, work in royal farms and diaries, mines and even provide personal service to the Shah and Rana families (Campbell 1997: 225).In the words of Campbell, the Tamangs were utilized as "semi-captive labourers".

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[12]Under *Birta*, lands were granted to the Brahmins as a reward or honour for their services to the state. These lands were granted on an inheritable and tax-exempt basis. The system was abolished in 1969.

[13]*Jagir* was a form of land grant provided by the Gorkha rulers to the administrative and military officers. As the Gorkhas did not have sufficient monetary resources to pay to their officers in cash, land grant became the main source of payment.

[14] Under the Jhara system, it was mainly the ethnic groups and Dalits who were employed. Regmi (2011) in his book *Thatched Houses and Stucco Places* has discussed how *jhara* was enforced on certain ethnic groups for the construction of palaces and houses for the royal families.

As the Tamangs provided a source of labour for the Gorkha rulers, they prevented them from joining the British Gurkha regiments (Tamang 1992: 26). Subedi (2009: 60) provides another argument that it was the "geographical closeness" of the Tamangs to the Kathmandu valley which created a fear in the minds of the Gorkha rulers of a future revolt that prevented them from enlisting the Tamangs in the military. They were also prevented from joining other services (including the government and administration) (Tamang 1992: 25-26). According to Tamang, the only job reserved for the Tamangs was porterage. The *pipas* (porters) were utilized to carry supplies and other essential items for the Gorkha army. These were administered through a government depot known as *pipa goswara* (porter office) (Tamang 1992: 25).

In 1791-92, The Tamangs rebelled in large numbers against Gorkhali rule as the Chinese invaded Nepal (Subba 2006). Most of them were punished for lending their support to the invading Chinese army (Whelpton 2005: 58). Their lands were appropriated as punishment (O' Neill 1994: 59). In the 1960s, they again attacked a number of *Jarti*s[15] in parts of Dhading and Nuwakot districts and drove them away from their villages (Whelpton 2005: 179).

The dispossession of lands belonging to the Tamangs was followed by that of the *Kiratis* (Rais, Limbus and Yakkha) who share similar narratives of land dispossession under Gorkhali rule. In order to establish their presence in territory of Limbus, the Gorkha rulers promoted the migration of *parbatiyas* to eastern Nepal (Caplan 1970: 59). Vansittart argues that before the Gorkha "conquest" of eastern Nepal (Limbuan region) in 1774, the Limbu chiefs were on a "quasi-feudal"[16]terms with the Sen kingdoms of Bijapur and Makwanpur, at whose court they discharged the duties of *chauntra* (Prime Minister) (Vansittart 1972: 153).

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[15] The Tamangs refer to the"high caste" *parbatiyas* (Bahuns and Chhetris) as *Jarti*

[16] Chemjong (1996) has noted that the Limbus were not under the control of any kingdom before the arrival of the Gorkhas in 1774.

The Limbus accepted Gorkha suzerainty under a treaty[17]which guaranteed them internal autonomy and the right to communal ownership of their lands known as *"kipat* "(Poudyal 2013: 247). The *kipat* existed in certain hill regions of Nepal among the Tamang, Rai, Limbu, and Sunuwar communities. Under this system, land belonged to the local community, under customary law and not to the state under statutory law (Regmi 2011: 38). Each individual under this system had the right to the exclusive use of a particular piece of land. However his rights to dispose of the land were restricted on the theory that the land belonged to the community as a whole. The government therefore had no power to impose taxes and rents on *kipat* lands; it only exercises its sovereign power of taxation on individual *kipat* owners (ibid.).

The assurance which was given by King Prithivi Narayan Shah under his treaty was not respected by his successors (Caplan 1970: 60-62). In a later course of time, the government slowly encroached upon the *kipat* lands, thereby converting them into *raikar* [18] in such a way that the instances were too minor to create any massive protests (Regmi 1972). In 1886, the Ranas came out with a legislation which stated that those *kipat* lands of Limbus which had been leased out to non-Limbu cultivators were to be automatically converted into *raikar* and thus (in practice) could be sold freely. After a number of protests, this act was revoked in 1905 (Whelpton 2005: 75).The *kipat* lands steadily declined during the Rana period and had disappeared completely from the area west of the Arun River (a region traditionally inhabited by the Rai community) by 1940s (ibid.).

Sagant (1996: 128) states that the rulers adopted numerous policies for settling *parbatiya* settlers in the eastern Kirat region with an objective to "reclaim these people economically, politically and socially along with the hope that the immigrants would

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[17] A translated portion of the treaty is mentioned by Lok Raj Baral (1993: 54) in which King Prithivi Narayan Shah is claimed to have asserted: "We hereby confirm all the customs and traditions, rights and privileges of your country. Join our nobles and help them. They care for the country as you did when it was being ruled over by your own chieftains. Enjoy it from generation to generation, as long as the land remains in existence".

[18] *Raikar* means lands that are traditionally regarded as state-owned, on which taxes could be collected from individual landowners

employ new agricultural techniques which would increase the production of the region". The most successful in deriving the benefit of this policy were the "upper castes" Bahuns of the hill areas due to their large numbers, literacy and government service. As most of the land transactions, property division and disputes were settled by literate Bahuns, the Limbus suffered due to lack of education (Caplan 1970: 60-62).

According to Caplan (1970), by the beginning of the nineteenth century, the Bahun settlers were a minority depending on the goodwill of the Limbus, but by the middle of twentieth century, they had become a powerful majority, controlling local communities, both politically and economically. The Bahuns had a number of advantages such as the possession of knowledge to manipulate the judicial system and the government's support. They slowly established themselves as the most powerful social group in eastern Nepal at the expense of the Limbus. The Limbus on the other hand were forced to migrate to Assam, Sikkim and West Bengal due to the state's immigration policy (Sagant 1996).

By the end of the Rana regime in 1951, a large portion of the *kipat* lands were temporarily alienated through possessory mortgages outside the community, to the extent that "70 per cent of the cultivable area in one area of Ilam district in 1964-65 and only one third of the total cultivated area in Pallokirat, or far eastern-hills, remained under *kipat* tenure" (Bhattarai 2003: 69). Thus, by the end of the Rana regime in 1951, the Limbus had lost much of their right over their traditionally owned *kipat* lands, which led to the erosion of the power of the village headmen (Regmi 1972).

In 1952-53, with the end of the Rana regime, some Limbus attacked a number of *parbatiya* Bahun settlers over the issue of land dispossession. They demanded the Bahun's expulsion from the area and the restoration of their traditionally owned *kipat* lands (Caplan 1970; Sagant 1996: 327). This gave rise to a period of "political unrests and violence" in the region (Raeper and Hoftun 1992). The incident which took the form of an "ethnic revolt" forced many Bahun families to seek temporary refuge in the Tarai (Whelpton 2005: 162).

While land dispossession was the cause of conflict among Tamangs and Kiratis, in the case of Newars, it occurred over religion and language. The conquest of the Kathmandu valley in 1768 by Prithivi Narayan Shah led to the degeneration of Newari culture and language. The Newars faced discrimination under the rule of the Gorkhas. They were hardly recruited in the Gorkhali army and civil administration as there existed a "deeply ingrained distrust and contempt for them in the Gorkhali psyche". Only since October 1804, some Newars were admitted in the revenue administration, because the Gorkhali *sardars* (chiefs) failed to understand the Kathmandu valley's land administration system (Malla 1992: 22).

The Buddhist Newars suffered religious discrimination under the Ranas as the rulers followed a strict state policy based on Hindu rules. As a sign of protest against Rana rule, some Buddhist Newars by the end of the 1920s tried to introduce 'Theravada[19]Buddhism in Nepal (Maharjan 2007: 198). By adopting this new Buddhist sect, they proved their displeasure towards the Ranas who encouraged Hinduism as a state policy as well as against Vajrayana Buddhism.The religious movement was suppressed by the Rana regime with the expulsion of Theravada monks from Nepal (Gellner 2011: 55).

Another form of protest which emerged during this period was in the form of Newari language (*Nepal Bhasa*) movement which had a strong sense of Newari nationalism. The Newars demanded recognition and preservation of Newar language (Gellner and Levine 2008).Chandra Shamsher Rana declared *Khaskura* as the language of the government in 1905 and the government no longer recognized other language documents. During the Rana period, many *Nepal Bhasha* writers were jailed and punished with confiscation of property by the regime (Shakya 2007: 101).

Along with the Newars, Limbus and Tamangs, many indigenous nationalities revolted against Gorkhali rule. In 1854, the Gurungs revolted for autonomy and religious freedom against. This led to the execution of their leader Sukhdev and the confiscation of property

[19] Theravada Buddhism, also known as Vihara Buddhism is practised in many South-east Asian countries and in Sri Lanka.

of their clan members (Subba 2006: 40).In 1876, a Magar named Lakhan Thapa revolted against Jung Bahadur Rana and was hanged (Serchan 2001: 20). In 1877, the Gurungs again revolted under the leadership of Supati Gurung which led to the confiscation of their properties (Subba 2006: 40).

Gurkha' Recruitment and Indigenous Nationalities

After the Anglo-Nepal war of 1814-1816, a large number of Nepalis belonging particularly to the indigenous communities were recruited by the British in their Gurkha[20]regiments (Bolt 1967). According to Ragsdale (1990: 13), Magars and Gurungs constituted approximately 60 per cent of soldiers entering Gurkha service between 1894 and 1913, whereas the percentage of Rais and Limbus was 27.5 per cent. The other communities (including Khas and Thakuris) contributed only about 12.5 per cent of the recruits.

During the World War I, about 200000 Nepalese, i.e. 2-3 per cent of the population, were engaged in various capacities, with around one-third directly involved in the conflict (Serchan 2001: 23). Out of the 114,000 Gurkhas directly involved, approximately 35 per cent are said to have been Magars (Kasajoo 1991: 14). The Ranas went for a large-scale recruitment drive that resulted in conscription. In keeping with the desperate search for able bodies, along with indigenous nationalities such as Magar, Gurung, Rai and Limbu, the government in 1916 began to send to the warfront, some Newar, Tamang and Sherpa(all indigenous nationalities), in order to fulfill the urgent demand for manpower(Serchan 2001:24).

In order to ensure the regular supply of the Nepalese in the British-Indian army, in 1919, the government of Great Britain provided the Rana with a gift of 1 million rupees annually in perpetuity. The gift…was treated as the ruling Prime Minister's personal

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[20] According to Nanda Shrestha (2001), the term "Gurkha" was probably coined by the British military officers to denote mercenaries from Nepal, particularly from the Gurung, Magar, Rai and Limbu tribal groups, most fancied by the British. .

income and they deposited the money in foreign banks, particularly in India (Des Chene 1997: 6). In August 1945, Viscount Wavell, the viceroy, sanctioned a raise, and the annual "present" was hiked to 2 million rupees (Kasajoo 1991: 15). Caplan (2009: 131) states that

> the communities which by and large provided the soldiers were Tibeto-Burman speakers belonging to indigenous groups from the country's middle hills. With their migration into their homelands of technologically more advanced, literate high-caste Hindu populations, these earlier settlers had become by the end of the eighteenth century, economically reduced, and with the establishment of the Gorkhali rule throughout the region, politically marginal as well

Indigenous Nationalities during the Panchayat Period, 1960-1990

According to Hoftun et al. (1999: 289), the panchayat system ushered in a new nationalist ideology which defined and buttressed the position of the King. The two main pillars of system were 'national development' and 'patriotism'. The king was proclaimed as a unifying figure and all-important symbol of nationhood. He was considered as the father of development, guiding his people and country without regard to any political party or group. The system was introduced in order to bring "party-lessness" in Nepal.

The Constitution of 1962 promulgated by King Mahendra in the panchayat period established Nepal as a Hindu kingdom and adopted a policy of "one people" (epitomized by high caste *pahari* Hindus), "one dress" (*daura saruwal*), and "one language" (*khas Nepali*), thus arguably "perpetuating the subordination of the vast majority of the population to a Hindu dominant elite" (Seddon 2014: 30). According to Pffaf-Czarnecka (1997), the panchayat era slogan of 'single dress, single language, single country (*ek bhasha, ek bhesh and ek desh*) became one of the main instruments in government's hands to project the country as having a single culture and custom (Pfaff-Czarnecka 1997: 424-427).

Education and Language Policy adopted during the Panchayat Period

The open environment of the post-Rana period led to major changes, such as the opening of a large number of schools. In 1954, the government formed the Nepal National Education Planning Commission (NNEPC) which submitted its report titled *Education in Nepal* in 1956 (Bhatta 2005: 6). In a part of the report, the Commission recommended the "Nepali language as the medium of instruction for primary, middle and higher educational institutions". The report further stated that "the study of non-Nepali local languages would act as an obstruction against the proper growth of Nepali, as a student would speak more Nepali at home and in the community and thus Nepali would remain an alien language. If the younger students are trained to speak Nepali as the primary language, then the other languages would subsequently vanish in course of time resulting in a stronger nation" (Pandey et al. 1956: 95-97). Thus, Turin (2004: 9), argues that the recommendations of the Commission desired the disappearance of all other languages except Nepali. The NNEPC's objective was not just to impart education in Nepali but to develop mono-lingual Nepali speakers (Weinberg 2013: 65). Thus, government's policy was based on "narrow nationalism" which was defined only in terms of Nepali language. In order to claim oneself as a Nepali, he/she should know and speak Nepali (Phyak 2015: 133).

According to Chalmers (2007: 92), on the NNEPC's recommendations, Nepali language was imposed in all secondary schools in 1956 and in primary schools in 1957 though the decision was not accepted easily. As languages other than Nepali were not permitted to be taught and used as the medium of instruction (even optionally) in primary schools, there was a high drop-out rate among students belonging to non-Nepali-speaking communities who couldn't perform equally like their Nepali speaking counter-parts. The policy makers failed to realise that excluding local languages from primary schools also meant excluding non-Nepali speaking children from schools (Phyak 2015: 133-134).

In the Kathmandu valley, the imposition of Nepali in primary schools was met with protests from Newar language activists, demanding Newar language in local schools. In January 1957, the Pallo Kirat Limbuan Representative Group of East Nepal submitted a

petition to the government including demands for Limbu radio and a proposal for a school in which Limbu would be taught alongside Nepali (Chalmers 2007: 92).In the southern plains, "Save Hindi" campaigns advocated official status for Hindi, including in schools, with widespread support; this campaign was countered by the establishment of a Nepali Promotion Congress, and the groups clashed in violent confrontations (Gaige 1975).

The government acquiesced to the protests of speakers of languages other than Nepali, and in January 1958 retracted the requirement for immediate use of Nepali in all primary schools. But in 1961, the National Educational Commission recommended the compulsory imposition of Nepali as the medium of instruction for all grades; a measure which was promptly enforced by the 1962 Education Act (Chalmers 2007: 92).

The 1962 Constitution maintained Nepali's status as the national language, and made knowledge of Nepali a requirement for citizenship applications (Chalmers 2007: 92). In 1964, a law recommending that Nepali businesses keep records in Nepali was changed to require all commercial records to be kept in either Nepali or English. In 1965, all signboards were required to be displayed in Nepali. In 1965, Radio Nepal's ten-minute news broadcast in Hindi and Newari language news broadcasts were terminated, which saw protest from Newari organizations (Burghart 1993: 4-5).

The next major education policy after the NNEPC was the National Education System Plan (NESP) established in 1971 and implemented in the five years following its inception. The NESP was again explicit about the aims of "assimilation" and "homogenization", stating the goals of education as: to strengthen devotion to crown, country, national unity and the *panchayat* system, to develop uniform traditions in education by bringing together various patterns under a single national policy, to limit the tradition of regional languages, to encourage financial and social mobility, and to fulfill manpower requirements essential for national development (Weinberg 2013: 65-66).

The NESP maintained the Nepali-only approach to the primary level (class 1-3). Students at the lower secondary level (class 4-6) were supposed to spend 55 per cent of school hours studying Nepali, 5 per cent on Elementary Sanskrit, the language of Hindu texts, and 10 per cent studying "one of the UN languages". This modification shows an emphasis on the nation-building and Hinduising goals of the *panchayat* government with Nepali and Sanskrit respectively, and on development and international cooperation (one of the UN languages)(Wienberg 2013: 72).Under NESP, it was therefore stipulated that from 1974 onwards, all institutions in Nepal below tertiary level should teach in Nepali (Whelpton 2005: 167).

Rai and Rai (2003), after analysing the studies carried out by the Research Centre for Educational Innovation and Development (CERID) (1984, 1998, 1990), stated that non-Nepali children had trailed behind the Nepali speaking children in the areas of their participation in classroom activities, communication and learning. As the non-Nepali speaking children did not understand "what was going on in the class, their participation was either nil or scarce". The studies say "they hardly understood anything taught in Nepali. They couldn't express themselves adequately in it. The compulsion of learning through Nepali retarded their educational growth". The studies also reveal that because the non-Nepali speaking children did not understand the classroom instructions and activities, there was "greater chance of dropping out of schools" (Rai and Rai 2003: 507).

Although NESP, unlike previous programmes, finally succeeded in creating a uniform and centralized national system of education, it was protested by indigenous groups (Bhatta 2005: 9). Intellectuals from Newar, Thakali, Tamang, Gurung, Rai, Limbu, Sherpa, Magar and Tharu communities set up the Nepal Mother Tongue Council (NMTC) (*Nepal Matribhasha Parsishad*) in 1985 to press for education in their own languages (Whelpton 2005: 183).

According to Tumbahang (2010: 76), the government carried out "linguistic suppression". Hitkar Bir Singh Kansakar was jailed in 1965 under the Security Act for his involvement in the linguistic movement. Mangalman Shakya and Kajiman Jawa were

jailed for nine months in 1965 under the Security Act for organizing a literary conference of Nepal Bhasha and reciting in their mother tongue. Malla K. Sundar, Durgalal Shrestha and many others were arrested in 1988 for participating in a procession to mark the birth anniversary of Siddhidas Amatya, the epic poet of Nepal Bhasha. Similarly, Gangaram Lingkhim, Prithivi Maden, Randhoj Sereng, Ashok Nembang and Bir Nembang were put to jail for their involvement in the development of Limbu language.

Land Reform Policies adopted during the Panchayat Period

The panchayat government introduced the Land Reform Act[21] in 1964 with an objective to "remould agrarian relations and mobilize capital and labour from agriculture to the industrial sector" (Shahu 2013: 68). It also sought to equalize the state's citizens in terms of ownership of land. This policy seemingly ensured the tenancy rights and ownership of the tillers, securing the land in a rightful manner; however, there were abundant pitfalls in its implementation processes (ibid: 69).

The Act was a direct attack on the traditional way of life as it abolished the *kipat* system of communal landownership enjoyed by many indigenous nationalities and transformed these lands into *raikar* (lands on which the government could impose taxes) (Lam and Paul 2014: 73). The Act paved the way for the allotment and distribution of the traditionally held lands of indigenous nationalities which ultimately led to the loss of their traditional land base (Anaya 2009: 10). As a result of the Act, indigenous nationalities were forbidden from clearing and cultivating lands under *kipat* tenure (Brown 2006: 76).

The Act had an adverse impact on landholdings of the many indigenous nationalities (particularly Tharus)(McDonaugh 1997: 281). Acording to Poudyal (2013: 132), around 9000 Chepangs living in the middle hills lost their *kipat* landownership to the *raikar*

[21] According to Man Bahadur Shahu (2013: 69), in 1964, the state announced a ceiling in land ownership which included 25 bigha in Tarai and inner Tarai regions, 50 Ropani in Kathmandu valley and 80 Ropani in Hill regions.

tenure. The Limbus protested against the Act but hardly received any response from the government (Caplan 1970: 128-129). According to Limbu (2007: 392), the poverty statistics of those indigenous nationalities who were displaced under this Act were found to be much higher than other groups. The figures stood at 71 per cent for Limbus, 59 per cent for Rai and 59 per cent for Tamang.

In the 1950s, the government with the assistance of the World Health Organization (WHO) carried out malaria eradication programme in Tarai which paved the way for large scale settlement of the hill population in the plains (McDonough 1997: 281). These settlements took place in a planned and systematic manner through the formation of "resettlement companies"[22]supported by the government. The planned settlement was soon overtaken by chaotic immigration of people from the hills. Basic strategies to settle landless people and to control forest encroachment were not in existence, and there was widespread corruption of the schemes so that landed hill families were able to acquire large estates in the Terai (Robertson 1997: 85).

The settlers were predominantly "upper-caste" families from the hills. In addition to the hills people, there were those known as *prabasi*-Nepali speakers from Burma, Bhutan and India' north-eastern States (Dahal 1992: 17). The government offered them attractive terms to settle down (Yadav 1992: 81).The settlers gradually established ownership over most of the land in the region, resulting in the dispossession of large numbers of indigenous nationalities such as Tharus [23](Adhikari 2014: 85). Subba et al. (2008: 73) he successive influx transformed the "affluent" landowning indigenous nationalities in the Terai into landless, displaced or marginal landholders. Most of these land transfers were often carried out through insincere and fraudulent means.

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[22] Acording to ASI and IWGIA (1999: 85), the first resettlement programme was launched in Chitwan in 1964, followed by in five other districts.

[23]Before the introduction of malaria eradication programmes in the Terai in the 1950s, the Tharus were the most predominant community in that area. It is believed that they had immunity against malaria (*aul*). The people of Kathmandu called the Terai as *kalapani* (dark water), which should not be visited. Except some occasional hunting programmes undertaken by the Gorkha rulers, hardly any other group dared to reside in the Terai.

Subba et al. (2008) claims that around 15000 Tharu households were rendered landless in Dang alone and 6000 families have migrated away from that area since the 1960s. By the end of that decade, 80 per cent of the Tharu families had become landless, despite having enough lands till 1912. According to Adhikari (2014: 85), the Tharus not only lost their lands but also fell victim to fraudulent money-lending practices which forced them to become "bonded labourers" for upper-caste settler families. A system called *kimaya* (bonded labour) became prevalent in the region inhabited by the Tharus which was abolished by a Supreme Court order as late as 2000 (Fujikara 2013).

In 1957, the Private Forests (Nationalization) Act was passed, by which the state created a strong techno-bureaucratic field by instituting stringent regulations to exclude people from controlling resources (Muller-Boker 2001: 189). Under this Act, all the "forest land was placed under the control of the forest department thereby entrusting them with the role of policing and licensing to ensure an adequate system of protection and maintenance of forests resources" (Harper and Tarnowski 2003: 37).The policy has been criticized for creating alienation and dispossession of the local people from the forest resources upon which they depended (Adhikari and Dhungana 2011: 117).

In 1973, the *panchayat* government passed the National Parks and Wildlife Conservation Act, which provided the legal basis for the management of protected reserves and national parks in approximately 40 per cent of Nepal's overall territory (Muller-Boker 2001: 189). The government adopted strict nature preservation policies as the basis for establishing a protected area system (Lam and Paul 2014: 66). The act established reserves and parks over time in the territories of the indigenous nationalities, displacing them from the land upon which they had depended for generations (Gurung 2009: 6-7).

Under the act, the Royal Chitwan National Park (RCP) was established in1973 which initially covered 522 sq. km. but later extended to 932 km in 1977 (Muller-Boker 2001: 189; Lam 2009:9). The relocation programme of CNP has resulted in the displacement of 22,000 people since 1964 (Lam and Paul 2014: 66). This displacement came at the expense of indigenous and local people, who not only lost control over their lands and

resources but their ways of life. In 1984, 15,000 families from 20 villages were relocated to the outskirts of the Bardiya National Park. In 2001, more than 2000 households were relocated from Shuklapanta wildlife reserve (Lam and Paul 2014: 66). Around 12,000 people were also relocated from the Koshi Tappu Wildlife Reserve. While the displacement was justified in the name of the public good, large-scale resettlement policies focusing on livelihood reconstruction were not available.

Indigenous communities like the Chepang, Raute, Tharu and Kasunda who primarily depend on forests and communal land for livelihood were threatened by the nationalization of forests. Groups like Tharus and Darais have suffered as their areas of habitation were turned into conservation parks (Muller Boker 2001). In Nepal, most of the land, which covers the six existing national parks falls under traditional lands of indigenous nationalities The According to Anaya (2009: 11), the 1973 Act has not accorded any recognition to indigenous nationalities right to consultation or to access their traditional lands and resources, while giving quasi-judicial powers to the park chief-wardens. An example is the case of the CNP which was established in areas traditionally belonging to the Tharu, Majhi, Bote, Darai and other communities who were displaced by the Park's buffer zone (ibid).

UN Special Rapporteur Anaya (2009: 11) has received many complaints of mistreatment, arbitrary detention, sexual harassment of indigenous nationalities, in particular women by CNP officers and military officials designated to patrol the park's premises. In addition to those affected by CNP, Bhattachan claims that Magars have been affected by Shey Phoksundo national park, the Tharus by Shukla panth wild-life reserve and the Rais and Limbus by Makalu Barun national park and Kanchenjunga conservation area (Bhattachan 2003a: 22).

Representation during the Panchayat Period

Since the advent of democracy in Nepal in 1951, the Bahun and the Chhetri have dominated Nepal's politics. In the 1959 parliamentary elections, the hill Bahun acquired

31 seats and the Chhetri acquired 30 seats out of a total of 109 seats (Gaige 1975: 164). Thus, the political representation of Bahuns and Chhetris was 59 per cent (Brown 2006: 54) and that of hill ethnic[24] groups was 26.3 percent (Baral et al. 2001: 25). In the national panchayat of 1967, the Bahun had 30 seats and the Chhetri had 47 seats out of a total of 100 seats (Gaige 1975: 164).

In the two elected legislature of the 1980s, the Bahun and Chhetri got 55 per cent of the seats. This proportion went up by 53, 63, and 63 per cent respectively in 1991, 1994 and 1999 parliaments (Dixit 2001). Between 1951 and 1991, the Bahuns, Chhetris and Newars together constituted one third of the total population but held around 60 per cent seats in the national parliament (Whelpton 2005: 184) The indigenous nationalities were often left out from the decision-making process due to their lower representation.

The condition which was seen in the political sector could be seen in the service sector also. In 1969, Bahuns, Chhetris and Newars occupied 93 percent of top civil service posts (Brown 2006: 54). In the same year, the hill ethnic groups (Tamang, Gurung, Magar, Rai, Limbu and Sherpa) had a total of 5.3 per cent, or 9 out of 170 positions in national level administrative posts (Gaige 1975: 166-169). According to Peters (2007), in 1967, there were only two Tamang officers in the Royal Nepal Army (RNA). The soldiers belonging to the Tamang community in the army generally served as tent pitchers and heavy load carriers. The vast majority of the army officers were of Chhetri caste (Peters 2007: 25).

Between 1983 and 1985, 69 per cent of the Public Service Commission (*Lok Seva*) posts were occupied by Bahun and Chhetri. This figure increased to 81 per cent in 1992/93 and in 2001 it went up to 98 per cent (Dixit 2001). The Bahuns, Chhetris and Newars accounted for almost 90 per cent of the section officers in the civil service in 1989 and for 81 per cent of teaching posts in Tribhuvan University in 1990 (Whelpton 2005: 184). A survey on the socal composition of higher education enrolment conducted by Tribhuvan

[24] The word 'ethnic' was used to denote 'indigenous' by many scholars until 2002 when the government officially recognized the presence of indigenous nationalities

University in 1979 found out that out of the total enrolment, 45 per cent were Bahuns, 20 per cent were Chhetris and 19 per cent were Newars (Malla 1992: 23).

Emergence of Indigenous Nationalities' Organizations during the Panchayat Period

During the *panchayat* period, ethnic, cultural, and linguistic difference was discouraged in the public sphere, remaining largely confined to cultural activism, private performance, and folk songs played on the radio (Adhikari and Gellner 2016). One of the earliest organizations of indigenous nationalities was the Tharu Kalyankarini Sabha formed in 1949. After that, some efforts were made to form an umbrella organization named Pichedieka Barga Sangathan in n 1956 which included Kalyan Sangha, Tharu Kalyankarini Sabha, Kirat League and the Dalit Sangha (Serchan 2001: 63-64).

During the latter part of the 1970s, a number of organizations came to be established such as Nepal Bhasha Manka Khala in 1979, Nepal Langhali Sangh and the Thakali Seva Samity (Fisher 1993: 12). Certain pan ethnic organizations also emerged before the referendum of 1980. The first among them was the *Magurali* (an acronym for Magar Gurung, Rai and Limbu) which later on became the *Shetamagurali* (with the addition of Sherpa and Tamang to the earlier grouping). Through these organizations, ethnic groups sough to organize themselves more politically during the panchayat period (Baral 1993: 58). Most of these organizations remained underground during the panchayat owing to the ban imposed by the government on political activities (Serchan and Gurung 2010: 58).

The post-referendum period of the 1980s saw a relative openness and attention to socio-cultural matters. This relatively "open atmosphere" also gave rise to ethnic expressions (Serchan 2001: 64). The New Year processions of the Newar community in Kathmandu, and publications like Tharu Sansriti (Tharu), *Tamun*(Gurung), *Khanglo* (Thakali), *Paru-hang* (Kirat), *Konpi* (Kirat), *Kairan* (various ethnic groups) and *Chahara* (various ethnic groups) can be cited in this regard (ibid: 65). Two organizations with a federal character were established during this period. They were the Nepal Sarbajatiya Manch (Nepal All

Peoples Forum) in 1982, which later evolved into the *Nepal Janajati Mahasangh* (Nepal Federation of Nationalities) in 1990 and the *Utpidit Jatiya Uthan Manch* (Oppressed Peoples Uplift Forum) for uniting the artisan castes in 1987 (Serchan 2001: 64).

The late 1980s also saw the emergence of some "extreme" ethnic organizations such as the Limbuan Liberation Front (*Limbuan Mukti Morcha*). This was formed under the leadership of Bir Nembhang on 20 December 1986 to demand autonomy for Limbus within the framework of the nation state of Nepal. After the publication of LMM's manifesto, Nembhang was arrested but was soon released (Subba 2001: 117). The Nepal National Ethnic Party (*Nepal Rastriya Janajati Party*) was founded by Khagendra Jung Gurung. He advocated a much more extreme position and demanded the division of the country into a dozen ethnic regions (Raeper and Hoftun 1992: 171-172). Another party called the Mongol National Organization (MNO) was founded by Gopal Gurung in 1989 (Hangen 2010: 64). Gurung was sentenced to three years imprisonment for publishing the book "*Hidden Factors in Nepalese Politics*" in 1985 (Gellner and Adhikari 2016). Before the restoration of democracy in 1990, most of the indigenous nationalities had similar narratives of dispossession under Gorkha rule but unlike the past, the indigenous groups after 1990 decided to come under a common platform in order to achieve their demands.

The Constitution of Nepal (1990) as a Cause for Mobilisation

The Constitution of the Kingdom of Nepal, 1990 was promulgated on 9 November 1990. Article 4(1) of the constitution declared Nepal as a "multi-ethnic, multi-lingual, democratic, indivisible, sovereign, Hindu constitutional monarchy". Although, the constitution formally recognized the ethnic, religious and linguistic diversity, Nepal remained a Hindu monarchy with Nepali as the sole official language. Hence, the linguistic and religious minorities were not satisfied with the 1990 constitution (Hutt 1993: 43).

During the six-month period from the end of the "peoples' movement" for the restoration of democracy (*Jana Andolan*) in May 1990 to the promulgation of the new constitution

on 9 November 1990, a number of issues related to language, religious and ethnic conflict came to the forefront (ibid: 35).

Raeper and Hoftun (1992: 154) state that in 1990, along with the pro-democracy democracy movement, there emerged another potentially stronger movement which "threatened the very fabric of the Nepali society". This new movement took the shape of an ethnic and religious revolt. Almost every caste, linguistic group or ethnic community raised its voice in one way or another in the six months period between the end of the peoples' movement and the announcement of the new constitution. Even groups such as the Tharus in the Tarai, the Tamangs and the Hindu "low castes", underprivileged groups who had never been politically active before- organized themselves (ibid: 172).

Almost every week during the unstable period after the peoples' movement, a new ethnic or regional party emerged, which had sworn to fight the political and economic domination by the high caste Hindus. At the same time, the position of the Hindu religion in the new constitution came to be highly debated (Hoftun et al. 1999: 313). The democratic movement of 1990 unleashed a spate of expectations and a variety of ethnic groups began to assert their distinct identities away from the "Hindu hierarchical order" (Sinha 2011: 143).

A commission was set up to receive public suggestions from all parts of the nation before the drafting of the new constitution (Adhikari 2014: 30). The Chair of the Constitution Recommendation and Drafting Commission, Justice Bishwonath Upadhyaya, was noted to have "expressed dismay over the fact that the vast majority of suggestions…concerned linguistic, religious, ethnic, and regional issues", which were, according to him, "peripheral" issues that did not require necessary concern (Hutt 1993: 35). While not recognizing them as something significant, the Constitution recommendation committee and the interim government perceived these grievances as a "threat to national unity" and dismissed them without any attempts at accommodation. Some of the constitutional provisions which were protested by indigenous nationalities are discussed below (ibid. 36).

Provisions on Religion

Under Article 4 (1), Nepal was declared as a Hindu kingdom. Article 27 (1) further defined a Hindu king as the head of state (Hutt 1993: 43). According to Pradhan (2011: 102), although the 1991 population census has recorded 86.5 per cent of the population as Hindu, many have doubted this figure as they saw an inherent bias in census-taking. In this regard, Acharya (2002: 33) claimed that around 35.2 percent of the population could have been following a religion other than Hinduism in 1991.

The debate over religion in the constitution emerged strongly during the six months period between the "peoples; movement" and promulgation of the new constitution. According to Hutt (1993: 35-37), this debate soon became an impassioned argument between proponents of a "secular state versus a Hindu state". Those demanding a secular state included Buddhist, Muslim and Christian Associations, ethnic organizations representing the pre-dominantly non-Hindu Tibeto-Burman groups, leftists, liberals and republican elements (Seddon 2014: 35).

On 29 June 1990, a protesting crowd consisting of about 5-6000 people emerged from the gates of the Pashupatinath Temple and walked silently through the streets of Kathmandu. They held up an image of Lord Krishna in front of their procession and flourished banners with slogans such as "Unity and Diversity – The Basic Characteristics of Hinduism" and "We are a Hindu nation" (Raeper and Hoftun 1992: 157). Hindu organizations such as the Sanatan Dharama Seva Samiti and the Nepal Branch of the Vishwa Hindu Parishad actively lobbied for the declaration of a Hindu state (Lawoti 2007: 55). The Interim Government's minister of Housing Achyut Raj Regmi even threatened to go on a hunger-strike if the constitution made Nepal a secular state (Seddon 2014: 35).

On 30 June, 1990 (the following day), a demonstration consisting of around 10,000 people [25]was organized by the Nepal Buddhist Association (NBA) demanding a secular

[25] Reaper and Hoftun (1992) mentions a figure of around 25,000 to 30,000 thousand

Nepal which demand was supported by the indigenous groups, Christians, Muslims, left, liberal and republican elements (Hutt 1993: 33). The demonstrators walked to the centre of Kathmandu urging, "give us a secular state-Buddhism is not just a branch of Hinduism". It was the largest demonstration since the *Jana Andolan* took place, which was organized by the NBA (Raeper and Hoftun 1992: 157).

The demonstration of the Buddhists[26] came as a surprise to the government. As most of the Nepali politicians during that time proclaimed themselves as Hindus, they were not very vocal about Buddhism. To them, Buddhism appeared to be just a branch of Hinduism (Hoftun et al. 1999: 313).According to Malagodi (2013a: 237), this approach was aimed to legitimize the nationalist claims that Nepal was a Hindu kingdom and also by increasing its statistical significance. The Buddhists transformed themselves as a political force for the first time in the history of Nepal with the protests (Hoftun et al. 1999: 313).

The new religious conflict which emerged after the peoples' movement was mainly the result of a conference conducted by the Nepal Christian Fellowship which was held on May 7 1990. It was the first ever public meeting of the Christians held in Nepal (ibid.). Due to strong protests, Mundhum religion was incorporated in the census of 1991 (Lawoti 2007: 55). Malagodi (2013: 237a) argues that religious minorities, that is, "non-Hindu groups", have always faced discrimination[27] in Nepal. Like Buddhists, Nepal's other religious minorities following religions like Kiranti and Bonism have suffered similar discrimination and have remained in a "subordinate position within Nepali society".

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[26] According to the 2001 Census, Buddhists were almost 2.5 million, just a little over 10 per cent of the total population of Nepal and the second biggest religious group after the Hindus.

[27] Shraddha Ghale (2015) mentions that the Nepali state has long prosecuted members of indigenous for killing a cow which is considered as sacred in Hindu religion. Many of them were conferred jail sentences extending up to 12 years. In 2013 and 2014 alone, at least 38 individuals belonging to indigenous groups were either serving prison time or facing prosecution on charges of cow slaughter.

Provisions on Language

Article 6 (1) states that "Nepali language (*khas kura*)[28]in the Devanagari script is the state language (*Nepalko rastrabhasha*) of Nepal. The Nepali language shall be the language of the workings of the government" (*sarkari kamkajko bhasha*) (Kramer 2008: 198). Article 6 (2) further states that 'all languages spoken as mother tongues in the various parts of Nepal are national languages (*Nepalko rastriya bhasha*) of Nepal or "languages of the nation" (Gurung 1997: 30). According to Hutt (1993), by using the word *'rastra'* and *'rastriya',* the 1990 constitution held an ambiguous position on the issue of languages (Hutt 1993: 43).

Nepali was declared as the language in which the official business of the state would be conducted where other languages were declared inadmissible for such purpose (Gurung 2003: 5). This gave rise to a debate immediately. Indigenous activists had listed this difference as an example of the discrimination practiced by the state and demanded that all languages spoken inside Nepal be treated equally. They had demanded that the states should provide the resource to both guarantee and realize the citizen's right to education in their mother tongues. Furthermore, they had demanded of the state to adopt a three language policy whereby Nepali citizens are able to lean and use their first language (i.e., their mother tongue), another language spoken inside Nepal as a second language, and an international language as their third language (Onta and Humagain 2017: 111).

In recognition of Cultural and Educational Rights, Article 18 (1) states that all communities living in the kingdom of Nepal have the right to preserve and promote their language, script and culture. Article 18(2) further provided the right to primary schools to educate children in their mother tongues (Shestha and Hoek 1995: 76).

[28] Burghart (1984) mentions that the term "Nepali" gained prominence only in the 1930s. Until then, it was generally known as the *Khas* language or the Gorkhali language. The term *"khas"* besides being a language also denotes a particular group (which includes the Brahmins and Chhetris) who migrated along with the expansion of Prithivi Narayan Shah in the eighteenth century. The indigenous groups have resented the use of Nepali language as it signifies the language of the Gorkhas who dominated them.

Article 18 (2) restricted the rights of education in the mother tongues beyond the primary level (grade five) (Hutt 1993: 43). Further, the communities' were left to operate schools in their mother tongues, absolving the government of responsibility for operation of schools in languages other than Nepali (Shakya 2007: 103). By restricting this measure to primary education, it further left mother tongue-medium instruction at higher levels of education unprotected and failed to set a policy for early childhood education(Weinberg 2013: 66-67).

The Nepal Local Governance Act of 1998/1999 had some provisions regarding culture, specifically those relating to the use of languages other than *Khas-Nepali* at the local level (Serchan and Gurung 2010: 80). The Act gave the rights to local bodies, District Development Commitees (DDCs), Village Development Committees (VDCs) and Municipalities to preserve and promote national languages. As a part of its implementation in the year 1988, the Kathmandu Municipality took a decision to introduce Newari language as an additional official language. Similarly, the DDCs of Rajbiraj and Dhanusha districts undertook the same decision to introduce Maithili (Bhattachan 2003a: 32).

Later, responding to a writ petition filed against the use of national languages as official languages, the Supreme Court came up with a verdict[29] on June 1, 1999 declaring that no other language, except *Khas Nepali* could used in local bodies such as additional official languages. It declared the use of mother tongues as official languages to be extra-constitutional and illegal and declared *Khas Nepali* as the only official language (Whelpton 2005: 232). In a similar case, the SC in 1997, declared Nepali as the only language in which candidates could take examination for the Public Service Commission (Malagodi 2013b: 108).

[29]According to Turin (2007), the verdict of the Supreme had not been revoked till 2007.

The Supreme Court's decision was criticized as a clear case of linguistic discrimination (Pyakurel 2007: 57; Dahal 2002: 68). A Language Rights Joint Struggle Committee (LRJSC) comprsing speakers of different language groups was formed (Serchan 2001: 95).The LRJSC and different mother tongue speakers called a "Kathmandu blockade" for a day, followed by rallies, public meetings, corner meetings, street demonstrations, lantern demonstration and picketing to protest against the SC decision(Bhattachan 2003a: 32).

The cancellation of the local languages saw a huge protest by the different groups especially the Newars. The Newars wanted the immediate retention of their language as language of the courts and local government (Hutt 1993: 43). In Limbuan books written in Nepali were set on fire. The Magar activists remarked that "since the Magar language was confined to oral traditions, it may be pushed to the verge of extinction if it ceases to be spoken" (Poudyal 2013: 230). Bhattachan (2003b: 42) has argued that due to the imposition of the *Khas-Nepali* language as the only official language and as the only medium of instruction in schools, and also as the evolving lingua franca, the new generation had forgotten their mother tongues, as a result of which their tradition and culture were gradually disappearing.

Another controversy which emerged after 1990 was due to the importance accorded to Sanskrit language. In 1992, the HMG-Nepal headed by the Nepali Congress decided to make Sanskrit, a compulsory subject at the lower secondary and high school level (Shestha and Hoek 1995: 73). Sanskrit was compulsorily imposed in schools till 2003 (Lawoti 2005: 7). This decision was opposed by indigenous nationalities who considered it as a state promoted "sankritization" process aimed at depriving students of indigenous nationalities from higher education (Bhattachan and Pyakural 1996).

During the minority government of CPN (UML), a news broadcast in Sanskrit was started by the Radio Nepal. This was viewed as a compromise by the CPN (UML) to the monarchy, Hindu religion, dead Sanskrit language and a decayed culture. Indigenous nationalities' organisations, academics and activists demanded that Sanskrit educational

institutions be converted into multilingual and multicultural educational institutions (Serchan 2001: 96-97).

Meanwhile, along with Mahendra Sanskrit University, several colleges and schools exclusively devoted to the teaching of Sanskrit were established around the country (Serchan 2001: 96). According to Malla (1992: 24), the government used to spend NRs. 32.1 million annually for 690 students at the Mahendra Sanskrit University (at NRs. 45,000 per student/per year) since 1982, although hardly any resource was allocated for the development of other languages. A PhD. Degree could be obtained free of cost, by attending residential Sanskrit institutions subsidized by the state while public schools were free up to class Ten. Serchan (2001: 98) argues that the Sanskrit language, though practically spoken by no one in the country, has been among the 'sacrosanct symbols of the Hindu state'.

The state subsidy to Sanskrit educational institutions and generous scholarships to Sanskrit students enabled the Bahuns to get advantage over other communities in getting government jobs (Shakya 2007: 102). Due to the imposition of Sanskrit, students speaking different mother-tongues had dropped out from schools as most of them had failed in the subject (Bhattachan 2003b: 42).

Due to the imposition of the *Khas-Nepali* and Sanskrit languages, people belonging to minority groups had difficulty in becoming literate, educated and secure government services (ibid.) The language policy of the state marginalized the indigenous nationalities in education, government jobs and judiciary etc. Combined with nepotism (*Afno manche*) and language, 90 per cent of the government jobs and educational opportunities were in the hands of Bahuns and Chhetris (Shakya 2007: 102).

Provisions on Citizenship

Article 8 devoted to citizenship, stated:

> "Following persons, who have their permanent residence in Nepal, shall be deemed to be the citizens of Nepal (a) a person who is a citizen of Nepal, pursuant to the provision of either Article 7 of the Constitution of Nepal, 1962 or Section 3 of Nepal Citizenship Act, 1964; (b) a person who is a naturalized citizen of Nepal, pursuant to the provisions of Section 6 of Nepal Citizenship Act, 1964.

Thus, as a birthright, citizenship was limited to the year 1962. Because of this article, those who were born before that period but had not taken citizenship at that time were denied citizenship. As a result of this provision, many inhabitants of Tarai were denied citizenship certificates because their parents did not hold citizenship documents (Lawoti 2005: 117).

Article 9(4), which deals with acquisition of citizenship, prescribes the following conditions for any foreigner applying citizenship of Nepal

> (a) He/she can read and write the national language of Nepal; (b) Has been engaged in an occupation in Nepal; (c) Has renounced his present citizenship; (d) Has resided in Nepal for at least fifteen years.

According to Jha (1993: 66), Article 9(4) was tantamount to a clear discrimination against indigenous nationalities and inhabitants of Terai as they speak languages other than Nepali as their first or second language. Also "the same opportunity (as to Nepali) is not provided to anyone knowing any of the other 100 native languages of the country" including the mother-tongues of any group residing in the Terai. The consequence of denial of citizenship has created four main problems (i) they were not eligible to apply for service in government, public and private institutions; (ii) they are debarred from running industry and trade; (iii) they were treated as "foreigners"; (v) they were not allowed to purchase land in Nepal (Jha 1993: 66).

Provisions on Political Participation

Article 112(3) states:

> "The election commission shall not register any political organization or party if any Nepali citizen is discriminated against becoming a member on the basis of religion, caste, tribe, language or sex or if the name, objectives, insignia, or flag is of such a nature that is religious (*dharmik*) or communal (*sampradayik*) or tends to fragment the country"

In other words, the constitution categorically prohibited the formation of political parties on the basis of religion, community, caste, tribe and region (Whelpton 1997: 59). The electoral code of conduct further stated that the 'voters shall not be encouraged to vote on the basis of caste/ethnicity, religion, tribe and language (Hachhethu 2005: 166).

This article thus prevented any social group from organizing themselves politically (Limbu 2005: 45). It also imposed a restriction on the freedom of opinion and expression, whereby it was stated that laws could be made to impose restrictions on castes, tribes and communities (under Article 122.3)(Lawoti 2005: 117). Dahal (2006: 61) argues that the constitutional provisions were framed to discourage the parochial nature and encourage broader participation of the people in the political process. As the Constitution of 1990 prohibited the Election Commission from recognizing the ethnic or regional parties, thus in 1991, the parties appealing specifically to the hill minorities, the MNO led by Gopal Gurung and the Nepal Ethnic Communities Party (*Rastriya Janajati Party*) led by Khagendra Gurung were denied recognition by the election commission (Whelpton 1997: 59). The MNO was refused registration by the Election Commission on the grounds that it was communal and promoted ethnic divisions within the country (Hangen 2010).

The Limbuan Mukti Morcha boycotted the 1991 elections in protest against this provision. The leader of the LMM, Bir Nembhang was arrested and detained in Ilam for a few days in April. Parties such as Rastriya Janajmukti party, campaigning basically for ethnic quotas within the political and administrative system was allowed to participate in the elections (Whelpton 1997: 59). Gore Bahadur Khapangi, the party's general secretary called for the constitution to allow all tribes and castes, proportionate share of political power (ibid: 67). According to Lawoti (2007: 49), the First Past the Post (FPP) system of elections adopted after 1990 proved to be biased towards the larger political parties. The

system failed to fairly represent a country that comprises as many as 103 castes and ethnic groups and 92 languages (Lawoti 2005). Another "discriminatory" provision was that if a party won less than 3 per cent of the popular votes in an election, it lost its recognition as a party in the next elections (Whelpton 1993: 59-60).

Protests over the1990 Constitution

The dissatisfaction with the 1990 constitution on the part of many ethno-linguistic, religious, and regional groups was due to the fact that the new document did not represent a substantial break with the past and presented many traits deemed as "exclusionary" (Malagodi 2013a: 173).On the day of the enforcement the constitution, most indigenous nationalities abstained from the celebrations (Baral 2006: 23). On 17 November 1990, the indigenous groups organized a mass meeting at the parade ground of Tundikhel in central Kathmandu and condemned the new document (Hoftun et al. 1999: 335).

In 1999, a National Consultative Workshop organised by NEFEN found out 27 Articles and Sub-Articles and 49 legal provisions of the Constitution of the Kingdom of Nepal, 1990 which was discriminatory for indigenous nationalities (Bhattachan 2003a: 25). A World Bank/DFID (2006: 11) report also found out 85 laws and 137 legal provisions discriminatory for indigenous nationalities.

According to Mishra, although the "peoples' movement for the restoration of multi-party democracy was undertaken to ensure the fundamental rights and equal opportunities for all groups of people irrespective of caste, creed and community but it failed to provide many safeguards for people belonging to indigenous nationalities, Dalits and women. The 1990 constitution rationalized the authority of the traditional dominant sections of the society thereby leading to the further marginalization of the weak (Mishra 2006: 221).

Social Composition of the Nepali Parliament, 1990-2006

In the 1991 elections, 37.6 per cent of the elected candidates were from the Bahuns. 18.11 per cent were Chhetris, 22 per cent hill ethnic[30]groups, 21 per cent Tarai groups, 8.3 per cent other ethnic groups from the Terai and 2.4 per cent Muslims (Baral 2005: 43). Thus, the combined strength of Bahuns and Chhetris in the House of Representatives (HOR) was 55 per cent although they constituted 30.6 per cent of the overall population (Bhattachan 2013: 41).

In the 1994 elections for the HOR, the Bahuns achieved 44.4 per cent seats, the Chhetri 18.5 per cent, Newar 6.3 per cent, Hill ethnic groups 11.7 per cent and Terai 18.5 per cent. Other (that includes Dalits) has 0.5 per cent (Baral 2005: 43). In the 1999 elections, the percentage of Bahuns in the HOR increased to 46.3 per cent, Chhetris achieved 17.1 per cent. The total strength of hill ethnic groups was 11.7 per cent and the combined Terai groups including the Muslim could get 18.5 per cent. Newar which was a distinct category with 5 per cent population, had a more or less stable representation pattern of about 6 per cent in all elections (Baral 2005: 43).

According to Baral et al. (2001: 50), the percentage of Bahuns in parliament increased from 39 per cent in the first (1991-1994) to 44.4 per cent in the second (1994-1999) to 46.3 per cent in the third. An increase in the representation of the Bahun and the concomitant decrease of other communities seemed to be a running trend through all the general elections (Baral 2005: 43).

The Chhetri had a similar record. Their representation increased from 17.1 per cent in 1991 to 18.5 per cent in 1994 but decreased to 17.1 in 1999 (Baral et al. 2001: 50).The percentage of indigenous nationalities decreased from 30.2 per cent to 24.8 per cent to 23.9 per cent in 1991, 1994 and 1999 elections (Bhattachan 2005: 96).The representative of the Hill indigenous groups decreased from 16 per cent to 11.7 per cent to 12.2 per cent

[30] The hill ethnic groups are the same as hill indigenous nationalities. From 1990 to 2002, indigenous nationalities were refered as ethnic groups *(janajatis)*.

in 1991, 1994 and 1999 respectively. The representative of Newar was stable in all the three general elections (Baral et al. 2001: 50).

According to UNDP (2009: 71), because of the low representation of indigenous nationalities in the parliaments of 1991, 1994 and 1999, they failed to frame policies to uplift themselves. Due to their parliamentary dominance, Bahun and Chhetri members have controlled cabinet positions (Bennet 2005: 18). The indigenous nationalities protested against their low parliamentary representation. They demanded proportional representation as they could not compete under the FPTP which was adopted by the constitution in 1990.

Caste/Ethnic Composition and Leadership Position in Major Political Parties, 1990-2006

The Bahuns constituted 42.7 per cent of the NC parliamentary members in 1991-94, which increased to 48.2 per cent in 1994-99. This figure slightly decreased to 47.3 per cent in the 1999 elections (Baral et al. 2001: 50). The representation of the Chhetri among the NC members went down from 20 per cent to 18 per cent and to 17.3 per cent respectively in the same period. The Bahun domination is more distinct in composition of the CPN-UML members in parliament as it constituted 42.02 per cent in 1991 but increased to 53.3 per cent in 1994 and to 54.6 per cent in 1999. The proportion of Chhetris was 13.04 per cent in 1991, 12.5 per cent in 1994 and 11.11 per cent in 1999 (Baral et al. 2001: 50). The numerical strength of Hill ethnic groups in the CPN (UML) fell from 26.1 per cent in 1991 to 13.6 per cent in 1994, but slightly improved in 1999 with its representation of 18.5 per cent (ibid: 51).

The leadership of NC, UML and Samyukta Jana Morcha (SJM) and RPP before the 1991 elections consisted of "upper-caste" groups (Baral 1993: 104). Before the 1991 elections, the NC leadership consisted of two Bahuns and one Newar. Its second and third-ranking leaders also reveal the same pattern of representation, despite its national spread. Other mainstream parties were no better. Before the 1991 elections, the UML politburo and

national council was were dominated by Bahuns. Among the eleven politburo members, seven were Bahuns, one Chhetri and two Newars. The national council of UML consisted of 28 members, of whom 20 were Bahuns, four Chhetris, two Newars, one Rai and one Tharu. The caste-dominated structure of the UML leadership clearly shows that not a single politburo member was from the Tarai or from the hill-ethnic communities (Baral 1993: 104).

According to Kramer, the domination of the Bahuns was to be found in the major political parties. In the UML, it was even stronger than the NC, even though there was slightly more democracy in electing the Central Committee members and top decision makers of the party. There was a lack of "grassroots democracy" in all the Nepali political parties. Thus the power and influence of the Bahuns dominating the central party organs were preserved while the participation of the other population groups, who could have played an important role at the local level, was hindered at the centre (Kramer 2008: 185).

According to Bhattachan, almost all the Nepali political parties were controlled by Bahuns and Chhetris while most of the workers and followers were from indigenous nationalities. The undemocratic structure of the leading parties made the introduction of broad-based and equal participation of all strata of society even more difficult (Bhattachan 2003a: 20).

Representation of Social Groups in Governmental Sectors, 1990-2006

According to the 1991 census, only 3.1 per cent of the workers were organized in the labour market. They were categorized as professionals, technical administrative and clerical employees. Among these salaried professionals, nearly 34 per cent were Bahuns, 17.4 per cent were Chhetris and 14.1 per cent were Newars (Riaz and Basu 2010: 73). According to Lawoti (2005), the percentage of Caste Hindu Hill Elite's (CHHE, a

category coined by him)[31] in the civil services in the 1980s was 60 per cent which increased to 87 per cent in 2001-2. In the same period, the percentage of indigenous nationalities remained below 3 per cent (Lawoti 2012: 143-144).

In 1990, the Bahun, Chhetri and Newars constituted 87 per cent of the permanent secretaries in the government, nearly 92.3 per cent of the additional secretaries, 88.9 per cent of the deputy secretaries, 94.5 per cent of the joint secretaries, 96.2 per cent of assistant secretaries and 92.6 per cent of section officers (Gurung 1998: 120-121). Among those candidates who applied for gazetted positions in the fiscal years 1996/1997-1997/98, the percentages of Bahun-Chhetri was 89.per cent and that of the hill ethnic groups were only 3.7 per cent. Out of those who qualified, 83.1 percent were Bahun-Chhetris and 3.4 per cent hill ethnic groups (Gurung 2003: 17). This trend continued till 2006. The Civil Service Documentation Centre (2006) stated that out of the total Special Class and Gazetted Level Positions, Bahuns held 58 per cent and Newars 14 per cent, while indigenous nationalities held only 3 per cent (Tiwari 2010: 83).

According to Gurung, out of the total 3871 university teachers in 1991, 80.9 per cent were drawn from the Bahun, Chhettri and the Newars and the Tarai group had 14.2 per cent. The hill indigenous nationalities which accounted for one-fifth of the population had only 3.2 per cent university teachers (Gurung 1998: 120-121). 1n 1996, adult literacy rate for "high caste" groups ranged from 42 to 58 per cent. It was 35.2 per cent for hill ethnics and 23.8 per cent for Dalits. Among those with higher education degrees, 88.8 per cent were high caste, 6.2 per cent ethnics and 3.1 per cent Dalits (Gurung 2003: 15-16)

In 1991, Bahuns, Chhetris and Newars constituted nearly 70.2 per cent of all graduates in Nepal (Riaz and Basu 2010: 73). According to the 2001 census, the total number of graduates and above in the country was 352,241. Of these, 73.8 percent were from "high caste" groups, 22 per cent from the ethnic group and 2.9 percent from others. The number

[31]Lawoti (2005) has categorised the Bahuns and Chhetris as CHHE to show their representation in various sectors of society.

of graduates and above from Newar community (47,577) were more than double than that of the other 44 ethnic groups combined (21, 596) (Gurung 2006: 24)

In 1999, the combined CHHE and Newar dominance in the leadership of professional bodies, of cultural, academic, science and technology, and civil society was 95, 89, 87, and 91 per cent respectively. In these twelve sectors, the hill indigenous nationalities (21.85 per cent population) and the Madheshi [32](32.33 per cent population including Madheshi Dalit and Terai indigenous groups) had 7 and 11 per cent representation (Lawoti 2010: 21).

The private sector in Nepal is dominated by Newars followed by Bahun and Chhetri. These two groups held around 90 per cent of the top positions in prominent Nepali NGOs and human rights organisations in 1999. They had an 80 percent hold in the media industry as editors, publishers and columnists. This show that Bahun-Chettri-Newar(BCN) males have exercised their power in both the state and civil-society (Tiwari 2010: 42).

According to Adhikari and Gellner (2016), these disparities gave rise to the indigenous nationalities mobilisation after 1990. Thus, one of their foremost demands was the adoption of reservations and other government measures to overcome marginalization. The dominance of Bahuns in the political parties, the universities, the judiciary, and the media gave the indigenous nationalities mobilisation, the character of a strongly "anti-Brahman movement".

Restoration of Democracy as a Factor in Mobilisation

According to Skar (1995: 31), ethnic associations and political parties were forbidden as public entities in Nepal during *panchayat* period. The ethnic associations were considered as "communal" and a hindrance to the process of national unity and integration. Any

[32] The term "Madheshi" means a dweller in 'Madhesh' (Madhyades) or the plains of Nepal. In theory, anyone living in Terai could be considered a Madheshi. This terminology has been contested by indigenous groups like Tharu and Rajbanshi after the political parties in southern Nepal demanded a "One Madhesh, One Province"

initiative undertaken on ethnic lines were considered "inflammatory". Until 1991, discussions on ethnic difference or inequalities were jailable offences (Kharel et al. 2016: 251). An example of this was the arrest and confinement of Gopal Grung for three years in 1985 for publishing a book titled *Hidden Facts in Nepalese Politics* (Adhikari and Gellner 2016).

The situation, slowly started to change after the promulgation of a new constitution in 1990. The constitution, for the first time recognized the country's multi-ethnic and multi-lingual composition (Chalmers 2007: 93). Under Article 12(2c), the constitution guaranteed the freedom to form unions and associations. Article 18(1) declared that each community shall have the right to preserve and promote its language, script and culture. These constitutional provisions enabled the indigenous groups to form their own associations (Minami 2007: 444). The availability of these civil liberties in the form of freedom of expression, organization and culture was extremely significant in the growth of the indigenous nationalities movement (Hangen 2010: 24).

A notable change which emerged after 1990 was the inclusion of ethnicity/caste data in decennial censuses. Academics were no longer jailed for expressing their views. Scholars like Harka Gurung and Govind Neupane with the help of statistics had shown the domination of "upper castes" in different sectors of society and polity (Hachhethu 2003: 219). These writings brought consciousness and awareness among indigenous nationalities (ibid: 233).

According to Parashuram Tamang, former General Secretary of Nepal Tamang Ghedung, the restoration of democracy resulted in the formation of a "wider collective identity" such as NEFIN in 1990 (Fisher 1993: 11). Thus, unlike in the past, when the indigenous groups used to mobilize individually, the post-1990 period saw the efforts of these groups to come on a common platform or umbrella (Khanal 2014: 116). The period also saw the growth of a large number of cultural and literary organizations. According to Chalmers, these organisations though they were not expressly political, succeeded in mobilizing linguistic groups in the public sphere (Chalmers 2007: 92).

The post-1990 period also saw the phenomenal growth of NGOs in Nepal (Lama Tamang 2010: 21). Along with the emergence of a strong NGO sector, several new identity-based NGOs were also formed. A large number of international NGOs also came to Nepal and provided support for rights-based and identity-based advocacy within the framework of indigenous peoples' movements with reference to International Labor Organizations Convention 169 that recognizes the rights of indigenous and tribal peoples (Upreti 2014: 218). An approximately 22.000 NGOs were registered in Nepal until 2009. They worked in the areas of grassroots development and advocacy campaigns. Due to their increasing numbers, a NGO Federation of Nepal was formed in 1996 which organized the groups from all parts of the country (Lama Tamang 2010: 21).

According to Hachhethu (2003: 232), democracy gave the space for the "excluded" groups to organize, mobilize as well as promote their interests. Though the 1990 constitution continued with a number of traditional elements and symbols of nationalism framed by the panchayat regime, one could see a change in the state's behavior towards ethnic groups after the restoration of multi-party democracy. As the result of the change in political system from "absolute to liberal", there has been transformation in the relation between the state and ethnic groups. The post-1990 governments were, by all means and standards, comparatively progressive and responsive to ethnic pressures. In fact, the origin and evolution of the indigenous nationalities mobilisation have been closely associated with the history of democracy in the country (Hachhethu 2003: 232).

Conclusion

This chapter has shown that the some of the causes of indigenous nationalities mobilization were historical. Most of the scholars belonging to indigenous nationalities have accused the Gorkha rulers of appropriating their land, culture and language since the territorial 'unification' of Nepal in 1742. By the end of 1990s, most of the indigenous groups shared similar kinds of narratives regarding oppression at the hands of Gorkha rulers till 1990. The situation which was expected by the indigenous nationalities to change after the restoration of democracy in 1990 did not materialise. The constitution of

1990 failed to live up to their expectations for a variety of reasons such as the declaration of the country as a Hindu Kingdom and Nepali language as the only official language.

The domination of *parbatiya* groups which was seen under Gorkha rule, remained intact even after 1990. Although the Bahun-Chhetri constituted around 30 per cent of the population in the 1990s, they held more than 70 per cent of positions in the political parties, the parliament, the judicial system, local and regional governments, universities, and the media. As the political parties were dominated by Bahuns and Chhetris, most of the indigenous nationalities' demands were not entertained. Thus, the common cause which forced the indigenous nationalities to mobilize after 1990 was to change these inequalities.

The demand of the indigenous nationalities mobilisation in post-1990 period included linguistic rights, secular state, affirmative action and reservation, proportional representation in the state organs, particularly in decision-making and policy making levels, to restructuring of the state for the establishment of ethnic autonomy with right to self-determination under a federal system. In order to achieve this, they had decided to come under the banner of NEFIN in 1990. The next chapter discusses this development.

Chapter Three

Strategies of Mobilisation

Introduction

The chapter analyses the strategies adopted by indigenous nationalities in the course of their mobilisation. It examines the methods by which the indigenous nationalities developed a collective identity as "indigenous peoples" in order to connect themselves with other indigenous movements across the world. It also analyses how these networks have helped them to intensify their mobilisation within Nepal. The chapter also examines how the various indigenous nationalities after 1990 have developed a collective identity under the National Federation of Indigenous Nationalities at the national level, and assesses the role of NEFIN in the mobilisation of indigenous nationalities. Further, the chapter examines the role of Nepali Maoists in the mobilisation of indigenous nationalities. In this context, role of international agencies in the mobilisation process is also evaluated.

Indigeneity as a Strategy

In spite of the efforts of many Asian and African governments to derecognize indigenous peoples in their territories, there was an increasing momentum behind the claims to indigenous identity in Asia and Africa (Niezen 2003: 74). The UN has played the most significant role for the promotion of the "idea" of indigenous peoples. It declared the year 1993 as the 'Year of World's Indigenous Peoples', which was later extended for a decade (1995-2004)(Kuckuczka 2011: 411).

After the UN declaration of 1993, ethnic groups in Nepal decided to emphasize their status as indigenous peoples (Hangen 2010: 51). The declaration provided an impetus for

groups in Nepal to use the term indigenous peoples and align the movement with international languages, movements and ideas or to an already "existing international movement or global movement" (Onta 2006: 310) This emphasis on indigeneity required a "radical" rethinking on the part of some of the indigenous nationalities' activists in Nepal (Gellner and Karki 2008: 110).

The indigenous leaders requested the government of Nepal to form a Nepali Indigenous Rights Committee (Skar 1995: 39) In March 1994, a national conference was organized by NEFEN (then a federation of 21 groups) in response to the UN Declaration of December 1993, whereby along with some other groups, they declared themselves as indigenous peoples (*adivasis*) (Gellner 1997a: 20-21). The conference defined "indigenous peoples" or "indigenous nationalities" in Nepal as follows:

> "(i) those social groups which possess a distinct tradition, language, religion (other than Hinduism; (ii) those living descendants of the peoples whose ancestors had established themselves as the first settlers or principal inhabitants of the present territory of Nepal at the time when persons of different culture or ethnic origin arrived there and who have their own history (written or oral) and historical continuity; (iii) those communities which have been displaced from their own land for the last four centuries, particularly during the expansion and establishment of the modern Hindu nation State and have been deprived of their traditional rights to own the natural resources (communal land known as *kipat*, cultivable land, water, minerals, trading points etc.); (iv) those who have been marginalised in the State's political power set-up (decision-making process), whose ancient culture, language and religion are non-dominant and social values neglected and humiliated; (v) those whose society is traditionally based on the principle of equality – rather than the hierarchy of the Indo-Aryan caste system- and on gender equality or women enjoying more advantaged positions – rather than social, economic and religious subordination of women-, but whose social norms and values have been slighted by the State; and (vi) those which formally or informally admit or claim to be the indigenous peoples of Nepal on the basis of the aforementioned characteristics" (Bhattachan 2012a: 2-3).

The meeting equated 'indigenous' with "ethnic minority" and dwelt on religious, cultural, educational, economic, and political problems. The 14-point resolution included a demand for Nepal to be made a secular state and opposed Sanskrit as a compulsory language in school (Gurung 1997: 527).

According to Onta, the indigenous leaders of Nepal tried to take advantage of the 'then emerging practice of self-identification as a primary condition for identifying a groups' "indigenousness". This condition provided the users to portray *adivasis* of Nepal as those who were marginalized in Nepal society at large and thus could claim various relational histories of discrimination. This decision was taken in view of the definition proposed by the third World Council of Indigenous Peoples (WCIP) which mentioned that the term indigenous peoples refer to "those living in countries which have a population composed of differing ethnic or racial groups who are descendants of the earliest populations living in the area and who do not, as a group, control the national government of the countries in which they live" (Onta 2006: 310).

According to Hangen, the category of indigenous nationalities didn't include Hindu caste groups, which indigenous nationalities consider to have their origins in India. These caste groups were also considered as "outsiders" and "non-natives" in order to portray them as colonizers. The indigenous nationalities claimed themselves to be "bearers of the original forms of Nepal" and also more authentic than the Hindu caste groups (Hangen 2010: 51).

According to Toffin, the indigenous organizations have created a notion that, groups were to be "identified by their traditional dress, just as much for men as for women, their jewels, their musical instruments, even if these cultural markers are no longer worn or are used only during some festivals. This staged presentation was exhibited in posters, cultural programmes and in ethnic museums". The indigenous nationalities idea of "autochthony" was built on a communalist ideology: all members of a group were thought to be genetically and socially united as members of the same family (Toffin 2014: 65).

In the beginning of the 1990s, many of the groups didn't have much knowledge regarding the concept of indigenous peoples. The Kathmandu-based activists and leaders such as Suresh Ale Magar, Parashuram Tamang, Krishna Bahadur Bhattachan, Om Gurung and Bal Krishna Mabuhang played significant role to make the smaller ethnic groups aware about indigenous rights. For this, they had travelled to various parts of the country (Rajbanshi 2016). According to Gunaratne (2002: 88), the indigenous nationalities have mobilized and "entered into political activity and into alliance" on the basis of their indigeneity. The above discourse had encouraged indigenous nationalities to work for a common political goal (Mandal 2013: 79).

Construction of International Networks by Indigenous Nationalities

By the 1990s, the concept of 'indigeneity' became a significant method of mobilizing support for ethnic political issues in the international area. Efforts of the UN and many international organizations have transformed the discourse of indigeneity as a useful way for smaller groups from marginalized communities to demand their rights within the state (Hangen 2010: 51). During the 1990s, the indigenous nationalities of Nepal formed stronger networks with the global indigenous rights movement (Kuckuczka 2011: 411).

After the UN Declaration of 1993, the indigenous nationalities activists of Nepal realised the importance of global initiatives on behalf of indigenous peoples (Gellner and Karki 2007: 366). The declaration gave a boost to their mobilisation. They started to construct networks with other indigenous peoples' movements across the world with similar claims and demands. These gave opportunities for indigenous nationalities from Nepal to take part in programmes for indigenous peoples at the global level including conferences, seminars and meetings (Serchan and Gurung 2010: 56).

Representatives from Nepal's National Committee for the International Year of the World's Indigenous Peoples participated in many global conferences, for example, the UN Conference on Human Rights held in Vienna, Austria in June 1993. They also took part in programs to display the cultural traditions of the indigenous nationalities of Nepal

(Hangen 2010: 51). Bhatachan has pointed out that "the indigenous nationalities have formed "alliance" with international organizations, such as the Asia Indigenous Peoples Pact (Bhattachan 2003b: 53).

The indigenous peoples' decade (1995-2004) also provided opportunities for indigenous nationalities of Nepal to build "solidarity" and "networking" and be part of the "global civil society" of indigenous peoples (Serchan and Gurung 2010: 85). They organised numerous programmes across the country during the Indigenous Peoples Decade. They began celebrating Indigenous Peoples Day on 9 August every year by organizing cultural programmes, processions and rallies in different parts of Nepal. NEFIN has been playing the most active role in organizing these events (ibid: 56).

The indigenous nationalities' organisations have sent delegates to the annual forums of the UN held in New York. These efforts have helped them to come in touch with numerous donors, know about the strategies of various indigenous groups across the world and receive international attention regarding their situation (Hangen 2010: 51). The representatives of NEFIN have attended the UN Convention for Indigenous Peoples and the UN Convention for the Elimination of all Forms of Racial Discrimination (Minami 2007: 445).

Leaders of indigenous nationalities have also visited a number of foreign countries (including Japan and Honk Kong (PRC) in order to give speeches and to acquire knowledge of the situation of indigenous people around the world (Minami 2007: 462). The Nepal Indigenous Peoples Development and Information Service Centre have participated in the meetings for the establishment of the UN Permanent Forum for Indigenous Issues (Niezen 2003: 74). The above mentioned activities helped the indigenous nationalities in achieving solidarity and support from indigenous peoples movements around the world (Serchan and Gurung 2010: 56) The networking and alliances within and outside the country also helped them to fight for the preservation and promotion of diversity in Nepal (Bhattachan (2003b).

One of the indigenous nationalities activists who had played the most significant role to connect Nepal's indigenous movement with the "international indigenous movement" was Parasuram Tamang who was an economics professor at Tribhuvan University. He was one of the founder members of NEFEN in 1990 and has served the organization as a general secretary from 1996 to 2000 (Kuckuczka 2011: 416).

Tamang travelled to the United States after the UN Declaration of for Indigenous Peoples in 1993 and presented the case of Nepal's indigenous groups to the other indigenous peoples of the world. He also learnt about new strategies adopted by different indigenous groups across the world and employed them in Nepal (Tamang 2016). He was an elected member in the Council of the United Nations Permanent Forum for Indigenous Issues in 2002 as an Asian representative by the Asia Regional Indigenous Conference for three-year tenure. He was re-elected in 2005 for another three-year term in office. In the second term (2005-08), he was a presidential nominee (Gellner and Karki 2008: 110).

Tamang also served as an executive member for the AIPP between 1996 and 2000 and as executive secretary for the International Alliance's based in London from 2000 to 2002. Furthermore, he was a coordinating member for the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, a worldwide network of organizations representing indigenous and tribal peoples living in tropical forest regions (Kuckuzka 2011: 416).

At the national level, Tamang was active in the Indigenous Nationalities' Campaign for Human Rights and was a core member of the Environmental Coalition of Indigenous People's Organisations of Nepal. He functioned as the president of the Nepal Tamang Ghedung till 2008 and served as their chief advisor and was chairman of the International Tamang Council, which among other things brought together Tamangs from various regions for conferences (ibid: 415). Many indigenous activists from Nepal (more particularly associated with NEFIN) have critiqued his way of functioning for his ever increasing desire to establish international networks without concentrating much at what

was going at home. Some of these criticisms indeed came true as NEFIN was unable to hold a regular general assembly in the year 1998 (Kuckuczka 2011: 416).

Many international agencies also promoted the concept of indigeneity in Nepal and disseminated knowledge regarding ILO Convention 169 to the people. The International Labour Organisation (ILO) has been most active in this regard. In 2005, the ILO organized a two-day national conference titled *ILO Convention 169 and Peace Building in Nepal* in partnership with NEFIN and NFDIN (Bhattachan 2005: 86).

Countries such as Denmark and Netherlands have supported the promotional work on ILO Convention 169 through the above mentioned conference, which succeeded in sensitizing their staff on the importance of indigenous peoples' issues for the establishment of lasting peace. As a result of the conference, there was an increased awareness among donors and foreign governments regarding the convention, the ethnic dimension of the Maoist conflict and the situation of indigenous nationalities in Nepal. Extensive linkages were also made with the international indigenous peoples' movement, particularly the UN Permanent Forum on Indigenous Issues (Bhattachan and Webster 2005: 35-36).

The concept of indigeneity has emerged as a "powerful tool" in order to unify several heterogeneous groups in Nepal by stressing their "common historical relationship to land. It has also brought international recognition to them. The activities of Nepal's indigenous nationalities have intensified with every passing year. Major annual celebrations displaying international solidarity are held on the International Day of World's Indigenous Peoples, August 9, in Kathmandu and elsewhere in Nepal (Hangen 2010: 51). As members of the global indigenous movement, indigenous nationalities have criticised numerous measures including the UN's use of certain terminologies. For examples, they have argued that the term "indigenous peoples" (i.e., in plural) should be used rather than the term "indigenous people" (presently used by UN) which is singular (Serchan and Gurung 2010: 85).

The use of the word "populations" in the UN Working Group on Indigenous Populations (and not "peoples") has not been supported by indigenous nationalities of Nepal. Moreover, the use of the word "issues" and not "peoples" in the UN Permanent Forum on Indigenous Issues made Nepalese indigenous activists to state that the United Nations regards "indigenous peoples" as an "issue", i.e., a problem or even a nuisance. As regards the UNDRIP, there were mixed reactions from different groups. Some indigenous nationalities criticized it for "not going far enough," while many Nepali government officials argued that "it goes too far" (Serchan and Gurung 2010: 85).

According to a Nepalese indigenous activist, some of the provisions in the UNDRIP Draft (such as those related to the right to self-determination, compensation, and reparation) have been put down during discussions in the UN. Nevertheless, at a press conference on 18-19 August 2001, which was organized by the parliament's Human Rights and Foreign Affairs Committee, INs parliamentarians had stressed on the necessity of Nepal's role regarding the passage of the UNDRIP Draft in the UN (Serchan and Gurung 2010: 85).

Deriving its ideas from other indigenous peoples' movements and invoking the rights enshrined in the international instruments, the indigenous nationalities of Nepal have been demanding the right to self-determination in accordance with Article 1 of the International Covenant on Civil and Political Rights (ICCPR); Article 1 of the International Covenant on Social, Cultural and Economic Rights (ICSCER); and Articles 3, 4 and 46 of the UNDRIP; indigenous peoples' rights to self-determination and Free, Prior Informed Consent (FPIC) in deciding autonomy or self-rule must be ensured by the CA; the indigenous peoples also support the right to self-determination for other groups. The indigenous nationalities of Nepal demand right to self-determination without secession based on Woodrow Wilson's concept of right to self-determination with no right to secession (Bhattachan 2010: 24).

As in the case in other parts of the world, the rise of ethnic voices and autochthonous movements in the Himalayas was a major phenomenon in the last decades and an

important aspect of changes in local contemporary societies. Ethnic activists' claims to "localized territories were buttressed by depictions of strong communal solidarities and a persistence of traditional values, norms and practices. These depictions stood in a very interesting relationship to the ethnic horizons stretching globally. In this vein, ethnic self-representation and solidarities work as global infrastructures for maintaining social ties while drawing upon new ideas and networks for maintaining the traditional forms of life" (Toffin and Pfaff-Czarnecka 2014: 27).

Lawoti (2013: 215) claims that the indigenous nationalities have "benefitted" from the global indigenous peoples' discourse. After regularly attending the United Nation's Permanent Forum and other international meetings, they have used the ILO Convention 169 and UNDRIP to advocate and protect their rights (Bhattachan 2008; Lawoti 2013b: 215).

The significance of the international discourse on indigenous peoples can be gauged from the fact that the indigenous nationalities' umbrella organization NEFEN was renamed as NEFIN in order to incorporate the key word *'adivasi'* (Nepal Federation of Indigenous Nationalities) (*Nepal Adivasi Janajati Mahasangh*) in 2003 (Gellner 2011: 47). This decision was taken at NEFIN's fifth national congress held in August 2003. According to Kuckuczka (2011: 411), the amendment from NEFEN to NEFIN by adding the local term *adivasi* reflected the "internationalization of the movement".

The indigenous nationalities have started to refer to international instruments in order to protect their rights. On 9 August, 2004, NEFIN placed a 32 point list of demands to the government of Nepal on the occasion of World Indigenous Peoples' Day (Subba 2006b: 42). After 2008, a number of groups in Terai have termed themselves as "autochthons" and claimed their origin in the region and projected "*pahade*"[33]groups as 'alien and colonialists'. By doing so, they have claimed privileged rights over resources. The Tharu

[33] The word 'Pahade' denotes a person who belongs to the hills. Nepal has been divided vertically into three main geographical zones consisting of mountains (*parbat*), hills (*pahad*) and plains (*Terai*). The people of the plains generally consider those living in the hills as *pahade*.

of western Nepal have been waging movements in the past couple of years. They have started levying a "tax" on timber transportation, by referring to the ILO Convention 169. The activists have tended to justify a groups' claim over material and "symbolic" resource by creating a story of "myth" of its origin in its territory (Adhikari and Dhungana 2011: 118). Moreover, while pressing forward their demands for 'ethnic federalism' before the CA, the indigenous nationalities of Nepal have frequently referred to international conventions like ILO Convention 169 and UNDRIP claiming the indigenous peoples right over water, forest and land (*Jal, jangal and Jamin*) (Hachhethu 2014a: 147).

International conventions such as the ILO Convention 169 and UNDRIP have been successful in linking the mobilisation of indigenous nationalities to the global movement of indigenous peoples. By doing this, they become part of the international movement (Hachhethu 2003: 234). In case of Nepal, NEFIN co-ordinates the activities of all indigenous nationalities at the domestic level where at the international level, the indigenous activists try to derive support by connecting themselves to the global indigenous peoples movement through participation in international conferences and programmes.

NEFIN's Role in Mobilisation at the National Level

Prior to 1990, the indigenous nationalities were scattered and mobilizing in their own ways (Sharma 2012: 238). According to Parashuram Tamang, General Secretary of Nepal Tamang Ghedung, the restoration of democracy provided the opportunity for the construction of a broader collective identity (Fisher 1993: 11). On April 1990, eight ethnic organizations came together to form what was then called the Nepal Federation of Nationalities (NEFEN) (Onta 2006: 308).

Formal ethnic associations have existed at least since 1950; the Tharu Kalyankarini Sabha was first registered in 1950, the *Nepal Tamang Ghedung* was formed in 1956; the *Nepal Bhasha Manka Khala* was organized in June 1979; and the *Nepal Magar Langali*

Sangh and the *Thakali Sewa Samiti* were formed in 1982. Predecessors of NEFEN include the *Nepal Sarvajatiya Adhikar Manch* (Forum for Rights of All Nationalities), organized in 1986, and the *Bibidh Dharma, Bhasha, Jati Tatha Janajati Sangharsha Samiti* (Various Religions, Languages, and Nationalities Action Committee), which was active in 1990 during the *Jana Andolan* (peoples' movement) (Fisher 1993: 12). While speaking about the origin of NEFIN in 1990, Parashuram Tamang, one of the founding members of NEFEN mentioned that although IPOs for single INs such as the *Tharu Kalyankarini Sabha*, *Nepal Magar Sangh* and *Nepal Tamang Ghedung* existed before 1990, the desire for a collective front has brought these groups together after 1990 (Tamang 2016).

There were some reasons behind the formation of "collective identity" by indigenous nationalities under NEFEN. Nepal is considered as a "country of minorities"; there is no single group which has a majority. Based on the 1991 census, no caste or non-caste ethnic group constituted more than 17 per cent of the total population. The largest group Chhetri constituted 15.80 per cent. Thus, as a result of this situation, different minority groups have lately realized the need to form "networks" and build "alliances" with each other in order to be recognized by the state (Bhattachan 2003b: 52). Hangen (2010: 49) considers this as a crucial step towards mobilizing people to achieve political change. Lawoti (2005) further argues that the 'common thread' which brought all the indigenous nationalities together in the post-1990 period was the "cultural discrimination" faced by them at the hands of the state and the dominant groups.

NEFEN was established with the objective of bringing all the smaller indigenous associations under a single umbrella (Sharma 2012: 238). It was formed with a purpose to co-ordinate the numerous indigenous nationalities' organisations and provide collective leadership to the identity movement (Gurung 2013: 23). The founders of the organisation have argued that their "organized strength gave them a leverage to negotiate with the state for an equitable share of resources and for self-rule" (Dahal and Ghimire 2012). The evolution of NEFEN has been more formal in nature and can be taken as an attempt at

"identifying the points of commonality amidst diversity for the sake of solidarity" (Serchan 2001: 64). According to Brown (2006: 218), the indigenous nationalities formed a united body under NEFEN in order to acquire "political muscle" in the democratic system.

Among NEFEN's founding members, there were two Rai organizations and one organization for each of the following ethnic groups: Gurung, Magar, Newar, Limbu and Tamang (Gellner and Karki 2008: 109). NEFEN emerged as the most prominent organisation and key interlocutor for government and donors (Chakravartty 2014: 67). At the time of its formation, NEFIN had a fourteen member council, two each from the member organizations. Seven of the council members became the executive office bearers. Suresh Ale Magar, representing Nepal Magar Sangh was selected to lead the Federation in the capacity of General Secretary, while, Keshab Man Shakya representing the Nepal Bhasha Manka Khala was entrusted as Secretary. Satya Narayan Chaudhury, representing the Tharu Kalyankarini Sabha became treasurer (Shakya 2007: 100).

At present, NEFIN has a federal council consisting of one representative from the member organizations (Serchan and Gurung 2010: 59). The nine office holders of the council and secretariat rotate among the member organizations in alphabetical order. There is also a general secretary and seven other secretaries responsible for various departments. Elections for office bearing positions are held once in every three years at the general assembly. NEFIN also elects the Vice-Chairperson of the NFDIN (Bhattachan and Webster 2005:10). NEFIN's principle that each indigenous group should have one representative body as its member was based on the objective of presenting itself as a federal body representing all indigenous nationalities in Nepal (Gellner and Karki 2007: 366). In 2006, a decision was made by NEFIN to handover the leadership to INs with smaller populations (Lama Tamang 2010).

Consequently, in 1999, women from different organizations affiliated with NEFIN formed the National Indigenous Women's Federation (NIWF), the umbrella organization of indigenous women. Currently, 31 indigenous women's organizations are affiliated with

NIWF, and it has already branched out to 50 districts and 1,500 Village Development Committees (Sunawar 2013). According to Lama Tamang (2010: 22), the indigenous nationalities mobilisation in Nepal, stands out among similar movements in South Asia due to its 'impressive capacity for creating new values and its success in uniting diverse indigenous nationalities through the country'.

NEFIN's mission was to "to achieve social equality and justice for indigenous nationalities by preserving their distinct social, political, cultural, and linguistic identities and by promoting their representation in every aspect of national life" (Bennet 2005: 29). During its earlier years, NEFIN concentrated its activities for the preservation and promotion of culture, equality of languages and secularism (Onta 2006: 327). In later years, it has raised several issues such as good governance, promotion of bio-diversity, human rights, traditional knowledge systems, conflict and peace-building, constitutional issues, state restructuring and federalism, social inclusion and reservation etc. (Bennet 2005: 29).

Under the "collective leadership" of NEFIN, indigenous nationalities began openly to challenge the "socio-cultural and politico-economic domination of Hindu caste communities and hegemony of Hindu religion" (Gurung 2013: 23).They protested against Nepal's official designation as a Hindu kingdom and demanded for a secular state. They also protested against the monolithic language policy of Nepal and demanded a multi-language policy for the state (ibid: 25).

In 1994, NEFIN organized a conference in response to the UN Declaration of 1993 as the Year of Indigenous Peoples (Adhikari and Gellner 2016). It has been advocating a tri-lingual education policy and official use of local languages in the local government bodies. It has protested against the government's decision to impose Sanskrit in government schools. The tri-lingual policy suggests educating the Nepali students in their mother tongue, second language (any other languages of Nepal can be Nepali) and English (as an international language). Besides Nepali, one or two local languages can be officially recognized for local government bodies (Shakya 2007: 103). In 1999, it

conducted workshop with Minority Rights International (UK) to identify limitations in the constitution (Bhattachan 2001: 75).

In March 2000, NEFIN organized a National Conference on Linguistic Rights and Promotion of Mother Tongues, in which 75 organizations participated. This was in reaction to the Supreme Court's decision of 1 June 1999 which considered the use of languages like Nepal Bhasha (Newari) and Maithili in government offices unconstitutional and illegal (Kramer 2008: 189). Four significant resolution were adopted in the conference: (a) adoption of a 'National Declaration on Linguistic Rights; (b) Rejection of the Supreme Court verdict as undemocratic and against the universal norms and values of human rights; (c) immediate realization of language survey; and (d) formation of a language coordinating and monitoring committee under the Convenorship of Padma Rathna Tuladhar (Chalmers 2007: 95).

At its fifth national congress held in August 2003, NEFEN changed its name to NEFIN (Nepal Federation of Indigenous Nationalities) (Toffin 2014: 62). In 2004, NEFIN received funds from British DFID to carry out the Janajati Empowerment Project. It also prepared a schedule categorizing the indigenous nationalities in four groups (Onta 2006). In 2004, it organized a workshop where a Swiss professor of political science delivered a lecture on Swiss democracy (Shakya 2007: 105). In 2004, NEFIN staged a street demonstration consisting of around ten thousand people to protest the royal takeover of October, 2002 (Hangen 2007: 25).

After the royal takeover of 2005, NEFIN underwent a major shift and became increasingly engaged in "overtly" political activities. NEFIN staged street demonstrations and took part in sit ins, rallies and marches in defiance of curfew. These demonstrations were carried out in Kathmandu and other parts of the country (Gurung 2013: 27-28). After king Gyanendra asserted his control by taking over the political and administrative power, NEFIN began to work with other civil society and political organizations to restore democracy. NEFIN argued that only democracy could protect and encourage the rights of indigenous nationalities and this would require the restructuring of the state and

ensure proportional representation on the basis of ethnicity. With this agenda, it supported the political parties to fight for the restoration of democracy. But it also warned the political parties that the Westminster model of democracy in which the "winners take all" cannot guarantee peace and prosperity in the country, because such types of democracy was always exclusionary (ibid.).

NEFIN and other IPOs critiqued the Peace Accord signed between CPN (Maoist) and the seven political parties for not being able to address the issues of the indigenous nationalities. On 18, November, 2006, Om Gurung, the then general secretary of NEFIN put forward a fifteen point demand to the interim government and warned that if it failed to fulfill the demands of indigenous nationalities; the organisation would begin a series of protests. It sought a clarification on how the state would be restructured, proportional representation for indigenous nationalities in the CA and in the interim government, and a referendum of the monarchy to be conducted along with the CA elections among other issues. He also raised a question to the political parties regarding their failure to use the term "indigenous nationalities" in their various documents (Hangen 2007: 44-45). In 2006, a significant decision was undertaken by the general assembly of NEFIN which shifted the leadership of the organization to indigenous groups with fewer populations (Lama Tamang 2010: 26). This has been done to ensure that NEFIN succeeds as a collective forum ensuring the rights of every indigenous group, large or small (ibid: 46).

In February 2007, NEFIN organized a fake *khukri*[34] procession in Kathmandu and announced crippling strikes across the country (Pun Magar 2007: 4). On 26, February and 2 March, 2007, it held meetings with the interim government and raised four basic demands. These were: (i), ethnic based proportional reservation system in the CA elections; (ii) an immediate decision on how a federal system would be established; (iii) linguistic freedom; and (iv) new national emblem. As the meeting failed to yield any results, NEFIN pressed forward with a new series of protests. While NEFIN's protests have been mainly peaceful, the organization has turned to more coercive methods of

[34] A curve knife or blade used by the Nepalis.

political action in order to pressurise the government to fulfill their demands. In April 2007, it threatened an indefinite blockade of the Kathmandu valley if the demands were not fulfilled, thereby also mentioning that such a demand could also require the use of violence (Hangen 2007: 46).

In June 2007, NEFIN organized a successful two-day general strike, putting forward twenty demands. As the protests further intensified, the government was forced to sign a 20-point agreement on 7th August, 2007 with the indigenous nationalities led by NEFIN and Indigenous Nationalities Joint Struggle Committee (INJSC) (an alliance of fraternal wings of six political parties) (Bhattachan 2010: 20).

This agreement formed the main bedrock for indigenous nationalities' negotiations later (Serchan and Gurung 2010). Some of the important points of the agreement were ratification of ILO Convention 169 and reservation of seats in parliament. According to Pasang Sherpa (2016), the agreement was a significant one as most of the demands were taken into account by the government although he was very doubtful regarding the commitment and time frame of the latter in implementing them.

By the end of 2008, NEFIN had expanded its organizational units in Kathmandu valley by organizing indigenous nationalities living there through DCCs, student wings, and other professional units (Subba et al. 2007: 15). In February 2009, under the aegis of NEFIN, an informal caucus of indigenous nationalities CA members was formed. This helped in coordinating the decisions of the indigenous nationalities belonging to different political parties (Bennet et al. 2013: 86). In October 2009, NEFIN submitted its suggestions on the new constitution to the CA. In December 2009, NEFIN and indigenous activists protested against the exclusion of the rights of indigenous nationalities as "fundamental rights" in the reports of the CA committee on fundamental rights and directive principles. In January 2010, NEFIN welcomed the Committee for the Restructuring of the State and Distribution of State Powers' proposal that called for a federal set-up with 14-federal units and 23 autonomous regions (ibid: 84).

As the fifth deadline for the constitution-building process was about to end on 27 May, 2012, indigenous nationalities under the banner of NEFIN and INJSC organized a series of protests. The INJSC enforced an effective nationwide general strike demanding 'identity-based federalism' with 'autonomy' in the new constitution from May 20- 23 (The Carter Center 2013: 13). A 12 point agreement was signed between the government of Nepal and INJSC led by NEFIN on 22 May, 2012. Some of the important points of the declaration included the adoption of ethnic-based federalism and proportional and inclusive representation in the elections. After the promulgation of the constitution in May 2015, NEFIN carried out protests against the constitution for its failure to introduce identity-based federalism (Sedhai 2015)

Assessment of NEFIN's Role in Indigenous Nationalities' Mobilization

NEFIN has been at the forefront of indigenous nationalities' mobilisation (Bennet 2005: 29). According to Toffin (2013b), NEFIN has been successful in unifying the action of 56 indigenous nationalities from Nepal, each with its own identity and particularities, within a wide organization claiming a joint sense of belonging. It has involved in the advocacy of causes of indigenous nationalities through intellectual forums, celebratory events, rallies, street demonstrations, research and publications. It has led and organized various types of delegations to articulate the demands of indigenous nationalities to the Nepali governments as well as international authorities. It has forced the government to form various task forces to look into the specific demands of indigenous nationalities (Onta 2006: 326).

NEFIN has supported its member organizations through participation in their cultural and other events. It has also been involved in strengthening its member organizations and itself. NEFIN has interacted with members of parliament and politicians to lobby for particular demands or to communicate its views on some specific events and policies. It has promoted the festivals of indigenous nationalities, and called for a boycott of "Hindu festivals" such as *Dasain*. It has protested against compulsory Sanskrit education in

schools and has also rallied all indigenous groups to participate in national exercises such as the census of 2001 (Onta 2006: 326).

Although NEFIN began as an eight member organization at the time of its establishment in 1990, by 2010, its membership had increased to fifty-four groups. There were only five indigenous nationalities which did not have representation (Serchan and Gurung 2010: 59). A large number of indigenous nationalities have very small populations and as a result, very limited power to assert their rights. So, NEFIN has started programmes by forming alliances between highly marginalized indigenous nationalities (HMINs) in order to lobby for their rights (Lama Tamang 2010: 20). NEFIN has encouraged the formation of new IPOs where none existed (Karki and Gellner 2007: 366). It has also opened offices in the US, South Korea, Japan, Canada and Australia (Subba et al. 2007:15). It has facilitated many workshops and debates, on state restructuring to raise awareness among its members (Shakya 2007: 104).

NEFIN and other affiliated IPO's, DDC's and other sister organizations have mobilized towards the goal of declaration of the federal state by the interim constitution. NEFIN has expanded its organizational wings at multiple levels. In 2005, it had a very limited number of linkages at the grassroots level with fairly low–capacity organizations in only 24 VDC's but by the end of 2008, however, it had formed Indigenous Nationalities Village Co-Ordination Committees in 2000 VDC's (Lama Tamang 2010).

Despite many challenges, NEFIN has provided a number of lessons for advocacy. Changes in the provisions of the constitutions since the 1990s reflect effective advocacy on its part. NEFIN has successfully advocated for the definition and classification of indigenous nationalities and also legitimized the definition via various protests, rallies, demonstrations, press conferences and publications (Tamang 2004). However, the real strength of the organization – engaging in advocacy – became possible only through regular interactions at the grassroots level since its branches are spread across different districts and villages (Kharel et al. 2016: 263).

Despite its success, NEFIN also had many limitations. Although a number of personalities formerly associated with NEFIN have joined political parties, the organisation has not been transformed into a political party because of the demands of indigenous activists to keep it equidistant from all the political parties (Toffin 2013a). Suresh Ale Magar, the first general secretary of NEFIN had joined the Maoists ethnic wing, the All Nepal Nationalities Organisation in November 1994 (Sharma 2003).

The Maoists at a later date also put Om Gurung (former NEFIN president) in the post of general secretary of the party (Hangen 2010: 153). Many indigenous nationalities activist associated with NEFIN were frustrated with the government's lack of response to their demands. They felt that the organization's method of democratic protests and marches had failed to bring any substantial gains. Thus, many of them joined Maoists as it seemed to them a more effective way to realize their demands (Lawoti 2007: 30).

NEFIN also developed complications with the donors. The most prominent of these was its falling out with the UK's DFID, which had supported the Janajati Empowerment Project. Following a national strike in 2011 called in support of its position of federalism that would recognize identity as one of the bases for the division of provincial units, NEFIN was served a warning by DFID to refrain from the sometimes-violent street confrontations. NEFIN refused and DFID withdrew its support for a very effective awareness-raising programme (Kharel et al. 2016: 263).

According to Kharel et al. (2016: 263), since the fallout with DFID, NEFIN has been less active. Growing interference by political parties has led to factionalism within NEFIN members and has led to a weakening of the whole indigenous nationalities movement. Co-option of the organization's leaders and activists by established parties has challenged its legitimacy and also undermined all its previous efforts.

NEFIN's strength has decreased after the second CA elections of 2013. The political parties have attempted to penetrate the organization. Its president Nagendra Kumal was nominated by NC as a Constituent Assembly member. Similarly, its general secretary

Prema Bhote was earlier nominated to the CA by CPN (UML). NEFIN's role in mobilisation of indigenous nationalities has diminished as the organization under Nagendra Kumal and Prema Bhote failed to raise the issues of indigenous nationalities as strongly as expected. The Adivasi Janajati Rastriya Andolan (AJRA), which have become a strong voice for indigenous nationalities after 2014 has accused NEFIN of giving itself to the pressures of the mainstream political parties. In spite of the failures, some of the noteworthy achievements of NEFIN were the signing of a twenty point and a nine point agreement with the government in 2007 and 2012 respectively (Dolpo 2014).

The Support of the Communist Party of Nepal (Maoists) to Mobilisation

According to Hangen, "the indigenous nationalities and CPN (Maoist) had a "complex, mutually influential relationship" (Hangen 2007: 37). The indigenous peoples' organizations (IPOs) have often been accused of being close to the Maoists, even of co-operating with them. But Kramer argues that it was the Maoists who came close to the demands of indigenous nationalities (Kramer 2008: 195). Although, the Maoists "Peoples' war" officially began from 1996, relations between the Maoists and indigenous nationalities go back to the earlier years[35].

The Maoists (then CPN Unity Centre) began mobilizing "oppressed" indigenous nationalities in their struggle since 1991 when it adopted the agenda of religious freedom and recognition of linguistic and ethnic groups (Gurung 2005: 147). The United People's Front of Nepal's (UPFN) election manifesto before the 1991 elections reflected this point. Six out of the total nine MP's of the UPFN elected during the 1991 elections belonged to indigenous nationalities (Thapa and Sijapati 2003: 78).

In 1994, the CPN (M) formed an ethnic wing called the All Nepal Nationalities Association (*Akhil Nepal Janajati Sangh*) (ANNO) under the leadership of Suresh Ale

[35] De Sales (2008) has shown how the Maoists (earlier known by different names) started politically indoctrinating the indigenous groups like Kham Magars in the 1960s in order to launch a revolution against the Nepali state. Leaders like Mohan Vikram Singh played an important role in spreading communist teachings in districts like Rolpa and Rukum in the 1970s (inhabited mainly by groups like the Magars). These districts became the bases later on and the Magars became the strongest supporters and fighters in the war against the Nepali state conducted by Maoists from 1996 till 2006.

Magar (Gurung 2005: 147). In 1995, at their first national conference, the Maoists adopted an 'Ethnic Policy in Nepal' (regional autonomy, linguistic equality, ethnic academy, focusing on the uplift of endangered ethnic groups (Ismail and Shah 2015: 115).

The Maoists launched their "Peoples' war" after submitting a Charter of 40-point demands to the Sher Bahadur Deuba government on 2 February, 1996. Of these demands, seven were related to nationalism, thirteen political, thirteen economic and seven socio-cultural. Among these, five (ethnic autonomy, devolution, secular state, ending ethnic oppression and equality of languages) are in consonance with the agenda of indigenous nationalities (Gurung 2005: 147).

The Maoists put forward these demands even during the peace talks with the government in 2001 and 2003 (Thapa and Sijapati 2003: 160). As the Maoists incorporated the issues of indigenous nationalities in their agenda in 1996, they dramatically received more support from the indigenous activists (Lama Tamang 2009: 285). According to Adhikari (2014: 116), by the time, the Maoists launched their "peoples' war", they had recognized that ethnicity and caste were stronger forms of identity than class, and hence potent bases of political mobilisation.

At the time of beginning of the "peoples' war" in 1996, many indigenous rights activist were in a dilemma. Disagreements emerged between different indigenous groups on the methods to achieve social and political equality. At one end were those sections of people who believed that they could change the system from within, and extremist organisations which have joined the Maoists in order to get a quick solution to their demands as they were disillusioned with parliamentary democracy. Although there existed a middle group which used to run organizations they started to lose their faith in government. Thus, many drifted towards the Maoist (Turin 2007: 19).

Due to the reluctant approach of the government in addressing issues of indigenous nationalities, many frustrated indigenous activists joined the Maoists for a quick solution

to their issues (Lama Tamang 2009: 285). The joining of people like Suresh Ale Magar, who was also a founding general secretary of NEFIN, into the Maoist rank and file to lead its ethnic wing was an important event in this regard (ibid: 286). This provided many indigenous activists with the rationale for joining the Maoist.

In 1997, the CPN (M) adopted a policy on ethnic autonomy with the right to self-determination. The announcement was a radical departure for the CPN (M) (Lama Tamang 2006: 287). This announcement of self-determination during the insurgency was an attempt to mobilise mass support, based on a generalized idea of an "ethnic homeland" (Sharma 2014: 99). As a result of the above measure, an overwhelming majority of Maoist combatants came from indigenous nationalities.

According to Bhattachan (2003a), the Maoists soon realised that putting too much emphasis on class was taking the movement nowhere, so, along with class, they started concentrating on ethnicity. In order to sharpen social cleavages and mobilize ethnic frustrations and aspirations to their cause, the Maoists during 1998-2000, formed a number of front organizations along ethnic and regional lines, which included the Kirat National Liberation Front, the Magarat National Liberation Front, The Tharuwan National Liberation Front, the Tamuwan National Liberation front, the Tamang National Liberation front, the Majhi National Liberation front, the Thami National Liberation Front, the Madheshi National Liberation front and the Karnali Regional Liberation front. Among these organizations, only two (Madhesh and Karnali) were based on region. The rest were formed on the basis of different nationalities The Maoist nominated all the heads of the front from the same identities (Karki and Seddon 2005: 28).

In order to coordinate the activities of these fronts', a central level ethnic department was formed under Dev Gurung in 2000 (Gurung 2005: 162). Further, a promise was made that the ethnic fronts would be the basis for the government of autonomous political entities after the revolution had achieved its initial military and political objectives (Seddon 2014: 39). By forming ethnic and region based frontier organizations, the CPN (M) made concerted efforts to blend ethnic activism and class war (Hachhethhu 2009: 65).

In October 2001, the Maoists succeeded in merging the Limbuwan National Liberation Front[36]and the Khambuwan National Front to form a new organization called the Kirat National Liberation Front. The Ethnic and Regional Co-ordination Committee of the CPN (Maoists) was given the responsibility to co-ordinate these fronts (Sharma 2004: 42). The formation of joint ethnic fronts was a calculated strategy adopted for the expansion of the ethno-regional base of their movement (Singh and Kukreja 2014: 157).

These ethnic fronts opened by the Maoists came in handy in the course of the insurgency. When there was a lull in the activities of the Maoists' Peoples' Liberation Army, these fronts stepped up their activities. During the period of the royal takeover (2002-2005), when the security forces intensified the counter-insurgency operations and claimed that they were winning the war against the Maoists, Tamuwan, Magarat and other ethnic fronts organized blockades of their respective regions and the capital and dealt a psychological blow to counter-security operations (Lawoti 2010: 150). Thus, the support of indigenous nationalities became one of the foundational strengths of the Maoist insurgency (Upreti 2010: 22).

In their second national conference held in February 2001, the Maoists made public their policy proposal on ethnic and caste issues, in which they stressed equality and freedom of the oppressed ethnic groups, right to self-determination and abolition of caste-based untouchability together with a list of their 14-point programme (Ismail and Shah 2015: 115).

The rapid adoption of the programme to address ethnic issues appears to have coincided with the Maoist realisation of the need and the importance of indigenous nationalities in advancing the armed struggle as well (Lama Tamang 2006: 287). In this conference, the Maoists formed a United Revolutionary Peoples Council (URPC) and proposed the

[36] Unlike many ethnic fronts launched by the Maoists in 1998, the Limbuan Mukti Morcha (LMM) and Khambuan Mukti Morcha (KMM) had an independent existence. The LMM was formed by Bir Nembhang in 1989 and the KMM was established by Gopal Kiranti in 1992. These two groups had many differences with the Maoists on various occasions. The leaders of these groups like Bir Nembhang and Gopal Kiranti always doubted the Maoists as the leadership consisted of upper-caste Bahuns.

formation of nine autonomous regions based on ethnicity and geography (Ogura 2008: 176-177). Out of these nine regions, six were based on ethnicity and the other three were based on geography (Gurung 2005: 162).

According to Shrestha (2013: 19), ethnicity-based federalism/autonomy was a strategy adopted by the Maoists to drive a wedge between the government and people during the war, as well as to help their recruitment of young fighters. The Maoists included the indigenous nationalities in the higher numbers in the middle and higher level leadership than the mainstream parliamentary political parties. The Maoists "peoples' governments" at the village, district and regional levels had many indigenous nationalities (Lawoti 2010: 146). Further, during the peace talks with the government in 2001, they raised the issue of affirmative action (reservation) policies for excluded groups including indigenous nationalities. The government ultimately decided to set up a commission in 2003 for introducing affirmative action for excluded groups including indigenous nationalities (Lawoti 2003: 81).

On 9 January, 2004, the Maoists declared the formation of the Magaranth Autonomous Council (MAC), in the village of Thabang (De Sales 2012: 187). The council was a kind of "parallel government in Nepal" with a 47-member government elected by the local population (Lecomte-Tilouine 2009b: 325). Santosh Buddha Magar, a long-time Maoist activist from the village, was declared the chairman of this government (Adhikari 2014: 124). Within two weeks of the declaration of MAC, they announced the formation of Seti Mahakali Autonomous Region, Bheri- Karnali Autonomous Regionn, the Tharuwan Autonomous Region, Tamuwan Autonomous Region Gandak Region, Tamang Saling Autonomous Region, Newar Autonomous region, The Kirat autonomous Region, Madhesh Autonomous Region (Karki and Seddon 2005: 28-29). They left the declaration of the Newar region in the capital for a later date.

The Maoists entrusted the regional and ethnic fronts with the running of autonomous regions until their "peoples' republic" was fully established. They also planned extensive devolution of power to the regions and this was all detailed in the UPRC constitution

(Karki and Seddon 2005: 28). The Maoists declared their "people's governments" in colourful ceremonies for which many thousands of people were "forcibly" brought together. The inaugurations were video-graphed and posted to the internet (Adhikari and Gellner 2016). Although the Maoists dissolved their ethnically defined autonomous regions and people's governments on 18 January, 2007, the support that they had provided to issues of indigenous nationalities were very influential in raising the hopes and expectations of indigenous activists (ibid).

In the name of promoting a "new culture", the Maoists launched many activities during the course of their "peoples' war" (1996-2006) which raised the concerns of indigenous nationalities. They fought against the compulsory teaching of Sanskrit language in the primary and high schools, which was introduced by the government in the nineties (Toffin 2013: 66). They burned many Sanskrit schools and question papers in schools and disallowed their teaching after issuing warning to priests and teachers (Serchan 2007: 105). In May 2002, they set fire to the Mahendra Sanskrit University in Dang in western Nepal which according to them "symbolized religious and linguistic discrimination" (Lama Tamang 2006: 288).

The Maoists also launched campaigns against the caste system and ethnic prejudice (Lawoti 2010: 142). They actively participated in boycotting the "Hindu" festival of Dasain and Tihar, and encouraged the entry of Dalits into Hindu temples and public places (Vishwakarma 2007: 116). They also prohibited the singing of the national anthem in schools and official ceremonies (Serchan 2007: 105). The Maoists promised to eliminate the monarchy, patriarchy, Brahmanism and the domination of the Hill people, *Khas* Nepali language, Hindu religion and culture (Bhattachan 2013: 49). According to Bhattachan, by engaging in these activities, the Maoists succeeded in "politicising the issues of exclusion and inclusion of indigenous nationalities" (Bhattachan 2010: 19).

In 22 November, 2005, the Maoists signed a 12-point understanding with the Seven Party Alliance (SPA) in New Delhi, which officially brought an end to the "peoples' war". The significant points of the understanding which were important from the point of

indigenous nationalities were the decisions to end monarchy, restoration of the parliament, establishment of competitive multiparty system and other civil and fundamental liberties (Baral 2012: 4).

The Maoists and the SPA decided to hold elections to a constituent assembly that would draft a permanent constitution for the country (Hangen 2007: 44). The agreement also proposed the formation of an interim government which would consists of 209 members from the seven party alliance, 73 from the Maoists, and 48 members from sister organizations and professional bodies, "oppressed" indigenous nationalities, regions and political personalities (ibid).

The Comprehensive Peace Agreement conveyed the full commitment of the Maoists and the government to build peace, democracy and stability in the country. Both the SPA and the Maoists agreed to strengthen multiparty democracy and resolve the issues related to gender, ethnic, Dalit and regional identities (Upreti 2008: 169). In the CA elections held in 2008, the Maoist who achieved a majority fielded the maximum number of candidates from indigenous nationalities compared to the other political parties. Altogether, 51 indigenous nationalities candidates got elected in the parliament from the Maoists. During the First CA, the CPN (M) proposed the formation of 11 autonomous states. Two states were formed on the basis of region and nine were based on ethnicity (Thapa Magar 2008: 18-19). But, though, the Maoists were in majority, they failed to promulgate a constitution in the first CA. In the second CA election held in 2013, they came a distant third and could achieve only 80 seats out of a total of 601.

Assessment of the Role of CPN (Maoist)

Ethnic movements became increasingly politicized in response to the rise of the Maoists movement and its adoption of ethnic demands. The Maoists addressed the issues of ethnic inequality more directly than any other large political party and they targeted and also gained the support of many ethnic youths from indigenous nationalities (Hangen 2010: 153).

According to Ogura, the Maoists claimed that autonomy would be given to the "historically oppressed" people but the principles would be based on communism. It has been clearly written in the "Policy and Programme of the Magaranth Autonomous Peoples' government that the Magaranth Autonomous people's government is an autonomous body that is formed according to the general policy of the United Revolutionary People's Council (URPC), which is based on the ideology of Marxism – Leninism- Maoism and "Prachanda Path" (Ogura: 2008: 201).

Doubts also emerged in the minds of indigenous nationalities activists about the Maoists because of the latter's inconsistent position on the number of proposed federal states. During the course of the "peoples' war", the Maoists had proposed nine autonomous areas based on ethnicity and region. However, they revised their position and proposed 11 autonomous provinces and the possibility of numerous autonomous sub-units in their commitment paper before the CA elections of 2008. They outlined the basis of state restructuring—ethnic composition, geography, economic feasibility and linguistic base—in their election manifesto. The two newly added provinces were Limbuwan (for Limbu community) and Kochila (for Tharu, Rajbanshi and Satar community) in eastern Nepal (Dahal 2010: 12).

Further, in Terai, the Maoist proposed the creation of three sub-autonomous units out of Madhesh province on linguistic basis-Mithila, Bhojpura and Awadh. The division of Madhesh into three sub-units had created conflict between the Maoists and the Madhesi parties, as they latter claimed it to be a ploy of the Maoists to divide the population on linguistic and cultural lines (Riaz and Basu 2010: 86). According to Gellner (2007), another factor responsible for the volatile situation in Terai was the Maoists' role in promoting parallel "autonomous movements" simultaneously. In 2000, the Maoists established the Madhesi National Liberation Front and promised autonomy for southern Nepal. At the same time, they supported another parallel autonomy movement in the Terai, particularly that of the Tharus.

The Tharus, led particularly by the Tharuhat United Struggle Committee (TUCS), had resisted to be clubbed as 'Madhesis' and opposed the idea of a single Madhesh province[37]. They demand a separate autonomous region called 'Tharuhat' as well the recognition of their rights to use land, water and forests (Gellner 2007: 1826). According to Gellner, the unrest and ethnic conflict which emerged in Tarai after 2006 could have been avoided if the Maoist had not extended support to "ethnic militancy" (ibid.).

Scholars are divided on the opinion whether the Maoists escalated the INs mobilization or led to its decrease. According to Thapa (2002), the rise of Maoists has eclipsed the indigenous movement but various scholars argue the other way. The political background to the rise of ethnic politics was the Maoist 'People's War'. Without the Maoists, it was highly unlikely that the ethnic issue would have become so significant in Nepali politics (Gellner and Adhikari 2016). The success of the Maoists insurgency from 1996 to 2006, as well during the 2008 elections, once the '"people's war" had ended, has only been made possible with the support, albeit partial and tactical, of tribal groups that are expecting to gain concessions and advantages from the central government (Toffin 2014: 59).

There are many scholars who claim that the Maoists have strategically used the indigenous nationalities in their "peoples' war". According to Hachhethhu (2009: 65), the Maoists ethnicization of class ideology was partly to cash in on the post-1990 ethnic upsurge. Singh and Kukreja (2014: 158) argue that Maoists have used "ethnicity as a political tool or strategy for expanding and consolidating their peoples' war". Some like Lecomte-Tilouine (2004) have gone to the extent of claiming that the indigenous nationalities became "cannon fodders" for the Maoists insurgency. But these claims seem to be partially true as the Maoists tried a lot to push the ethnic agenda till the end for the deadline for the first CA in 28 May, 2012. As there was no consensus and support from the other two parties namely, NC and UML, they could not bring out a constitution in

[37] Most of the Terai based Madheshi parties stood for a "One Madhesh, One Pradesh" province till 2013. After the second CA election in 2015, they have endorsed the decision for two provinces in Madhesh. Out of this two, one is proposed for the Tharus.

favour of the indigenous nationalities. In the second CA election held in 2013, the Maoists won fewer seats and couldn't fully decide the course of federalism.

According to Ismail and Shah (2015: 115), although, the history of indigenous mobilisation mobilization predates Maoists "peoples' war", the focus of the Maoist on "ethnic marginalization" and on the "national question" of indigenous nationalities played a significant role in bringing ethnic issues to the forefront of Nepalese politics. The efforts of the Maoists transformed the indigenous nationalities as a powerful force at the national level. Ismail and Shah (2015: 118) further argue that the rise of indigenous nationalities in the national scene in Nepal was largely due to the efforts of the Maoists. The federal discourse got an impetus for the first time when the Maoists declared the formation of autonomous regional governments in 2004 in different parts of the country to "exploit the ethnic sentiments in favour of the insurgency" (Singh and Kukreja 2014: 157).

International Support to Mobilisation

According to Bhattachan (2013: 37), the Nepali social scientists (unlike the western scholars) were not allowed by the "party-less" *panchayat* leaders to study the conflict aspect of caste and non-caste ethnic relations on the ground that such studies would disturb a "continuing tradition" of communal harmony in the country. The mainstream Nepali intellectual and political thinking during that phase was directed towards "manufacturing ethnic harmony and a composite Nepali culture through the coercive process of Nepalisation".

International support to Nepal's indigenous nationalities also came in the form of advocacy by anthropologists and ethnographers working in Nepal. According to Sharma (2014), the western anthropologist played a significant role in the "construction of indigenous identity" in Nepal. In an effort to categorise different communities based on certain distinctive qualities, they have created more conflict than harmony in the country (Sharma 2014b: 87).

According to Dixit (2011: 235), ethnographers have played an important role in fostering the idea for creation of new autonomous regions for the indigenous nationalities, which were earlier unaware of their rights. The issues and concerns of indigenous peoples have become a part of popular discourse in Nepal due to the writings of Caplan, Gellner, Fisher, Lecomte-Tilouine and many other western anthropologists (Hachhethu et al. 2010: 67).

Caplan's work *Land and Social Change in East Nepal* published in 1970 set the trend for other anthropologists later to work on the conflict aspect of Nepali society. This was followed by the work of Holmberg on Tamangs. Even Blakie, Cameron and Seddon's (1980) work described the inequality and discrimination between high caste and non-caste ethnic groups. Anthropologists have recorded instances of Bahuns usurping fertile lands of indigenous groups through "fraudulent activities" in villages across the country (Caplan 1970). As the restrictions on the works of anthropologists were lifted after 1990, more and more works emerged which showcased different aspects of Nepali society, more particularly, the Hindu-tribal dichotomy. These works have played a significant role in developing a consciousness among indigenous nationalities and have helped in their mobilisation.

Foreign aid has played a significant role in Nepal's development. The country started receiving foreign aid in the early 1950s following the end of the Rana regime (Donini and Sharma 2014: 118). Although, the history of donor funding is old as 1951, the earlier years did not see the donors directly working for the empowerment of indigenous nationalities in Nepal. This was mainly due to two reasons: (i) the first being the international development organisation's lack of priority towards ethnic issues as of primary importance in planning projects; (ii) due to the lack of identification of indigenous nationalities in Nepal (Hangen 2007: 41).

Until the government accepted the presence of nationalities in 1997, the donors were reluctant to introduce any target projects for indigenous nationalities because of the fear that the dominant caste groups could take it as measure to "tear apart Nepal" (Subba

2007: 27). Secondly, the indigenous nationalities themselves were hesitant to take the resources offered by donors as that would make the mobilisation much more dependable on them (Kirat et al. 2007: 36).

Approaches adopted by Different Donors/INGOs after the Restoration of Democracy in 1990

Donini and Sharma (2014: 119) state that "with the establishment of democratic institutions in 1990, Nepal became a 'pet country' of international donors: aid inflows increased, in particular from European and most notably from Nordic countries". According to Bhattachan (2005: 85), before 1990, donors generally worked with His Majesty's Government-Nepal or with civil-society organizations, including NGOs with permission from HMG-Nepal. Until HMG-Nepal did not officially recognise the existence of indigenous nationalities, most donor agencies did not have "targeted policies", strategies or programmes for indigenous nationalities. There were a few exceptions, such as the Chepang Livelihood Programmes which was implemented with the support of the Netherlands Development Organisation (SNV) in 1992 for the Chepang indigenous group (Bhattachan 2001: 74). Subsequently, donors had little consultation with these peoples and their organizations, despite the fact that many of their programmes and/or projects were directly affecting indigenous nationalities (Bhattachan 2005: 85).

According to Bhattachan (2001: 76), "Donors and INGOs have unofficially realized that unless they help disadvantaged groups, including the indigenous nationalities, no change in the persisting situation of under-development, manifested in the forms of poverty, low human development, illiteracy and unemployment, should be expected". After the establishment of NFDIN in 2002, and more particularly as the realisation set in that "social exclusion" was a direct cause of the Maoist conflict, a number of multilateral and bilateral donors and INGOs such as DFID, ILO, the World Bank, DANIDA, NORAD, MS Nepal, and SNV started consultation with indigenous nationalities (Bhattachan 2005: 86).

After 2002, several international donor agencies have started providing funds to support the inclusion of "marginalised" in the mainstream development (Kirat et al. 2007: 8). Most of the donor agencies changed their aid strategies to address the changed context. In addition to their general strategy of working towards sustainable higher growth, the WB, ADB, USAID and the DFID placed additional importance on good governance, along with special attention to poor and "socially excluded" people (Acharya 2015: 233).

In the changed context, most of the European donors gave priority human rights, democracy, social inclusion, and conflict mitigation. For example, governance reform and a peaceful and sustainable solution to the conflict became the priority of Danish assistance; supporting conflict mitigation and consolidating democracy became European Union's major strategies; democracy, human rights good governance and conflict resolution became the additional focus of Finland's programmes; Norwegian aid focused on human rights and governance, and on conflict mitigation. Meanwhile, the Swiss Development Cooperation (SDC) adopted the following principles: "work around the conflict, work in the conflict and work on the conflict" (Acharya 2015: 234).

The Scandinavian donors had adopted a number of new strategies after 2006 such as protecting freedom, democracy and human rights, enhancing the peace process; helping democracy take root in society and building an inclusive new Nepal based on democratic principles, human rights, social and economic equity. The strategy behind Swiss co-operation was to support inclusive democratic state-building and to promote human security and socio-economic development (ibid: 235).

In 2003, a joint commitment was formulated by a number of development organizations such as EU, DANIDA, SDC, DFID and the Embassy of Finland as Basic Operating Guidelines (BOG) for development in Nepal, which confirmed the international commitment to address "social exclusion" and support the transition towards a more inclusive state and society in the early years of peace-building and state-restructuring. This commitment was updated and reaffirmed by the signatories in 2007, saying that the international aid would "ensure that our assistance tackles discrimination and social

exclusion, most notably based on gender, ethnicity, caste and religion" (Nilsson and Stidsen 2014).

In 2005, the donors formed a Social Inclusion Action Group to share information and expertise in order to assist the government in formulating politics at the central level. A common opinion held by these donors was that a general framework or identification of socially excluded groups was required in order to achieve the objectives. There have been increasing efforts to harmonize activities among donors on issues of gender and social inclusion (ADB 2010). In 2008, a donor's group was formed under the aegis of UNDP to support, coordinate and facilitate participatory constitution making. The DFID, DANIDA, the Norwegian Embassy and the USAID were involved in this initiative (Khanal 2014a: 18).

The restoration of democracy in 1990 saw the emergence of a large number of NGOs alongside the arrival of a large number of international NGOs (Shakya 2012: 121). As the government after 1990 accorded the status of "development partners" to NGOs, there was more political space for them to operate (Singh and Ingdal 2007: 4). In the 1990s, the donors channelized their aid through both INGOs and NGOs. The 1992 Social Welfare Act (which replaced the Social Service National Coordination Act of 1977, prohibited INGOs from directly undertaking any projects and made it obligatory to work with domestic NGOs. Thus, there was growth in the number of NGOs[38]. Thus, a large number of programmes were handed over to NGOs with the INGOs playing the role of a partner. This decision was accepted basically to promote the growth of NGOs all over the country (Tanaka 2011: 500).

After 1990, the NGOs created a new space for "peoples' mobilization" and participation in both the formal and informal processes of governance (Gellner and Hachhethu 2008: 20). A large number of them also adopted the "Rights Based Approach (RBA) with an objective to create awareness among the "deprived" groups. In the year 2000, a

[38] According to Tanaka (2011: 500), the number of NGOs registered under the Social Welfare Council in 1990 was 249. This number increased to 27,797 in 2009.

programme was launched to create more awareness about the rights of bonded labourers across Nepal (Tanaka 2011).

The INGOs have played the role of a "financial supporter. They have assisted NGOs to improve their working capacity, management of technology and also mobilization of resources, sustainability of the projects and participation of the people". Without the assistance of INGOs, NGO's would not have been able to carry out the basic development projects (Adhikari 2001: 152). INGOs have tried to enter through the back door by developing a partnership with NGOs of the Nationalities (Bhattachan 2001: 76).

Almost all international donor and development agencies and INGOs in Nepal work through NGOs (Mishra 2001: 3). According to the Association of International NGOs, until the year 2006, there were 68 INGOs working in Nepal, whose total budget amounted to NPR 7.78 billion (Lama Tamang 2010: 11)**.** This number increased to 200 by 2010 (Acharya 2015: 220).

Programmes Undertaken by International Donors and INGOs for Indigenous Nationalities

As before the 1991 census, there was a lack of data regarding indigenous nationalities, so many projects couldn't be carried for targeted groups. After the publication of NLSS and Human Development Reports, the INGOs have succeeded in carrying out a number of programmes targeting specific groups (Dahal 2002: 111). Certain bilateral donor countries such as Denmark, Netherlands, Japan, Norway, United Kingdom have funded indigenous nationalities in Nepal.

A large number of these countries which operated in Nepal were assisted by their embassy offices and aid agencies. These include the Danish International Development Agency (DANIDA), the Department for International Development (DFID), the Japan International Cooperation Agency (JICA), the Netherlands Development Organisation (SNV). Certain multilateral donors are the ADB, the World Bank, IMF and UN agencies

such as UNICEF, UNIFA, ILO and UNHCR. INGOs such as Action Aid, Care Nepal, Helvatas, Plan International, Oxfam are also present in Nepal (Kirat et al. 2007: 35).

After the year 1990, SNV Nepal became the first international agency to carry out progarmmes for indigenous nationalities. In 1992-94, it supported the Chepang indigenous community, for their empowerment by implementing the Praja Development Project in Terai. SNV Nepal has also supported NEFIN by implementing many infrastructures at the regional level. Thus, NEFIN's District Co-ordination Committees succeeded in assisting various IPOs at the district and village levels (Subba 2007: 29).

As a signatory to the ILO Convention 169, the Netherlands has also undertaken activities to disseminate more information about the Convention to the people. SNV has also carried out a study of sixteen indigenous nationalities (with less than ten thousand people) to replicate the Chepang program (Bhattachan and Webster 2005: 36). Chepang Mainstreaming Programme 2 was undertaken in four districts of Nepal between the year 2004 and 2007 (Kirat et al. 2007: 8). The project was implemented to eradicate poverty, increase the levels of education, protection of bio-diversity and issuance of citizenship of cards, empowerment of women belonging to the Chepang community (Subba et al. 2007: 29). The SNV has also undertaken studies for highly marginalized indigenous nationalities in eastern Nepal in the year 2005 (Serchan and Gurung 2010: 75).

Denmark has played a pioneering role in supporting the indigenous nationalities. Since 1998, Danish International Development Agency (DANIDA) through MS Nepal (a NGO) has supported the Kirat Yakthung Chumlung (KYC) in their advocacy works and capacity building by promoting literacy programmes, mother-tongue education for Limbus and networking projects in eastern Nepal (Bhattachan 2001: 75).

From 1998 to 2000, the progarmme was supported for a short period and from 2000 till 2007, it was supported for a long term in collaboration with MS Nepal, which provided a sum of ten thousand rupees. This was carried out in nine districts of eastern Nepal. The project has helped introduce Limbu language in the Universities, increased the capacity

KYC members at the national, regional and village levels, increased the consciousness of Limbu people regarding indigenous rights and came out with a plan for the all round development of the Limbu community. The project came to end in December 2006 (Kirat et al. 2007: 43-44).

A number of research projects were also undertaken by Denmark, including a Tool Kit for including indigenous nationalities to monitor the outcomes of bilateral assistance (Bhattchan and Webster 2005: 36). DANIDA[39], has also engaged with the Nepalese civil society under its Human Rights and Good Governance Programme (HUGOU). Through this programme it has attempted to improve the condition of mass communication in Nepal as well as address the issue of social exclusion (Singh and Ingdal; 2007: 6). It has also funded Backward Society Education (BASE), the largest NGO in Nepal working for the upliftment of Tharu indigenous group (Gunaratne 2002: 104). DANIDA has also supported the activities of ILO in creating awareness of the Convention 169 in order to ensure a peaceful Nepal (Bhattachan and Webster 2005: 36). DANIDA/HUGOU has also assisted NGO-Federation of Nepalese Indigenous Nationalities (NGO-FONNIN) to undertake a Janajati Empowerment and Inclusion in August 2006 with financial assistance (Kirat et al. 2007: 9).

Norway has played a significant role in the 'international efforts' to promote the issues of indigenous nationalities in Nepal. For many years, Norway has supported the projects and programmes to promote the rights of the indigenous nationalities and improve the living conditions of the indigenous nationalities at the country level. This includes the assistance provided through Norwegian NGOs, Norwegian Indigenous Organizations, International Organizations, and multilateral organizations. The projects aimed at the indigenous nationalities include the enhancement of human rights perspectives, ensuring the norm-related work with the need of INs, and raising awareness of work being done to support them (Subba 2007: 27).

[39] DANIDA's experience of working with indigenous peoples of various countries has helped to formulate targeted policies in Nepal.

In 2005, the Royal Norwegian Embassy in association with SNV and the Nepali government established the Social Inclusion Research Fund (SIRF) with an allocation of NPR 170 million for three years (Serchan and Gurung 2010: 74)**.** The main objectives of SIRF were: (i) to conduct greater quality research in order to investigate the causes of social exclusion in Nepal; (ii) make research on social sciences effective for the marginalized sections; and (iii) to ensure that the research led to public and policy debate (Yadava 2009: 22).

Under the fund, grants were provided for research projects, fellowships, research apprenticeship and capacity building (Kirat et al. 2007: 9). The fund was also introduced to build the research capacity of students and scholars from marginalized groups (Sharma 2016: 95). A total of twenty five research scholarships were awarded in 2006 and 2007. A total of 150 apprenticeship grants have been awarded in 2006 and 2007. The opportunities to study small indigenous nationalities have also drastically increased (Yadava 2009: 22).

Appreciating the Poverty Reduction Strategy Paper's (PRSP) identification of "social exclusion as one of the fundamental development challenges", the World Bank has tailored its country assistance strategy on the basis of its previous programme (Kumar 2008: 167). In 2005, the World Bank in collaboration with DFID began a major research exercise titled 'Nepal Gender and Social Exclusion Assessment' (GSEA). Its report was published in 2005 and contributed to pushing the issue of exclusion up the donor agenda. Since then, the donors have begun to channel significant funds to work on the issue of gender, caste and ethnicity through the lens of inclusion and empowerment of these groups (Donini and Sharma 2014: 131)

The World Bank also provided grants to NEFIN for a research programme to study indigenous nationalities which were dislocated during the Maoist insurgency. The total allocation for the pragramme was US$30,000 (Serchan and Gurung 2010: 74). It has also awarded grants ranging from US $10,000- 30,000 to certain indigenous organisations in order to undertake studies in areas of their major concerns (Kirat et al. 2007: 8). The

ADB has also asked the government of Nepal to address the issue of social exclusion in its agenda for working with Nepal as a process to bring greater stability (Nilsson and Stidsen 2014).

After the government's recognition of indigenous nationalities in 2002, the International Labour Organization has supported representative indigenous organizations in their efforts to promote ratification and implementation of the ILO Convention 169 with the objective of strengthening "participatory politics and creating a more socially inclusive society for the establishment of enduring peace" (Bhattachan and Webster 2005: 35).

The United Kingdom has also played a significant role for the promotion of indigenous rights in Nepal**.** Minority Right Group (MRG) International, a London based advocacy organization has supported NEFIN to conduct consultative workshops in various parts of the country (Dharan, Chitwan, Dhulikhel) from December 1999 to January 2000 to identify constitutional and legal discriminations against indigenous nationalities and action plan to fight back against such discrimination (Bhattachan 2001: 75).

In 2004, the British Government's DFID came out with its Country Assistance Plan which mentioned that the overall purpose of UK's development assistance to Nepal was to reduce "poverty" and "social exclusion", establishing the basis for lasting peace (Ismail and Shah 2015: 122). Its commitment was reflected by the reorientation of its entire operations around the framework of the Government's PRSP, particularly the pillar of "social inclusion" (Bhattachan and Webster 2005: 34).

In 2004, DFID provided a fund of £1.52 million (equivalent to NRs. 195 million) under its Enabling State Programme (DFID/ESP) to support a three year (2004-2007) Janajati Empowerment Project (JEP), which was carried out jointly in collaboration with NEFIN (Hangen 2007: 43). The project was finalized on 3 February 2004, after a number of discussions and negotiations between ESP/DFID and NEFIN. Finally, on 1 September 2004, the implementation of the project began (Onta 2006: 327). Till 2004, JEP was the

largest ever donor-supported project carried out by an international agency in collaboration with an IPO (Bhattachan and Webster 2005: 27).

The objectives of JEP were to strengthen indigenous peoples' organisations, increase awareness among indigenous nationalities(through media training, fellowships, publication of texts, broadcast of programs over radio and TV etc.), empowerment of highly marginalized indigenous nationalities, conducting advocacy and research to strengthen the role of indigenous nationalities in policy-making of the state (Serchan and Gurung 2010: 74). Almost sixty per cent of the entire project budget (around 900,000 British pounds) was slated for awareness raising/empowerment (Onta 2006: 329). In order to fulfill the above objectives, JEP provided financial support to IPOs in order to enable them to hold general assemblies and to make their work both more inclusive and increasingly transparent (Subba et al. 2008: 13).

JEP also raised awareness among the indigenous nationalities regarding the constituent assembly election, and on "motivating indigenous nationalities to vote for the parties and candidates who demonstrated a commitment to addressing their issues. It has supported dissemination of information to increase awareness about ILO 169 and UNDRIP" (ibid.). JEP supported HMINs in 123 villages which included some programmes such as mother tongue education, legal education and cultural programmes (Hangen 2007: 43).More than 54 percent of the total budget has been allocated for livelihood promotion and empowerment of endangered and highly marginalized communities (Kirat et al. 2007: 38).

Some of the significant achievements in the first two years after its implementation were a follows: (i)NEFIN's infrastructure and 48 IPOs improved; 400 NEFIN officials and activists of IPOs were provided training on leadership skill, financial management, advocacy strategies and programmes; (ii) proposal writing and project management, computer operation and organizational development were undertaken; (iii) 23 cultural events/exhibitions, including World Indigenous Day 2005 were organized to highlight indigenous culture, languages and religions; (iv)13 research projects were conducted to

identify indigenous knowledge and skills and protection of indigenous peoples property rights; and (v) 130 self-help groups of HMINs in 123 VDCs and 6 municipalities of 25 districts were formed with an involvement of about 4000 HMINs families (ibid: 40).

JEP's activities have helped the IPOs improve their management capacity to run the programmes and also mobilize their internal human resources and launch advocacy programmes for their rights(Kirat et al. 2007: 38). NEFIN's profile has been raised with increased membership and recognition from the state, political parties, civil society and international community (ibid: 14). The project was extended in July 2007 (Subba et al. 2008: 3). The JEP was terminated in 2011 as the relationship between DFID and NEFIN soured due to continuous bandhs called by NEFIN. According to Schneiderman (2013: 50), the discontinuation of donor funding further enabled a "radicalization of NEFIN's agenda and provided the indigenous nationalities mobilisation with greater political momentum" (Schneiderman 2013: 50). Due to JEP, the number of IPOs has increased from 44 to 58 (Subba et al. 2008).

The DFID/ESP also agreed to supported NFDIN for its Institutional Strengthening Project in 2005 (Serchan and Gurung 2101: 74). Under a Memorandum of Understanding (MoU) signed between NFDIN and DFID in September 2005, DFID/ESP agreed to grant approximately Rs. 48 million covering three years (2006-2008). The main objective of the project was to enhance the efficiency and capacity of NFDIN staff and establish resource centres for the development of indigenous nationalities. The project was supposed to strengthen the institutional capacity of NFDIN to deal with the issues of social inclusion and help socially excluded groups to increase their access to national resources and opportunities (Kirat et al. 2007).

In 1998, the European Union released a working paper in support of indigenous nationalities in development cooperation, which had clearly defined human rights perspective (Subba 2007: 34). In January 2006, the EU implemented advocacy programs in association with Rural Community Development Society and Nepal Indigenous Women Forum, Synergy Nepal and Gagal Community Co-operation Organization. The

project with a total funding of three hundred thousand Euro was aimed to empower particularly Tamang, Newar, Danuwar, Sherpa, Bhujel, Majhi, Pahari, Balami, Thami, Gurung, and Jirel indigenous nationalities through awareness raising and capacity building in relation to their rights, freedom and access to productive resources, opportunities and basic services. It covered 48 VDCs of four districts (Subba 2007: 34).

In May, 2006, the European Union in association with NEFIN and Sahakarya has supported the Action Aid Nepal for 'Samarthya' (capacity building) project for highly disadvantaged INs in Jhapa, Morang, Sunsari, Chitwan and Nawalprasi districts (Subba 2007: 34). The total budget of the project was Euro 749,888 for a four year period (2006-2010). Around 75 percent of the fund came from European Union (EU) and 25 percent was covered by Action Aid (Kirat et al. 2007: 42).The six targeted groups were Santhal, Kisan, Koche, and Reaun (Jhangad) from the Jhapa, Morang, and Sunsari districts. The other two were Majhi and Bote of Chitwan and Nawalparasi districts. The project ran till 2010. The total cost of the project was Euro 750,000 (Serchan and Gurung 2010: 74).

In 2007, the European Commission launched Janajati Social and Economic Empowerment Project (JANASEEP) with NEFIN and Care Nepal as partners. The total budget for the project was 1 million Euros (Bhattachan 2012: 36a). JANSEEP's objectives were to "empower the Highly Marginalized Indigenous Nationalities (HMINs) through improved live-lihoods, strengthening the capacity of their Indigenous People's Organizations (IPO) and through increased awareness of their own cultural and political rights(Schneiderman 2013: 47). The project targeted three highly marginalized communities for development intervention for over a five year period that began in 2007. The three communities were the Dhanuk of Dhanusha district, and the Surel and Thangmi, or Thami, of Dolakha district (Turin 2007: 35).

According to Schneiderman (2013: 51), one of JANSEEP's major activities since its inception in 2007 has been to generate support for the campaign for a Thangmi autonomous region within Nepal's newly proposed federal structure. It has worked

closely with the district branch of the Nepal Thami Samaj to organise community meetings and to create awareness to the need for a Thangmi autonomous region. The rapidly increasing interest of international agencies in the "problems of marginality and exclusion in Nepal, and the financial resources that accompany it, have contributed to an accelerated process of ethnicisation" (ibid 2013: 46).

EU funded IFAD had carried out many targeted programmes for increasing the capacity of indigenous nationalities. These programmes were mainly in the form of poverty reduction and social inclusion (Bhattachan 2012a: 22). IFAD had also earmarked funds for legal defence in order to check exploitation and protect the land rights of indigenous nationalities. IFAD has undertaken three projects under the Indigenous Peoples Assistance Facility namely the "Chepang Community Incentives for Sustainable Livelihoods", "Promotion of Indigenous Peoples' Rights in the Constitution-Making Process" and "Empowering Tharu by Promoting Cultural Values". It has worked towards empowerment and poverty reduction by working directly in partnership with IPOs and government (ibid: 35).

The UN has set "social inclusion" as one of the priorities in its development assistance framework (Bennet et al. 2013: 84). According to Roy (2009: 225), the UNDP has carried training for indigenous nationalities in Nepal so that they can getter a better perspective on rights and development. It has conducted training for Indigenous Women on Decision Making (IWDM). A Canadian NGO named SIDA has supported the KYC to run literacy classes in the Srijanga script and the Limbu language (Bhattachan 2001: 75). The Japan International Cooperation Agency (JICA) has taken up 'social inclusion' as a priority area of work (Ismail and Shah 2015: 122). It has worked for the emancipation of the bonded labourers among Tharu community by supporting a NGO named Shaplaneer (Fujikara 2013).

The Plan International-Nepal has supported the Nepal Tamang Gurung, an organization of the Tamang indigenous group, to organize literacy programs in their own language in the Makawanpur district (Bhattachan 2001: 75). CARE-Nepal, in its strategy paper in

1996, identified indigenous nationalities like the Chepang, Raute, Danuwar, Koche, Meche, Chantyal, Jirel and Tharu in the category of "relatively disadvantaged groups" (DAG) (Sherchan and Gurung 2010: 74)**.** The donor agencies have also supported the indigenous nationalities in establishing indigenous media houses (Lama Tamang 2010: 22). The Office of the High Commissioner for Human Rights (OHCHR) have supported the Indigenous Media Network (IMN) with an aim to produce and disseminate relevant materials for audiences (Lama Tamang 2010: 22).

Assessment of the Role of Donors/INGOs in the Mobilization of Indigenous Nationalities

Since the end of Maoists "peoples' war" in 2006, international donors referred strongly to the language of "social inclusion" and targeted programming for historically marginalised communities and regions (Anagha et al. 2016). As NFDIN, NEFIN and many other IPOs were able to attract a large-scale foreign funding, proved controversial, the relationship between the "politically dominant" Bahun Chhetri groups and indigenous nationalities turned hostile with both sides accusing each other with "pretty strong words and harsh phrases" (Nilsson and Stidsen 2014).

The Bahun-Chhetri groups accused donors of supporting projects that, in the name of empowerment, in threatened "communal harmony" and national integrity of the country. In June, 2012, these groups established a task force which resulted in the formation of a Joint Struggle Committee for National Integrity and Ethnic Goodwill (NIEG) under Dr. Nanda Bahadur Singh. The NIEG submitted protest memorandums (*gyāpan patra*) to most of the donor offices and embassies in Kathmandu (Adhikari and Gellner 2016). Under these circumstances, many international agencies decided to maintain distance from the indigenous nationalities (Nilsson and Stidsen 2014). Scholars like Upreti claim that one of the causes of "ethnic radicalism"[40]was the role of development donors. The

[40] The donors and INGOs have been accused by many scholars in Nepal for promoting not only ethnic radicalism but secessionism. The sudden cancellation of JEP midway has raised doubts in the minds of indigenous leaders regarding the true commitment of the donors. They have accused the international agencies of practicing double standards as they felt that the JEP was cancelled under the pressure of the dominant groups.

funds allocated by these donors were used to "organize different ethnic groups against the state and in opposition to other caste groups". They were also used for "coercive" activities, like initiating a general strike and blockades (Upreti 2014: 217).

Similarly, Dahal (2013: 146) argues that the cultural territorial issue has split over into state politics with various cultural groups within Nepal claiming their traditional habitation as their own territorial state. Many NGOs/ INGOs working in Nepal have adopted the same language talking of the 'legitimate right of the people'. This has become a 'strong area of political contestation'. Some donor projects aimed at inclusion and federalism came to be highly criticized by parts of Nepal's traditional establishment for having stoked ethnic sentiment or promoted ethnic federalism, and donors subsequently backed away from the inclusion agenda (Anagha et al. 2016).

Due to the pressure from the politically dominant groups, donors as a whole have been inconsistent on whether or not they support social inclusion (ibid. 2016). The international community's "ambivalent" relationship with processes of ethnicization became evident in a highly publicized spat between NEFIN and DFID in 2010. NEFIN had called a national strike in order to demand increased attention to indigenous issues in the constitution process. DFID sent a confidential letter to NEFIN (which was subsequently leaked to the press) threatening to cut off financial assistance if the indigenous organization continued using strikes as a method of political protest (Schneiderman 2013: 50). The conflict between NEFIN and DFID reemerged in May 2011 with more substantive consequences: NEFIN organized yet another strike and DFID responded by discontinuing funding with immediate effect" (Adhikari and Gellner 2016).

According to Nilsson and Stidsen (2014), for many, the stoppage of funding was a turning point that changed the international community's willingness to cooperate with indigenous nationalities organisations. These organisations themselves felt that the decreased donor interest in supporting their activities had also severely limited their access to dialogues with the international community. This came at a time when their demands for constitutional recognition of their identities were meeting increased

opposition, and the debates around the future federal structure of the country were getting heated. The discontinuation of donor funding had enabled a radicalization of NEFIN's agenda providing the mobilisation of indigenous nationalities movement, a greater political momentum (Schneiderman 2013: 50).

Since the end of the first CA in 2012**,** successive governments and the bureaucracy in Nepal have continued to "successfully push back against such involvement", making arguments about Nepal's unique situation and explaining donor commitment to inclusion variously in terms of support for a Maoist agenda; the need to uphold Nepal's sovereignty; and the hypocrisy of "Western" or "Western-dominated" institutions that have been unsuccessful to tackle racism and sexism in their own countries, or have aggressively pursued their own self-interest in foreign policy at the expense of the people of poorer countries(Anagha et al. 2016).

There has been a major backlash against inclusion and federalism in the more influential parts of the media, the traditional political parties, the bureaucracy and judiciary, and parts of civil society. Inclusion has been dismissed as one of the number of 'progressive' agendas being pushed by donors whose own interest, perversely, was not in the success of these projects, but for own survival in Nepal. Other reasons for resistance include: real or imagined fears about weakening Nepali sovereignty, given the country's position in the shadow of both India and China; claims that Madhesi groups would be tempted to secede, given their cultural affinity to India and the open border; and an understanding of history which sees the formation of the Nepali state empowered, rather than disenfranchised, various groups by unifying such a diversity of territories to form the Nepali nation (ibid).

Conclusion

The indigenous nationalities employed different strategies for their mobilization. Their strategic use of international platforms like the UN has helped them to achieve recognition at home and abroad. This has also led their movement to be a part of the global indigenous movement. The efforts of indigenous nationalities have been

reciprocated by the other indigenous groups and international organizations. The ILO sends its representatives and observers to take stock of the situation every year. The indigenous groups also presented reports of their situation at the international forums.

The formation of NEFIN as a collective platform was also a successful strategic decision by INs to bring all the groups together. This gave them strength on the basis of their unity as most of the indigenous nationalities were minorities. Although, the relationship between the indigenous nationalities and Maoists was complicated since the beginning, it was of no doubt the latter promoted and championed the cause of indigenous nationalities. As the Maoists relied on the INs for its cadres, it could hardly ignore their demands. Both the groups have strategically utilized each other in achieving its objectives.

The indigenous nationalities pushed their demand for secularism and federalism with the help of Maoists As, the Maoists received less votes compared to the NC and UML in second CA elections held in 2013, they were sidelined in the constitution making process. International agencies (donors and INGOs) were highly responsible for the empowerment of indigenous nationalities. The empowerment has led to a stronger mobilization. Although, the dominant groups have criticized these agencies for various reasons, they carried on their funding. Their role has been significant in promoting social inclusion in Nepal. The mobilization of the indigenous nationalities could achieve a number of concessions from the government because of the strategies adopted by these groups. As both international and domestic pressure began to influence the government, a number of demands were accepted.

Chapter Four

The Government's Response to the Mobilisation of Indigenous Nationalities

Introduction

As the mobilisation of indigenous nationalities progressed, the government was forced to come out with a number of policies and programmes as a part of its response. This chapter analyses the government's policies and programmes for indigenous nationalities undertaken since 1990. It examines the successes and failures of the various task forces, commissions and foundations established for indigenous nationalities since 1990. An analysis of the impact of the five year plans on indigenous nationalities is also done. Further, the policies and programmes undertaken by political parties for indigenous nationalities are assessed. Another objective of the chapter is to discuss the role of political parties in the first constituent assembly.

The 1990 Constitutional Provisions

According to Malagodi (2013a), the 1990 constitution, in spite of having many "discriminatory" provisions for indigenous nationalities, had some progressive clauses too. Article 18 (1 and 2) enshrined the following cultural and educational rights:

> (i) Each community living in the Kingdom of Nepal shall have the right to preserve and promote its language, script, and culture (ii) Each community shall have the right to run schools up to the primary level (not beyond grade five) in its own mother tongue for imparting education to its children (Hutt 1993: 43).

In Article 26 (2) under State Policies, the constitution mentioned that the state shall, while maintaining the cultural diversity of the country, undertake a policy of strengthening the national unity by promoting healthy and cordial social relations amongst the various religions, castes, tribes, communities and linguistic groups, and by supporting the promotion of their languages, literatures, scripts, arts, and cultures (Weinberg 2013: 66).

Based on these constitutional provisions, the 1992 National Education Commission Report recommended to the Ministry of Education (MoE) that mother tongues should be used as the medium of instruction for non-Nepali speaking children at the primary level. After this recommendation, the MoE introduced the mother tongue as an optional subject (but not as a medium of instruction) at the primary level (Phyak 2015: 134).

These passages remained ambiguous. For example, the communities were the ones made responsible to operate schools in their mother tongues, absolving the government of the responsibility to run schools in languages other than Nepali. By restricting this measure to primary education, it left mother tongue-medium instruction at higher levels of education unprotected and failed to set a policy for early childhood education (Weinberg 2013: 66-67). Thus, the constitutional provisions regarding mother tongue education could not be achieved due to a number of factors such as the lack of trained and competent teachers and insufficient resources such as textbooks and other materials (Phyak 2015: 35). The indigenous rights activists were disappointed with the failure of the implementation of constitutional provisions.

In recognition of multiethnic and multilingual provisions enshrined in the constitution, the government formed a National Committee for Formulating Cultural Policy and Programmes (NCFCPP) in order to realise concrete plans to help preserve and promote Nepalese culture (Turin 2004: 2). The plan for the formulation of this policy was an attempt to preserve the culture and languages of different ethnic groups in Nepal (Acharya 2002: 69).

National Languages Policy Recommendations Commission (1993)

In 1993, the government of Nepal set up the first task force for indigenous nationalities. The task force recommended the establishment of a National Languages Policy Recommendation Committee (NLPRC) on 27 May, 1993. This Committee came up because of the increasing pressure from indigenous/equal rights activists after the Nepali

Congress led government had Sanskrit compulsory in the primary and middle schools. The NLPRC was an eleven member Committee headed by Til Bikram Nembang. It submitted its report to the Minister of Education, Culture and Social Welfare on 13 April 1994 (Turin 2004: 9). It compiled vital information and data on the language situation in Nepal and made a number of significant recommendations for the preservation and development of the country's minority languages (Kansakar 1996).

Among the 54 recommendations made under various headings, the significant one are as follows: "(i) to conduct a survey of the existing languages of Nepal in order to identify and determine the actual number of languages spoken in the country; (ii) to promote the languages of the country through codifications and linguistic descriptions and to develop the use of these languages in education, administration and as vehicles of mass communication (iii) to identity the endangered languages and take steps for their protection (iv) to establish a Council of National Languages for the purpose of study, research and promotion of national languages (v) to classify languages into three groups: the first with established writing traditions, the second with an emerging tradition of writing and third without any script or written literature (vi) to promote mono-lingual or bi-lingual education in the mother tongue and/or Nepali on the basis of ethnic composition of students in particular regions (vii) The government to approve and support those primary schools in mother tongue which have been established by the local people (viii) all children to have the right to receive education in the mother tongue, mother tongue with Nepali or Nepali alone (ix) Students at the lower secondary level to have the option to study their mother tongue as a subject in place of Sanskrit (x) to establish a Department of Linguistics in the University to promote the study and research in linguistics, and to produce trained human resources in linguistics (xi) to organise a full-fledged Language Department within the Royal Nepal Academy, and to recognise and provide financial support to organisations associated with national languages (xii) to establish a separate administrative unit under the CTSDC of the Ministry of Education to develop curriculum, implement and promote mother tongue education (xiii) to use the services of trained linguists to ensure more reliable compilation of language statistics in

future census reports"(Kansakar 1996: 201-21). The NLPRC also proposed to increase the contents of mass media in a number of languages other than Nepali (Onta 2006: 338).

The government did not fully implement the NLPRC's recommendations (Bhattachan 2008: 59). A month after the submission of the report, in May 1994, another committee was formed under Narahari Acharya to formulate suggestions for news broadcast in national languages over the state owned Radio-Nepal. Under the recommendations of this committee, from mid-August 1994, Radio-Nepal started broadcasting news in eight additional national languages namely Bhojpuri, Tharu, Awadhi, Tamang, Rai-Bantawa, Magar, Limbu and Gurung (in addition to existing broadcasts in Nepali, Hindi, Maithili, Newari and English) (Kramer 2003: 232). This was implemented from its regional stations located in Dhankuta, Kathmandu, Pokhara, and Surkhet. The criteria adopted for this broadcast was that the language must be spoken by more than one lakh population (or 1 per cent) of the total population based on the 1991 census (Acharya 2002: 69).

The duration of the news broadcast was fixed for five minutes in the regional programmes of Radio Nepal. As per the recommendations of NLPRC, text books for primary classes were also printed in various mother tongues to exercise the constitutional provision (under Article 18). Lama Tamang argues that "nothing much could be achieved except the preparation of textbooks for primary level in a few indigenous languages". The NLPRC also recommended a three language formula, which could not be implemented (Lama Tamang 2010: 7).

According to Chalmers, the members of the NLPRC were worried "that the government was not genuinely interested in their work as they had received only a minimal budget and administrative support". A majority of their recommendations were simply ignored (Chalmers 2007: 94). Although NLPRC suggested primary education in one's own mother tongue and listed some eight languages that should be taught in schools lack of appropriate textbooks, trained human resources and resources have caused serious constraints in making the recommendations effective (Poudyal 2001: 74-75).

Kansakar argues that even two years after the submission of the NLPRC, there was no indication of the government to accept the recommendations of the commission. A one-day symposium on "Primary Education in the Mother Tongue" was organized by the Primary Curriculum and Text Book Development Unit of the Ministry of Education at Kaiser Library on 7 July, 1995, while the CPN (UML) government was in office. The meeting was largely unproductive as members representing various language groups raised objections to the government's failure to implement the Commissions' recommendations. The responsibilities expected of the government "had been clearly spelled out in the report but there was no commitment for the recommendations to be implemented" (Kansakar 1999: 23).

Meanwhile, a number of negative decisions were taken by the government in the same period. The decision of the NC government in 1993 to impose Sanskrit as a compulsory subject in schools was followed by the UML's decision in 1995 to air the news in the Sanskrit language on state-owned Radio Nepal (Bhattachan 2003b: 42). Although, there were scores of mother tongues in which the news should be aired, Sanskrit was included at the cost of other languages. The government has been allocating budget for Sanskrit education and has also established the Mahendra Sanskrit University, but hardly any resources have been allocated for the development of languages (Bhattachan 2003b: 50).

In spite of protests by indigenous nationalities, the Sanskrit language remained a compulsory subject in schools till 2003. The state also provided subsidies for the promotion of Nepali and Sanskrit but nothing much was done for other national languages. Efforts were also made by the government to promote the Devanagari script at the cost of the scripts of many indigenous groups (Lawoti 2005: 7).

Gurung saw an "evidence of assertion of neo-Brahmanism", behind the NC and UML's decision regarding Sanskrit. This had been so since the political parties were dominated mainly by this groups (Gurung 2003: 18). In the view of Chalmer's , these measures were undertaken as 'both the NC and UML were swayed by a 'high-caste Hindu conservative backlash' (Chalmers 2007: 94).

Indigenous rights activists have criticised the government's negative attitude towards mother tongue which was exhibited by "giving priority to Sanskrit against other living languages" (Bhattachan 2008: 60). The state's special treatment of the Sanskrit language and its neglect of the demands of indigenous nationalities for more space for their languages was highly contradictory. The language policy of the state marginalized the indigenous nationalities in education, government jobs and the judiciary, etc. The state subsidy to Sanskrit educational institutions and generous scholarships to Sanskrit students enabled the Bahuns to get an advantage over other communities when it came to recruitment of government officials by the Public Service Commission due to the compulsory language paper and medium of examination (Shakya 2007: 102).

Barring Nepali and Sankrit, the government has spent few resources for the promotion of other languages after 1990. The demand for education in one's mother tongue till the primary level was not met, though a government-appointed commission recommended it (Whelpton 2005: 223).

NEFIN has been advocating a tri-lingual education policy and official use of local languages in the local government bodies. The tri-lingual policy suggests educating the Nepali students in mother tongue, second language (any other languages of Nepal including Nepali) and English (as an international language). Besides Nepali, one or two local languages can be officially recognized for local government bodies (ibid. 103). But the frequent change of government between 1990 and 2002 spelt doom for the implementation of the recommendations (Kansakar 1999: 23).

National Committee for Development of Nationalities (1997)

In 1996, the government constituted a second task force for indigenous nationalities. This task force was led by Santa Bahadur Gurung and included experts on indigenous peoples' issues like Krishna Bahadur Bhattachan and some government officials (Adhikari and Gellner 2016). On the basis of the task force's report, a National Committee for the

Development of Nationalities (NCDN) was formed under the Ministry of Local Development in 1997 (Acharya 2002: 69).

NCDN provided an official definition of nationalities/ethnic groups and named sixty-one of them to be present in the country. The purpose and structure of the committee and the list of the ethnic groups were announced in the government paper. The total number of ethnic groups (later indigenous nationalities) was reduced to fifty nine (Minami 2007: 445). NCDN was formed under an ordinance with the "singular aim of institutionally strengthening the nationalities and supporting them in the overall development efforts so as to steer them cohesively into the mainstream of the national life of Nepal thereby enabling them to contribute to the overall development of the nation" (NFDIN 2003: 6). Its activities included awareness raising programmes, research, discussion, and consensus-building programs to respond to problems of indigenous nationalities (Serchan and Gurung 2010: 70-71). The activities of NCDN was limited as it suffered from two constraints, the first being the lack of resources and the second being the ineffectiveness of being a non-permanent body.

Hangen argues that although the government took concrete actions to address ethnic grievances by forming two task forces in the 1990s, the recommendations of these bodies were neglected and the government even acted against some of them (Hangen 2007: 39). As far as institutional failures are concerned, the first one was related to the "national cultural policy". There were no suggestions made and the implementation of the project failed owing to differences between people (Acharya 2002: 69).

After the UN declared 1993 as the International Year of World's Indigenous People, the government of Nepal formed a National Committee under the chairmanship of the Prime Minister to celebrate the International Year of the World's Indigenous Peoples. This was done at the request of the indigenous nationalities of Nepal. However, committee did not organise a single programme to mark the international indigenous peoples' year. After the declaration of the international indigenous peoples decade in 1995, the government

established another committee chaired by the minister for education and culture, but this also failed to undertake any action like the earlier one (Serchan and Gurung 2010: 55).

In 1999, the government introduced the Local Self Governance Act (LSGA). The LSGA proposed the basic framework for the decentralization of government in Nepal. Its objective was to institutionalize the process of development through wider participation in a number of ways: (i) it provided that members from indigenous nationalities, Dalit and women should be nominated to local bodies. Members from Dalit/disadvantaged groups and women to be nominated to each village development councils, municipality and district development committees; (ii) the Act also directed the local bodies to conduct programmes for the development of women, Dalits and disadvantaged groups and proposed their engagement in local arbitration boards; (iii) It directed the municipalities and VDCs to give priority in their periodic plans to projects which lead to the uplift of women, Dalit and disadvantaged communities (Dhungel 2007: 64).

The LSGA has accepted that indigenous nationalities have been excluded in Nepal and emphasized the necessity of bringing them to the national mainstream (Limbu 2005: 45). The implementation of the Act had several positive impacts on the participation of local people including indigenous nationalities, women, Dalits and other less privileged people in the local governance and accordingly, 36000 women were elected to the local bodies (Dahal 2006: 64). The Act also provided substantial powers to the Municipalities, District and Village Development Committees for the protection and development of indigenous languages and cultures (Turin 2004: 3).

According to Brand (2014: 29), decentralization was not successful as the political and bureaucratic elite of Kathmandu were not willing to share power. The ministries situated in Kathmandu were fully responsible for the distribution of public goods. Although the LSGA permitted the use of national languages in local bodies, the Supreme Court came out with a verdict nullifying their use in local bodies. This saw protests from indigenous

activists under the banner of NEFIN, which forced the government to introduce the Education for All (EFA) National Plan (2001-2015) (Maharjan 2007).

Before introducing the EFA, the Ministry of Education held discussions with NEFIN regarding the right of indigenous nationalities to receive basic and primary education in their mother tongues. The Ministry, in response to NEFIN's demands, established a "thematic group" consisting of experts, leaders and activists who provided numerous recommendations that were included in the national plan of action (Serchan and Gurung 2010: 66).

National Foundation for Development of Indigenous Nationalities (2002)

The NCDN, established in 1997, was upgraded to the National Foundation for Development of Indigenous Nationalities (NFDIN) in 2002 for "social, economic and cultural development and upliftment" of indigenous nationalities and for their equal participation in the mainstream of national development (Hachetthu 2003: 17).

NFDIN is a semi-autonomous body, which acts as the state's "focal point" for policies concerning indigenous nationalities along with a mandate to make recommendations to the government on measures to promote the development of indigenous nationalities in the social, economic and cultural areas. The major difference between NCDN and NFDIN is that the latter is a permanent body (Limbu 2005: 45). It also has a specific mandate to directly negotiate with donors (Turin 2004: 3). The Schedule in the Act lists the fifty-nine groups recognised by the Nepali state as indigenous nationalities on the basis of the criteria in Chapter 2 of the Act (Malagodi 2013a: 265).

NFDIN was placed under the Ministry of Local Development with Prime Minster of Nepal as the chairperson and the minister of local development as the secretary (AITPN 2007: 48). The foundation also consists of a Vice-Chairperson, which plays the role of an executive head. The MoLD selects the Vice-Chairperson based on the recommendation of NEFIN, which puts forward the names of three persons. The foundation also consists of a governing council composed mainly of organization representing indigenous nationalities

affiliated with NEFIN (Serchan and Gurung 2010: 71). Sant Bahadur Gurung became its first head. The annual budget of NFDIN was NPR 30 million when it was formed in 2002 (Sharma-Pokharel 2005: 24).

NFDIN for the first time provided a definition of indigenous nationalities and established its legal significance. By establishing NFDIN, the government provided indigenous nationalities with a semi-autonomous foundation consisting of a governing council which included the representatives of both the government and indigenous nationalities (Poudyal 2013: 257). According to Hangen, "the biggest contribution of NFDIN has been its role in the legalization of "ethno-politics" in the country (Hangen 2007: 41).

The establishment of NFDIN was a significant landmark between in the history of indigenous nationalities mobilisation in Nepal. It has successfully initiated a series of projects for the preservation of languages and cultures, providing education to backward communities, preserving indigenous knowledge and so on (Lama Tamang 2010: 10). Some initiatives to provide scholarships and programs to promote languages have yielded promising results. However, a number of measures have yet to be implemented (Sharma-Pokharel 2005). NFDIN sponsored a project of "Basic Dictionaries" for several languages in cooperation with the Central Department of Linguistics and the Center for Nepal and Asian Studies (Toba 2005: 24-25).

NFDIN works in close co-operation with the government through the MoLD (which acts as a link ministry). The government including the National Planning Commission considers the foundation as the main actor to suggest government issues concerned with indigenous nationalities (Bhattachan and Webster 2005: 25). The formation of the NFDIN could be seen as the Nepalese state's recognition to the legitimacy of the indigenous nationalities' mobilisation. However, the government has fully controlled the allocation of resources. Indigenous nationalities have protested the insufficient allocation of resource to NFDIN by the government. The annual financial allocation for NFDIN was NRs 21.7 million for the period of 2004-2005 and NRs 33 million for 2005-2006. This

budgetary allocation also includes the salary of the personnel and staff (Serchan and Gurung 2010: 70).

Although, NFDIN demanded NRs. 60 million for 2004-2005 and NRs.70 million for 2005-2006) (which was around three times more than the original allocation), the GoN could provide only a lesser amount (Serchan and Gurung 2010: 71). Due to the allocation of insufficient funds, NFDIN as an institution for the development of indigenous nationalities have come under strong criticism (AITPN 2007: 15). Many indigenous activists have attributed its failure to the insufficient resources provided by the government (Gurung 2006: 31). Although NFDIN demanded allocation of resources to implement projects such as Praja Development Program (PDP) (a program specifically formulated for the Chepang indigenous community in five districts of Nepal), it was provided with a meager amount (Serchan and Gurung 2010: 71).

NFDIN also claimed that that the government failed to provide them necessary autonomy (as ensured by law). In many instances, the National Planning Commission has acted too insensitive to the concerns of indigenous nationalities in spite of their recognition in the Tenth Plan document. This revealed a gap between policy designed for indigenous nationalities and its implementation. Moreover, the ministries and local bodies had not consulted the NFDIN before the establishment of indigenous nationalities/ Dalit focal points at the DDCs (Bhattachan and Webster 2005: 25).

According to Lama Tamang (2010), NFDIN's performance had been discouraging as an institution for the upliftment of indigenous nationalities. Until 2010, it has undertaken only minor projects (with certain exceptions), which made a limited impact on indigenous nationalities (Lama Tamang 2010: 10).

According to AITPN (2007), NFDIN has been unsuccessful in solving the issues of indigenous nationalities. Although, the foundation came out with a list of 59 indigenous nationalities in 2003, it is believed that many sub-groups were not included in it. According to Chandra Singh Kulung of the Kirat Welfare Society (KWS), when the

NFDIN Act was enacted in 2003, many Kirata sub-groups were excluded from the official list of indigenous nationalities. Although sub-groups such as Limbu, Yakkha, Sanuwar and Hayu were recognized as indigenous nationalities in 2003, around two dozen Kirati sub-groups failed to receive recognition. The total population of these unrecognized indigenous nationalities was eight lakhs (AITPN 2007: 15).

Former NEFIN president Pasang Sherpa (2016) has mentioned that the assurance of various Nepali governments to implement ILO Convention number 169 was only to satisfy the other countries. He expressed concerns at the true motive of the political parties. Regarding NFDIN, he mentioned that the Foundation suffered from a lack of adequate infrastructural facilities and financial constraints.

In 2003, King Gyanendra appointed government, led by Surya Bahadur Thapa, proposed to introduce reservation policies for "disadvantaged groups". This decision came as a result of the realisation that "social exclusion" was one of the basic reasons which was pushing the marginalised people to the doors of the Nepali Maoist" (Serchan and Gurung 2010: 68). The government decreed that 45 per cent of civil service posts should be reserved, of which, 33 per cent would be for women, 27 per cent for indigenous nationalities, 22 per cent for Madheshis, 9 per cent for Dalits, 5 per cent for disabled people, and 4 per cent for the backward regions (Adhikari and Gellner 2016: 2023).

It also proposed an increase of more than 30 per cent enrolment of students belonging to indigenous nationalities and Dalit in educational institutions. It also proposed reservation of seats in higher education for certain groups as follows: indigenous nationalities (15 per cent), women (20 per cent) and Dalit (10 per cent). The government also proposed 10 per cent reservation of seats in technical education for indigenous nationalities; 15 per cent in general education, and 5 per cent in government services (Serchan and Gurung 2010: 68).

In December 2004, a High Level Reservations Committee (HLRC) was constituted under the chairmanship of the then Finance minister to prepare a draft to introduce the above reservation policies, but with the change in government, the HLRC was closed down

before it could place its report. The succeeding government did not show any interest in formulating a report. Although, a new draft was prepared by the Ministry of General Administration before 2005, it did not propose any reservation in civil services because of the ministry's fear that such a step might lower the reputation of civil services as a meritorious institution. But, the ministry later came out with a draft which consists of a number of methods to protect the gender, caste and ethnic diversity of the country's civil services (Bennet 2005: 36).

In general, the indigenous nationalities were not satisfied with the implementation of the government's reservation policy. In addition, there were many disruptions in implementation because of the frequent changes in government. On 1 February, 2005, King Gyanendra finally scrapped the reservation system by an act after taking the reins (Gellner 2011: 47). Thus, whatever possibilities the government had through reservation policies to weaken the mobilization of indigenous nationalities proved to be a failure. On the contrary, the confusion which emerged during the implementation of these policies raised doubts in the minds of many indigenous nationalities regarding the actual character of political leadership. This further led to the intensification of the mobilisation process.

In July 2006, the Ministry of Local Development passed directives to all districts to form Indigenous Nationalities District Coordination Committees (DDCs) (Bennet et al. 2013: 84). This was done in order to create a platform which would allow indigenous nationalities to influence decisions over the distribution of resources. It came to be later known that only the members of political parties were appointed from the indigenous groups. In the fiscal year 2006-07, the government had implemented 39 targeted projects with an expenditure of more than NPR 4.5 million. The expenditure was calculated to be 3.13 per cent of the total budget. Yet, out of all of these targeted programmes, only four were fully related to indigenous nationalities (Lama Tamang 2010: 10).

Indigenous Nationalities under Nepal's Five Year Plans

The eighth plan was the first five year plan in Nepal which was introduced after the restoration of democracy in 1990. The plan had reduction of poverty as one of its three main aims. It was the first official document which raised the question of caste and ethnicity at the national level (Bennet 2005: 22). An attempt was made under this plan to identify those groups which are at the bottom of society (in terms of poverty) and carry out programmes for their empowerment. Although scholarships for Dalit students undergoing primary schooling were introduced under this plan, the same was not implemented in the case of indigenous nationalities. As ethnic/indigenous nationalities were not identified by the government till 1997, these groups were treated under the category of disadvantaged groups)(Sharma-Pokharel 2005: 17).

Indigenous Nationalities under the Ninth Five Year Plan (1997-2002)

The Ninth Plan was the first one which addressed indigenous nationalities by name and had a separate sub-section dealing with indigenous nationalities in "National Development". Under this plan, the government for the first time in Nepal's planning history introduced "targeted" programmes for indigenous nationalities (Bhattachan 2005: 84). The objectives of the ninth plan regarding indigenous nationalities were as follows:

> "(i) to remove social inequalities by assisting indigenous nationalities economically and socially; (ii) to raise the overall status of country through promotion and preservation of cultural heritage of indigenous nationalities (iii) to increase the capacity of indigenous nationalities by undertaking their social, economic and cultural development (iv) To include indigenous nationalities in the nation building process by ensuring their access to natural resources, providing knowledge and skill to them" (NPC Ninth Plan 1997-2002).

The proposed measures for indigenous nationalities were placed under different headings. Under *Policy and implementation strategy*, it proposed to" (i) to make it mandatory for the Village Development Committees to spend a certain portion of resources provided by

the government for jobs and income generating skill development programmes for indigenous nationalities; (ii) to introduce specific programmes for easy availability of credit in order to fulfill the needs of indigenous nationalities in areas of education, drinking water and health; (iii) ensure priority to students from indigenous nationalities for getting admission in technical subjects for higher education; (iv) to explore and evaluate the knowledge and skill of indigenous groups and employ them for useful purposes"(ibid.).

Under *Institution Building Programmes*, the Ninth Plan proposed "(i) to form an independent and powerful central level council for indigenous nationalities, 75 per cent representatives were to be elected from the district councils and 25 to be nominated by the government to formulate national-level policies; (ii) to establish a committee for indigenous nationalities at the district level which will function by maintaining close links with DDCs to introduce programme for the upliftment of indigenous nationalities. (iii) to empower organisations of indigenous nationalities for carrying out programmes at the grassroots level and strengthen the NGOs" (ibid.);

Under *Human Resource Development Program*, it proposed "to provide mother tongue education in the primary level in order to remove the obstacles in basic education due to language and culture. It also proposed to provide scholarships for indigenous nationalities besides reserving quotas which would help them to undertake admission in technical as well as educational institutions"(ibid.)

Under *Other Economic and Social Development Programs* "the plan proposed to impart training for indigenous nationalities. It also undertook various programmmes like giving seed money for income generation activities and providing easily accessible soft loans for undertaking income generating programmes through the proper investment of capital. The plan also proposed the construction of an "ethnographic museum" and a Nationalities Center for the development and promotion of the arts and culture of indigenous nationalities. Under *Special Arrangement*, the plan declared that it would be mandatory

for VDCs and DDCs to spend certain proportion of the resources provided by the government for the uplift of indigenous nationalities" (ibid.).

An assessment of the achievements of the Ninth plan shows that under the institutional arrangement programme, the National Committee for the Development of Nationalities was successfully established in 1997, which was later upgraded into NFDIN in the Tenth Plan. The proposed committees on indigenous nationalities/ethnic groups in all 75 districts could not be formed as targeted under the ninth plan (NPC Tenth Plan 2002-2007).The proposed commitments of the NPC to spend 30 per cent of the VDC and DDC budget for the development of indigenous nationalities could not be fully realized during the plan period (Bennet 2005: 22).

Under the *human development programme*, the students hailing from indigenous communities who were enrolled in technical and non-technical fields were provided scholarships for their their studies. Public awareness of certain marginalized indigenous nationalities in the areas of education, health, law, hygiene and environment, culture, gender equality also increased to certain extent. Text books in seven indigenous languages were published and classes were organised to teach these books to the students (NPC Tenth Plan 2002-2007).

Despite these facts, indigenous nationalities as a whole could not benefit as envisaged from these programmes. Some of the weaknesses of the programmes can be mentioned as follows:

"(i) lack of knowledge on the real status of indigenous groups; (ii) lack of committees for indigenous nationalities at the local level. As the programmes were directly implemented by the centre, it failed to show the desired results due to the lack of proper monitoring; (iii) inability to engage and involve highly marginalised indigenous nationalities (HMINs) in the socio-economic development programmes; (iv) lack of programmes in the areas of education, health, etc. for endangered and marginalised indigenous nationalities and absence of scholarship at the schools; (v) lack of responsibility shown

by various ministries in the implementation of programmes for targeted communities; (vi) lack of an effective policy to improve the expertise on the indigenous nationalities; (vii) failure of active organizations in improving the condition of indigenous nationalities; (viii) lack of clarity regarding matters of skill, knowledge and capability of indigenous nationalities" (ibid.).

One of the reasons for the failure of Ninth Plan in achieving its objectives was the origin of the Maoists' "peoples' war" in the year 1996. As most of the districts came under the full sway of the Maoists, the policies could not be implemented. As the benefits of these policies couldn't reach the indigenous nationalities, they became very critical of the government with many of them even joining the Maoist ranks out of desperation.

Indigenous Nationalities under Tenth Five Year Plan (2002-2007)

The Tenth Plan was Nepal's Poverty Reduction Strategy Paper[41]. The PRSP identified "social exclusion", "inequality" and "lack of good governance" as Nepal's main problems (Acharya 2015: 233). So, it formulated a four pillar strategy in 2003, in which promotion of social inclusion was also included (Kumar 2008: 166).The Tenth plan incorporated a separate chapter on indigenous nationalities. One of the foremost objectives of the plan was to grant equitable access and developmental opportunities to members of indigenous nationalities with an objective to uplift them. The plan identified them as "backward", as they had not been able to participate fully in mainstream development (NPC Tenth Plan 2002-2007).

The Tenth Plan laid out four basic strategies to obtain these objectives:

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[41] Since 1990, the preparation of PRSP has increasingly become an important practice in the least develop countries (LDCs) as a policy document for them to be eligible for foreign aid and assistance)- a new anti-poverty framework (Acharya 2015: 230).The PRSP was to be a national strategy, drawn up by governments of low-income countries, encouraging government expenditure on poverty-reducing measures. Most of the developing countries pursued PRSP as if they were a condition to get support from the World Bank and the International Monetary Fund, and also to be legitimatized for other bilateral support (Acharya 2015: 230).

> "to promote the development of an equitable society by undertaking development programmes for indigenous nationalities; (ii) to preserve and promote the language, script, arts, culture, literature and history of indigenous nationalities (iii) to assist in the indigenous nationalities in preserving and promoting their traditional knowledge systems for vocational purposes and; (iv) to strengthen indigenous nationalities to take part in the developmental process by maintaining cordial relationship between indigenous nationalities and other castes, religions and ethnic groups" (ibid.).

The Tenth plan proposed a number of programmes for indigenous nationalities under different categories. *Under Language and Cultural Development*, the Tenth Plan proposed "(i) the protection, conservation and development of languages and also categorization of indigenous languages into four groups namely endangered, without traditional scripts, moving towards traditional script and established traditional scripts (ii) primary education in one's mother tongue along with books and other resources (iii) preservation of the cultural heritage of indigenous nationalities along with proposals for constructing museums and model villages (ibid.)"

Under *Human Resource Development*, the Tenth Plan proposed "(i) special arrangements for technical and non-technical higher education, awareness programmes for educational development and continuation of literacy campaigns (ii) proposal for programmes to preserve and utilize the traditional knowledge systems of the indigenous nationalities and (iii) proposal for the introduction of job-oriented training for indigenous nationalities with technical assistance from the government"(ibid.).

Under *Social and Economic Development*, the plan proposed"(i) that indigenous nationalities would be encouraged to undertake any employment based on their traditional skill and interest and (ii) to ensure the maximum benefit for indigenous nationalities from the different development programmes by engaging them in their formulation, implementation and management" (ibid.).

Under *Special Arrangement*, the plan proposed that a certain amount of grant would be allocated to DDCs and VDCs in order to utilize them for development projects concerning indigenous nationalities. In order to realize the above objectives and proposals, the Tenth Plan earmarked an amount of NRs 1.6 billion (including a minimum amount of NRs. 500 million from the Poverty Alleviation Fund and NRs 1.1 billion from local bodies. This was in addition to the allocations made by different ministries for indigenous nationalities (ibid.).

An assessment of the Tenth Plan shows that the establishment of NFDIN in 2003 was a major achievement under this plan. There were also many drawbacks of the tenth plan such as (i) the targeted programmes could not be effectively implemented due to lack of sufficient grants; (ii) there was no proper mechanism to acquire information and knowledge regarding indigenous nationalities; (iii) lack of adequate programmes and allocations to deal with the protection of the cultural heritage and languages of endangered, marginalised and highly marginalised indigenous nationalities; and (iv) due to lack of political stability owing to the intensification of the Maoist insurgency and the absence of government officials in the districts and villages, the concerns of indigenous nationalities remained unaddressed (NPC Three Year Interim Pan 2007-2010)**.**

The programmes undertaken during Tenth Plan failed to remove structural/ institutional barriers. The lack of improvement in governance during this period is basically responsible for such a stagnated situation (Subba 2007: 24). According to Bennet, the PRSP has not been successful to come out with a "realistic' strategy and method to bring the indigenous nationalities into the national mainstream. The targeted programmes, it proposed, were very "narrowly-based" and even through the government categorized programmes on a priority basis by using the Medium Term Expenditure Framework, inclusion was never a part of the priorities. A major weakness of the PRSP was due to the confusion among the actors regarding their actual roles and accountabilities in the implementation process (Bennet 2005: 23).

Among the many indigenous activists interviewed, most of them were critical of the achievements of the Tenth Plan. They felt that the positive provisions were included only to keep the donors happy and ensure the continuous supply of monetary support. According to Bhattachan and Webster (2005: 7), the policies and programmes proposed in the PRSP lacked continuity. The shortcomings of the PRSP were due to the inadequate knowledge of the government and multilateral agencies regarding indigenous concerns, lack of participation and consultation of indigenous nationalities in the design and implementation of poverty reduction and development policies; and over centralization (Bennet and Parajuli 2013: 7).

Although, the Tenth Plan had many shortcomings, it has been hailed by many for accepting the presence of gross "inequalities" in the society. Overall, the identification of "social exclusion" as a cause of conflict was an important step in the plan (Bennet 2005: 23-24). By the end of the Tenth Plan period in 2007, the mobilization of indigenous nationalities had become too strong for the government to ignore. In 2007, a 20-point agreement was signed between the government and representative of indigenous nationalities.

Policies and Programmes of Political Parties, 1990-2006

Before the elections of 1991, the Nepali Congress in its manifesto proposed preservation and promotion of different languages, cultures and traditions prevalent in the country and; elimination of regional and communal imbalance in development. It also promised primary education in mother tongues (Hachhethu 2003: 241). The CPN-UML assured provisions for the establishment of a secular state, abolition of constitutional and legal provisions which discriminate certain groups on the basis of caste/ethnicity, language, religion and culture. It also proposed primary education to the ethnic groups in their own mother tongue (Whelpton 1993: 67).

According to Hachhethu, compared to the UML, the NC had only a few policy commitments relating to the interests of minorities and backward communities before the

1991 elections (Hachhethu 2008: 144). The NC government, formed after the 1991 elections, failed to take ethnic considerations as the criteria for formulating government policies and programmes (Bhattachan and Pyakuryal 1995).

In 1992, the NC set up a commission to look into the demands of mother tongue education. In 1993, the commission submitted its recommendation to the government which the government agreed to implement them gradually (Sharma 2012: 242). 1n 1993, the NC formed the National Languages Policy Recommendation Committee. Eight major languages were used in the public electronic media for news broadcasts (Hachhethu 2008: 151).

In 1993, the NC government appointed an advisory commission on minority languages, with members largely drawn from the minorities themselves. It made recommendations for establishing a council to oversee language development and introducing mother-tongue teaching in primary schools (Whelpton 1997: 63-64). According to Poudyal, the commitment of the major political parties towards the recommendations of the first task force in 1992 were very "discouraging", which created a feeling that these parties dominated by the "upper caste" Hindu community were not interested in implementing any concrete measures to change the status quo (Poudyal 2001: 74-75). In 1993, the NC came out with a proposal to make Sanskrit compulsory in the lower and secondary level curriculum. This decision stood until 2003 when it was finally scrapped (Gellner 1997: 178).

Before the elections of 1994, the NC in its election manifesto promised consideration of minority languages in state-run electronic media. It also promised special consideration for ethnic groups and backward groups (Hachhethu 2008: 143). It also promised the use of mother tongue in education and mass media, establishment of an academy related to culture of different indigenous groups (Pyakurel 2007: 84). In its election manifesto before 1994 elections, UML promised to make the Upper House an assembly of ethnic and disadvantaged groups. It also proposed autonomy to elected local bodies for the promotion of caste/ethnic, language, religion and culture, and reservation for the people

of backward community/areas in education, health and employment (Hachhethu 2008: 148).

The UML leaders, in their budget speech of July 1994, proposed special programmes for sixteen indigenous nationalities. The indigenous nationalities mentioned included the Jhangad (Urao), Dhimal, Chepang, Raute and Satar (Santhal) (Gurung 2006: 31). As a part of the proposal, in 1995, the UML-led government allotted a nominal budget for the empowerment of the underprivileged communities but these programs failed to uplift the status of these indigenous groups (Bhattachan and Pyakuryal 1996).

The UML which came into power in the elections of 1994, set aside funds for the preparation of textbooks for mother-tongue education. It also announced a number of other programmes for the benefit of the people of some of the most economically backward ethnic communities in Nepal. This includes the provisions for income earning activities, a cash grant of six hundred rupees per annum to purchase educational material for ten students from each district, and other schemes of social upliftment (Sharma 2012: 243).

The CPN-UML government also provided financial grants to the VDCs. The funds increased the capacity of these committees to undertake numerous projects for indigenous nationalities (Lawoti 2007: 40). In 1995, the CPN-UM introduced news broadcasts in Sanskrit which saw protest from indigenous nationalities (Thapa and Sijapati 2005: 77). According to Hachhethu (2006), although the UML promised a number of measures for uplifting indigenous nationalities before the 1994 elections, after coming to power a year later; it did not undertake any policy measure in the interest of these groups (Hachhethu 2006: 36).

In 1995, the NC-led government proposed targeted programmes for 12 indigenous nationalities and Dalits in its budget speech. The indigenous nationalities included were the same ones included by the earlier CPN-UML government with the exception of Chepang (Gurung 2006: 31). According to Hoftun et al. (1999: 336-337), almost all the

political parties were committed to the principle of providing mother tongue education to those who wanted it and preliminary work for the preparation of textbooks was in progress by the end of 1995. But many observers doubted that whether the government was really interested in implementing it.

Before the 1999 elections, the NC in its election manifesto proposed to set up cultural centres for the preservation and promotion of the traditional heritage of the various communities. It also proposed to set up an independent council for indigenous groups and also to ensure their empowerment in different sectors (Hachhethu 2003: 241). The UML in its election manifesto promised to set up an academy for ethnic, linguistic, religious and cultural development (Pyakurel 2007: 85). In 1998, CPN UML opened the Ethnic Issues Department (*Jatiya Mamila Bibhag*). In 2001, the NC established an organization called the Nepal Indigenous Nationalities Association (NINA) (Hangen 2010).

Opinions among scholars are divided regarding which political party has undertaken more measures for indigenous nationalities after 1990. According to Bhattachan (2000), the NC has played a leading role in implementing some programmmes such as transmission of news in the Radio in various mother tongues, establishment of NCDN and development programs for indigenous nationalities in the Ninth plan. This opinion has been supported by Lok Raj Baral (2016) in his interview. Although the UML claimed that their party stands for revolutionary change, it has never done what has been done by the NC (Bhattachan 2000: 151). Hachhethu (2008) differs from Bhattachan's viewpoint and argues that the NC had only a few policy commitments relating to the interests of minorities and backward communities in the 1990s (Hachhethu 2008: 144-145).

Unlike the NC, whose oppositional activities could be visible in cities in Tarai, the UML, in its previous incarnation as the CPN (ML), concentrated on building an underground organisation in the eastern and central hills (Hachhethu 2006: 39). Since 1982, the UML (then ML) took a decision to expand the party-base through already existing frontier ethnic organisations such as Manka Khala of Newars and Langhali Sangh of Magars (Hachhethu 2016).

UML's efforts in the eastern hills made the party victorious in a large number of constituencies in the 1991 elections. After 1990, the UML launched a one-point campaign against the bonded labour system in gaining support from the Tharu community situated in mid and far western regions(Dang, Banke, Bardiya, Kailali and Kanchanpur districts). It also launched a squatter (*sukumbasi*) movement on behalf of the local Tharu community. By undertaking these measures, the UML gained a new identity associated with "the minority and backward community". By undertaking the above effort, the UML achieved a new identity of being a "promoter of the rights of backward and minority communities" (Hachhethu 2008: 160).

Although the political transformation of 1990 is equated with the achievement of the NC's mission of multiparty democracy, the party resisted pressures for more changes. Its status quoist position was reflected in its acceptance of Nepali as the national and official language, along with its affirmation of the continuation of Nepal as a Hindu state. The RPP was not different from the NC in supporting the status quo on the question of language and religion. In contrast, the communist parties had advocated a secular state and equal treatment for all languages (Hachhethu 2006: 35).

On the question of the minorities, the NC did not have any policy agenda in the initial phase of democracy, except for advocating for resolution of the citizenship problem in the Tarai[42](Hachhethu 2006: 35). The NC was less sensitive to minority problems whereas the UML, at least in its rhetoric, appeared more sympathetic to ethnic demands (Hachhethu 2008: 149). Similarly, Gurung states that the NC, which was in power for the longest period after 1990 had the most conservative approach towards social equality. In comparison, the leftist parties had a more progressive position but remained only in the "rhetorics of their manifestoes" since the CPN (UML) was only in government for a short period in 1995 (Gurung 2003: 18-19).

[42] Unlike the CPN (UML), the NC had a very strong support in the Terai areas. Leaders like GP Koirala, KP Sitaula and Sher Bahdur Deuba have most of the times succeeded winning their respective seats from Terai. This forced the NC leaders to back such resolutions.

The UML's "high-pitched propaganda" for a secular state and equal treatment of all languages brought it closer to the concerns of minority communities (Hachhethu 2006: 39). Adhikari (2014: 117) has stated that the UML had rejected ethnic activists' demand for autonomous governance in their areas and the preservation and promotion of their languages. A number of communists from indigenous nationalities became disillusioned with this position and left the mother party to establish or join organizations that campaigned for the rights of their communities.

Most of the indigenous activists interviewed don't see much difference between the policies of political parties regarding indigenous nationalities. According to Rajbanshi (2016), the "leaders of major political parties show that they are fighting against each other outside but inside, they maintain a very cordial relationship". This was mainly because the leadership of the mainstream parties came from the Bahun caste. Bhattachan (2005) argues that the political parties in the post-1990 period have not been serious regarding the question of exclusion and inclusion in the Nepalese society. As these political parties saw the indigenous nationalities as mere "vote banks", they have co-opted some of them to garner support for the party, thereby giving a wrong message that the party stood for them (Bhattachan 2005: 86).

Hangen argues that the indigenous nationalities have not been successful in raising the demands in the mainstream political parties as the leadership of all these parties was composed of "upper-castes" Bahuns and Chhetris. The leaders representing indigenous nationalities in mainstream political parties did not have any real decision making power as they were sidelined most of the time (Hangen 2007: 30). In many instances, the party leadership issued whips to those indigenous leaders who went against certain decisions of the party (Sherpa 2016).

As the mainstream political parties failed to live up to the expectations of the indigenous nationalities, most of them either got active in the mobilisation process of indigenous nationalities or joined the CPN (M). Bhattachan (2008) argues that all the major political parties were run by the Bahuns and Chhetris and the lower rung was composed of the weaker sections like indigenous nationalities. The top positions of both NC and UML were occupied by these groups and the minorities had no power to influence decision-making (Bhattachan 2008: 44).

The political parties' commitment towards ensuring and institutionalizing an inclusive political structure remains questionable, mainly due to the construct of their existing internal social structure. Another part of the problem is the overwhelming "Brahminisation" of the leadership and the domination by Hindu males. The leaders also fear that revamping the social structure within the party could eventually lead to the waning of their influence. One of the biggest problems of the political parties is the reluctance to "diversify" because of the fear that it would lead to decentralization and the demise of their political careers (Thapa 2007). Though candidates are selected taking several factors into consideration, the decision-making authority in these parties is oligarchic. The oligarchic tendencies have been supplemented by the centralised structure of parties both in the party constitution and in practice. The NC, being a personality

dominated party, was seen as an oligarchic and centralised party (Hachhethu 2006: 21).

The commitment of the major political parties proved illusory. This led to a feeling that the parties representing the "high caste" Hindu community were not enthusiastic to change the basis of the so-called homogeneity in the name of national integration (Poudyal 2001: 74-75). According to Lawoti (2010: 146), the mainstream parties largely excluded the indigenous nationalities from influential leadership positions. The few ethnic parties were not successful and, hence, did not attract significant followers from indigenous nationalities. The state announced a few token reforms. According to Onta (2016), the political parties worked with a half-hearted approach to solve the problems of

the indigenous nationalities. It was only after the Maoist movement escalated, that they started paying heed to their demands.

According to Hoftun et al. (1999: 337), the NC was not supportive of reservations after 1990. In this regard, Girija Prasad Koirala, a senior leader of the NC once remarked "we are not going to make that mistake". He was pointing to the decision of the Indian government to reserve seats for marginalized sections. According to Gurung (2006: 31), most of the initiatives undertaken by the political parties till 2006 had no legislative backing and were inherently unstable. A General Secretary of the CPN (UML) once mentioned that focusing on ethnicity and region would disturb the goodwill in society (Serchan 2007: 87).

Politics of State Restructuring in the First Constituent Assembly, 2008-2012

One of the foremost demands of indigenous nationalities' mobilisation was the restructuring of the state of Nepal on the basis of ethnicity. The demand for an ethnic federal set up remained unfulfilled till 2015 due to the reluctance of certain political parties. The following section discusses the federalism discourse in Nepal and the reason for the failure of the first CA (2008-2012) to draft a constitution for the country.

The issue of federalism was first raised by the Nepali Terai Congress in the 1950s. After 1990, it was the CPN (Maoist) which raised the issue by including it in its forty points demand to the government in 1996. The interim constitution, which was promulgated in January 2007 after the end of the "peoples' movement", did not explicitly mention federalism as the basis of restructuring the state. This led to protests from the Madheshi and indigenous nationalities. Finally, the first amendment to the interim constitution stated that the restructuring of the state would be conducted in line with the democratic federal system in order to end the "discrimination based on ethnicity, language, religion, culture, region, gender, etc" (Khanal 2014b: 118).

In its election manifesto before the CA election of 2008, the Nepali Congress didn't clearly state its position on state restructuring. It didn't mention how many provinces

would be formed. It merely proposed a vertical north to south division of the country into different units whereby each unit would include horizontal slices of mountain, hills and Tarai, each from the three different geographical regions and to make into one province (Giri 2011: 49).

The UML proposed the division of Nepal into 15 provinces (ICG 2011). This later on came to be contested within the party. The UCPN (M) party was more explicit on federalism in its manifesto than other parties (Karki 2014: 4). The UCPN (M) had campaigned with a map of a federal Nepal with 11 provinces and three sub-provinces[43] (Khanal 2014b: 120). Out of the suggested 11 provinces, nine were based on ethnicity and the remaining two, on regional considerations. It also proposed having three sub-provinces in the plains on the basis of language (Mithila, Bhojpura and Awadh) (Hachhethu et al. 2010: 66).

The Terai-based parties such as Terai Madhesh Loktantrik Party (TMLP), Madhesh Jana Adhikar Forum (MJF) and Nepal Sadhvabhana party had proposed the grouping of all 20 plains districts as a single unit. The demand of the Madheshi political parties for having a single federal unit for all 20 Tarai districts had been opposed by NEFIN. NEFIN suggested three criteria: ethnicity for hills, language for Tarai and territory for the Karnali zone, and hills of mid-and far-west development regions. The Tharu Kalyankarini Sabha (TKS) had also opposed the grouping of all 20 districts of Terai into a single province (ibid.).

In order to finalise the restructuring process, the CA formed a thematic committee named Committee for Restructuring of State and Distribution of State Powers (CSRDSP)[44]

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[43]This was a change from their earlier position. During the course of "peoples' war" (1996-2006), the UCPN (Maoists) had proposed the formation of nine autonomous regions, out of which six were based on ethnicity and three on the basis of territory. The ethnicity-based regions were (1) Kirat Autonomous Region (2) Tamang Saling Autonomous Region (3) The Tamuwan (Gurung) Autonomous region (4) Newar Autonomous Region (5) Magrat Autonomous Region (6) Tharuwan Autonomous Region. The addition of more federal states has given rise to hopes as well as tensions.

[44]The CSRDSP consisted of 43 members representing all the political parties and chaired by Lokendra Bista Magar

(henceforth, State Restructuring Committee). In January 2010, CSRDSP submitted a report to the House recommending the formation of fourteen provinces. This recommendation required the support of a two-thirds majority in the House to be a part of the constitution (Dahal and Ghimire 2012).

The State Restructuring Committee proposed a three-tier political structure: federal (centre), provincial and local, with the list of their respective capabilities. Within the provinces, three types of "special structures" were proposed: autonomous regions, protected areas and special areas. Autonomous regions were areas with those territories with the predominance of a specific ethnic or linguistic group; protected areas were proposed for the development of ethnic groups with a smaller population and; special areas were regions which were inhabited by people who were economically deprived or disadvantaged (Sharma 2014b: 104).

The State Restructuring Committee also proposed political preferential rights (*rajnitik agradhikar*) to the provinces formed on the basis of ethnicity or communal plurality and to the executive bodies of autonomous regions for two terms. The report proposed that the political parties should give priority to the members of dominant ethnic communities during elections and while forming provincial governments (Acharya 2014: 57).

Six provinces (out of fourteen) were proposed on the basis of a single identity. A total of 23 autonomous regions were proposed by the State Restructuring Committee. These autonomous regions were to be established by the provinces through commissions within a year of the formation of the provincial government. Autonomous regions could have elected councils, with legislative, executive and judicial powers, similar to the provinces. But the Legislative power would have to be exercised in a way consistent with provincial law (Brand 2014: 245).

There were many dissenting opinions against the State Restructuring Committee's preliminary federal design that surfaced within and outside the CA. There were disagreements over the name, number and boundaries of the proposed provinces and the

autonomous regions (Acharya 2014a: 52). In order to achieve a solution to the difference of opinion on the CSRDSP's proposal, an eight member High Level State Restructuring Recommendation Commission (HLSRRC) (henceforth High Level Commission) was formed in the third week of November 2011 (Hachhethu 2014a: 135-136).

The High Level Commission submitted two reports (majority and minority) to the CA by the end of January 2012 (Sharma 2014: 112). The majority report (consisting of 6 members of the Commission including the chair, proposed a 10+1 federal model (10 territorial provinces and 1 non-territorial province for Dalit community), including 22 autonomous regions (under special structures for dominant ethnic groups) focusing mainly on single identity provinces (Adhikari and Gellner 2016).

The minority report (consisting of three members of the Commission) proposed 6 provinces, 4 in the hills/mountains and 2 non-contiguous provinces in the Tarai, but refrained from naming the provinces (the names were to be decided by the provincial parliament) (Brand 2014: 232). These six provinces were non-ethnic geographic states (Adhikari and Gellner 2016). The minority report suggested the scrapping of the provision for the creation of autonomous regions under special structures (Acharya 2014b: 164).

The majority report resembled the position taken by the UCPN (M) and Madhesi parties whereas the minority reports those of NC and UML (Khanal 2014b: 122). The report proposed political preferential rights for dominant groups (under special structures) for a single term in leadership in autonomous regions and local government but reiterated that local bodies, although their powers would be enshrined in the constitution, would remain under the purview of the provinces. The High Level Commission (minority) report asked for deletion of this provision (Sharma 2014b: 114).

The High Level Commission report failed to break the deadlock over the new federal structure (Brand 2014: 231). The Commission's proposal immediately led to protests by groups that found their interests infringed upon, and ultimately did not help the parties in

the CA to come any closer to an agreement on the basic parameters of the new federal structure (ibid: 232).

On 15 May, 2012, the political parties had reached an agreement on 11-provinces (four in Madhesh and 7 in the hills) model that all provinces would be multi-ethnic and people belonging to ethnic, caste, religious, linguistic and cultural groups would have equal rights. They also decided that a federal commission would be established to demarcate the boundaries of the provinces as well as the merger or formation of new provinces. It was also agreed that the name of the provinces would be finally decided by the provincial legislative assembly. The agreement hardly lasted for two days. The indigenous nationalities and Madheshis conveyed their displeasure regarding the decision. The ruling coalition consisting of the UCPN (M) and certain Madheshi political parties ultimately decided not to adhere to the agreement as a result of strong protests across all of Nepal (Khanal 2014a: 22).

A detailed analysis of the first CA shows that it was the NC and the UML, which were mainly responsible for its failure. Both parties opposed the State Restructuring Committee's proposal for 14 provinces as well as the High Level Commission' (majority) proposal for 11 provinces (Acharya 2014b: 180). The leaders of the NC and the UML stated that the acceptance of ethnic considerations while forming provinces would ultimately lead to the dissolution of the country. It would also give rise to further conflicts in the society. Both these parties had proposed geography as the criteria for carving out new provinces (Schneiderman and Tillin 2015: 31).

Both the NC and UML were against naming the provinces on the basis of a single ethnicity (Adhikari and Gellner 2016). The NC proposed six or seven provinces based on geographic features and demography rather than ethnicity. The UML showed inconsistency with its stand on the number of provinces. The UML which proposed the formation of 15 provinces in the initial days of the first CA shifted from their initial proposals. The party later got divided with one section supporting ethnic federalism and the other geographical federalism (Khanal 2014b: 120).

The indigenous nationalities have accused the NC and UML for the failure of the first CA to restructure the Nepali state. According to Hachhethu (2014a), the NC has constantly taken illiberal positions on identity questions and were reluctant to adopt federalism. The UML (the third largest party of the CA) changed camps, from being a party formally sympathetic to ethnic contents in federal design to a party opposing the identity issue in the latter half of the CA. The indigenous leaders within UML always had the doubt of the senior leaders' public commitment to federalism. They accused them of dragging their feet by avoiding specific commitments and conspiring with conservative NC leaders to dilute federal restructuring (ICG 2011). Thus, according to Adhikari and Gellner (2016), it was because of the pressure of the Bahun-Chhetri communities, the NC and the UML were forced to compromise in the last days of the CA.

Politics after the Second CA Elections (2013)

The second CA election was held finally on 19 November 2013 after being postponed from 22 November 2012. Out of a total of 600 seats, the NC emerged as the largest party with 196 seats, the UML secured 175 positions and the Maoists secured 80 seats. The Maoists were reduced from 230 seats in the first CA (2008) to 89 seats in the second CA (2013)(Muni 2013: 46).

After the 2013 CA elections, a total of 34 indigenous groups failed to make it to the parliament (Kumal 2016). The NC and the UML tried to "fast-track" the constitution making process through a majority vote but the Maoists and Madheshi parliamentarians physically barred the constitution document from reaching the speaker of the Assembly by encircling (*gherao*) the rostrum (Shakya 2015).

On October 2014, indigenous leaders demanded that the country should be federated into at least 10 states based on identity, as recommended by the State Restructuring Commission of the previous Constituent Assembly (CA). They also demanded that these states should be federated based on the specific, cultural and historical linkage of people

living in the region. The model represented the spirit of past agreement signed between the government and indigenous nationalities (Sedhai 2014).

On July 24, 2015, indigenous MPs cutting from across party line demanded amendments to the constitution draft that, according to them, did not ensure equal rights for historically marginalised and excluded communities. Fifty-nine lawmakers from the Nepali Congress, CPN-UML and UCPN (M), among other parties, voiced their objection to at least five dozen articles in the draft. These involved demarcation and names of states on the basis of identity, right to autonomy and proportional representation of indigenous nationalities in state sectors (Sedhai 2015).

The indigenous leaders argued that the federal model proposed by the ruling NC and the CPN-UML threatened to avert historical achievements like federalism, identity, and secularism. NC and UML, the two largest parties in the CA, had stood in favour of federating the country into a maximum of seven states based on capacity and identity. Padma Ratna Tuladhar, the leader of Adivasi Janajati Rastriya Andolan (AJRA), said the 10-state model could be a point of compromise, if NC and UML did not want to settle for 14 states as proposed by the State Restructuring and Devolution of the State Power Committee of the previous CA (Sedhai 2014). “There should not be any attempt to subvert the achievement of people’s war, “peoples’ movement” and the movements launched by indigenous nationalities and Dalits. If that happens, it will only plant the seed of discontent among the suppressed,” said Tuladhar (ibid.).

A strong earthquake hit Nepal on 25 April 2015 resulting in large-scale deaths and devastation. The NC and UML, the two largest parties in 2013 CA took a decision to fast track a constitution in order to carry out the relief and reconstruction process. Thus, a 16-point agreement was signed among the political parties to pass the constitution (Shakya 2015a).

The constitution of Nepal was promulgated on 20 September 2015. The preamble of the constitution directed the state to create an egalitarian society on the basis of the principles

of proportional inclusion and participation to ensure equitable economy, prosperity and social justice. Accordingly, specific provisions in the constitution to promote participation of minority groups include: Article 40(1) giving Dalits the right to proportionate participation in all agencies of the state; Article 70, which requires that the president and the vice-President to belong to different gender or macro-ethnic categories; Articles 83, 84, 88(2) and 176, which provide for a parliament at the federal level and assemblies at the provincial, while ensuring a degree of inclusiveness within the legislative bodies (Kharel et al. 2016: 246).

A positive development with the 2015 Constitution was the statutory provision for various minority commissions—the Women's Commission, Dalit Commission, Indigenous Nationalities Commission, Muslim Commission, Madhesi Commission, Tharu Commission and an Inclusion Commission—although these have been given a mandate of only ten years after which their fate would be re-evaluated. So far, the duties and responsibilities of these commissions have not been spelt out. The 2015 Constitution also provided federal units to determine one or more languages in addition to Nepali as the official language, a start has been made in some district courts to appoint, at the government expense, interpreters (ibid: 252).

Although the constitution had some positive features, it failed to resolve the main issue of indigenous nationalities, i.e., the federal restructuring of the Nepali state. The indigenous activists were critical of the manner in which the constitution was finalized. A handful of senior leaders from the NC, UML and UCPN-M agreed on the most contentious matters, ignoring even their own members dissents and cautions (ICG 2016: 2-3). Most of the parliamentarians were hardly aware of the negotiations and voted when they were told to do so by the party leaders. Many indigenous, Madheshi, and women parliamentarians signed out of fear that the top leaders could ruin their political careers (Ghale 2015).

The indigenous nationalities protested against the decision of second CA to carve out six provinces. They argued that it was against the spirit of the agreements signed between government and indigenous nationalities in 2007 and 2012. There was disagreement over

the boundaries of new states, electoral reformation and affirmative action, constituent delineation and citizenship related causes (ICG 2016).

Thus, the document came to be immediately contested by the indigenous nationalities and Madhesis, giving rise to a prolonged agitation in the Tarai region. The major issues of contention were the demand for more proportional representation (PR) seats, demarcation of electoral constituencies on the basis of population, re-organization of the proposed federal units and amending discriminatory citizenship laws, along with the demand that past agreements between the government and different groups be honoured. Compared to the interim constitution of 2007, the 2015 constitution reduced the proportion of PR seats in Parliament from 56 per cent to 40 per cent while the issue of proportional inclusion was not mentioned in the case of accommodating minorities in different state structures (Kharel et al. 2016: 234).

Under the 2007 interim constitution, it was essential for political parties to fulfill quotas for marginalized sections such as indigenous nationalities while selecting PR quotas, but under the 2015 constitution, quotas were required to be filled only during the preparation of electoral lists (Ghale 2015).

In the interim constitution (2007), the term 'marginalised' denoted groups which had been disenfranchised because of systematic exclusion and thus were accorded reservation schemes. The 2015 constitution expanded this list to include *Khas Arya*, (Bahuns and Chhetris) who had historically dominated the affairs of Nepal (Ghale 2015). It also failed to guarantee collective rights over traditional territory, land and resources in line with UNDRIP and ILO Convention 169, which the indigenous nationalities had demanded as their inalienable individual rights in the constitution (Kharel et al. 2016: 239).

The second CA proposed the division of the country in to six provinces with no explanation why the four parties had abandoned their earlier prescription of eight. The indigenous nationalities have strong cultural, historical and spiritual ties to specific areas and wanted their homelands to be kept intact, rather than divided into two or more states

(ICG 2016: 9-10). According to Ghale (2015), the first CA (2008-2012) held numerous debates on the types of federalism but in the second CA, a handful of leaders unilaterally took the decision to carve the country into seven non-ethnic states.

The NC and UML argued that there were few areas where any group has an absolute majority and that giving some groups special rights could encourage newly-empowered groups to discriminate against traditionally dominant ones. They further said that focusing on identities other than "Nepali" threatened to harden social divisions and weaken unity. They feared that if "identity" – understood to be closely linked to not only cultural practices and history but also specific territories within Nepal – was factored into the creation of states, this would create ethnic ghettoes and could even threaten the breakup of the country (ICG 2016).

According to Muni, "the NC and UML decided to take the Maoists on board by offering them a stake in power sharing and worked out a formula on inclusion which would not disturb the prevailing dominance of the upper-caste hill groups-the Bahun-Chhetri in the political order. Accordingly, the NC and UML firmly ruled out the demands for identity-based federalism, made by the indigenous nationalities and the Madheshis". Both the parties preferred the carving out of fewer-five to six-north-south federal states. It was argued that such an arrangement would avoid "excessive administrative expenditure which a large number of states would incur and which "a poor country like Nepal could ill-afford". The north-south carving out of provinces, it was emphasized, was compatible with Nepal's traditional development zones (Muni 2015: 16).

The leadership was scared that the identity-based federalism would "threaten the dominance of the traditional hill-based social groups. The Maoist leadership, attracted by the post-constitution power-sharing arrangements, and scared of being dubbed as obstructionists in constitution-making, compromised hugely on their earlier agenda of social inclusion" (ibid.). A total of seven provinces were formed. The indigenous groups were disappointed for "being denied identities to the provinces and also because the boundaries had been drawn in a manner that the upper hill caste would continue to

dominate the provinces politically" (ibid.). By the end of 2015, the indigenous nationalities and Madheshis were organising meetings to form a joint struggle committee to press forward their demands before the government.

Conclusion

The chapter has shown that although the government of Nepal undertook a number of measures, they were not properly implemented. The provisions for mother tongue education recommended by the Language Commission in 1993 could not be implemented due to the lack of resources and adequate planning. The NCDN formed in 1997 could not undertake any serious programmes as it was a non-permanent institution with very limited powers. Similarly, the NFDIN also suffered from many constraints such as lack of personnel and limited resources. The allocation under the five year plans was not properly implemented due to a multiplicity of reasons, one of them being the frequent change of governments.

The political parties after 1990 were not serious enough to address the issues of indigenous nationalities. In 1993, the NC took a decision to compulsorily impose Sanskrit in the middle and primary schools which led to protest by indigenous groups. Similarly, the UML in its 1994 budget speech had proposed many positive provisions for indigenous nationalities but after coming to power, they failed to implement it. The party went on to broadcast news in Sanskrit in 1995 which were resisted by the indigenous nationalities.

The true nature of the leaders of the NC and the UML leaders could be identified by the way they failed to accept the recommendations of the State Restructuring Committee in the first Constituent Assembly. Although the State Restructuring Committee proposed the formation of fourteen provinces which was supported by Maoists and Madheshis, the proposal could not materialise as they were not supported by the NC and UML. As the CA required two-third majority to pass the proposal, it failed to do so.

The NC and UML instead proposed a 6-province model without any ethnic considerations, which was against the aspirations of indigenous nationalities. A number of parliamentarians hailing from indigenous nationalities resigned from both the parties after the proposals were implemented. In spite of the recommendations of the State Restructuring Commission for the formation of fourteen provinces, it failed due to the pressure from NC and UML. Both these parties have stood against the demand of indigenous nationalities' 'identity based federalism'. They have torpedoed the recommendations of the first CA and forcefully introduced a constitution in 2015 without proper consultations.

The NC and UML which secured the largest number of seats in the 2013 CA, adopted a constitution in 2015 which had settled for seven provisions against the aspirations of indigenous nationalities. This gave rise to protests all over Nepal. The main finding of the chapter is that the dominant leadership of NC and UML were not interested in addressing the issues of indigenous nationalities. Most of the programmes were half-heartedly implemented.

Chapter Five

Impact of Mobilisation of Indigenous Nationalities on the Society and Polity

Introduction

The chapter examines the impact of mobilisation on the society and polity of Nepal. As the momentum of the mobilisation increased, its impact could be felt in various aspects of Nepali society. In 1993, a language commission was formed. The second task force formed in 1996 led to the establishment of a national commission for indigenous nationalities, which was upgraded to a permanent foundation called NFDIN in 2002. Due to mounting pressure from indigenous activists, the government was also forced to undertake various measures such as adoption of affirmative policies. The government also ratified a 20-point agreement with indigenous nationalities in 2007. The greatest impact of the indigenous nationalities mobilisation was the ratification of ILO Convention 169 by the interim government of Nepal. This was followed by the adoption of many positive clauses in the interim constitution of 2007. In 2012, the government further signed a 9-point agreement with the indigenous nationalities. This chapter studies the impact of indigenous nationalities mobilisation on Nepali society.

Social Inclusion under the Interim Constitution (2007)

NEFIN participated in the protests along with political parties and civil society organizations against the emergency imposed by King Gyanendra in 2005. After the latter was deposed, an interim constitution was promulgated on 15 January 2007 by the parliament until the formation of a new constitution by the Constituent Assembly. An interim parliament was formed which consisted of 330 members; 209 from the mainstream parties, 79 from the CPN (Maoists) and 48 from the marginalized groups and individuals. The interim government started to adopt numerous measures to facilitate the demands of the excluded groups, more particularly the indigenous nationalities (Dahal 2010: 6).

The main objectives of the interim constitution were to

> "achieve the progress of state-restructuring in order to achieve a solution to the problems of class, ethnicity, gender and regional differences; a commitment to democratic norms and values, including a system of competitive multi party rule, civil liberties, fundamental rights, human rights, adult franchise, periodic elections, freedom of the press, an independent judiciary and the rule of law, impartial, free and fair election to the Constituent Assembly in order to draft a new constitution and institutionalize the achievement of the democratic movements, peace, progress, socio-economic change and independence of the nation" (ibid.).

The interim constitution (2007) has recognized Nepal as a "nation having multi-ethnic, multi-lingual, multi-religious and multilateral characteristics". One of the key objectives of IC, which itself had emerged from the Comprehensive Peace Agreement (CPA) between the state and the Maoists after a decade-long conflict, was the commitment to progressive restructuring of the state. As a result, interim constitution declared Nepal to be a secular, democratic, federal state in an attempt to address the "problems" that the state had been facing on the basis of class, ethnicity, religion and gender while undertaking 'an inclusive, democratic and progressive restructuring of the state.' Its fourth amendment in May 2008 abolished the monarchy and declared Nepal a federal republic. The interim constitution also emphasized the need to strengthen national unity by maintaining cultural diversity through the promotion of healthy and harmonious social relations. It also explicitly recognized Dalits, Indigenous Nationalities and Madhesis as historically marginalized groups requiring special treatment from the state (Kharel et al. 2016: 233).

There were many positive provisions for indigenous nationalities in the interim constitution. Article 3 of the interim constitution had recognized the diversity of Nepal. It authorized the state to undertake special measures "for the protection, empowerment and advancement of indigenous nationalities". Article 4 defined the country as secular, inclusive and democratic. Before the promulgation of the interim constitution, Hinduism

received the foremost priority in Nepal as state religion. As many of the indigenous nationalities followed other religions like Animism, Bonism, Buddhism and Shamanism, they suffered discrimination. Secularization gave every indigenous community the right to follow his or her own religion.

Article 5 of the interim constitution described the state as 'multi-racial, multi-lingual and multi-religious (Hachhethu 2008: 135). Article 5(1) further recognized all the languages spoken in Nepal as mother tongue's (national languages). It also mentioned that the state would not obstruct the use of mother tongues in local bodies and offices. The State shall not be deemed to have hindered to use the mother language in local bodies and offices. State shall translate the languages so used to an official (Lama Tamang 2010: 6).

Article 13 authorized the state to implement special measures "for the protection, empowerment and advancement of indigenous nationalities, women, Dalits and Madheshis. Article 13(3) deals with positive discrimination for Dalits, women, indigenous/ethnic groups, Madhesis, farmers and other socially and economically marginalized communities. Article 14 deals with right against untouchability and racial discrimination.

Article 17 enshrines the following provisions: (1) Each community shall have the right to get basic education in their mother tongue as provided for in the law. (3) Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage. Under Article 18(1), the interim constitution also guaranteed the right to work and to "proper work practices".

Article 20 provided a separate article for women's fundamental rights including provisions supporting gender equality and social inclusion. Article 21 of Interim Constitution after the second amendment stated that "women, Dalits, indigenous nationalities, Madhesis, oppressed groups, the poor farmers and labourers, who are economically, socially or educationally backward will have the right to participate in state structures on the basis of the principles of proportionality" (Subba et al. 2008: 30).

Articles 20 and 22 provided specific rights of women and of children. The provision regarding exploitation has been made stronger by two new clauses: (a) no person shall be exploited in the name of custom, tradition, and practice, or in any other way; and (b) no person shall be subjected to human trafficking, slavery or bonded labour. This had a strong impact on the lives of women belonging to indigenous nationalities. Due to high rate of poverty among indigenous women, many are forcefully trafficked to different parts of the world for sex-trade and prostitution (Crawford 2010). Article 33 (d) stated that the state shall have responsibility "to carry out an inclusive, democratic and progressive restructuring of the State to address the problems related to women, Dalits, Indigenous Nationalities, Madhesis, oppressed and minority communities and other disadvantaged groups, by eliminating class, caste, linguistic, gender, cultural, religious and regional discrimination."

The Interim Constitution was liberal in its provisions for special measures and affirmative action, including reservation, in order to attain equality. It has clearly spelled out the details of affirmative action policies and directed actions in this area. Article 35 (9) provided social security for endangered groups (Subba et al. 2008: 30). Article 35(10) stated that "the state shall pursue a policy which will help to uplift ten economically and socially backward indigenous nationalities, Madhesis, Dalits, as well as marginalized communities, workers and farmers living below the poverty line, by making provisions for reservations in education, health, housing, food security and employment for certain period of time (Article 35 (10) (Lama Tamang 2010: 6).

In Article 138, the Interim Constitution envisages the idea of "Progressive Restructuring of the State", which shall be done by a High Level Committee to be constituted by the Government of Nepal and the Constitution Assembly will have the final say in the restructuring of the State (AITPN 2007: 42). The IC mentioned the Constituent Assembly must be inclusive of all groups of ethnicity, languages, religions and regions. While at least one member from each indigenous community must get representation, indigenous

women must also be given proportionate representation in the 33 per cent seats reserved for women (AITPN 2007: 42).

The interim constitution also had provisions for constituent assembly elections. Article 3 (2) stated that the date for the constituent assembly elections should be announced as early as possible. Article 6 (3) stated the composition of the constituent assembly elections-205 members will be elected through the first past the post system and 204 members will be elected on partial proportional system and sixteen members will be nominated by the government. This number has been increased later to 240 after protests by the Madhesi parties in the Terai. Thus, for the first time, the government accepted proportional representation system whereby the indigenous nationalities were allowed to participate in the decision making process. The seats were reserved on the total population of a particular indigenous group. This measure went a long way to ensure indigenous participation in the constitution making process. In May 2008, the fifth amendment of the interim constitution led to the declaration of the country as 'Republic' by abolishing the monarchy (Lama Tamang 2010: 17).

Although, the interim government had incorporated numerous provisions in the constitution in the hope to satisfy the indigenous groups, NEFIN was dissatisfied and pushed for greater inclusion. It drew attention to the limitations of the interim constitution and started advocating that Nepal should be declared as a 'federal' state along with a series of other demands (Hangen 2007: 45). Unlike earlier constitutions, the interim constitution (2007) is much more inclusive toward indigenous nationalities, Dalits, and Madhesish. It has given due consideration to the issues of indigenous nationalities and has avowedly recognized them in the state restructuring process (Subba 2007: 17).

Ratification of the 20-Point Agreement (2007)

On 7 August 2007, a 20-point agreement was signed between the interim government and NEFIN Indigenous Peoples Joint Struggle Committee (IPJSC), an alliance of fraternal wings of six political parties after a nation-wide agitation was launched by the indigenous

groups for proportional representation in the CA and other issues (Bhattachan 2010: 20). This agreement formed the main bedrock for indigenous nationalities' negotiations in the future (Serchan and Gurung 2010).

As per the agreement, the interim government declared that 2008 constituent assembly elections would adopt proportional representation system under the First Past the Post (FPP) system to ensure adequate representation for all caste and communities. It also directed the political parties to ensure the representation of various indigenous nationalities (under specific quotas) before the elections.

The government also agreed to form a state restructuring commission to present recommendations to the constituent assembly regarding a federal structure based on ethnicity, language, geographic region, economic indicators and cultural distinctiveness. The government also set up a proposal for the establishment of a commission for indigenous groups and agreed that the CA will make arrangements to give recognition to locally spoken mother tongues along with Nepali (AITPN 2007).

The agreement also mentioned that the government will pass proposals for ratification of the ILO Convention 169 and adoption of the United Nations Declaration of the Rights of Indigenous peoples (Bennet et al. 2013: 87). As part of the agreement, the government also agreed to open District Development Committees for indigenous nationalities in every district and preserve their traditional knowledge, skills, practices and technology. The government also recognized Mahaguru Phulagananda, a Limbu as one of the national heroes of the country (Lawoti 2013: 200).

The government also recognized Lakhan Thapa as the first martyr of Nepal. A number of Buddhist, Muslim, Christian, Madheshi, Tharu and Kirant festivals as national holidays (Letizia 2011: 73). In the words of Om Gurung (2013: 30), 'the agreement was the first agreement indigenous nationalities ever had on equal footing with the government

dominated by the so-called Hindu high caste' (Gurung 2013: 29). The 20-point agreement helped indigenous peoples bag a good number of seats in the CA elections of 2008 (Gurung 2013: 29).

The Civil Services Amendment Bill 2007

On 3rd August 2007, the Interim Constitution (2007) passed the Civil Service Amendment Bill amending the earlier Civil Service Act 1993 in order to increase the effectiveness and responsiveness of the civil service (ADB 2010). The Act declared 45 per cent of all government vacant seats for women, Dalits, indigenous nationalities, and Madheshis, and those from backward regions (Subba et al. 2008: 30). Accordingly, 15 per cent of all the seats were reserved for women, 12 per cent for indigenous nationalities, 10 per cent for Madhesis and 4 per cent for Dalits (and 2 per cent for the disabled and 2 for 10 districts identified as backward) (Kharel et al. 2016: 247).

In addition, a National Action Plan (NAP) was prepared with an objective to strengthen the registration of birth, death, marriage, divorce, and migration to promote more inclusive planning and to facilitate the acquisition of legal identity by all citizens (ADB 2010).On 8 November 2007, the government passed the Police and Armed Forces Regulation Act in order to make police force and armed forces more inclusive (Anaya 2009). It amended that regulation to provide for recruitment to indigenous nationalities (32 per cent), Madhesis (28 per cent), Dalits (15 per cent), women (20 per cent) and from the "backward regions" (5 per cent) (UNDP 2009: 71). These affirmative policies came to be contested by the Bahuns and Chhetris.

Three Year Interim Plan (2008-2010)

A Three Year Interim Plan 2008-10 announced by the interim government of Nepal set certain targets and allocated resources for the development of indigenous nationalities.

The plan, for example, set a target to increase the Human Development Index (HDI) and Empowerment Index for indigenous nationalities by ten per cent. It also proposed to implement measures to ensure access of indigenous nationalities to natural resources. It also proposed to identity and amend those laws and policies which were against the provisions of ILO Convention 169 (NPC Three Year Interim Plan 2008-10).

It proposed to undertake necessary steps to guarantee the rights of indigenous nationalities as per the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In the field of education, it proposed the formulation of a tri-lingual policy and promotion of multilingual education. In order to increase the educational standard of indigenous nationalities, compulsory and free education with scholarships up to secondary level was proposed. It proposed reservation and scholarship for students belonging to indigenous nationalities in higher studies. It proposed to carry out research of the native languages and cultures of endangered indigenous nationalities for their preservation and promotion. In order to achieve the above objectives, it allocated a sum of NPR 15 billion (NPC Three Year Interim Plan 2008-10).

The interim government also proposed 39 targeted projects and programmes in the fiscal year 2006-07 with expenditure of more than NPR 4.5 billion. The amount is calculated to be 3.13 percent of the total budget or about 7 percent of the development-programme budget (Lama Tamang 2010: 9). In 2009, the government also introduced a cash transfer programme for endangered indigenous people. Ten groups were eligible to receive a benefit amount of NRs. 500, and members of the Raute community are eligible to receive NRs. 1,000. The government is currently supporting 20,308 endangered indigenous peoples as of 2014-15 (Shrestha 2016: 29-30).

The government's budget for 2014-15 has provisioned monthly stipends of NPR 1,500 to 3,000 for students belonging to low-income groups from Dalit, Chepang and Raute communities who have passed the School Leaving Certificate Examination with a first

division from public schools. Similarly, announcements have been made that the government will bear all the costs for students from Dom, Badi, Chamar, Musahar and Dalit communities pursuing graduate-level studies in engineering and medicine. In addition, the budget speech also ensures that scholarships will be provided to intelligent, disabled, conflict-affected, liberated *kamlari* (former female bonded child labourers), marginalized and Dalit students (Kharel et al. 2016: 245).

Greater Representation in the First CA Elections (2008)

On 10 April 2008, the Constituent Assembly elections were held in Nepal. The CA adopted a mixed parallel electoral system for a total of 601 members, 240 of which were to be the elected through FPP system, 335 by the way of Proportion Representation (PR) and 26 to be nominated by the cabinet (Hachhethu et al. 2015: 44). The UPCN (Maoist) bagged the maximum number of seats- 220 out of a total of 601 seats, followed by the Nepali Congress which won 110 seats and CPN (UML) 103 seats (Lama Tamang 2010: 14).

Out of the total of 601 CA members, 218 representatives were from indigenous nationalities (Subba et al. 2008: 33). It included 82 through the FPP system from first past the post system, 120 from proportional representation system and 16 nominated ones (Bennet et al. 2013: 84). Indigenous nationalities representing the UCPN (Maoist) won the highest number of seats (72), Nepali Congress (11) and UML (12) seats (Lama Tamang 2010: 12).

The Maoists came out as the most inclusive party on the basis of caste and ethnic criteria. It fielded a total of 194 (33 per cent) from the indigenous nationalities. The NC had 162 (28 percent) candidates from indigenous nationalities and the UML fielded 148 (25 percent). Each of these parties fielded a total of 575 candidates (Rai 2008: 11). A total of 81 candidates from indigenous nationalities got elected through FPP system. Another 171

were selected from the PR system bringing the ratio of indigenous nationalities to 34 per cent in the 601-member Assembly (Aryal 2008: 7). This does not quite match the 37 per cent of Nepal's population which they comprise, but it is an improvement on their representation in parliaments from the 1990s, which was never more than 29 per cent (Aryal 2008: 7). According to Pasang Sherpa, President of NEFIN, "the elections results marked a great stride forward for the indigenous nationalities movement" (Aryal 2008: 7).

The composition of the CA was substantially different from the past national legislatures, especially when viewed in terms of ethnic/ caste configurations. The dominance of Bahuns/Chhetris reduced significantly from its earlier number of 56-62 per cent to 33 per cent; a percentage which was remarkably close to their actual population (31 per cent) (Hachhethu 2014: 144). The indigenous nationalities achieved 36.3 per cent (218), a level of representation that is close to 37.2 per cent of the indigenous population and a significant increase from previous parliaments (Bennet et al. 2013: 84). It was an encouraging leap from 18 per cent in the 1999 parliament and was due primarily to the quota system introduced during the CA election (Bennet et al. 2013: 82).

The hill indigenous nationalities were politically represented by 27 per cent, only 1.5 per cent lower than their population size (28.5 per cent) (Hachhethu et al. 2015: 44). The CA elections along with constitutional provision of caste/ethnic based representation for 56 per cent seats (allocated under PR system) of a total 601 members of the CA, provided an opportunity for transforming 'identity movement into political power' (Hachhethu 2014b: 144). NEFIN successfully negotiated to place indigenous nationalities (who were left out from the representation through FPP or PR) as beneficiaries in 26 seats allocated to the Cabinets nomination (Hachhethu 2014b: 144).

Dahal (2010) mentions that the CA of 2008 increased the representations of Nepal's social groups into political power, reduced confrontation between various groups, and

provided legitimacy for a secular, democratic and federal republic. Altogether 3946 candidates contested the elections, out of which approximately 26 percent were from indigenous nationalities but from 40 different political parties. The result of the election was a major change in the country's history. .

Two leaders of the indigenous community (one from CPN-UML and the other from Nepali Congress) were nominated as Minister and State Minister in the interim government. Although, these CA members were elected and Ministers were nominated on ideological basis and therefore they not directly accountable to indigenous communities, yet all of them acknowledge that indigenous peoples movement help them to a great extent to secure their positions in the constituent assembly and interim government (Gurung 2013: 29).

According to Lama Tamang (2010), the indigenous nationalities political leaders didn't leave their mother parties in order to form their own political groupings. Except a few small indigenous parties, most of the indigenous leaders contested the election from the already established political parties. In the FPTP system of direct election to the CA, out of the total 55 parties which participated, only 6 were drawn exclusively from the indigenous nationalities communities. Unfortunately, none of the members from these parties could win even a single seat in the elections (Lama Tamang 2010: 14). In the 1990s, only three ethnic parties ran in the elections, whereas 11 ethnic parties participated in the 2008 elections (Hangen 2010: 153).

Among the political parties representing indigenous nationalities, the Federal Democratic National Forum (FDNF) achieved a total of 71958 votes and gained two seats in CA and also shared seats with affiliated state councils in Limbuwan, Khambuwan, Tamsaling and Tharuhat. Out of a total of 59 indigenous nationalities recognized by the government, members of 30 groups got representation in the CA while the rest 29 which didn't have representations have very small populations (Lama-Tamang 2010: 14).

Ratification of the ILO Convention 169 (2007)

The ILO Convention 169 was formally ratified by the parliament on 22 August 2007 and formally submitted to the ILO on 5th September 2007 by the Minister of Local Development Dev Gurung. It came into effect on September 14, 2008. Under the Nepal Treaties Act, 2047 (1990), in case of difference between the provisions of Nepalese law and provisions of an international treaty to which the country is a party, the provision of the treaty shall be applicable (Roy and Henriksen 2010). This has provided a much legal significance for the demands of indigenous nationalities in Nepal. As a ratifying country, the government can no longer ignore the demands of indigenous nationalities.

The ILO has a particularly strong mandate with regard to promoting indigenous peoples' rights in Nepal, after the ratification of ILO Convention No. 169, the only internationally binding treaty on indigenous peoples' rights (Nilsson and Stidsen 2014). After the ratification, the UN Special Rapporteur on Indigenous Peoples, James Anaya visited Nepal to take stock of the situation of indigenous nationalities. A report was presented after his visit to highlight the grievances suffered by indigenous nationalities.

The diversity as well as the status of indigenous peoples vary from country to country. Most of these are connected to historical reasons and the demographic condition. Hence, it is not feasible to prescribe a singular approach to the implementation of ILO Convention 169 and UNDRIP. This has also been stated in both the instruments. Article 34 of the ILO Convention 169 states that the Convention shall be applied flexibly keeping into mind unique characteristics of every country. This does not imply that the ratifying state is permitted to act as they desire. The implementation has to be compatible with the underlying principles of the various provisions and relevant jurisprudence (Roy and Henriksen 2010: 10).

After the ratification, a high level task force was created in order to review the exiting government programmes and policies and prepare a comprehensive plan for the implementation of the convention. The task force consisted of indigenous experts from

NEFIN as well as NFDIN and representatives of fifteen significant ministries. The main aims of the task force were as follows: (i) to properly identify the responsibilities of government in relation to the constitutional provisions; (ii) to find out those constitutional provisions which were already implemented by the government; (iii) to prepare a detailed action plan in order to reform legal, administrative and policy concerns; (iv) to give considerations to priorities identified by indigenous nationalities under the responsibility of the government; (v) to lend recommendations on introduction of necessary mechanism to co-ordinate implementation activities at the central and local level; and (vi) to establish focal points in each of the ministries and carry out a series of consultations with representatives of indigenous nationalities and other stake holders. Within a ten-month period, the task force produced a legal and policy review identifying gaps between the provision of the Convention and existing laws. Based on this, the task force developed a National Action Plan (NAP) for the implementation of the convention[45] (Poudyal 2013: 260).

The NAP[46] is a broad guideline that translates constitutional and legal commitments into practice, by identifying laws, rules and institutions that will require specific changes to bring them into conformity with the provisions covered by the ILO Convention 169 (as according to Nepal's Treaty Act of 1990). Many indigenous civil society groups have been involved in raising awareness about the ILO Convention 169 as well as UNDRIP. But even four years after it came into effect, the government has not provided any direction on how it was going to be implemented (Bennet et al. 2013: 87).

The ratification of the ILO Convention 169 created an impact on the first Constituent Assembly. As per the treaty obligations, the first CA (2008/2012) had to incorporate many proposals for the rights of indigenous nationalities such as the provision for

[45]According to the ILO Committee of Experts, the application of the Convention No. 169 is very complex and can have a profound impact on the state and its constitutional arrangements Indeed, on several occasions, its adoption and ratification has meant important changes in the domestic legal order and of course, the lives of indigenous peoples.

[46]The National Action Plan (NAP) for the implementation of ILO Convention 169 has been prepared by a 23-member task force comprising representatives from the various ministries.

political preferential rights for dominant ethnic groups to head the province for two terms (Chapagain 2013: 102). Indigenous nationalities of Nepal are using the ILO Convention 169 to claim self-determination on ancestral lands and natural resources, and UNDRIP on political determination with a focus on autonomy, self-rule and self-determined development without secession. The debates on self-determination have raised the hopes of indigenous peoples and the eyebrows of the dominant ruling groups (Bhattachan 2012b: 144).

Groups such as the Federal Limbuan State Committee (FLSC) in eastern Nepal and the Tharuhat Autonomous State Council in the Western Tarai, have become very assertive after 2006, in order to promote implementation of the ILO 169 and to protest against the alleged exploitation of natural resources by state elites (The Carter Centre 2013: 10). Certain groups which lack a strong mobilisation power at the national level may do it locally, utilizing it for various ends. A few examples include the Limbu and Madheshi activists painting over government signboards in their respective languages as well as collecting local taxes (Anagha et al. 2014: 13).

Poudyal (2013) mentions that the approach taken for the implementation of the convention is praise-worthy, particularly its coordinated nature in bringing all the main government stakeholders together in a high level task force and in accepting a proposal for comprehensive review of existing legislations and programmes to ensure integration of the convention into all relevant government sectors (Poudyal 2013: 260). But after ratification, the implementation process of the ILO Convention 169 is highly complicated as can be seen in the case of many countries.

In August 2009, the Ministry of Local Development submitted the draft NAP to the Cabinet for approval (Bennet et al. 2013: 84). The draft plan was thoroughly discussed and debated in the cabinet. The representatives and experts from various indigenous groups were called to provide suggestions to the draft plan. Thus, after one year of discussions, the draft NAP was sent back to the Ministry for revisions (Poudyal 2013: 260).

According to the ILO time-frame, after ratification, a year is provided to prepare it to enter into force. This is then followed by another year within which the ratifying state must produce its progress report on its implementation. Nepal has ratified the ILO Convention 169 in 2007. So, going by the rules, the Nepal State Report should have been completed by 2009 but till 2011, it has not been completed. Of many reasons of the delay, one of them was the lack of "political will" of some of the parties; change in the staff of ministries; lack of knowledge regarding the ILO Convention 169; and lack of information (Jones and Langford 2011: 376).

In this regard, Serchan and Gurung (2010) point out that after the restoration of democracy in 1990, Nepal has ratified many treaties. Section 9 of the Nepal Treaty Act 1990 states that provisions in the international instruments ratified by the government of Nepal "overrides" national laws that contradicts them, but these have not been followed fully by the Nepal government till date (Serchan and Gurung 2010: 80). So, it was not surprising to know why the government of Nepal did not implement the ILO Convention 169 till 2015.

According to Jones and Langford (2011: 376), there was a clear disconnect between the high level political commitments to the ILO Convention 169 and UNDRIP and the efforts of the Nepalese bureaucracy and political elite. But whether implemented or not, many indigenous nationalities in Nepal have recently started mobilization citing various clauses of the Convention. According to Rawski and Sharma (2012: 185), after 2006, many groups have been referring to indigenous rights while pressing for their demands and some of them have even threatened to resort to violence. Many indigenous rights activists by referring to ILO Convention 169 have demanded local control of certain regions (Rawski and Sharma 2012: 186). Many groups are also demanding recognition as indigenous peoples.

In 2009, the government established a high-level List Renewal Task Force in collaboration with NFDIN to re-examine the official list in response to the concern

expressed by the United Nations Committee on Economic, Social and Cultural Rights on the lack of clarity about the criteria used to identify the groups. The Task Force was composed of nine indigenous representatives with the participation of the main indigenous nationalities organizations (Anaya 2009: 7) (Bennet et al. 2013: 84). Although the final list has not been released, the head of the task force Dr. Om Gurung has announced the addition of around 25 new indigenous nationalities in the earlier list of 59, making a total of 81 (three were merged) (Bennet and Parajuli 2013: 4).

Around 112 applications were received by the Ministry of Local Development in 2009 from different communities when the government decided to reserve more seats for indigenous nationalities in various sectors. These groups include Bahuns and Chhetris who demanded recognition as indigenous nationalities in order to avail the new facilities provided by the government. This has complicated the situation in Nepal. The government was forced to create a task force to renew the earlier list of indigenous nationalities. The report of the force is awaited. (Bennet et al. 2013: 79).Thus, the concept of "indigeneity" and indigenous peoples' has brought widespread changes in the overall society in Nepal.

The emergence of the discourse of indigenous rights has brought a kind of "political consciousness" in Nepal about their indigenous rights. In recent times, a number of groups in Terai have termed themselves as "autochthons" and claiming their origin in the region and by projecting "*pahade*" (hill residing groups) as alien and colonialists. By doing they have claimed privileged rights over resources. The Tharus have been similarly waging movements in the past couple of years. The Tharus of western Nepal have started levying a "tax" on timber transportation, by referring the ILO Convention 169. The recent activist attitudes tend to justify a groups' claim over material and "symbolic" resource by creating a story of "myth" of its origin in its territory (Adhikari and Dhungana 2011: 118).

Groups claiming indigenous status in South Asia such as the Nagas of India and Chakmas of Bangladesh have participated in the UN Working Group meetings since 1982, but none

of the Nepali indigenous groups did so (Pradhan 1994: 42). Yet, at present, the indigenous mobilization in Nepal can be described as the most successful in the region owing to their legal recognition in 2002 and the ratification of the ILO Convention 169 by the interim government in 2007. India and Bangladesh are signatories of the ILO Convention 107 but both countries have declined from signing ILO Convention 169.

Religious and Linguistic Revival

Since the restoration of democracy in 1990, there has been a drastic increase in ethno-linguistic awareness among indigenous nationalities about their mother tongues. On the contrary, in all the three censuses conducted during the panchayat rule (1960-1990), the number of languages saw a decline from 36 (in the 1961 census) to 17 (in 1971) and 18 (in 1981) due to the national assimilation policy ('one language, one nation') and the social exclusion prevailing in Nepal (Gyawali and Khadka 2016: 13).

The number of languages increased quite dramatically in the first three censuses done after restoration of democracy in 1990. The number of reported languages increased to 31 (in 1991), 92 (in 2001), and 123 (in 2011). Out of the 33, 24 were indigenous languages in 1991 which increased to seventy five indigenous languages (out of 92) in 2001 (Minami 2007: 445). The 2001 census records an additional 22 Rai, 17 ethnic and 12 other languages/dialects (Gurung 2003: 8). The census of 2011, as already mentioned, shows the existence of 125 caste and ethnic groups and 123 native languages spoken in Nepal (Chakravartty 2014: 65). During the 1991-2001 decade, the increase in the population of those with an Indo-Aryan mother tongue, including Nepali, was 21.6 per cent. On the other hand, the population of those with Tibeto-Burman mother tongue, who are indigenous people, increased by 33.6 per cent. This was mainly due to their new assertion of own ethnic speech (Gurung 2006: 16).

The percentage of Hindu population has declined gradually after the 1981 census. The decline in Hindu population during 1981-1991 census was 2.99 per cent. This percentage in decline increased to 5.8 per cent between the 1991 and 2001 censuses (Dahal 2002:

104). On the other hand, the Buddhist population has been increasing substantially after 1981. There was an almost 100 per cent increase in Buddhist population between 1981 and 1991 censuses and close to 70 per cent increase between the 1991 and 2001 censuses (Dahal 2002: 104). Buddhism and Kirat religions appear to be increasingly invoked in the ethnic identity politics in Nepal after 1990 (Dahal 2002: 104).

According to the 2001 census, 90.3 per cent of Tamang claimed their religion be Buddhism and the percentage in the case of Gurung was 69 per cent (Dahal 2002: 106). **'**Political consciousness' has emerged owing to the mobilization. Owing to the pressure created by certain indigenous nationalities in the eastern hills, the census board was forced to include' Kirant' as a new category in 2001 census. In 2001 census, 86 per cent of the Limbus declared their religion as 'Kiranti' (Lecomte-Tilouine 2009: 141).

Since 1990, numerous organizations have emerged for the preservation and promotion of the culture of indigenous nationalities. Some of these organizations have undertaken the task of publishing dictionaries in order to prevent language loss among these indigenous communities. Many old texts have also been reprinted. These kinds of efforts could be seen with the intensification of mobilisation. Many indigenous nationalities have started developing their own languages (Toba et al. 2005: 24-25). According to Lama-Tamang (2010), the indigenous nationalities movement has helped to strengthen democratic roots in the country.

Growth of Indigenous Peoples Organisations

After the formation of NEFIN, there has been a mushrooming of indigenous nationalities organisations. Although NEFIN began as an association of eight indigenous organisations, at present more than fifty indigenous organizations are associated with NEFIN. The earlier organizations were mainly confined to the larger indigenous groups but at present even smaller indigenous nationalities have been successful in forming their organizations mainly through the financial assistance offered by NEFIN and various donor groups. A similar achievement is observed in the case of the National Indigenous

Women's Federation (NIWF) which has an affiliation of more than thirty one indigenous nationalities groups. Other significant organizations include the NGO-Federation of Indigenous Nationalities, Association of Nepalese Indigenous Nationalities Journalists (ANIJ), and many more (Sunuwar 2013).

As the indigenous nationalities movement organizational membership, networks and alliances increased, it achieved recognition from the government, political parties and international agencies. At present, NEFIN as well as its affiliated IPOs are recognised as the legitimate organistions which require to often be consulted by the government and international agencies (Lama Tamang 2010: 25). NEFIN has developed very strong grassroots strength because of its presence in every district (Gurung 2016a).

After 2007, many old and new indigenous organizations came together to form regional fronts or "joint struggle committees such as the Tamsaling Joint Struggle Committee and Tharuhat Joint Struggle Committee to empower themselves. Indigenous Peoples Joint Struggle Committee (IPJSC), Federal Democratic National Forum (FDNF) and Indigenous Peoples' Mega Front (IPMF) have been established to promote collective demands across indigenous lines (The Carter Centre 2010: 12). The IPMF was formed on 21 November 2009 to launch a powerful struggle in order to ensure the immediate implementation of the agreements signed between the state and the indigenous nationalities parties concerning the rights of the indigenous nationalities in the new constitution that is being drafted by the CA (Toffin 2014: 65). All these organisations were formed on the basis of the collective identity of these indigenous nationalities. Thus, although these collective organizations emerged in the same manner as NEFIN, some of them are violent

In December 2008, under the aegis of NEFIN, indigenous nationalities CA members formed an "informal caucus" to work for the incorporation of the rights of indigenous nationalities in the constitution which was to be framed. Although only 137 of the 218 indigenous nationalities CA members attended the public announcement of its establishment and even though it was never formally recognized by the CA, the

indigenous nationalities caucus came to wield significant "bargaining power" (Bennet et al. 2013: 84- 86). In February 2009, the indigenous lawyers and organizations filed a case against the interim constitution for not allowing indigenous representation through their representative organizations in line with international law. The cabinet approved the formation of an "inclusion commission" (ibid.).

In October 2014, indigenous leaders, intellectuals and activists protesting for identity based federalism under the banner of Adivasi Janajati Rasytriya Andolan(AJRA) formed a central coordination committee to steer their campaign. The main committee comprising of nine members from across the social and political spectrum, work towards bringing in a few more, according to the leaders. Padma Ratna Tuladhar, Om Gurung, Barshaman Pun, Durga Rai, Ashok Rai, Malla K Sundar, Suresh Ale, Parshuram Tamang and Pasang Sherpa are the members in the current committee (Sedhai 2014).

In February 15, 2015, Alliance for Identity based federalism, a coalition of seven indigenous political parties had formed a special youth squad to fight for federalism. The youth squad which comprised of the young members from Social Democratic Party Nepal, Rastriya Janamukti Party, Nepal Rastriya Party, Sanghiya Limbuwan Party Nepal, Tharuhat Tarai Party Nepal, Khumbuwan Rastriya Morcha and Adivasi Janajati Party Nepal had supported AJRA during protests (Sedhai 2015a).

Organizations representing indigenous groups such as the Limbuwan Liberation and Khambuan Liberation Front with the support of their own volunteer's fighting groups in the hills have become very active after 2007 (Kumar 2010: 215). Many armed groups have been organized by the indigenous nationalities in eastern Nepal. The Kirat Janabadi Workers' party has been involved a '*sahatra yuddha'* (armed war) against the government of Nepal. The Limbuwan National Council which has been fighting for an independent state has raised a 1500 strong fighting force. Similarly, the Khambuan Democratic Front under the leadership of Indrahan Khambu has its own volunteer force comprising more than 500 fighters (Kumar 2010: 215).

The Sanghiya Limbuan Rajya Parishad in the hills east of the Arun River has more than 100 volunteer forces in each of the 9 districts. Altogether it is estimated that the trained armed groups of all the ethnic organizations comprise more than 10,000 in number which can be a formidable challenge to the government of Nepal. The Tamangs have organized themselves under the Tambasaling Samyukta Morcha fielding volunteer militia by forging working relations with the Limbuwan and Khambuwan Mukti Morcha in the east and Tharus in the Tharuhat province The Tharuhat Joint Struggle Committee has become more restive owing to the feeling of betrayal by the government of the commitments made through signing the six-point agreement in March. They have shut off the region west of Narayangarh indefinitely making the return of normalcy uncertain (Kumar 2010: 215).

Research conducted on the indigenous media found that more than 400 newspapers/ journals are published by indigenous nationalities. The formation of the Association of Nepalese Indigenous Nationalities Journalists (ANIJ), in 1999, was a significant achievement of this sector. With more than five hundred affiliated members, ANIJ has offices in more than 29 districts. Alongside the growth of indigenous nationalities organizations, indigenous journalists, have played an important role in the democratic process in Nepal (Lama Tamang 2010: 22). In response to the social pressure created by the indigenous nationalities, the mainstream media was forced to accommodate the grievances and issues of indigenous nationalities (Onta 2006: 338)

Despite much success of IPOs like NEFIN, it has come under criticism for not transforming it as a political party. It is opposed to convert the body which has been registered as a NGO into a political outfit. Sherpa (2016), in his interview remarked “We will continue to work for socio-economic and political awareness besides rights based issues. But the money we get from the donors for this will not be used for political activities like strikes and other activities. That has to take place entirely on the strength and support of our people, and not on donor’s money”.

Ratification of the 9-Point Agreement (2012)

The ratification of the 9-point agreement came after massive protests were organized by indigenous nationalities against the recognition of dominant groups such as Bahuns and Chhetris as indigenous peoples on 17 May 2012. The ratification which took place on Many 22, 2012 between GoN and Indigenous Nationalities Joint Struggle Committee (INJSC) had the following main points. Some of the main points of the agreement were (i) decision to accept ethnic federalism as per the recommendations of the CA Committee for State Restructuring and the High Level State Restructuring Commission (ii) decision to adopt proportional and inclusive electoral system that would guarantee a minimum of 60 per cent proportional and 40 per cent direct election seats (iii) Representation of all indigenous nationalities in state administration based on inclusive and proportional basis (iv) establishment of self-governed autonomous states, autonomous regions, special areas with right to self- determination and priority rights; right to self determination will be included by keeping national integrity in mind (v) Decision to grant indigenous nationalities status to Bahun Chhetris was nullified after the negotiations

Counter-Mobilisation by Dominant Groups, 2009-2015

After the GoN ratified the ILO Convention 169 and UNDRIP in 2007, indigenous nationalities felt that the new constitution would come out with a kind of "ethnic federalism". They expected that (a) the nomenclatures of the states would be kept depending on their ancestral habitats; (2) fifty one per cent of the seats in the state assembly as well as the position of Chief Minister would be reserved for that group regardless of population size; (3) that the 'home group' would have prior rights (*agrādhikar*), e.g. preferential access to natural resources within 'their' territory; (4) that everything except currency, foreign affairs and defence would be devolved to the federal states; (5) that states would have the power to tax non-locals at higher rates than locals (Adhikari and Gellner 2016).These expectations of the nationalities remained unfulfilled. As the CA committees started their functions, the word 'ethnic' federalism was replaced with 'identity-based' federalism.

This section discusses the counter-mobilisation of dominant Bahun and Chhetri groups against the achievements of indigenous nationalities since 2007. According to Bhattachan (2016), when the parliament ratified the ILO Convention 169, most of the MPs were largely unaware of what they were voting for. They failed to realise the implications which the ratification of the ILO Convention 169 would have on the upcoming constitution. As the rights of indigenous nationalities started getting translated to specific provisions in the new constitution, the Bahun Chhetris groups felt threatened. Many leaders of these communities started mobilizing by saying that they would become second class citizens in their own land. On many occasions, harsh and strong verbal confrontation took place between members of Bahun-Chettri and indigenous nationalities (Nilsson and Stidsen 2014). Under the above situation, even the Bahun and Chhetris demanded recognition as indigenous peoples (Adhikari and Gellner 2016).

In October 2009, 12 Bahun Organisations from all over Nepal met in Devghat and took a decision to come together to form one Brahman organisation, the Brahman Samaj Nepal (BSN). It spread rapidly with branches in 68 of Nepal's 75 districts. Between 2009 and 2012, the BSN organised various programmes from peaceful demonstrations to politically strong torch rallies. Some of the main demands of the Bahuns included the removal of their group from the non indigenous "others group" and granting them recognition as *mulbasi* (original dwellers or indigenous peoples and; not naming federal states (provinces) after particular caste/ethnic groups (Adhikari and Gellner 2016). Along with the BSN, the Kshetri Samaj Nepal (KSN) formed in 1996, also became active (ICG 2011).

After 2007, the Bahuns and Chhetris felt increasingly vulnerable to attack. Reservations in the civil services and armed forces for indigenous nationalities were seen as restricting their traditional avenues of employment while reservations in elections were limiting their political representation. Further, the declaration of Bahuns and Chhetris as "others" without a designated province in the proposed federal set-up of the first CA forced them to think about their "collective identity" and to mobilise. Under this condition, many

Bahun and Chhetri organizations emerged spontaneously in different locations (Adhikari and Gellner 2016).

This made them politically assertive. They also started asserting their cultural and political recognition for the first time. As the Bahun Chhetri counter-mobilisation started, these groups accused the donors of funding projects that in the name of empowerment, in fact threatened communal harmony and Nepal's national integrity. In June 2012, they formed a task force, led by Dr. Nand Bahadur Singh on behalf of the Joint Struggle Committee for National Integrity and Ethnic Goodwill (JSC-NIEG), which met and submitted protest memorandums to major donor offices and embassies in Kathmandu (ibid).

As the new constitution was about to be declared in May 2012, the BSN and KSN along with eleven smaller groups managed to form an alliance based on two basic points: (i) Non-acceptability of ethnicity-based federalism (ii) the removal of the *Khas Arya* community from the "other caste" and included with full rights as indigenous people. On 10 and 11 May 2012, the JSC NIEG organized a general strike in the capital and launched other regional struggle programmes. The government invited the group for dialogue but as they failed to get a proper response, they continued the strike till 12 May which forced the government to ultimately negotiate. Thus, the Bahuns Chhetris also came to be accepted as indigenous nationalities (The Carter Center 2013). On 22 May, 2012(five days later), NEFIN signed a 9-point agreement which disallowed the acceptance of Bahun Chhettris as indigenous nationalities (Adhikari and Gellner 2016).

On 27 May, 2012 when the constitution was about to be adopted, supporters of both NEFIN and JSC-NIEG went to encircle the CA building. As the members from the JSC-NIEG side reached the location, entire sections of the CA building were occupied by NEFIN supporters. The number of people on the JSC-NIEG side both exceeded the expectations of the organizers and outnumbered the NEFIN protesters. Through the police, they sent a message to the NEFIN leaders to vacate one part of the region next to the CA building, which they did. Huge numbers of police-men were mobilized to prevent

any possible clashes. The situation became so tense in the evening that the police had to fire rubber bullets to pacify the crowd. Thus, it was the pressure of the Bahun Chhetri ethnicity which led the NC and UML parties to resist any compromise in the last days of the first CA (Adhikari and Gellner 2016). Thus, Hachhethu (2014b: 46), also argues that the federal agenda was pushed back as a result of the rise of Bahun/Chhetri "ethnicity".

The counter-mobilisation was not confined to the first CA. In the second CA elections held in Nov 2013, the success of NC and UML can be seen due to a large swing of the Bahun-Chhetri voters towards these parties. Accordingly, the NC and UML took a position against ethnically named provinces (Adhikari and Gellner 2016). The effects of the counter-mobilization can be seen in the way, in which, the 2015 Constitution was drafted. The drafters of the 2015 constitution ignored the reports of both the CSRDSP and HLSRC of the first CA which proposed 14 and 10 provinces and settled for six provinces. The government also failed to honour the agreement it had with indigenous nationalities in 2012 which clearly mentioned the government's commitment to abide by the recommendations of the CSRDSP. It was also a blatant violation of the agreement signed with indigenous nationalities in 2012 which guaranteed to accept the recommendations of CSRDSP.

The constitution promulgated on 20 September 2015 backtracked from most of the issues which were settled on in the interim constitution. In terms of religious freedom in an apparent step back from the interim constitution, which had categorically defined Nepal as a secular state, the 2015 Constitution qualified "secularism" to mean "religious, cultural freedom including protection of religion and culture handed down from time immemorial", the latter being an explicit reference to Hinduism with its use of the term "sanatan" in the Nepali original of 'time immemorial'. Further, the cow has been retained as the national animal, which impinges on the food culture of some indigenous and religious groups. (Kharel et al. 2016: 252-254).

The record in the executive branch, however, has not been altogether encouraging despite all the focus on creating a more inclusive polity. The first cabinet formed after the

promulgation of the 2015 Constitution reflected this regressive tendency, with nearly two-third of the members of the cabinet belonging to the dominant *Khas-Arya* group (Kharel et al. 2016: 248). The Constitution came to be immediately contested by the indigenous nationalities and Madhesis.

After the second CA election held in December, 2013, the NC and UML have, to a large extent succeeded in co-opting the leadership of NEFIN**.** Though an autonomous and politically non-partisan organisation, NEFIN holds significance for political parties due to its well-laid grass-roots network across the country and huge influence on the indigenous nationalities, that constitutes more than a third of total vote base. The deepening row among parties over the key issues including federalism has made the role of NEFIN very significant (Sedhai 2016: 20).

According to Sharma (2016), the mobilisation of indigenous nationalities has become more fluid with its activists and leaders aligned to two political divides. Those who support the idea of ethnically-based federalism have aligned themselves with the Maoists and the Madheshi regional parties and the other groups have aligned more closely to the ruling coalition led by NC and UML by have taken a "soft approach" to federalism which is based on recognition of multiple identities beyond a singular ethnic identity (Sharma 2016: 101).

Nagendra Kumal**,** NEFIN president (2012-2015) was appointed to the Constituent Assembly by Nepali Congress. The General Secretary of the organization, Pemba Bhote was appointed as CA member by the CPN-UML. Bhote after appointment as CA member agreed to "mixed names for provinces considering the historical background of the people of the provinces". This has been criticized by many former NEFIN members as a total sell-out of these leaders to the diktats of NC and UML (Gurung 2016b). The UML has also opened many fraternal organizations of groups like the Nepal (Democratic) Indigenous Nationalities Federation, Nepal Democratic Tharu Association, Nepal Democratic Sherpa Association etc. (Serchan 2007: 105).

In response to the declining status of NEFIN to lead the mobilisation of indigenous nationalities, many former NEFIN office bearers such as Om Gurung, Pasang Sherpa, Ang Kaji Sherpa and Bal Krishna Mabuhang have come together to form the AJRA under the leadership of human rights activist Padma Ratna Tuladhar. NEFIN has of late decided to stay away from the activities of AJRA.

The AJRA leaders, however, say that NEFIN refused to collaborate with them because NC and UML rewarded NEFIN Chairman Nagendra Kumal and General Secretary Pemba Bhote each a seat in the 2003 CA (Sedhai 2015a). Former NEFIN leaders have demanded resignations of Kumal and Bhote after their appointment to the CA by NC and UML respectively. Thus, the leadership of indigenous nationalities has suffered a split after the 2013 CA elections. After the adoption of the 2015 constitution, the mobilisation has again become stronger as the indigenous leaders have found an alliance in the form of Terai based parties who are equally dissatisfied with the constitution.

Conclusion

The mobilisation of indigenous nationalities brought a number of changes to the society and polity of Nepal. As the mobilisation got stronger, the government was forced to adopt a number of measures. This includes the establishment of a permanent foundation and affirmative policies. The biggest impact of the mobilisation was the ratification of the ILO Convention 169 by the government in 2007. Until 2015, the government has fulfilled one of the core demands of indigenous nationalities. Although, the indigenous nationalities were assured with identity based federalism as per the agreements of 2007 and 2012, the government failed to honour the commitment. In bringing out a constitution which established a six state federalism, the government went against the agreement signed in 2012 which stated that the government would abide by the recommendations of the State Restructuring Committee Report before finalizing the number of provinces. Due to backlash of the dominant groups, the government was forced to adopt a six-state province without any ethnic concerns. In spite of the setbacks in the last phase, the mobilisation can be termed as one of the most successful ones in

Asia as Nepal is the only country till date to have ratified the ILO Convention 169. This has happened due to sustained mobilisation by these groups.

CONCLUSION

The preceding chapters have studied the indigenous nationalities' mobilisation from 1990 to 2015. The study has found the role of democracy as one of the most significant one factor in the mobilisation of indigenous nationalities in Nepal. The formation of ethnic associations and political parties were forbidden in Nepal during *panchayat* period. The ethnic associations were considered as an obstacle to the process of national unity and integration. Any initiative undertaken on ethnic lines were considered as inflammatory.

The situation changed after the restoration of democracy in 1990. As the restriction to form ethnic associations was lifted in 1990, this provided an encouragement for indigenous nationalities to organise. Certain indigenous activists took the initiative to bring all the previously existing indigenous peoples organisations under a common platform called Nepal Federation of Indigenous Nationalities to lead a movement based on a shared collective identity of being "indigenous" to the land of Nepal. As none of the indigenous groups had a population exceeding more than seven per cent in 1990, this was a strategic move to develop a collective front to engage with the government.

The mobilisation of indigenous nationalities led by NEFIN became possible because of the availability of various civil liberties under the 1990 constitution such as freedom of expression, organization and culture. The post-1990 period also saw the growth of a large number of cultural and literary organizations. NEFIN also succeeded in assisting the indigenous nationalities with lesser population to come up with their respective organisations. Unlike the *panchayat* period, when ethnic organisations with political motives were banned, the post-1990 period saw a phenomenal growth in the number of these associations. NEFIN, which started as an association of seven indigenous nationalities organisations in 1990 had an affiliation of 58 indigenous organisations by the end of 2010. This has been possible due to the liberal condition which prevailed after the restoration of democracy.

The political openness which came along with the restoration of democracy also encouraged the leaders of the indigenous nationalities to seek international allies in order to promote their mobilisation at home. After the UN Declaration of 1993, the indigenous activist of Nepal realized the importance of global initiatives on behalf of indigenous peoples. The declaration provided a boost to their mobilisation. They started to construct networks with other indigenous peoples' movements across the world with similar claims and demands. The indigenous nationalities from Nepal took part in the programs for indigenous peoples at the global and regional level including conferences, seminars and meetings.

Representatives from Nepal's National Committee for the International Year of the World's Indigenous Peoples participated in many global conferences, for example, the UN Conference on Human Rights held in Vienna, Austria in June 1993. They also took part in programmes to display the cultural traditions of the indigenous nationalities outside Nepal. They also formed an alliance with regional organizations, such as the Asia Indigenous Peoples Pact. The indigenous nationalities also utilized the international indigenous peoples' decade (1995-2004) to build solidarity and network with other indigenous peoples across the world. By participating in conferences and meetings held under the aegis of UN, the indigenous nationalities succeeded to garner a lot of support at the international level. They also learnt new techniques and methods from other indigenous groups across the world. The study has found that they have applied these methods successfully while dealing with the government of Nepal.

The above mentioned activities of indigenous nationalities have been possible because of the liberal approach adopted by the government after the restoration of democracy. Thus, the first hypothesis, "the mobilisation of indigenous nationalities in Nepal has been primarily facilitated by the expanded democratic space created as a result of the restoration of democracy in 1990", has been proved.

With the intensification of indigenous nationalities' mobilisation, the government undertook a number of measures. The first came in 1993 with the formation of the

National Languages Policy Recommendation Committee. Although, the language committee offered many suggestions for improving the language situation of the country, most of them were not accepted by the government. As a token measure, the government only aired news in certain languages for five minutes daily. In 1997, a National Council for the Development of Nationalities was established by the government. The council became ineffective because of its non-permanent nature and lack of resources. The strongest measure undertaken by the government came in 2002 when it formed a National Foundation for the Development of Indigenous Nationalities. This foundation was also not without flaws. It lacked resources to carry out any work for indigenous nationalities. The government since Nepal's ninth five year plan allotted resources for indigenous nationalities. The tenth plan launched targeted programmes for indigenous nationalities with social inclusion as one of the main objectives. The plans failed to bring much change for indigenous nationalities because of two reasons: (i) democratic instability with frequent change in governments and; (ii) the intensification of the Maoist insurgency across the country.

The study has found out that the failure of the government to address the issues of indigenous nationalities provided the Nepali Maoists an opportunity to woo the indigenous nationalities to their "peoples' war" (1996-2006). Although, the Maoists' "peoples' war" officially started on 13 February 1996, the CPN-Unity centre started mobilising the indigenous nationalities since 1991 when they adopted the agenda of a secular state and equality of language and ethnic groups. Since then, it undertook various measures such as the establishment of the All Nepali Nationalities Association in 1992.

In 1995, during its first national conference, the Maoists declared regional and national autonomy with right to secession for oppressed regions and nationalities. In their 40-point demands, submitted to the government in 1996, they decided to uphold the right to self-determination, ethnic, linguistic and regional autonomy, self-rule and equality. Between 1998 and 2000, the Maoists formed about a dozen ethnic/regional front organizations such as the Magaranth (Magar) National Liberation Front, Tamang National Liberation

Front, Tamuwan (Gurung) National Liberation Front), etc. The Maoists chose the heads of these militias from the respective indigenous groups. In 2001, as the guerilla war intensified, the Maoists introduced a 14-point programme, which publicly stressed freedom and equality of oppressed nationalities and their right to self-determination. In January and February 2004, they declared nine regions as autonomous.

The Maoist had pushed forward the demands of indigenous nationalities in their meetings with the government since 1996. After it joined democratic politics in 2007, it raised the issues of the indigenous nationalities in the first constituent assembly. Due to the disagreement among the political parties, the Maoists failed to undertake any concrete measures in the first constituent assembly. In the second constituent assembly, it won a few number of seats. Thus, they failed to push the agenda of indigenous nationalities.

Along with the Maoists, various international organisations also provided their support towards indigenous nationalities. Most of this support came in the form of bilateral assistance by donor countries, INGOs. Donors have been active in Nepal since the 1950s concentrating their work in a variety of fields such as poverty reduction, reconstruction and rural development etc. As the government had not officially recognized indigenous nationalities by 1997, most of them did not have any specific policies or targeted programmes for them except a few such as Chepang Livelihood Programme initiated by SNV. However, since the beginning of the 1990s, donors have worked in collaboration with indigenous nationalities after the government encouraged them as it declared that social exclusion of these communities were pushing them to the doors of the Maoist.

The indigenous nationalities also received external support from various UN programmes, donors, international NGOs, scholar-activists, the International Working Group of International Affairs (IWGIA) and networks formed with other indigenous movements across the world. The UN organs and programmes such as the United Nations Development Program (UNDP), the Office of the High Commissioner for Refugees (OHCHR) and the ILO played an important role in the mobilisation by creating awareness among the people

The indigenous organizations have received funds from Plan International, the UNDP and the Canadian government. After the establishment of NFDIN in 2002, a number of multilateral and bilateral donors and INGOs such as DFID, IFAD, the World Bank, ADB, DANIDA, USAID, NORAD, Swiss Helvatas, SNV, and MS-Nepal have linked their projects with the indigenous nationalities (Bhattachan 2005: 85). EU in collaboration with a NGO named Action Aid Nepal has carried out the 'Samarthya Project' to empower marginalized indigenous groups. Care Nepal has implemented Janajatis Social and Economic Empowerment Project (JANSEEP).

In 2004, the British government's DFID financially supported NEFIN to carry out a three year Janajati Empowerment project. With a budget of 1.52 million pounds, this was the largest project with international funding to be carried out by a Nepali indigenous organization. The JEP led to the empowerment of a number of indigenous groups.

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Financial assistance from the World Bank, the Asian Development Bank, the European Union's International Fund for Agricultural Development (IFAD) and the British Department of Internal Development (DFID) was also significant. The Netherlands Development Organization (SNV), Helvatas (Switzerland) and Danish International Development Agency (DANIDA) have also worked with single indigenous nationalities in "community empowerment" projects. Foreign assistance to Nepal, which carried certain conditionalities such as good governance, human rights, social inclusion and democracy promotion, contributed to strengthening the movement. The scholar-activists also played an important role in creating awareness about the rights of these indigenous nationalities.

Many international agencies also promoted the concept of indigeneity in Nepal and disseminated knowledge regarding ILO Convention 169 to the people. The International Labour Organisation (ILO) has been most active in this regard. In 2005, the ILO

organized a two day national conference titled *ILO Convention 169 and Peace Building in Nepal* in partnership with NEFIN and NFDIN.

Countries such as Denmark and Netherlands have supported the promotional work on the ILO Convention 169 through the above mentioned conference, which succeeded in sensitizing their staff on the importance of indigenous peoples' issues for the establishment of lasting peace. As a result of the conference, there was an increased awareness among donors and foreign governments regarding the convention, the ethnic dimension of the Maoist conflict and the plight of indigenous nationalities in Nepal. Extensive linkages were also made with the international indigenous peoples' movement, particularly the UN Permanent Forum on Indigenous Issues.

Thus, the above activities of the Maoist and international agencies support the second hypothesis, i.e., "the Nepali government's inability to address the issues of indigenous nationalities and the support provided by the Maoists and external actors have led to the intensification of the mobilization process".

Due to increasing pressure from the indigenous nationalities, a 20-point agreement was signed between NEFIN and the interim government in August 2007. Some of the main achievements of indigenous nationalities are acceptance of proportional representation in political parties, use of local language in local bodies and establishment of a State Restructuring Commission to address the issue of federalism.

On 14 September 2007, the government ratified ILO Convention 169 followed by the adoption of the UNDRIP in the General Assembly. With the signing of ILO Convention 169, the interim government accepted the legal obligation to protect the rights of indigenous nationalities. In CA elections held in April 2008, 218 representatives were elected from indigenous nationalities. It included 82 members, elected under the first past the post system, 120 members under the proportional reservation system and 16 nominated ones.

The 20-point agreement signed between the indigenous nationalities and the interim government in 2007 fulfilled most of the former's demands. They have been given reservation in administration through the Civil Service Act of 2007, which granted 27 per cent of vacant posts to indigenous nationalities. The government, abiding by its commitment, also signed the ILO Convention 169 and the UNDRIP in 2007.

In the first Constituent Assembly (2008-201), the State Restructuring Committee (SRC) proposed the formation of fourteen provinces and twenty-three autonomous regions. Out of these fourteen provinces, many of them had ethnic names. It also proposed political preferential rights for certain indigenous nationalities to head the government for two terms. The 2008 Constituent Assembly State Restructuring Committee incorporated many demands of indigenous nationalities such as "political preferential rights' for dominant indigenous nationalities to head the government for at least two terms. These measures were incorporated as a part of the treaty obligations after ratification of ILO Convention 169 and UDRIP in the year 2007.

After observing these developments, the dominant Bahun and Chhetri communities felt threatened. They also decided to mobilise in order to thwart the proposals of the SRC. These groups also decided to form a collective identity under the title of *Khas Arya* to counter the demands of the indigenous nationalities. As a result of this counter-mobilisation, the political parties failed to implement the recommendations of the SRC in the first Constituent Assembly. Although the demand of ethnic federalism has not been fulfilled by the government, the indigenous nationalities through their mobilisation have succeeded in finalizing two major agreements in 2007 and 2012. The achievements of the mobilisation can be understood from the fact that Nepal is still the only country in Asia to ratify the ILO Convention 169.

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