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A SENSE OF HOPE:

Understanding post-federal dynamics among marginalised communities in Nepal's Tarai region

FEDERALISM IN NEPAL – VOLUME 2



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About Sundar Santa Nepal

This project aims to support the implementation of federalism and inclusive peace in Nepal by building understanding around evolving forms of marginalisation in the present context. It collaborates with provincial and local government representatives, civil society and the media, to draw lessons and best practices. The project is managed by International Alert and implemented through a consortium of Saferworld, BBC Media Action, and local partners Samagra Jan-Utthan Kendra, Jan Jagaran Youth Club, Support Nepal, United Youth Club Nepal, MAHURI Home and Nepal Madesh Foundation. It is funded by the Government of the United Kingdom through the Conflict Stability and Security Fund (CSSF).

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ABBREVIATIONS

CDO	Chief District Administrative Officer
ESCR	Social, cultural and economic rights
FGD	Focus group discussion
KII	Key informant interview
NGO	Non-governmental organisation

EXECUTIVE SUMMARY

Nepal's transition to federalism – which materialised after more than a decade of political instability fuelled by many social movements and violent protests, and the devastating impact of the 2015 earthquake followed by the border blockade – has created a shared sense of optimism and hope for the people. Many see the evolving federal system of governance as a genuine opportunity to address the long-standing grievances and marginalisation of various groups, regions and genders, and to strengthen good governance and state–citizen relations. However, the actual implementation of federalism, as the experiences of the first year indicate, is fraught with many barriers and challenges. Nepal's long history of centralised governance and the continuation of historically institutionalised structural forms of inequality and exclusion still pose challenges for making federalism work for the empowerment of marginalised people living in marginalised communities. Therefore, it is imperative to identify the potential subnational conflict drivers, and to draw evidence to demonstrate how marginalisation is evolving in the new context and understand the key factors driving it.

This is the first part of the report of the explorative study conducted in Nepal's Tarai in order to understand the evolving context and the process of marginalisation. The second report, 'Deepening Federalism: Analysis of Marginalisation of Communities living in Margins', addresses the process of marginalisation in post-federal contexts in Nepal. The fieldwork for this study was conducted over two weeks (January 2019) among the Tharu, Muslim and Madhesi Dalit communities in the three provinces. As the researchers are aware of the ongoing debates on how the use of facilitative key informant interviews (KIIs) and focus group discussions (FGDs) or surveys as a primary means of data collection often fail to probe beyond the superficial target group and dissociate the development practitioners from the people living in marginalised communities, this study used unstructured methods, such as informal conversations, community visits and interactions, which took place in the research participants' own local environments. The majority of the research participants communicated in their native languages, as they were unable to articulate their views in Nepali.

Research suggests that federalism has opened up new political spaces and opportunities for the minority groups and created a heightened public expectation. The minority groups under this study, Madhesi Dalits, Muslims and Tharu, share a sense of both optimism and scepticism regarding the emerging post-federal contexts in their specific locales. In terms of opportunities and marginalisation, this explorative study identifies the following issues as the key focus areas:

- **Localising peace: zeroing in only on 'movements' misses the causes of locally based conflict dynamics:** There is a critical need to localise the stability approaches to sustaining peace. An analytical approach that focuses only on 'movements' will miss out the complex localised dynamics of conflict drivers, which manifest into a larger framework of existing issues and struggles between and among various social actors and groups in specific time and space. Paying attention to and focusing on local stories and narratives can become an effective tool to understand the contexts and processes in which certain discursive formations can become dominant, such as the Tikapur incident of 2015 for the Tharu. As these stories are imbued with agentive powers, activists and political leaders can use such shared stories for peacebuilding or to trigger emotive responses for violence.
- **Bikas nirman (infrastructure model of development) and minority groups:** The current emphasis on *bikas nirman* as the most prioritised development activity of the local governments can potentially overshadow the other important priorities of minority groups. In some cases, such a technocratic approach to development has also threatened the displacement of minority groups. More specifically,



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there is a tendency to use *bikas nirman* as an 'anti-political machine' to depoliticise the unequal and unintended impacts of such projects for the local people, as well as to prioritise dominant groups' version of development and silence dissenting voices and/or counter the alternative development narratives and needs of marginalised people living in marginalised communities.

- **Emerging caste politics and federalism:** There is a critical need to understand and realise how the institution of caste and its ideology continue to shape power relations between different social groups in all spheres of society, including federal governance. Given the overwhelming dominance of the high-caste and middle-caste groups in all tiers of the three governments, transformation towards inclusive governance and democracy – particularly for the empowering inclusion of the Dalits, Muslims and others – can be challenging. Therefore, the interface between caste politics and federalism warrants serious attention from policy-makers and development agencies.
- **Development and production of 'model minority':** The development interventions in the minority communities tend to produce a few selected individuals as a 'model minority' – a member of a local minority community who speaks Nepali fluently can criticise his or her society in the constructed narratives of dominant groups. Once they are established as model minorities, all development agencies and political parties tend to use these selected individuals to work with their communities. These model minorities are important community actors, but they can also work as 'gate keepers' for their communities. A reflective analysis on why development has produced only a few model minorities from Madhesi Dalits, Muslims and other groups will be relevant for all development stakeholders. In addition, relying on a few selected model minorities can curtail the inclusive access to the community on the ground. Therefore, development partners need to internalise these risks and work towards reaching wider numbers of marginalised groups while also finding ways to increase the number of such groups that continue to act as intermediaries between communities and development partners.
- **Centrality of gender dynamics:** Gender dynamics is not only a cross-sectoral issue, but it is also at the heart of the peacebuilding effort. There is a lack of knowledge and understanding about the gender dynamics of peacebuilding efforts. Therefore, it is important in future to conduct research on gender and peacebuilding efforts to ensure that interventions are designed in a gender-sensitive way and also address the specific needs of women.

1. INTRODUCTION

Three years after the promulgation of the new constitution in September 2015, Nepal has all three tiers of government in place and this political shift has set the nation on a new journey of equitable and inclusive development, prosperity and sustainable peace. The new constitution restructured Nepal into a federal state with three spheres of government: federal, provincial and local, and five provinces and 753 *palikas*¹ (municipalities and rural municipalities). The transition to federalism followed over a decade of political instability and upheaval fuelled by many contentious movements and events.² Hence, the successful completion of the three elections in 2017, in which all political parties, including then dissenting Madhes-based parties, participated, and the implementation of federalism have created a shared sense of ‘guarded optimism’ in Nepal.³ Many see the evolving federal system of governance as a genuine opportunity to address the long-standing grievances and marginalisation of various groups, regions and genders, and to strengthen good governance and state–citizen relations. However, the actual implementation of federalism, as the experiences of the first year indicate, is fraught with many barriers and challenges. There have been many discussions on the emerging conflicts between the federal, provincial and local governments in the areas of jurisdiction of governance, adjustment and integration of civil servants in provincial and local governments, the power and role of the Chief District Administrative Officer (CDO), the push back towards centralisation of power by the federal government, and so on.⁴ Similarly, contentious issues, such as the naming of the five provinces, decisions on the provincial capitals or the selection of official languages, which have yet to be addressed, have the potential to escalate into subnational conflicts in the future. Nepal’s long history of centralised governance and the continuation of historically produced structural drivers of conflicts, such as inequality, unemployment, poverty, class, gender and caste-based discriminations, as well as marginalisation of ethnic, religious and regional groups, still pose challenges for making federalism work for the empowerment of people living in marginalised communities.

This report, which is the first part of the study, provides an explorative evidence-based analysis of evolving peace and conflict dynamics issues from the perspectives of people living in marginalised communities. It offers localised context analysis to better understand the potential implications of, and interlinkages between, the evolving peace and stability context from their perspective. Such evidence-based analysis will strengthen development projects in adapting strategies that can maximise the peacebuilding dividends of existing programming in support of the new federal system.

Approach to understand the current peace and stability context

The study adopted a localised approach to understanding conflict and the process of marginalisation. Conflicts are localised processes of complex dynamics that are historically produced, which manifest into a larger framework of existing as well as emergent struggles between and among various social actors and groups in specific time and space. This approach to conflict will be discussed in the ‘Findings’ section below.

1 At present there are six metropolitan cities, 11 sub-metropolitan cities, 276 municipalities, and 460 rural municipalities.

2 The major protests, movements and events included: the Janajati movements, Madhes movements (2007, 2008 and 2015), delays in drafting new constitutions and the failed constitutional assembly (2008–2012), debates on federal reconstructing, the Tharuhat movement, the April 2015 earthquake and its devastating impacts, the Madhes movement and the Indian blockade (2015), the violent Tharu–Police-hill people conflict at Tikapur (2015), and many other protests and struggles. See International Alert, *Democracy and peace in federal Nepal*, London, Kathmandu, International Alert, 2018.

3 The Asia Foundation (TAF), *A survey of Nepali people in 2017*, California: TAF, 2018; Nepal Administrative Staff College (NASC), *Nepal National Governance Survey 2017/18*, Kathmandu: NASC, 2018

4 See Democracy Resource Center, Nepal (DRCN), *Final report: Challenges and functioning of local and provincial governments in Nepal (in Nepali)*, Kathmandu: DRCN, 2019.

2. METHODOLOGY

The fieldwork for the study was conducted in Nepal's lowlands or Tarai region of the three provinces (2, 5 and Sudur Pachim) over a two-week period in January 2019. Three minority groups: Madhesi Dalit and Muslims (Provinces 2 and 5), and Tharu (Provinces 5 and Sudur Pachim) were purposely included in the study, as per the project's preference. In addition to these groups, discussions were held with Santhal (Province 1), Madhesi (Provinces 2 and 5), Christians (Province 5), hill Dalits (Sudur Pachim), and hill people in all three provinces.

The study was conducted using unstructured research methods and relied heavily on informal conversational discussions or *kuragraphy*⁵ in various local settings. The rationale for the use of these unstructured methods was informed by the ongoing debates over how the use of facilitative KIIs, FGDs or surveys as the primary means of data collection in development sectors is failing to probe beyond the superficial target group and dissociates the development practitioners from people who are living in marginalised communities.

The research team visited different communities located across the lowlands of Sudur Pachim and provinces 2 and 5, and interacted with women and men from Tharu, Muslim and Madhesi Dalit communities. Two broad categories of research participants were included for this study: (i) a few individuals such as ethnic activists, journalists, human rights activists, non-governmental organisation (NGO) workers and elected representatives were included for discussions and conversation. And (ii) the majority of research participants for this study came from the local communities: men and women from different social backgrounds who were randomly approached for conversation. These meetings were not prescheduled and the research participants were not preselected. The inclusion of research participants from different walks of life allowed for diversity of voices and stories on similar topics and themes. Discussions and face-to-face interactions were held to the extent possible in the 'natural' environmental settings. The majority of the research participants spoke in their native languages, allowing the natural flow of conversation. The fact the majority of the research participants were unable to communicate fluently in Nepali speaks strongly against the monolingual (Nepali) nature of research and development interventions.

No recordings and field notes were made during the conversation. A broad check list was prepared in advance to guide the conversation towards the overall themes of this study. 'Listening to narratives' was the major strategy adopted by the research team. The research team wrote field notes and audio recorded reflections of each day in the evening. While travelling in a vehicle from one district to another, the research team used the travel time to hold long hours of discussion and analysis of the field-level findings of each community visited.

5 *Kuragraphy* is a conventional research tool in anthropology in Nepalese context. See R. Desjarlais, *Sensory biographies: Life and death among Nepal's Yolmo Buddhists*, California: University of Berkeley Press, 2003; J. Rai, *Kurāgraphy, "Senses of Place" and qualitative research: Ethnographic illustrations*, in L.P. Uprety and B. Timseena (eds.), *Nepalese Journal of Qualitative Research*, Vol. 5, 2013.

3. FINDINGS

3.1. Experiences of federalism

People⁶ have a heightened sense of hope and expectation that federalism will be qualitatively different from the previous governing systems they have experienced. The actual implementation of federalism during the last year has been fraught with many barriers and challenges, which has hindered the effective functioning of these governments.⁷ People expressed mixed feelings regarding their experience of the local and provincial governments. The provincial government, an indispensable element of federal polity, is an entirely new tier of government for Nepal. The field-level interactions suggest that, in general, people do not yet have direct experience of the provincial government. “We spent the first year in drafting the policies and laws. Our direct interactions with the people were limited,” says a high-level official of the Province 2. However, minority groups such as Madhesi Dalits and Muslims are concerned that, in the absence of adequate political representation of their communities, the provincial policies will be less inclusive towards their priorities and needs.⁸ Despite such backlash, the provincial government in the Province 2 has shown good initiatives in formulating policies and programmes specific to Dalit and Muslim girls.

Table 1: People’s perception of local governments

SOME GOOD THINGS ARE HAPPENING	NOT SO GOOD PERFORMANCES OF LGs
<ul style="list-style-type: none"> • Increased representations of minority groups • Devolution of power at the ward level • Easy access to basic services such as vital registration and others • Local representatives are approachable • Expansion of development activities 	<ul style="list-style-type: none"> • Corruption • Increase of tax and service charges • Less emphasis on social development, more priority on expansion of physical infrastructures • Tokenism (distribution of small budgets to all) • No special programmes/budgets for women, Dalits, Janajati, Muslims and other minority groups

People feel positive that elected representatives are leading the local governments, and express satisfaction that some ‘good things’ are taking place at village levels, such as increased representation of minority groups in local government bodies, easy access to basic services, such as vital registration at the ward office, and expansion of infrastructure developments in villages. However, the locals are equally critical of local governments; they are unhappy about the increased taxes on property and business, and increased charges for the regular services provided by the local governments.⁹ (See Table 1.)

6 ‘People’ in this report refers to the individuals from the three provinces and Morang district who participated in this study.

7 Some of these challenges and barriers include: lack of or delayed formulation of required policies and acts, lack of infrastructure, inadequate staff and problems of adjustment of federal government employees in the local governments, conflicts between the government staff and elected representatives, conflicts between and among elected representatives about their rights, responsibilities and power, and many others. See DRCN, 2019, Op. cit.

8 When the Province 2 prepared the ‘Police Act’ with provision for quotas for Dalits and other groups, Dalit activists protested against the proposed Act and demanded reservation quotas in proportion to their population (17.29%). See Protest of Dalit Parliamentarian in the Province 2, Dalit Online, 2075 VS, Asar 14, <https://dalitonline.com/archives/847>, accessed 5 February 2019.

9 For example, a municipality in Bardiya charges Rs. 500 to certify and issue a paper confirming that a person is “very poor and deprived”. However, a very poor person is unlikely to be able to afford the service charge of Rs. 500 if she/he needs a certified document to access government services designed for a very poor citizen/family (*ati bipanna pariwar*).

People are most vocal about the alleged widespread corruption and embezzlement in the local governments. While the truth of such claims can be contested, such discourses on corruption can also be used as diagnostic of power relations to understand how ordinary citizens feel powerless when they perceive such corruption as becoming 'business as usual' and legitimate practices. As one Santhal man from Morang said, "We can feel the corruption so closely" but still can do nothing about it. According to the recent national surveys, while 84% of the Nepali respondents (N=12,872) are confident that the local government will improve the implementation of development plans, only 58% are confident that local government will control corruption.¹⁰ This survey's findings also indicate that local people see corruption as a major problem in the local government. Hence, there is a need for the local governments to promote more transparency and accountability of their development and other activities.

In the past, we used to hear about corruption in the district or in Biratnagar. But now, we can feel the corruption so close (even at the ward level). When we complain about it, they ask us to bring evidences and proofs. But the mayor, ward chair and staff tactfully cooperate to make everything legit in the documents. So, we only watch it happen while these *janapratidinidhi* (elected representatives) are compensating for the costs they spent in the election

**A Santhal Man, Morang
(15 January 2019.)**

It is important to note here that educated people, activists and political workers from opposition parties were more critical of the overall performance of the local governments. Members of minority groups are concerned that the new local governments do not have inclusive policies and programmes to address their culture-specific needs. Women activists feel disappointed that the local governments tend to ignore important issues and problems faced by local women, such as domestic violence, education and employment-generating schemes. They claim that mayors and ward chairs, who are mostly men, prefer to allocate small budgets through certain NGOs to run one-time trainings, such as tailoring and candle making for women.

People's critical reflections of the workings of municipalities and rural municipalities need to be informed by the policies and other challenges these new local governments have been facing in the last year. However, these reflections do not imply that people are less optimistic about their local governments, as the findings of the national survey¹¹ also confirm. The transition to a federal republic materialised after decades of people's struggles for inclusive democracy, social justice, devolution of power and equitable development. The successful completion of the three elections and formation of the three tiers of government with increased representations of women and marginalised social groups have fostered heightened public expectation for peace, equality and social justice. However, the first year has shown clearly that the implementation of

federalism is fraught with many challenges. There is a need to document and share the good and successful initiatives taken by the local governments across different regions.

3.2. Localised dynamics of undercurrent conflicts

Any 'movements', whether Maoist or Madhesi, are temporal events, which are embedded in local history, issues, dynamics and everyday experience. Therefore, it is important to localise the stability approaches to sustain peace. An analytical approach that focuses only on movements will miss out the complex localised dynamics of conflict drivers, which manifest into a larger framework of existing contestations and struggles between and among various social actors and groups in specific time and space.

¹⁰ NASC, 2018, Op. cit., p.70, Table 5.1

¹¹ NASC, 2018, Op. cit.

Gender and religious riots

In August 2013, an incident of alleged eve-teasing of local Hindu women by some Muslim men from the same village in Siraha triggered a violent riot when a larger group of Hindus from the neighbouring districts poured into the village, attacking and vandalising the Muslim settlement.¹² The riot was brought under control after two days when the armed police force from Itahari was deployed in the village. This local riot that occurred in a small village fits into the category of 'religious conflict' between the Hindus and Muslims who generally manage to live amicably and with tolerance (milera basne) in the same village. But in this case, the analysis of this conflict also needs understanding of how the patriarchal power relations – the freedom that men are supposedly given to verbally abuse women versus the custom that men should be the protectors of their women – interfused in the existing tensions between Hindus and Muslims. Similarly, the gendered dimension of this conflict also shows how the prevailing notion of women's bodies as sites of communal honour, i.e. an assault on Hindu women is considered an attack on collective honour, can spark religious riots between two ethnic groups.

The other dimensions of this conflict also provide important insights. The two conflicting groups, the Hindus and Muslims, involved in the riot were people of Madhesi origin, while the state force – the police who intervened and 'protected' the local Muslims – were 'hill people' or 'pahade'. While relating their experiences of this riot, the local Muslims acknowledged that they would have died if the armed police had not intervened and protected them. In addition, when referring to the police (hill people), they claimed that hill people are more tolerant and better than their Madhesi neighbours who are said to be more discriminatory towards Muslims.¹³ Hence this conflict also reveals the complexity of Madhesi identity vis-à-vis the state that still embodies a Pahade face and problematises the 'Madhesi–Pahade' antagonism, which is taken for granted as a conflict driver.

Thus, approaching this conflict only through the established lens of a 'Hindu–Muslim' riot will miss the many underlying drivers beneath this incident developing into a subnational conflict. Focus on its local dynamics and historicity will help uncover the multilayered nature of the confrontations, which can escalate the tensions between Hindus and Muslims into a religious conflict.

Similarly, there is also a need to focus on local narratives and stories about peace and conflicts. For the marginalised communities such as the Tharu, Muslim and Madhesi, memories of and narratives about past conflicts, struggles and injustice can become a powerful cultural practice of producing collective consciousness and a sense of shared identity. Activists and political leaders may use these shared stories for peacebuilding or to trigger emotive responses for violence. Hence, listening to local stories and narratives can become an effective tool to understand the contexts and processes in which certain discursive formations, such as the Tikapur incident of 2015,¹⁴ become the dominant story for the Tharus in specific time and space (see also section 3.6 below).

3.3. Technocratic development and 'anti-political machine'

Bikas nirman, or expansion of physical infrastructures, particularly roads, has become the dominant development practice of the new local governments. The importance given by the local governments to expansion of physical infrastructures may be based on people's demands or local needs, but many local governments have also used a substantial part of their budgets on such infrastructures, roads in particular. According to a report

12 Based on field-level interactions with the Muslim villagers, 17 January 2019. See also: Clashes between members of the Hindu and Muslim communities in Siraha District, UNRC Office, Nepal, Monthly Update, August 2013, Sawan 27, 2070 VS; Field report on Sarswar incident (in Nepali), Kathmandu Today, 2013, Sawan 27, 2070 (BS), <http://kathmandutoday.com/2013/08/350.html>, accessed 2 February 2019.

13 Based on field-level interactions with the Muslim villagers, 17 January 2019.

14 The 2015 Tikapur incident refers to the violent clash between the police and the Tharu protestors who were demanding the establishment of 'Tharuhat province' in the Tharu-dominated Tarai region under the ongoing federal restructuring.

People of Rautahat lag behind their peers in Humla district, which is yet to be linked with the national road network, in several human development indicators. Humla in the remote hills fares better in terms of literacy rate, average years of schooling and per capita income compared to the better-linked Rautahat in the southern plains. But local-level governments in Rautahat have allocated more funds to roads, while the focus should have been on other sectors that need improvement to catch up with other regions. Kathariya Municipality has set aside over Rs. 90 million (more than 45 percent), out of the total Rs. 200 million of capital spending, for road and similar infrastructure. This overconcentration on roads has undermined other priorities of education, health and broader social development.

(CJIN, 5 June 2018.)

by the Centre for Investigative Journalism, Nepal (CIJN) “most local governments pour their funds on road, depriving education, health and other social development of precious resources”.¹⁵

Previously, local units were obliged by policies to allocate a certain percentage of their budgets to programmes benefiting women and marginalised groups. However, in the post-federalism context, there are no compulsory legal provisions for local and provincial governments to allocate their budgets to these two groups. As a result, the disproportionate allocation of budget on infrastructures implies lesser prioritisation and investments for empowerment of women, Janajati, Dalit, differently abled people or for Madrasa education for Muslim communities.

Road vs Madrasa

Until the summer of 2017, the residents of the ward 6 of Rapti Sonari Rural Municipality found it very difficult to walk through the village track during the rainy season, as the rain would make it very muddy and slippery. With the formation of the new local government, the ward committee was allocated some budget for expanding the track into a gravel road. Now the village has an all-weather gravel road. The villagers are thankful to their ward chairperson for bringing bikas (development, i.e. road) to the village.

This is a Muslim village of subsistence farmers with few landholdings; they herd buffalo and earn stable income by selling milk and dairy products in the nearby city of Nepalgunj. Education is a major problem for this Muslim community: school drop-out rate is very high for boys, and even more so for girls. Young boys join the groups of herders to take care of the family buffaloes, and many boys and men go to the Gulf countries for labouring work. There is a local Madrasa (Muslim school) but only young children attend it. If

the government can provide funding and teachers for this Madrasa, the local Muslim families are more likely to send their daughters (as well as their sons) for both Islamic and ‘modern’ education at the local Madrasa.

For these Muslim villagers, the Madrasa is an integral part of their culture and identity, and a trusted institution of learning (both religious and secular). Hence, for them, strengthening the local Madrasa is always a top priority – a ‘development’ need they consider elemental to their collective continuity as a Muslim community. The local government invested the bulk of its budget on improving the village road, but did not have any money for the specific priorities and needs of Muslim citizens, even though the ward 6 member is himself a Muslim. When the ward member requested a share of the budget for the Madrasa, the ward chair and the mayor told him that the budget had been spent on improving the village road. In other words, for the non-Muslim elected representatives, the expansion of the road is the real bikas that benefits everyone! But, if the Muslim citizens had been given the right to choose, the villagers may have prioritised the Madrasa over the road or they may have worked out a way to improve the road as well as the Madrasa.

15 R. Pangen, Mania for road overshadows crucial priorities, 5 June 2018, CIJN, <https://cijnepal.org.np/mania-road-overshadows-crucial-priorities/>, accessed 6 February 2019

The story of the Muslim people in this locality of Banke (Province 5) is a telling example of how the dominant development ideology of '*bikas nirman*' championed by the local governments can marginalise the minority social groups through a failure to recognise their specific needs and priorities. When the minority groups lack representation in the local government bodies or when their representation is non-dominant, it is more likely that the dominant groups will enact their version of development. They will undermine or fail to understand the impacts of such developments on the marginalised people or it may be simply because the elected representatives and the dominant groups do not care about the minority groups, as they are not the vocal voice (and they have nothing to fear from them).

In many places, expansions of roads have unintended consequences for people living in marginalised communities. The road constructions in the Santhal area in Morang have displaced many village shrines of this indigenous community. For the Santhal, their village shrine is not only a place of worship and religiosity, it is also equally important to the structure of their village and its socio-political boundary. Santhal village shrines, unlike the Hindu temple or Muslim mosque, are made of simple structures and so they may not appear as sacred sites to non-Sanths. The elected representatives and those responsible for road constructions often pressure Santhals to remove their village shrines in the name of 'development for all', but they will not do the same for the Hindu temples.¹⁶ In districts such as Siraha and Dhanusha, the expansion of roads has posed a serious threat to the Dalit families who live along the road area but, for various reasons, do not yet have land ownership certificates.¹⁷ Some of them do not have citizenship certificates, which bars them from having land certificates, and the lack of a land certificate in turn makes it difficult to get citizenship. Thus, such a technocratic and monolithic approach to development, imposed as one-size-fits-all, can have marginalising impacts for the minority groups if they are denied their rights to question such interventions.

The prioritisation of the infrastructure model of development does not necessarily only grow out of the local people's needs and demands. Such emphasis on *bikas nirman* has also been shaped by the emergence in 2018 of a powerful left-leaning government, which enjoys a two-thirds majority, and which has emphasised the expansion of infrastructure as one of its most prioritised areas for promoting progress and stability in Nepal. The 'popularity' of such development ideology is also fuelled by many complex and hidden political-economic relations of profit sharing between local government leaders, staff, contractors, business people involved in construction, and others. The discussions with many community members revealed that often expansions of infrastructures are implemented as developments that are 'good for all', and thus considered 'above politics', and not to be questioned or challenged. For instance, when some members of a Sarki community (hill Dalit) from ward 6 of Dhangadi Sub-Metropolitan are said to have questioned the non-transparency of the road extension from their settlement, the powerful elected members accused the local Dalits of being *biksa virodhi* (anti-development) and obstructing progress meant to benefit everyone, including the Dalit community.¹⁸ This is an example of how the technocratic idea of development is used to depoliticise the unequal and unintended impacts of such projects for the local people. Therefore, it is equally important to examine how this development ideology is used as an 'anti-political machine'¹⁹ in order to prioritise dominant groups' version of development and silence dissenting voices and/or counter the alternative development narratives and needs of people in marginalised communities.²⁰

16 Based on discussions with the Santhal people in Laxmania village, Jahda Rural municipality-5, and also with scholars carrying out research on Santhal and the politics of road development in Morang.

17 Many of these Dalit families have been living on the government land for many generations but lack land ownership certificates for various reasons.

18 Based on discussions with the Sarki community at ward no 6, Dhangadi Sub-Metropolitan, 10 January 2019.

19 See J. Ferguson, *The anti-politics machine: Development, depoliticization, and bureaucratic power in Lesotho*, Minnesota: University of Minnesota Press, 1994. Development is inherently political but the state and those in power attempt to impose their model of development as a non-political project that will benefit every social group equally and impartially – and thus depoliticise development. According to Ferguson, the state and dominant groups use development as an anti-political machine. In Nepal, the political leaders are seen as important actors who bring '*bikas*' to the people, and these leaders often say that development should be put above politics, as if there is nothing political about development.

20 The state-led imposition of technocratic development ideology and development-led displacement of tribal and minority groups has been going in India for the last five decades or more (see: How many people will we continue to displace in the name of development?, Economic and Political Weekly, 28 February 2019, <https://www.epw.in/engage/article/how-many-people-will-we-continue#>. XlqJpemzb00).

3.4. Interface of caste politics and federalism: the Madhes within

Madhesi Dalits comprise about 16% of the total population of the Province 2²¹ – and hence constitute a significant demographic population. However, they are among the most marginalised and excluded groups, with Madhesi Dalit women and girls even further below, at the bottom of this pyramid of exclusion and deprivation. The predicament of Madhesi Dalits exemplifies the deep-rooted pervasiveness of the caste system and its practices, and the way in which it is manipulated and reinvented. For the Madhesi Dalits, their state of disproportionately lower political representation and exclusion from the executive positions in the provincial and local governments is the embodiment of caste ideology by political parties.²² Madhesi Dalit activists claim

When asked about why there is no Dalit leader in the area, a poor Dalit man from Marchwar area in Rupandehi poignantly said, “A Dalit man like me can never think of entering into politics and becoming a leader. Who will vote for me? They [high caste, landlord] will not vote for me; they can’t stand to see me as a political leader. Only they can become leaders, not us.”

(22 January 2019.)

that many high-caste ward chairs act as if they are responsible for electing the Dalit women ward members, rather than the constitutional provision that ensures the election of one Dalit women in each ward. In other words, these high-caste elected representatives are said to have deployed the ideology of patron–client relations, a fundamental principle of the caste system, such that these elected Dalit women are expected to be loyal and obedient to these men with positions.²³ Hence, caste continues to be central to the social organisation of the Madhesi Hindu society, and it powerfully influences, if not determines, social (including gender) and political-economic relations between different social groups including between state and citizens. Therefore, any analysis of emerging post-federal contexts of opportunities and marginalisation cannot ignore how the interface between federalism and emerging caste politics will affect the Dalits’ struggles for empowerment.

Diversity within Madhesi Dalits is important to understand the complexity of caste organisation and group-specific issues and challenges. The experiences of the Dalits in terms of untouchability (purity and pollution), economic and political dependency on landlords, the identity of dominant group (not always Brahmin or Yadav), the stronghold of traditional caste organisation (*caste panchayat*), gender relations and access to state

services vary from one location to another, even within a municipality and across the district. The social ranking of Dalits along relative hierarchy of impurity also exacerbates their experiences of humiliation and deprivation. In areas along and around the highways, where economic diversification and opportunities are more prevalent, Dalits can weaken the traditional patron–client relations by becoming less dependent on the local dominant groups. But in the rural parts of the Madhes, where feudal relations of production based on the caste system are still dominant, the subjection of the Dalits is severe and more exclusionary. In the absence of alternative sources of livelihood, the Dalits, despite their resistance to some discriminatory practices, are forced to be submissive to the dominant groups through patron–client relationships. In some cases, even the development agencies are enforcing caste-based discrimination against Madhesi Dalits. For example, 79% of the Musahar families are landless and cannot afford to build toilets due to scarcity of land and money. But in the race to declare the municipalities as ‘open defaecation-

21 S. Nepali, S. Ghale and K. Hachhethu, *Federal Nepal: Socio-cultural profiles of the seven Provinces*, Kathmandu: Governance Facility, 2018

22 Madhesi Dalits have no representation in the House of Parliament from the Province 2, and only 5.6% of the members at the Provincial Assembly and 1.4% of the mayors of the local government bodies are from Madhesi Dalits (see S. Nepali, S. Ghale and K. Hachhethu, 2018, Op. cit., p.32, Table 2.6).

23 Based on discussions with the Dalit women ward members in Siraha (16 January 2019) and Mahottari (18 January 2019); interview with women’s rights and Dalit rights activist in Janakpur, 17 January 2019.

free areas', development organisations deploy the police to punish the landless Musahar for not using toilets.²⁴

Given the stronghold of the caste system and caste ideology, Madhesi Dalits are concerned about the new shift of power configuration towards the middle caste in the Madhes.²⁵ All the political parties, including the Madhes-based parties, have failed to ensure the proportional inclusion of the Madhesi Dalits in the three spheres of government, and have excluded the representatives of the Dalits from positions of power in the provincial and local governments. This experience of political marginalisation has fuelled the sense of discontent and disappointment among the Madhesi Dalit communities. Many Dalit activists argue that the Madhes movements, despite consolidating a shared political identity of 'Madhesi' and ensuring many rights for Madhesi people, have politically empowered high-caste and middle-caste groups. For Dalits, there is a clear lack of trust that the traditionally dominant caste groups will want Dalits to be equally empowered, and this lack of trust is equally shaped by Dalits' continued negative experiences of the caste system and its dehumanising effects in their everyday relations with the dominant caste groups. Thus, the interface between the emerging caste politics and federalism warrants serious attention in the Tarai.

3.5. Development and production of 'model minorities'

Development interventions often directly or indirectly reinforce dominant values, stereotypes and misinterpretation, and fail to recognise contextual complexities and realities. Thus, as a result, such interventions produce few selected members of marginalised groups, including from the Madhesi, Dalit and Muslim communities, as 'model minorities' who represent the minority groups but conform to the values

When Ms Prabin (name changed) began participating in activities of a development organisation, she was constantly encouraged or indirectly forced to give up veiling her face. In our discussion, Mr Alam (name changed), a Muslim man himself, who used to work for an international NGO, criticised the development agencies for failing to understand the proper cultural ways of making Muslim women not wear burqa. But Mr Alam, a dedicated development worker, claimed that he was instrumental in motivating Ms Prabin to give up her veil slowly during the many trainings that he conducted for local women. Hence, even if he criticised development agencies, Mr Alam also subtly forced Ms Prabin to give up burqa. Ms Prabin's husband had no problem with her decision not to veil her face. As she became active in social work and development activities, Ms Prabin was also selected by a political party to contest the election. An influential political leader of her province, a hill Hindu man, asked her to give up burqa completely and show her face during the election campaigns so that even non-Muslims would be able to support her candidacy as a 'progressive' woman. In other words, when traditional Muslim women give up wearing burqa, they are considered liberated. This kind of gendered body politics are often heralded as achievements of women empowerment.

(Field visit, Western Tarai, January 2019.)

24 S. Bhatta, 79% of Musahars don't have lands: Declaration of open defecation zone is an injustice against the landless Dalits, Naya Patrika, 25 January 2019, <https://www.nayapatrikadaily.com/news-details/4376/2019-01-27>, accessed on 3 February 2019; Dalits without toilets put into police stations, Naya Patrika, <https://www.nayapatrikadaily.com/news-details/4190/2019-01-25>, accessed on 3 February 2019

25 The caste groups such as the Yadav and Shah are the middle-caste groups in the Madhes. The Yadav, who constitute about 15% of the total population of the Province 2, now hold 25% of the seats in the House of Representatives from the Province 2, 36.4% of the Provincial Assembly and almost 32% of the heads of the local governments. Other middle-caste groups also have similar higher political representations in all three tiers of government – hence there is a marked rise of middle-caste groups in the post-federal contexts in the Madhes (see S. Nepali, S. Ghale and K. Hachhethu, 2018, Op. cit., p.32, Table 2.6).

and agendas of the majority.²⁶ The Muslim women in this study shared their stories of struggles against social norms that discouraged them from studying in high school and college or working outside of the defined spaces. Rather than being passive and submissive, these Muslim women do exercise their agency, defined here as the culturally constrained and mediated capacity to act,²⁷ to resist and create space for realising their aspirations, such as attending college, getting citizenship or contesting a local or provincial election. The support of their husbands was crucial in overcoming the familial and communal restrictions against women. There are more nuanced stories and complexities of gender relations than merely considering the Muslim dress code of burqa for women as inherently oppressive. However, the development model and the state agencies endlessly focus on motivating Muslim women to leave their burqa behind.

Now, Ms Prabin works with various development organisations; she is one of the sought-after persons, an important key informant for outside researchers and development workers who want to know about the local Muslim women and their experiences. Development organisations find it easy, convenient and cost-effective to work with individuals like Ms Prabin rather than finding a new person from the local community. Similarly, one Madhesi woman from Banke was hired by an international organisation as a local social mobiliser because she could communicate in Nepali. Now, like Ms Prabin, she is also involved in many development organisations, as well as active in local politics.

Once active as model minorities equipped with the kinds of skills and knowledge development agencies prefer, these few model minorities are more likely to act as the only intermediary between their community and outside agencies, including political parties. These model minorities are important community actors who have their own stories of struggles and agentive actions to overcome challenges they face within and outside their communities. Model minorities may not necessarily come from the elite class of minority groups, but, once these individuals are accepted by development agencies, political parties and state actors, they can also work as 'gate keepers' in local power relations and can effectively curtail outsiders' access to the bottom layers of minority communities. These model minorities are most likely to participate in the conventional research and evaluation studies relying on FGDs and KIIs, or to be the dominant community actors in producing local knowledge and narratives about their communities.

A reflective analysis on why development has produced only a few model minorities from Madhesi Dalits, Muslims and other groups will be relevant for all development stakeholders. Rather than strengthening and relying on a few model minorities, development agencies, political parties, state agencies and others should internalise the risks of limiting themselves to few model representatives, and focus instead on working to increase the number of such groups whilst finding ways to reach marginalised people.

3.6. Centrality of women's issues in the conflict dynamics

Dominant narratives of gender dynamics within the peacebuilding process have paid little attention to how paradoxically women as a factor play out in conflict context.

26 The discussions in this section draw on field observations, interactions with 'development' workers from the Muslim and Madhesi Dalit communities, and informal discussions with individuals working in the development agencies who find the idea of 'model minority' used here to be relevant and recurrent in development practice.

27 L. Ahearn, *An invitation to love: Literacy, love letters and social change in Nepal*, Ann Arbor: University of Michigan Press, 2001

Gendered narratives: Women and social honour

The local Tharus in Bardiya are full of stories about the oppressive nature of the feudal landlordism they experienced until recently (till the Maoist war). Describing the cruelty of hill landlords, the local Tharu people often tell stories about how these landlords used to abuse Tharu girls and women. One story about Tharu students beating up a local landlord (hill) who allegedly abused a Tharu girl during the 1990s in Rajapur has a special currency among the locals. Many Tharus are believed to have joined the Maoist war to end the local feudalism, and to end injustices including violence against the Tharu women. Some present-day Tharu activists and lawyers relate stories of the many hurdles they had to overcome to be able to file a complaint against a security personnel who had raped a local Tharu girl. The court found the security official guilty and jailed him for the crime. The different fragments of stories have two important themes: violence against Tharu women/their bodies as sites of injustice, and struggles (led by men) against injustice against Tharu women. These stories – how they are narrated, and who narrates them – reveal many historical and present-day contexts in which violence against women becomes a conflict driver. These gendered narratives also underline, as in the case of the Hindu–Muslim riot in Siraha described above, how women’s bodies embody social honour for the whole community, particularly when they are violated by outsiders.

The two stories demonstrate how men use the narrative of gender-based violence by the other groups (dominant group) to mobilise the people. These stories tell us two things: firstly, women do not only become victims of violence during the conflict period but also that sometimes, violence against women by dominant groups can be a risk for triggering conflict, and secondly, that it illustrates that men see women issues as a matter of pride rather than considering women their equals. The study for this contextual analysis was limited in its scope and focus on the gender dynamics of the peacebuilding process. But these two examples suggest there is a critical need to study and document gender dynamics of local peacebuilding processes.

4. RECOMMENDATIONS

The following recommendations are based on the findings of this explorative study:

For CSOs

- Develop common platforms, which work as the local think tanks and secure dialogue space to raise voices of people living in marginalised communities. They need to bring together a pool of local leaders and expertise at provincial level so that they can identify local-level conflicts and provide the spaces to mitigate and resolve subnational conflicts through civil and non-violent ways.
- Collaboratively conduct context analysis of locally based conflicts and review the overall development activities periodically using technically strong research methodology that fits the local needs and is historically informed.
- Work with local and provincial governments to address the local development needs, which encompass the social, cultural and economic rights (ESCR) ensured by the constitution, and publish periodically an ESCR position paper.

For donors

- Need to conduct a study that focuses on understanding the political economy of a knowledge-production system in Nepal and provide support to developing knowledge sector reform to promote long-term stability and discourage violence.
- Provide support to establishing/strengthening research and policy centres focusing on institutionalising the learning component as an inbuilt system of federalism, which focuses on addressing the issues of marginalisation and promotes long-term stability in Nepal.
- Promote innovative approaches to reach out to the broader margin base and discourage recycling development practices or activities, which undermine the overall development objectives and strengthen model minorities.
- Promote locally informed and diversity-sensitive development interventions and deconstruct the technocratic development approaches, which emphasise one-size-fits-all conventional intervention practices, to promote long-term stability.

For government

- Formulate a specific development and economic short- and long-term strategy to deepen federalism incentives among the marginalised communities to address their specific needs.

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