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MADHESH IN NEPAL: PROBLEMS OF INSTITUTIONALIZATION AND THE ROAD AHEAD

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ABSTRACT

Madheshis consider themselves as the children of lesser God in the contemporary imaginations of Nepal. Having been denied their due rights and representation in the Nepalese state even with the changing structures of the government, even the latest constitution formation led to a massive unrest among them. This paper brings out a picture of the issues and challenges of the Madhesh as a region, Madheshis as people and the consolidated Madhesh movement in the aftermath of the democratic upsurge/ Janandolan and the final coming into effect of the new Constitution. The focus of the paper is on the problems of institutional gaps in their representation. It proposes a roadmap of the current and the prospective issues related to Madhesh in Nepal.

KEYWORDS: Constitution, Political Transition, Democracy, Development

INTRODUCTION

Madheshis are one of the most deprived and differentiated part of Nepal. They have not been allowed to lay claim to the state and societal power dynamics. Exploitative old structure of Nepal has not yet died completely and the new is only struggling in its post-natal phase. Hegemonic compositions of ruling elites have still not reconciled them with the emerging reality. Given the plethora of variables that come into play in the times of extreme instability and political transition, any futuristic prediction and prognosis can be fatally incorrect. Indeed, the writing of subjective opinion is a huge challenge in a society and polity which is rapidly volatile and a work in progress. Nepal has been going through the amazing achievements of democracy, constitutionalism and alternative

visions of a pluralist and just polity. Ongoing peace process is still dwindling in the tough waters and the deadlock between the ruling dispensation and the Madheshis keeps lingering even after the adoption of the new Constitution of Nepal on Sept 20, 2015. (Phuyal 2015) The entire term of the first Constituent Assembly may be written as a cooling off period for the different political stakeholders including the Madheshis. The framers of a fledgling republic like Nepal must respect the desires of citizenry, as voiced and envisioned through the various people's movements in the last twenty five years. Different political parties have shown their ability to adjust their tactics and strategy according to the emerging social and political horizon and subsequent writing on the wall. Even if a democratic constitution goes berserk

with the perceived self-interest of the undemocratic forces, the institutional mechanisms of a pluralist democracy and embraced idea of devolution and development wouldn't go unnoticed. Nepal, once again underwent the electoral competitiveness, it will be up to the all political parties to heal the fractured heart which is bleeding internally and weak in spirit, to generate the will power for energized 'New Nepal'. Twin notions of democracy and development will remain the core agenda and proposed federalism will be helpful in making it a tangible reality. One of the biggest challenges of Nepal today is the extreme factional and ideological polarization *within* different political parties and especially UCPN (Moist). Pro-establishment and pro-movement faction of the third largest party of Nepal, from whom the people expected so much more to come in the foreseeable future, are involved in mouth souring acrimony. If this is going to happen, it will be a sad unfolding of the broken promises and failure of pro-people radical agenda setting of contemporary Nepal. Different factions in the Madheshi Parties involved in petty power games are contesting to maintain their political relevance. Democracy and constitution drafting is not a new experience for Nepal. All parliamentary parties made a deal with the Maoists in the post 2006 Janandolan II period to abolish all exploitative structures of the state, adopt federalism and working jointly for the diversity management of the polity and society. Any deliberate internal or external effort to jeopardize the delicate balance of peace process is likely to backfire and mortgaging the gains of last of 9 years. The Maoists, as a party seem to move the goalposts after they came above ground and dictate the final words on everything good or bad for Nepal. Expectations and ever increasing aspirations for an open, just and inclusive society have been forced upon all political parties and submitted them to the realities of national politics and success of democracy in their closest neighbor. It is urgently required that all socially progressive forces to believe in consociational democracy and political pluralism work as a cohort for diversity and secularization of social and cultural space. Ample loss of credibility and political maneuvering shall lead to new faultlines of a paralyzed polity and fractured society. Any marked regression from liberal democracy will throw Nepal into the perils of Balkanization or in the worst case military takeover of Nepal. Logical end of peace process and addressing the issues of Madheshi and different ethnicities will facilitate grassroots democracy and multicultural coexistence. Fast and fervent

commitment for the fundamental rights of Nepali citizen and formal and informal mechanisms for the affirmative action program must be put in place by the political actors. Such a state-nation would bring long term economic prosperity and transformation of the people's life. For the task of a new constitution, the parliamentary parties of Nepal must uphold the terms of their earlier agreements and political proposals, allowing for the multi-party competitive democracy and fundamental freedoms.

THE MADHESH PROBLEM IN NEPAL

The Madhesh no longer remains the problem child of Nepal. Importance of identity assertion and political symbolism cannot be altogether denied in the case of Madhesh. Rightful recognition of Madhesh as a balancer and game changer in the national life will certainly bolster the integration of Nepal as a nation of mutually tolerant nationalities. Lingual-cultural and social rights of the Madhesh must be recognized and there is an urgency of social and economic justice for the cognitive attachment of the Terai to the Kathmandu. The Madheshi parties would doubtlessly emerge over the next few years as more 'political' rising above identity based populism and to speak for democratic values and fundamental freedoms in the Terai as well as for what makes best economic sense for the Madhesh citizenry. (Gellner 2007) The demands of transparency and accountability from the people will certainly help to consolidate enormous aspirations of the people into a national collective outlook. Negotiated brokering of federal models is going to face the widespread feeling of economic disparities and deprivation in the Madhesh area. Demands for special group entries in the Nepal army, Prahari are not going to matter rather affirmative action programs are going to help in diversifying representation in the state institution. The Madheshi parties must evolve to become more inclusive of the caste and ethnic groups of the plains and recognize the discrimination that keeps, for example, the Terai Dalit and Muslims the most marginalized groups in the entire country, away from any leadership roles. With the passage of time, Madheshi parties may also start to represent the people of hill origin in the Madhesh and ultimately emerge as national parties with diverse social base.

MADHESH MOVEMENT AND ITS ACHIEVEMENTS

The Madhesh movement was the beginning of the political assertion of the people and found its momentum by ensuring both the first President and Vice-President of

the federal republican Nepal from the Madhesh region. While the promise of the inclusion must be fully discharged by the state, there are challenges of crisis of governability and leadership and parochialism. Powerful identity politics is a huge crowd puller and when not abandoned in time tends to forget the larger picture of social and economic empowerment. Madheshi politicians who themselves represent various caste interests; have found it difficult to rise above the amorphous and indeterminate identity of being Madheshi.

During the transitional period, when Constituent Assembly was at work, many Madheshi political parties relied on the federalism model based on one Madhesh which was not defined in concrete terms. The most impressive outcome of the Madhesh uprising was that it upturned the meaning of historically loaded terms and definitions. The collective demand for treatment as a first class citizen of the state was an intractable achievement which no power center of the Nepal can deny. Most of the Madheshi citizens have finally begun to feel a sense of ownership and belongingness of the nation- state of Nepal. (Milkian 2009) Mostly defined in terms of cultural and lingual identities, people from the Gaur to Saptari in the central Terai are most active in this movement and have the highest national profile. However, not all people of Terai origin accept the Madheshi identity and the state formation including Tharu, ethnic communities and in some cases Muslims also.

The infiltration of criminals across the border and growing presence of anti-India forces in the Terai region of Nepal is new concerns for Kathmandu and New Delhi together. Increasing feeling of anti-Pahad sentiments and use of term 'Pahadiya' in the average masses is reflected with bell of alarms in the media and print reports. The new born Madheshi parties have not been vocal to contain this violent trend and political actors of the regions have pressurized the local administration to release those people who are taking law and order in their own hands. Some incidents of forced departure of the Pahadiya people from the Madhesh has been also reported. These incidents were reported in the towns like Janakpur and Rajbiraj. A related development is the evolution of the east-west highway which runs close to the Chure hills, a demarcation line between Madheshi and Pahadi regions of Terai. Proper mechanisms for the psychological and security related respite must be provided and ensured to the affected people.

THE ROADMAP AHEAD

People of Terai must ask the Madheshi political leadership to work for their economic upliftment, cultural synthesis and seeking workable models of federalism beyond nebulous identities. Abandonment of all underground nexus with anti-Madhesh forces and criminal gangs and working tirelessly for bridging the gap of class and communal divides are some of the quick necessities. For securing the political future of Madheshi people, political actors must work in collaborative and inclusive reconciliatory basis, representing the voices and visions of the Tharu, Dalits, Muslims as well as Pahadi people. (Muni 2015)

Madhesh is undergoing through a phase of first run identity politics rather late in the modern times. The dust had not yet settled enough to allow cool heads to concentrate on constitution writing, sustainable peace maintenance mechanism and the cross cutting issues of effervescent resistance to reclaim the polity must be negotiated in the boardroom. The hope for being Constituent Assembly as the platform of that consociational politics failed because of protracted polarization and non-neutral arbitration from the constitutional bodies. Democratically minded citizenry of Nepal ultimately felt cheated and critical issues of federalism are still rife with the potential of nuclear fission kind of reactions if left unaddressed. Future roadmap of Nepal will largely depend on three contested issues of forms of government where history of Nepal shows us that they cannot run the risk of overwhelming power given to one political office only and parliamentary practice of electing prime-minister must be protected from a politically maneuvered take over by a demagogue. Another matter of concern is the disconnect between the expectation level of the different nationalities and the superficial attitude of the political leaders to maintain the status quo with only cosmetic changes in the names of prime-ministers. It is evident from the fact that in the last six years, Nepal witnessed half a dozen prime-ministers and almost same permutations of ministerial berth. Political culture of larger national interest should be institutionalized not the shortsighted spin doctoring for being in power at any cost. Most of the political parties seem to lose the required amount of historical responsibilities for navigating Nepal out of these turbulent waters.

CHALLENGES AND OBSERVATIONAL CONSTRAINTS

There is a grave danger that, in an attempt to mollify every social and political

constituency of the nation, Nepal may be derailed from its preferable policy option of reconstruction and development. Constitution writing is not a one- fit for all- and everyone, kind of legislative exercise so it will be indeed in the fitness of the things that they should sort out workable grounds of 'give and take' that will adequately address the specific concerns of each community. Political classes of Nepal must remember that constitution is a roadmap and light post not a panacea. The whole spectrum of economic and social rights must be ensured in the fundamental rights section but we must remember that since it is enforceable through the court, one can't make it as an eternal wish list of all the people of Nepal and only a hollow promise; out of the capacity of the state. Establishing a careful balance between promise and practicality will be beneficial for the future of a functional constitution. One must keep in mind that writing of a constitution is a highly technical exercise and better to leave it to the constitutional experts and professional specialist of the CA. All political leaders must ensure that provisions of the constitution must reflect the collective aspiration of the people; not the political agendas of party congress and larger than life demands of 'doing' politics in a contingent & volatile country like Nepal. (Thapa and Sharma 2009) Provisions of social justice and positive discrimination in the field of government jobs and opening of other, hitherto, confined public space must be institutionalized in the forthcoming constitution. Substantive provisions elements and ideals would be more suitably accommodated in the directive principals of the state. Coordinated and concerted work plan for various committees and functional agreements on the basic principles of the constitution will be helpful for the evolving state structure. Presence of strong intellectual tradition in the Nepalese polity must be utilized to proceed swiftly and efficiently.

Federalism is another very pertinent issue of contemporary Nepal and especially for Madhesh. Any federal polity must be replete with good governance and affordable political and economic infrastructure. Proponents of social and political engineering should be supported by the inherent capabilities of state. Carving of new states in the Madhesh region must be done scientifically to ensure interconnectedness and linkages to not only neighboring states but outreach to the India. Border management issues between India and Nepal must be resolved and regulated for the filtration purposes ensuring free flow of peoples, goods and ideas across the border. Anti-national activities and growing

criminalization in the Madhesh region is the next big challenge before Nepal and any government has to be sensitive towards this issue.

CONCLUSIONS

Madheshi mobilization in the recent past has largely been successful in providing the psychological catharsis of the brewing discontent in the region with renewed hopes of decentralization and development. Political culture of Madheshi region has been shifted in favor of middle level castes and the emergent leadership is well aware of the sky touching aspirations of the people claiming for concretization of the federalism and public delivery mechanisms. Different stake holders of the Madheshi society are no longer in the mood of eternal waiting for the lowest common denominators of development to be provided at their door-steps. Internal potential of the Madheshi society must be harnessed at this critical juncture of the history, where large scale investment of sensible and scientific ideas will be needed. Lack of visionary leadership and absence of the culture of good governance are the two primary reasons behind the growing disillusionment of the citizenry. This paper thus tried to bring to the forefront the Madheshi issue and the lasting solutions of this problem is in the three Ds- Democratization, Devolution and Decentralization. Nepal is known for the culture of amazing resistance and thus there are hopes for its bright political and social climate.

REFERENCES

1. Bipin Adhikari, "Nepal: Design Options for the New Constitution", Kathmandu: Nepal's Constitution Foundation, 2010
2. Bista, Dor Bahadur, "Fatalism and Development? Nepalese Struggle for Modernization", Sangam Books, 1991.
3. Gaize, Fredrick. *Regionalism and National Unity in Nepal*. Berkeley: University of California Press, 1975.
4. Gellner, D. N., J. Pfaff-Czarnecka and J. Whelpton (eds.). "Nationalism and Ethnicity in a Hindu Kingdom: The Politics of Culture in Contemporary Nepal." Amsterdam, Harwood publishers, 1997.
5. Gellner, D. N. (2007). "Nepal: Towards a Democratic Republic: Caste, Ethnicity and Equality in Nepal". *Economic and Political Weekly of India Mumbai*, 19:5 (2007): 18-25. Gellner, N. David. "Caste, Ethnicity and Inequality in Nepal." *Economic and Political Weekly*, 2007: 1823-1828.
6. Gurung, Harka, 1997. 'State and society in Nepal.' In *Nationalism and Ethnicity in a*

7. *Hindu Kingdom: The Politics of Culture in Contemporary Nepal*, edited by D.N. Gellner, J. Pfaff-Czarnecka and J. Whelpton. Amsterdam: Amsterdam: Harwood Publishers.
8. Hari Phuyal, "Nepal's New Constitution: 65 Years in the Making", *The Diplomat*, September 18, 2015, <http://thediplomat.com/2015/09/nepals-new-constitution-65-years-in-the-making/>
9. Miklian, J. (2009), *Nepal's Terai: Constructing an Ethnic Conflict*. Prio Paper, International Oslo Peace Research.
10. Mikesell, S.L. (1999), *Class, State, and Struggle in Nepal: Writings 1989–1995*. New Delhi: Manohar Publication.
11. Muni, S D, "Nepal's New Constitution Towards Progress or Chaos?" *Economic and Political Weekly*, 2015: 15-19
12. Thapa, Ganga B., and Jan Sharma. "From Insurgency to Democracy: The Challenges of Peace and Democracy building in Nepal." *International Political Science Review*, 2009: 2