

## FIELD BULLETIN

### Confrontation over federalism: emerging dynamics of identity-based conflict and violence

**SUMMARY:** The process to negotiate a new federal structure for Nepal through the ongoing constitution writing process remains highly contested at many levels and is resulting in a great deal of protest and disruption on the streets of Nepal. While disputes and protests are to be expected at this critical point in Nepal's history, this Field Bulletin focuses on concerns that political conflicts over the nature and terms of federalism have the potential to transform into more enduring and localized identity-based conflicts.

In many locations across Nepal, contending groups with opposing federal agendas have intensified their protest activities aimed at the Kathmandu-based constitution negotiation process. However, since the end of April, the underlying identity-based dynamics of these opposing groups has become more overt and, on the ground, so has the perception that these groups are not only in dispute 'with the centre' but with each other. In some locations, such as in Kanchanpur and Kailali districts of the Far West Region, this has resulted in direct clashes and violence between the political activists from opposed identity-based groups (as well as violence between these groups and the police). While only relatively limited 'political' violence between organized groups and activists has occurred, local actors in these districts have expressed concerns that the situation is at a tipping point and any escalation could trigger communal violence.

This Field Bulletin highlights where similar dynamics and potential for localized identity-based conflicts and violence exist and recommends practical measures to de-escalate such situations and prevent violence.

#### Overview

In the ongoing constitution writing process, the most significant existing fault lines over the negotiation of a new federal state structure for Nepal are between those groups and communities that support federalism but have fundamentally opposed objectives about the terms of how to carry it out. The first lies between those actors arguing for federalism based upon geographic, economic viability, regional or other 'scientific' criteria and those demanding federalism based on 'ethnicity' or other identity-based criteria. The second exists between identity-based groups that have opposing and overlapping geographic claims. Of course, in addition, are groups that vehemently oppose any form of federalism.

The emergence of tensions, protest and 'political conflict' are to be expected during challenging negotiations that will redefine the very nature of Nepal. This Field Bulletin is not an attempt to map out all potential hotspots across the country. Instead, the purpose of this Field Bulletin is to highlight where the dynamics exist for the political conflicts over federalism that different groups and communities have with the Kathmandu-based constitution process to potentially transform into localized identity-based conflict and violence – these locations include (see Map at Annex):

- **Far West: Kanchanpur and Kailali districts**
- **Mid West: Bardiya, Banke and Dang districts**
- **Lumbini Zone: Kapilvastu, Rupandehi and Nawalparasi districts**
- **West: Kaski, Syangja, Arghakanchi, Gulmi and Palpa districts (along a 'Pokhara to Butwal corridor')**
- **Narayani Zone: Nawalparasi, Chitwan, Parsa and Makwanpur districts**
- **Central Tarai: Parsa, Bara and Rautahat districts**
- **Central/eastern Tarai: Sarlahi, Mahottari, Dhanusha, Siraha, Saptari and Sunsari districts**
- **Eastern Tarai: Jhapa, Morang and Sunsari districts**

This Field Bulletin examines the ongoing situation conflict between identity-based groups in the Far West Region (FWR) as an example of how certain dynamics have combined and resulted in violence before then

briefly highlighting other locations where similar dynamics exist and pose the risk of escalating in the weeks ahead. Lastly, this Field Bulletin presents some practical recommendations to de-escalate identity-based conflicts and prevent violence.

## Continuing ‘near miss’ in the Far West: clashes in Kanchanpur and Kailali districts

Much of the FWR has been paralyzed since 27 April due to consecutive days of *bandhs*, protest demonstrations and clashes between activist groups. Fueled by contradictory federal claims of various Tharu groups and groups supporting an ‘Undivided Far West’ (UFW), the situation has become acutely tense in Kailali and Kanchanpur districts. Political activism on federalism has polarized largely along identity-based lines, with Tharus supporting a ‘Tharuhat province’ and the resident Pahadi community generally seen to be supporting an UFW. Importantly, while there have been numerous small scale clashes between Tharu and Pahadi activists since 8 May, there has as of yet been no outbreak of communal violence *per se*.

The confrontation in the FWR is primarily between:

- **Undivided Far West (UFW) activists:** A broad coalition of actors (involving local political actors, civil society and business groups and the sister wings of various political parties) came together and carried out a comprehensive *bandh* across most of the region from 27 April to 17 May. Although a disparate grouping, they are united by the single demand that the entire FWR is kept together as a unified province. The primary basis for the demand is concern over ‘economic viability’; that FWR hill districts would be especially economically vulnerable without Kanchanpur and Kailali given that the majority of resources in the FWR are located in these two districts. It should also be noted that there are strong cultural, familial and property ties between the people of hill-origin residing in Kanchanpur and Kailali (including many local and national leaders of political parties) and the hill districts. The UFW movement leadership remains very unclear, making it very difficult for local administration, police and political actors to engage with the protestors<sup>1</sup> – symptomatic of the disparate nature of the UFW leadership was the 52-member UFW team assembled to engage in talks with government.
- **Joint Tharu Struggle Committee (JTSC):** The JTSC comprises 27 Tharu organizations demanding the establishment of a *Tarai*-based ‘Tharuhat province’ that would include the districts of Kanchanpur and Kailali. The JTSC and affiliated Tharu groups initially organized a transportation strike on 2 May in *Tarai* districts along the East-West Highway from Kanchanpur to Chitwan and a large Tharu demonstration in the centre of Dhangadhi. But Tharu activists have since carried out daily demonstrations in Kanchanpur and Kailali districts and a *Tarai bandh* from 14-22 May. The current Tharu protests are believed to be the largest since early 2009, predominantly due to the ability of JTSC to bring together Tharu leaders from all major political parties and civil society organizations. The alliance also now includes many traditional Tharu *Barghar* leaders, increasing the capacity of the JTSC to mobilize activists and grassroots support from the community-level (which has not previously been very politically active).

### Current situation and impact

Kailali and Kanchanpur districts are especially tense as UFW and Tharu activists organize near daily demonstrations and *bandhs* since the beginning of May. While both sides have publicly pledged to keep protests peaceful and have avoided outright inter-communal rhetoric, activists from both sides have been harassing and challenging opposing activists. On 8 May in Kanchanpur, the first clash between supporters from both sides reportedly occurred in Bhasi after UFW “Pahadi youth” activists allegedly attempted to prevent Tharu activists from reaching their demonstration in Mahendranagar (at least a dozen UFW activists were reported injured in the clash). Later that evening in Jhalari, Tharu participants returning to their homes under police escort from the Mahendranagar rally were pelted with stones by UFW activists from the roof of a hotel (reportedly two dozen people were injured and three hospitalized). Despite these incidents and active demonstrations and *bandh* enforcement in Kanchanpur, there is relatively less tension than in Kailali.

Kailali has been the centre of the most severe tensions between UFW and Tharu activists. There have been reports of activists from both sides harassing, challenging and obstructing the movements of opposing activists, arming themselves with sticks, metal bars and kukri knives, vandalizing and stoning motorcycles and vehicles and burning effigies of political figures. The situation reached a peak on 11 May as both sides organised near simultaneous mass demonstrations in Dhangadhi. UFW activists reportedly tried to stop tractors bringing Tharus activists to their Dhangadhi demonstration, with clashes occurring and several

<sup>1</sup> A ‘Far Western Unity Mobilization Committee’ (FWUMC) has reportedly been established, led by the Kailali Chairman of the Nepali Congress associated Tarun Dal and including representatives from UCPN-M and UML. However, the identifiable leaders who have emerged so far appear to be local coordinators with limited control over small geographical areas rather than providing overall leadership of the movement.

tractors being burned by UFW activists. In the afternoon, a column of Tharu activist youths carrying sticks marched in the direction of the UFW demonstration and confronted police lines. The Tharu youth activists were subsequently baton charged by police with several injured. In the evening, Tharu leaders and activists were allegedly baton charged by Nepal Police inside the compound of Seti Zonal Hospital while they were apparently visiting Tharus activists wounded in clashes earlier in the day. It is still unclear why the clash with police ensued, but 28 people were injured and hospitalized (the Tharu Leader, Laxman Tharu, suffered serious injuries and has been taken to India for treatment). The Tharu leadership has made very strong allegations that the security forces did little or nothing to protect Tharu protesters travelling to or from the protests during the day and there is a growing perception amongst Tharu activists that the security forces are actively discriminating against them. The UFW *bandh* was called-off on 17 May, but a Tharu *Tarai bandh* has been strongly in effect from 14-22 May. Further clashes between Tharu and UFE activists have occurred almost daily since, UFW activists allegedly attempted to burn down a Tharu NGO office and both sides have organized youth squads for “protection” and “retaliation”.

At the time of writing, the situation in Kanchanpur and Kailali is close to tipping point and several sources have expressed concern that the ongoing violence between the political activists from both sides could be a precursor to communal violence between Pahadis and Tharus. The government concluded a high-level ‘Talks Committee’ with the UFW activists, whose demands were resolved when the main three political parties agreed on an 11-province federal model that included ‘UFW province’. Although initially excluded from those talks, Tharu leaders are now in a similar process of talks with government. Locally, the CDO has successfully organized coordination meetings between the two sides and secured verbal commitments from the two sides to not attack each other and to keep their demonstrations separate. Observers from the NHRC and INSEC have also been present on the ground and the Nepal Red Cross Society has also deployed medical volunteers at different times.

### Underlying dynamics leading to identity-based conflict

A number of key dynamics are at play behind the ongoing identity-based conflict and violence in the FWR that also underlie further identity-based tension (and potential violence) elsewhere in Nepal – these include:

- **underlying identity-based politics of federalism demands;**
- **fears and expectations over so-called ‘ethnic federalism’;**
- **perceived irreconcilable overlapping territorial claims; and**
- **intersection of local conflicts with national political fault lines.**

Firstly, while ostensibly a ‘political’ dispute, identity is ultimately at the root of contending federalism perspectives in the FWR. Tharu activists very clearly seek the establishment of a province that would bolster recognition of the Tharu identity and enhance Tharu political, economic, socio-economic and cultural objectives.<sup>2</sup> Groups advocating that the Far West should remain ‘undivided’ in any future federal state restructuring publicly couch their demands on the argument that provinces should be determined on the basis of economic viability and, therefore, that the region as a whole would only be economically viable if Kanchanpur and Kailali were to remain as part of a province with FWR hill districts. However, the principle advocates for an UFW are predominantly of hill-origin and the strong cultural, familial, economic and property ties between the hill-origin people of Kanchanpur and Kailali with the hill districts of the FWR cannot be discounted (this is especially true for many local and national leaders of political parties). While there has been a long tradition of Pahadi people from Doti and Dadeldhura grazing winter livestock in the northern parts of Kanchanpur and Kailali, permanent settlement of the area by Pahadi people is a comparatively recent phenomenon beginning in earnest only from the 1960s. Consequently, many hill-origin people in Kanchanpur and Kailali maintain a strong affinity to their ancestral places of origin and would find it difficult to accept any administrative separation that would occur by being placed in a separate province. The existence of these fundamentally identity-based positions is demonstrated by the fact that, within parties, there have been clear divisions on identity lines. For example, members of Tharu sister organizations of main political parties have been involved in supporting Tharu programmes, while the other sister organizations of the same parties have

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<sup>2</sup> There are a wide range of agendas within the ‘Tharu movement’ and differing visions of what a ‘Tharuhat’ should look like. Some Tharu activists advocate a Tharu state reaching from Kanchanpur to Chitwan, others from Kanchanpur to Dang and others yet advocate that the whole *Tarai* should be called ‘Tharuhat’. Tharus themselves are not an entirely homogenous community and the Rana Tharu (a group within the Tharu community) have begun to advocate for special provisions for their community as well as for Kanchanpur and Kailali to be a separate ‘Rana Tharuhat State’.

been supporting UFW programmes (often against their official political party positions, or at least without official approval from their parties).

Secondly the situation in the FWR must also take into account the broader context of the debate over federalism in Nepal, including who would have what preferred rights under so-called 'ethnic federalism' and fears about the extent of 'obstruction' provinces could impose on their neighbors in a new federal set-up. This has particularly fueled concerns amongst some people and communities (in the FWR context, hill-origin people) that so-called 'ethnic federalism' will be to their detriment, while also emboldening some 'ethnic groups' to make increasingly aggressive, divisive and exclusionary demands with regard to control over natural resources, political representation and land ownership. The federal restructuring process poses both a threat and an opportunity to the social, economic, political and cultural status of many communities and groups. As many groups take action to maintain their status and access to resources and others seek to increase their status and maximize access to new resources, the principle perspective is one of a 'win-lose' struggle between groups. These dynamics clearly exist in Kanchanpur and Kailali and have appeared all over Nepal. Many FWR hill-origin people have expressed concern over whether they would be able to maintain ownership of their land in the *Tarai* if it were to become part of a Tharu province in which Tharus enjoyed special privileges. Therefore, agitation for an UFW emerged partly as a means to safeguard the interests of FWR Pahadi people and to express their concerns over the implications and claims made for so-called 'ethnic federalism'. In this way, also, UFW demands have taken on a clear underlying identity-based dynamic.

Thirdly, in the FWR, there is a seemingly irreconcilable overlapping of territorial claims between contesting groups. Both sides' claims on Kanchanpur and Kailali districts are often couched in existential terms; that their respective provinces simply cannot exist without the inclusion of these two districts. Despite the wide divergence of aims and agendas within the broader Tharu movement, all of them envisage Kanchanpur and Kailali as core components of some form of a Tharuhat province. For UFW proponents, the deep cultural, social and economic links to the hills for Pahadis resident in Kanchanpur and Kailali are vital. Moreover, Kailali represents the only road and air link to the FWR hill districts and any separation is viewed as 'cutting-off' the economic access of the FWR hill districts. Of course, both sides have undeniable economic interest in the districts as they are the principal western access trade routes with India and both Dhangadhi and Mahendranagar are the principle commercial hubs for surrounding districts. Both sides also dispute the other's right of claim over the two districts. Within the Tharu community, there is a widespread perception that the migration of hill-origin people into Kailali and Kanchanpur is in some way responsible for the comparatively disadvantaged position of the Tharu community. There are claims that hill-origin people are responsible for the loss of Tharu land, for the Kamaiya system of indentured labour (although partial complicity of some Tharus in this must also be acknowledged) and for the gradual erosion of Tharu cultural practices such as the *Bharghar* system. Conversely, many people of hill-origin challenge whether Tharus are genuinely indigenous to Kanchanpur and Kailali and, therefore, whether Tharu claims for special privileges in the area are in any way justified. Given that Tharus are not a majority in either Kanchanpur or Kailali, many hill-origin people have also questioned the legitimacy of either establishing a province for them or according unwarranted special privileges to a minority. Principally, these irreconcilable overlapping territorial claims have placed Tharus and Pahadis in direct opposition to one and acted as the catalyst to transform a political dispute into a 'communal contest' framed almost exclusively by a 'win-lose' perspective.

Fourthly, the interplay of national politics also exacerbates emerging identity-based conflict. The Nepali Congress' stated position against identity-based federalism promotes the cause of the UFW movement. While there have also been public statements by UCPN-M leadership in support of the Tharu cause, individual Maoist leaders have been involved in supporting the UFW movement – these mixed messages by the UCPN-M reflect internal rifts and tensions, which could further complicate dynamics in the FWR. These intersections between national political and local FWR dynamics increase the potential for the ongoing confrontation in the FWR to become instrumentalized and taken over as national political disputes are played out in the region. Moreover, national identity-based movements are becoming more engaged and intensifying the identity-based character of the local conflict. Given that the majority of Pahadi inhabitants in the Far West comprise Brahmins, Chhetris and Dalits, groups protesting against so-called 'ethnic federalism' (such as the Brahmin Samaj, Chhetri Samaj Nepal<sup>3</sup> and the 'National Integrity and Ethnic Goodwill Society' (NIEGS)<sup>4</sup>) find strong

<sup>3</sup> Interestingly, during its rally in Pokhara on 11 May, the Chhetri Samaj Nepal called for a 'United Far West'.

support there. The Nepal Federation of Indigenous Nationalities (NEFIN) has openly supported the Tharu agitation and other indigenous groups have also lent support. With the involvement of national political groups and networks, the confrontation in the FWR is being increasingly framed in the overly simplistic terms of a conflict between 'anti-ethnic federalist' Pahadis versus 'pro-ethnic federalist' Tharus.

### Conditions encouraging the escalation of conflict and increased potential for violence

Once confrontation began in the FWR, a number of additional conditions encouraged further escalation of tensions and increased the potential for violence – these included:

- Lack of clear leadership amongst activist groups – The fact that there was no identifiable leadership of the UFW activists was an obstacle to negotiations, while UFW actors complained that there was such a multiplicity of Tharu actors that they did not know with whom to engage. Unclear lines of leadership made it very difficult for government, police, political, civil society and humanitarian actors to engage with the protestors. It also made it very difficult for Tharu and UFW actors to engage with each other, although there has now been some informal and limited dialogue between individuals within each group.
- Perceived bias of key state and non-state institutions – e.g. security forces, local government, media, human rights defenders and humanitarian actors – Whether unfounded or not, Tharu activists clearly perceive a bias of the state and police in favour UFW activists (this has become particularly acute after Tharu clashes with police on 11 May at Seti Hospital). There are also strong accusations by Tharus that not only the security forces, but also human rights defenders, the national media and some local humanitarian actors have displayed bias against them. A notable issue has also been the perception of many Tharu activists is that the ethnic composition of these institutions has also been a contributing factor to what Tharus perceived as bias against them. Tharus have minimal representation in these institutions and many employees of local government and the security forces are people of Pahadi origin, all of which leads Tharu actors to question their impartiality in the current context. Many Tharu leaders have cited this as a significant source of frustration, which has 'raised the temperature' amongst activists and made clashes more likely. Overall, there could have been much stronger, preventative and sensitive action by state and non-state institutions to decrease tensions and ensure accountability in the aftermath of violence.
- Late central-level political and civil society engagement – Although there were a number of statements and messages conveyed by central-level political leaders from Kathmandu after the first week of protests, these mostly inflamed local sentiments and frustration. The offer of dialogue with government (i.e. the 'Talks Committee') only emerged on 7 May, ten days into continuous *bandhs* and not soon enough to prevent clashes that finally happened on 8 May. The 'Talks Committee' also originally only met with UFW leaders, rather than both UFW and Tharu leaders – though a separate government dialogue with Tharus has now begun. In retrospect, it has been apparent since at least mid-2011 that there would be the potential for this kind of agitation and identity-based tension. The Tharu community mounted strong pro-Tharuhat protests in 2009 and, while there have been groups campaigning for an UFW since 2007, the movement has gathered significantly more strength over the course of 2011. Given that there were obviously competing claims over territory, senior national political and civil society actors could have been much more active in initiating preventative dialogue between Tharus and UFW activists to ensure that this agitation remained in the political rather than the communal realm.
- Compromised local capacities for dialogue and peace-building – Local human rights activists and civil society actors have had limited ability to broker talks between the two groups. This was largely due to allegations from both sides that civil society actors were actively taking part in the various protests, which undermined their credibility to facilitate and left few options to reduce tensions. There are also allegations from some human rights actors that they came under pressure and threats from their own communities not to remain impartial or not to report on human rights violations by their respective communities. Dynamics in the FWR have created an environment that challenges the ability of civil society actors to maintain the impartiality necessary for promoting constructive dialogue.

### Other areas of identity-based conflict potentially emerging from federal disputes

The above analysis of the situation in the FWR is intended to highlight the underlying dynamics that have fueled the ongoing confrontation and violence in the FWR. Multiple other locations in Nepal currently present similar dynamics and, while it is impossible to predict how these will combine, there is cause for concern in coming weeks that there could be similar escalations of identity-based political conflict and violence. Key locations to watch across Nepal, moving from west to east, include:

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<sup>4</sup> The NIEGS is a national alliance of Chhetri Samaj Nepal, Brahmin Samaj, Thakuri Samaj, Nepal Dasnami Society, Dalit Janajagan Committee and others demanding their indigenous status and protesting against so-called 'ethnic federalism'. The NIEGS carried out a large rally in Dhangadhi on the morning of 10 May.

- Mid West: Bardiya, Banke and Dang districts:** An **'Undivided Mid West' (UMW) Struggle Committee** has recently emerged, with activities focused in Bardiya, Banke and Surkhet. The Committee opposes so called 'ethnic federalism' and advocate that there should be a **'Mid West province'** comprising the current Bheri, Karnali and Seti zones (with Nepalgunj, Kohalpur or Surkhet as capital). Through a press statement on 7 May, the group made public their demands and upcoming protest programs. The UMW Struggle Committee has taken pains to make clear that it is not an anti-Tharuhat organization and that its demands are based on concerns that Banke and Bardiya districts would be vulnerable in terms of water supply, electrical supply, and other resources if the districts were 'detached' from Mid West hill districts and placed in a Tharu province. Despite the non-communal rhetoric of the UMW leadership, the high involvement of so-called 'high-caste' individuals in the UMW movement has, in the eyes of some **Tharu** groups, given the debate an identity dynamic; a Tharu demonstration on 18 May was openly chanting anti-UMW slogans. One observer expressed the concern that there would be the possibility of clashes if the UMW Struggle Committee tried to hold programmes in the predominantly Tharu rural areas – for now, UMW activities have been restricted to Gulariya and Nepalgunj. An **alliance of Sikh, Dalit, Tharu, Muslim and Madheshi** activists in Nepalgunj was also formed on 12 May in opposition to the UMW movement. Fortunately, Tharu and UMW activists (with support from local civil society) have take steps to maintain communal harmony. For example, there has been an unofficial dialogue ongoing between the leadership of the two groups (who are well known to each other) and regular coordination with the local authorities over the scheduling of protests. Under the initiative of local civil society, there was also a 'Communal Goodwill' rally in Gulariya on 11 May at which both Tharu and UMW actors participated.
- Lumbini Zone: Kapilvastu, Rupandehi and Nawalparasi districts:** The **Lumbini Ekata Samaj** emerged in April and has launched various programmes and enforced *bandhs* protesting any proposed division of the wider Lumbini Zone (comprising Kapilvastu, Rupandehi, Nawalparasi, Arghakhanchi, Palpa and Gulmi districts). In opposition to these demands, **Tharu** and **Madheshi** groups claim the *Tarai* districts of Kapilbastu, Rupandehi and Nawalparasi for their respective 'Tharuhat' and 'Madhesh' provinces and the JTSC has been very effective in enforcing *bandhs* and protest programmes in the two districts to pursue their demands. Some local actors have expressed the concern that underlying animosity between Pahadi and Madheshi communities in Kapilbastu, a history of communal violence and clashes between these two communities in 2007 and the emergence of new groups (such as the Lumbini Ekata Samaj) that are perceived by Madheshi and Tharu activists as Pahadi interest groups could increase the potential for future conflict and violence between Pahadi and Madheshi or Tharu actors.
- West: Kaski, Syangja, Arghakanchi, Gulmi and Palpa districts (along a 'Pokhara to Butwal corridor'):** The area between Pokhara and Kapilvastu/Rupandehi (including Kaski, Syangja, Arghakanchi, parts of Gulmi, parts of Palpa and parts of Rupandehi) have large populations of **Brahmins, Chhetris** and **Dalits** – at one point in 2011, the UCPN-M proposed that the area should become a 'Riddhi province' for those groups, although the idea was short lived as **Chhetri Samaj Nepal** and **Brahmin Samaj** clearly stated that they do not favour so-called 'ethnic federalism' in any form. Those groups have very strong organizational presences in this area (the leadership of both groups is resident in Pokhara) and both groups have mounted effective *bandhs* and large programmes there from late 2011 onwards. However, their objectives are opposed by a number of other identity-based groups in the region. Firstly, **Magar** groups claim a **'Magarat province'** encompassing Palpa, Rolpa, Rukum, Baglung, Myagdi, Arghakhanchi, Pyuthan, Gulmi and Salyan. Secondly, Pokhara is the political and economic centre and proposed capital of the area claimed by **Gurung** groups as a **'Tamuwan' (or Gurung) province** (comprising Lamjung, Gorkha, Tanahun, Manang, Mustang, Parvat, Kaski and Syangja districts). Although the Brahmin Samaj and the Chhetri Samaj Nepal have made no claims over territory, they oppose so-called 'ethnic federalism', which therefore places them in opposition to Magar and Gurung activists in their respective areas. On 8 May, there was some tension between **Magar Sangh** activists and **NIEGs** activists in Tansen (Palpa), although the situation did not escalate and the local administration acted swiftly to create dialogue between the two groups to ensure that such situations are not repeated. There was a small clash in Pokhara between Chhetri Samaj Nepal activists and police after Chhetri Samaj Nepal cadres tried to remove Tamuwan signboards on 10 May. Subsequently in Pokhara, there was reportedly a clash between **NEFIN** *bandh* organizers and police when the police intervened to stop *bandh* organizers from removing an 'Undivided Nepal Western Region' sign board on 21 May. It should also be noted that the Chhetri Samaj Nepal and the **Tamu Chor Dhi** (a large Gurung cultural organization) have taken positive steps to ensure that communal harmony is maintained, such as using each other's community halls for wedding parties and inviting members of the other group to be chief guests to their programmes. Although NIEGs, Gurung and Magar activists have acted with restraint (supported by an active local administration), tensions in this area could resurface.
- Narayani Zone: Nawalparasi, Chitwan, Parsa and Makwanpur districts:** The 'Greater Chitwan' movement (which emerged with the Greater Chitwan Front in March 2012) is based on the claim that Chitwan District should not be divided in any future state restructuring and that parts of Nawalparasi, Dhading, Parsa and Makwanpur districts should also be integrated into a 'Greater Chitwan province' (or otherwise a 'Narayani province'). The Greater Chitwan movement gained momentum in reaction to the publication of the State Restructuring Commission reports of Feb 2012, which both recommended that Chitwan be divided-up across other provinces. The **Greater Chitwan**

**Front (GCF)** envisages Greater Chitwan as part of a ‘Narayani’ province, which has attracted support from across a wide range of political parties. Members of identity-based organizations in Chitwan have stated that they see the GCF as an attempt to ensure that so-called ‘high-caste’ hill people remain a majority in any Narayani Zone styled province. The claims of the Greater Chitwan Front are specifically opposed by **Tharu** actors (who claim that Nawalparasi, Chitwan and Parsa should be part of a ‘Tharuhat province’), as well as by **Madheshi** political parties (who advocate for Nawalparasi, Chitwan and Parsa to be part of a single or two Madhesh provinces) and by **Tamang** activists (who claim parts of Chitwan). While the likelihood of confrontation between GCF and Madheshi activists is diminished by the small Madheshi population in Chitwan, there is a sizeable Tharu population in parts of Chitwan and surrounding districts as well as populations of Chepangs and Tamangs in other parts of the district. **NEFIN** has lent support to Tharu claims over Chitwan. Overall, the simplified ‘anti-ethnic federalist’ Pahadis versus ‘pro-ethnic federalist’ Tharu discourse is becoming stronger in the region. There have been serious clashes between NIEGS and JTSC activists from 8-9 May in Nawalparasi (as well as between Tharus and the police) and between NIEGS and Tamang activists in Hetauda (Makwanpur) on 12 May and there is the possibility for further tension. Likewise, as the identity-based aspect of agitation across the country becomes more pronounced, it is possible that this could act as a stimulus for escalation in ‘Greater Chitwan’.

- **Central Tarai: Parsa, Bara and Rautahat districts:** This demand is based on linguistic (rather than communal) identity and comprises the three central *Tarai* districts of Parsa, Bara and Rautahat where Bhojpuri is the language spoken by many of the inhabitants. The principal agenda of the **Bhojpura Struggle Committee** is that there should be a ‘**Bhojpura Province**’ with Birgunj its headquarters. The Committee held rallies in Birgunj from 4-6 May. Demands for a ‘Bhojpura province’ could lead to opposition from **Madheshi** parties advocating for a ‘One Madhesh, one Pradesh’, from **Tharu** groups with their own claims over the *Tarai*, from ‘**Greater Chitwan**’ groups advocating that parts of Parsa should join with Chitwan as well as from Political Parties such as **Chure Bhawar** advocating on the concerns of hill-origin people in the *Tarai*.
- **Central/eastern Tarai: Sarlahi, Mahottari, Dhanusha, Siraha, Saptari and Sunsari districts:** The **Mithila State Struggle Committee** is advocating that there should be a ‘**Mithila province**’ based on areas where the Maithili language is widely spoken and the Mithila culture practiced (Sarlahi to Siraha). The capital of such a state would be Janakpur. Such an agenda could potentially provoke opposition from groups such as **Chure Bhawar**, advocating on the concerns of the Nepali speaking hill-origin people living in areas north of the East-West Highway and potentially incorporated into the Mithila State, as well as from **Madheshi** groups and political parties claiming ‘One Madhesh, One Pradesh’. Likewise, there are **Tharu** populations scattered throughout this area, particularly in Siraha and Saptari (in and around Lahan) who could also oppose this demand.
- **Eastern Tarai – Jhapa, Morang and Sunsari districts:** The context of the three districts is extremely complex, with several overlapping claims and opposing demands. There are three main identity-based movements: i.) the **Limbu** – demanding a Limbuwan province comprising the nine districts in the east of Arun River, including Jhapa and Morang; the **Tharuwan-Kochila** – groups, such as the ‘Eastern Tharuwan Kochila State Joint Council’ (ETKSJC), are demanding a province in the eastern *Tarai*, including Jhapa, Morang, Sunsari, Saptari, Siraha and Udaypur; and iii.) the **Madheshi** – demanding a larger Madheshi province (or two) comprising all *Tarai* districts, including Jhapa, Morang and Sunsari. None of these groups makes up the majority in their “claimed districts”, although they enjoy major demographic shares in some. All sides have strong contending claims of ‘origin’ over these districts and previous dialogue efforts to resolve their opposing demands over the last year have not succeeded. In opposition to these contending identity-based demands are groups advocating for a non-ethnic ‘**Greater Morang**’ (comprising Jhapa, Morang and Sunsari) and another group advocating for a ‘**Birat State**’ (comprising Jhapa, Morang and Sunsari and having Biratnagar as the capital) that has recently mobilized supporters both in Biratnagar and amongst Kathmandu residents originally from the area (including district leaders of Nepali Congress, CPN-UML, UCPN-M). The **NIEGS** and the **Rastriya Jana Morcha** (a political party advocating against so-called ‘ethnic federalism’) have also been active in these three districts. An **anti-federalism movement** is still taking shape in the ER *Tarai* that has the potential to intensify in reaction to increasing identity-based activism. While generally couching their arguments in terms of ‘economic viability’ and the need to “avoid social disharmony”, these new ‘regional’ and anti-federal movements are largely perceived by Limbu, Madheshi and Tharuwan-Kochila activists as a reaction by so-called ‘high-caste’ Pahadi leaders and communities to safeguard their interests against so-called ‘ethnic federalism’. Notably, there was a minor clash between United Limbu Struggle Committee and NIEGS activists in Damak on 11 May (although both groups and local administration acted swiftly to make sure that the situation did not escalate).

## Recommendations to de-escalate identity-based conflicts and prevent violence

Identity-based conflict and violence are not inevitable, or even desirable by most actors. UN teams in the FWR indicated that many of the political actors on both sides wanted their protests to remain within the broader federalism debate and directed at central-level political actors engaged in negotiating the constitution, not at

'other communities'. Almost all actors accepted that any eventual decision on the future of the FWR would be part of a broader process at the central-level and that they wished to prevent the situation from escalating local communal tensions.

Building on these conflict avoidance sentiments and analysis of the FWR, it is suggested that a number of measures could be promoted by activist groups, local authorities, political leaders and civil society in order to de-escalate tensions and mitigate the potential for future identity-based conflict and violence:

**De-escalatory and preventative measures include promoting:**

- preventative dialogue measures between groups ahead of situations of local identity-based confrontation;
- clear lines of communication and management within activist groups;
- 'codes of conduct' to establish agreed norms and behavior between sides, including measures to:
  - establish regular lines of communication between groups and with local administration (e.g. establishing coordination focal points, 'working groups', share contact details) for better coordination, dialogue and problem solving;
  - keep demonstrations apart and otherwise reduce the 'overlap' of protests;
  - ensure that activists are not armed;
  - employ only peaceful means of protest and not engage in any activity that could provoke violence;
  - cooperate with local authorities in taking action against any activists involved in violence;
  - allow unhindered humanitarian access and the free movement of ambulances and patients, medical supplies and food aid;
- public statements by activist and political leaders against the use of violence and against the use of derogatory or inflammatory language that targets other communities;
- inclusion of more mixed demographics amongst activists (more women and people various ages);
- robust observation, engagement and public reporting by human rights, humanitarian and media actors;
- preventative and adequately resourced security measures to ensure that law enforcement institutions can guarantee public security in response to potentially escalating challenges;
- prompt and credible investigations into all clashes between demonstrators and between demonstrators and security forces, with those responsible for violence being held fully accountable in accordance with national and international law.

More fundamentally, much of the conflict over federalism has been created by a lack of general understanding of what federalism might actually entail in the Nepali context and the multifarious approaches that could be taken. Very strongly held beliefs that one community could lose its land, or would be debarred from government employment or that one state could effectively blockade another in case of a dispute have inflamed the discourse and actions of all sides. **While there may have been some efforts to educate the population about the different meanings of and approaches to federalism, clearly there is a need for these to be greatly increased. All leaders in Nepal have an obligation to promote a more transparent and less inflammatory debate on federalism, as well as ensure that emerging political violence is de-escalated and does not create any enduring identity-based conflicts.**

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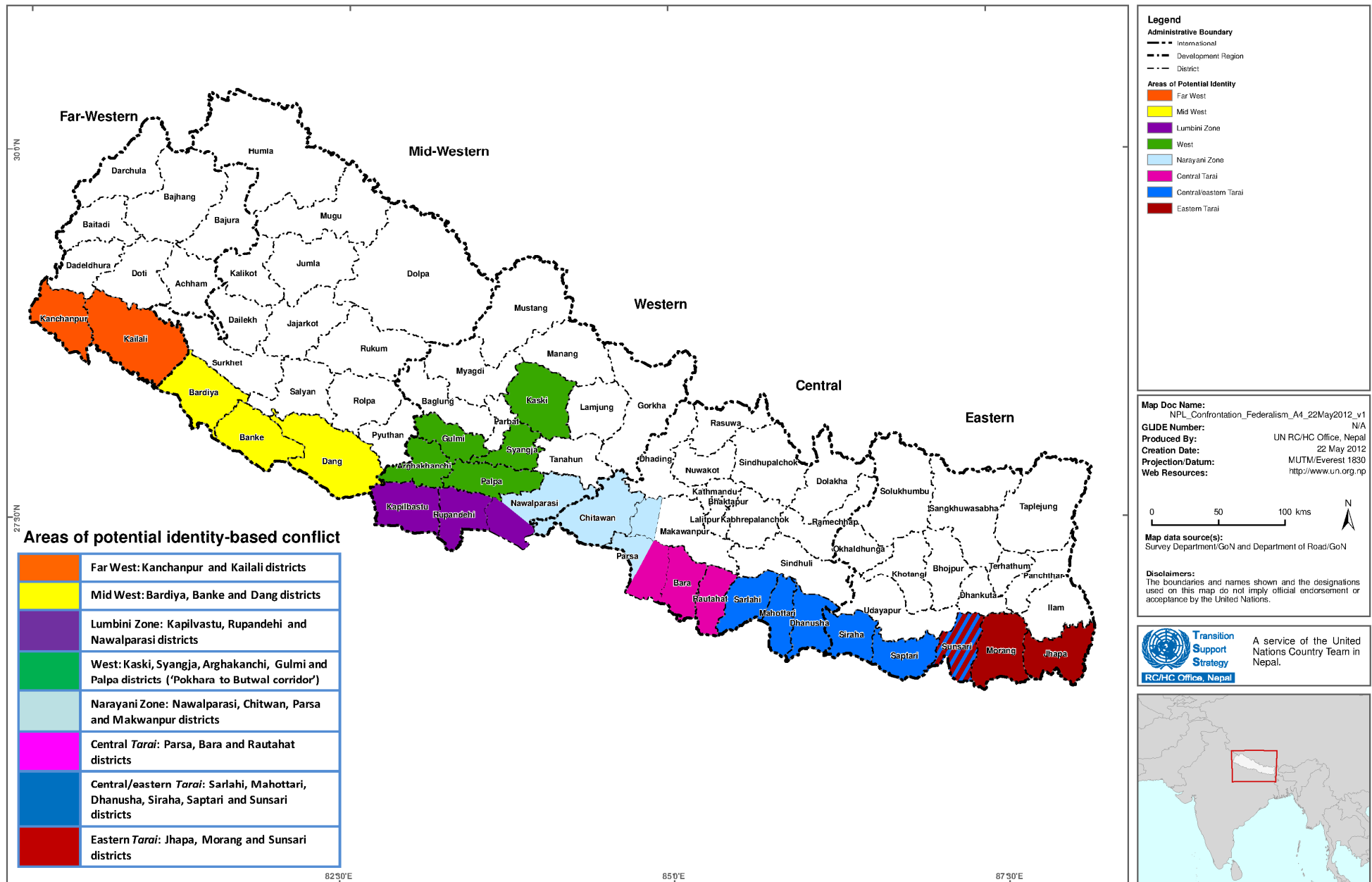
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# NEPAL: Confrontation over Federalism – Areas of Potential Identity-Based Conflict



## Areas of potential identity-based conflict

	Far West: Kanchanpur and Kailali districts
	Mid West: Bardiya, Banke and Dang districts
	Lumbini Zone: Kapilvastu, Rupandehi and Nawalparasi districts
	West: Kaski, Syangja, Arghakanchi, Gulmi and Palpa districts ('Pokhara to Butwal corridor')
	Narayani Zone: Nawalparasi, Chitwan, Parsa and Makwanpur districts
	Central Tarai: Parsa, Bara and Rautahat districts
	Central/eastern Tarai: Sarlahi, Mahottari, Dhanusha, Siraha, Saptari and Sunsari districts
	Eastern Tarai: Jhapa, Morang and Sunsari districts

