

The Politics of Inclusion and Exclusion in Democratizing Nepal

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Abstract

Why do attempts at social and political inclusion result in exclusion? On the basis of this empirical puzzle the thesis sets out to investigate the politics of inclusion and exclusion in democratizing Nepal. In 2006, Nepal's Maoist party went from armed insurgency to resuming parliamentary politics and rapidly became the leading actor on the political scene, challenging the historical domination by the centrist/right-wing parties. This signaled the beginning of a new phase in the democratization process. From a citizenship perspective, this thesis analyzes how political parties have related to the issue of political and social inclusion since democracy was restored in 1990 and until 2012. This thesis finds that despite efforts toward inclusion, policies remain exclusionary. Through the analytical framework of popular mobilization, the political parties' strategies of mobilization and organization are examined in order to explain the lack of inclusionary policies. The analysis reveals that since the Maoist party resumed electoral politics the agenda of socio-economic inclusion has been secondary to a focus on specific rights of the various subgroups that constitute their political base. The main conclusion of this study is that attempts to promote inclusionary politics have failed due to the fragmented political community.

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I take full responsibility for any mistakes or omissions in this thesis.

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List of abbreviations

CPN-ML: Communist Party of Nepal (Marxist-Leninist)

FPTP: First-past-the-post (electoral system)

ILO: International Labour Organization

MJF: Madhesi Janadhikar Forum, Nepal (Madhesi People's Rights Forum, Nepal)

NC: Nepali Congress

NGO: Non-Governmental Organization

RPP: Rastriya Prajatantra Party Nepal (National Democratic Party Nepal)

UCPN (M): Unified Communist Party of Nepal (Maoist)

ULF: United Left Front

UML: Communist Party of Nepal-Unified Marxist Leninist

UN: United Nations

UNDP: United Nations Development Programme

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“People talk about inclusive democracy. I don’t understand that. Either democracy is inclusive or it is not democracy” (NGO employee, Kathmandu).

1 Introduction

When Nepal's Maoist party won the 2008 Constituent Assembly election in a landslide victory, popular aspirations were high for an imminent change in the political and socio-economic development in the country. In the context of recovery after a decade-long armed conflict (1996-2006) rooted in the high level of economic and social inequality, the peace and democratization process in Nepal saw the light of new hope. The rights of marginalized groups came to the center of political debates. When the term of the Constituent Assembly expired in 2012, little had changed with regard to anticipated socio-economic improvements. Observations rather indicated a drawback to exclusionary politics. This thesis aims at the exploration and explanation of this empirical puzzle: *why did efforts toward inclusion result in exclusion?*

1.1 The empirical puzzle

Nepal is struggling with extreme levels of inequality. Particularly high are levels of inequality between groups and between regions within the country. The coming to power of a communist party witnessed broad support for the Maoist agenda of inclusion and equality. The Maoists, representing a new radical force on the political scene, challenged the historic dominance by the traditional right-wing/centrist parties of the Nepali Congress and the Communist Party of Nepal-Unified Marxist Leninist.

In culturally and ethnically diverse Nepal, previous attempts at democratization have resulted in elite-led processes, perpetuating exclusion and marginalization, serving the purpose of affirming the position of the elite rather than increasing popular participation. It is true that recent years' political development in Nepal bears signs of important steps forward in the process of democratization. The 2008 election of a Constituent Assembly with the mandate to draft the country's new constitution is a case in point. The Constituent Assembly has been celebrated as the country's most representative institution. Drafting a new constitution by a democratically elected constituent assembly had been a longstanding issue on the agenda of Nepal's Maoist party. The Maoists have mobilized on the basis of ethnic grievances toward the state since they first launched the insurgency in 1996, and have been the prime force to raise the issues of marginalized groups, advocating inclusion and the right to political self-determination. However, from the 1990s until today we have seen increasing identity politics

with the establishment of a number of ethnic-based parties and movements. A central actor in this regard is the Madhesi movement. The movement started in 2007 as a broad coalition of civil society organizations taking to the streets to advocate for the inclusion and rights of the Madhesi population of the Tarai region in south Nepal. One of the central organizations that took part in the uprising, the Madhesi Janadhikar Forum, Nepal registered a few months later as a political party and became the 4th largest party in the Constituent Assembly election in 2008. In short, the democratization process in Nepal has seen significant steps forward in terms of increasing political mobilization of historically excluded groups. However, the development of rising identity politics is a matter of widespread concern, as a threat to the process of democratization and peace.

The Maoists took the mainstream political parties by surprise in the election for the Constituent Assembly in 2008, winning 220 out of 575 elected seats, followed by Nepali Congress (110 seats), Communist Party of Nepal-Unified Marxist Leninist (103 seats) and Madhesi Janadhikar Forum, Nepal (52 seats). To go from armed insurgency to resuming parliamentary democracy in 2006 marked a new phase and strategy of the Maoists in the project of transforming the Nepali state. An interim constitution was promulgated in 2007, defining the aim of restructuring the Nepali state into an inclusive, federal democratic republic. A federal state structure is among marginalized groups seen as the solution to the deeply rooted problems of historical exclusion and domination by the high hill Hindu caste. However, in spite of their advantageous electoral position, the Maoist party has proved unable to translate the agenda of inclusion into substantive output. Political representation has seen improvements, but there has been an absence of implementation of pro-poor policies. When the Constituent Assembly was dissolved in 2012 without having agreed on a draft constitution, the Maoists came out of it as the prime actor responsible for the failure to produce a draft constitution. Moreover, the Maoists have failed to bring about a change in the socio-economic and cultural sphere, in spite of it historically having been a top priority on their agenda. One telling example is the lack of land reform. Further, the state apparatus has remained controlled by a confined group of people. Party ideology and cleavages within and between parties proved difficult to overcome, and the unwillingness to compromise led to a political deadlock in the constitutional negotiations. Additionally, the process itself in the Constituent Assembly has been characterized by a lack of democratic control and procedures, reminding of previous patterns of political exclusion, rather than making use of the potential and legitimacy of a broadly representative institution. Toward the end of the process it

became more evident that an exclusive elite was in the driving seat, more concerned with securing their own interests than delivering on their promises of an inclusive and equal society. Decisions were made in secret among the top leadership (ICG 2012a, 6). Critical evaluations highlight the exclusionary politics as a result of the Maoist performance in government (see Shrestha 2014; ICG 2010):

The people are close to breaking point, betrayed by politicians who promised the paradise of New Nepal but have delivered only dysfunction and disorder (...) The state has retreated and delivers neither public security nor public goods (...) The root causes of the Maoist insurgency have barely been addressed, redress for past wrongs has been minimal and steps to guard against repetition only tentative. (ICG 2010, 1-2)

It may seem as though the Maoists have lost out on their opportunity to transform the Nepali society with the broad popular mandate given to them.

Why is it that attempts at inclusion have led to exclusion? The empirical puzzle deserves attention. One of the major challenges for substantial democratization in the Global South relates to problems of flawed popular representation (Törnquist, Webster, and Stokke 2009). Many people are incorporated rather than integrated into politics, leaving power and influence to rest with a small elite (Mouzelis 1998). Democracy requests political and social inclusion, which, given the recent developments in Nepal, raises some questions regarding the prospects of further democratization in the country. This thesis aims to take a closer look into the dynamics of political inclusion and exclusion in Nepal in order to elaborate on the prospects of substantial democratization.

1.2 Research question and scope of the thesis

The Maoist and the Madhesi movements have put inclusion firmly on the political agenda, but it seems they have proved unable or unwilling to translate this into substantive outcome. The traditional political parties, the Nepali Congress and Communist Party of Nepal-Unified Marxist Leninist, who have been seen as high-caste centered, have on their side adapted to a more competitive political arena and an electorate raising a broader range of issues. Thus, neither of their agendas have gone unaffected in this changing political setting. It is on this basis I set out to discover the dynamics behind the politics of inclusion and exclusion in Nepal. In the process of democratization and state building – how do the politics of citizenship develop and change in accordance with a changing political scene? As all the

actors agree to work within the framework of democracy, what are their options and strategies to mobilize the electorate on an increasingly competitive political arena? On the basis of the empirical puzzle, the feasible research question in this thesis is:

What have been the positions of the political parties in Nepal to the issue of political and social inclusion over time and how may this be explained?

The empirical puzzle arises from the observation of political developments and the relative lack of substantive outcome in terms of inclusionary policies in Nepal since peace was restored in 2006 and until the dissolution of the Constituent Assembly in 2012. This paper will therefore focus on the actors that have dominated the political scene in Nepal during this period. This includes the analysis of the strategies and agendas of the two political parties that traditionally have dominated the political scene since democracy was restored in 1990: the Nepali Congress (NC) and the Communist Party of Nepal-Unified Marxist Leninist (hereafter: UML). In the election for the Constituent Assembly in 2008 these parties came second and third, respectively. The Unified Communist Party of Nepal (Maoist) (UCPN(M)) is an obvious actor that needs to be included in the study, given the party's prominent position in Nepali politics both in setting the political agenda as well as for winning the Constituent Assembly election in 2008. Furthermore, I include in the study the Madhesi movement and the political party Madhesi Janadhikar Forum, Nepal (MJF) (in English: People's Rights Movement, Nepal) that was established in the aftermath of the movement, given the party's central role in the Constituent Assembly, as well as the Madhesi movements' crucial role in setting the political agenda prior to this.

The period between 2006-2008 represents a crucial shift in the Nepali political scene, with the end of the armed insurgency and the entrance of new forces on the electoral arena challenging the previous domination of the NC and UML. Especially interesting is the Maoist transition in going from armed insurgency to working within the framework of a multiparty democracy. The agenda was set for transforming the Nepali state into an inclusive republic state. The empirical puzzle suggests that there has been a change in terms of attempts at fostering inclusionary politics after 2006 relative to the actors' prior agendas. Due to the limited scope of this thesis, some time restrictions are needed when setting out to identify such changes. The current process of fostering political inclusion is closely related to the restructuring of the state and the writing of the new constitution. In analyzing the political

parties' positions on the contested issues relating to political and social inclusion today, and any changes relative to their prior agendas, I will center the comparison to their previous positions and agendas during the period from the restoration of liberties and electoral democracy in 1990 until 1996 when the Maoists launched their insurgency.

1.3 Literature review

The concept of popular participation is closely related to democracy and democratization. Democracy can be defined as “popular control of public affairs on the basis of political equality” (Beetham 1999 in Törnquist 2013, 1). Democratization is the process in which the aims and values of democracy are further extended to either include more citizens previously excluded or political institutions that were previously not under public control (O'Donnell and Schmitter 1986, 8). It is a continuous process which requires “the authentic political inclusion of different groups and categories, for which formal political equality can hide continued exclusion and oppression” (Dryzek 1996, 475, cited in Lawoti 2007c, 58). Political inclusion thus means effective and equal participation of different groups in the governance of public affairs.

The role of popular participation in processes of democratization is debated in the academic literature. The liberal discourse focuses on the importance of civil and political liberties and popular participation in the form of free and fair elections. The wave of democratic transitions that swept the developing world in the 1980s and 1990s was underpinned by the liberal, procedural understanding of democracy. The dominating idea was that liberal institutions could be crafted on the basis of pacts between moderate elites (Törnquist 2013, 7). With a legal framework and liberal democratic institutions in place, such as free and fair elections, rule of law, human rights and civil society organizations, the assumption was that the local actors within the countries would adhere to the rules of the game and thus become democrats (*ibid.*, 8). Since the 1990s, the international community has also seen the building of liberal political and economic institutions as a recipe for resolving conflict (Stokke 2011, 323). The liberal peace agenda builds on an understanding of peace and democracy as interrelated and mutually reinforcing: “(...) liberal democracy and neo-liberal development are mutually reinforcing and will accommodate identity- and interest-based grievances, thereby building and consolidating peace” (Kotzé 2010 in Stokke 2011, 328).

While the neoliberal peace agenda swears by the positive impact of liberal institutions in hindering potential internal conflicts, other scholars warn against the introduction of some of these institutions. Mansfield and Snyder (2007) argue that popular participation should not be the top priority in democratic transitions, and especially not in multicultural contexts. The institutional framework needs to be in place before holding elections, as impartial and competent state institutions are crucial for a functioning democracy (ibid., 7). The argument is such that without the institutional preconditions in place, loyalties based on ethnicity or religion for example, will be difficult to overcome, and rather, would become the basis of political participation. In such cases, Mansfield and Snyder argue, contrary to the liberal argument that democracy fosters peace and vice versa, it may lead to ethnic conflict (ibid., 7). Drawing on examples from what they regard as premature popular participation in among others Iraq and Lebanon, they warn that “cases where failed attempts at mass electoral politics left a legacy of ethnic nationalism, military populism, and few useable democratic institutions.” (ibid., 8) The answer thus lies in ‘sequencing’ democracy. That is to first build the institutions, with a focus on the rule of law and good governance, and once these have ‘taken root’ in the society the popular masses can be involved in politics through democratic elections (ibid., 6).

Törnquist, Webster, and Stokke (2009) disagree with the argument of postponing democracy in order to first build political stability. Rather than postponing popular participation focus must be on improving the linkages between the people and the representatives. The scholars argue that the problem in recent democratic transitions in developing countries is not only that the institutional framework is not strong enough, but that democracy has been depoliticized. The depoliticization is due to poor democratic representation that makes it difficult to hold the representative accountable and fragmentation of the masses hinders collective action (Törnquist 2009). The root of the problem is that the liberal democratic paradigm promotes a one-size-fits-all model of parachuting down supposedly universal liberal democratic institutions, whereas contextual factors and power relations are not taken into consideration (ibid.). The assumption that the actors would automatically adhere to the new rules and institutions has proved wrong, as powerful elites have adapted the institutions to their own interests and ideas, and democracy remains a rather shallow cover (Harriss, Stokke, and Törnquist 2004).

These dominating discourses build on two different understandings of democracy. The liberals, and those in favor of sequencing democracy, adhere to a procedural definition of democracy with its focus on institutions such as free and fair elections and rule of law. The dissidents subscribe instead to a substantive definition of democracy that first identifies the aims, to thereafter analyze to what extent the institutions actually foster these aims and make possible the equal exercise of citizenship rights. One does not take for granted that various institutions are democratic, which is an empirical issue (Törnquist 2013, 14). According to the critics, democracy requires both popular participation and state institutions.

The empirical puzzle that I focus on in this study is why efforts toward inclusion have resulted in exclusion. According to the liberal peace theory, liberal democracy fosters peace because it accommodates different interests and identities in the society. The ‘sequencing’ of democracy theory, on the other hand, argues that identity-conflicts increase with premature attempts at democracy, that is, before the necessary institutions are in place. The developments in Nepal in the aftermath of the restoration of democracy in 1990 give support to the second thesis. The Maoist-launched insurgency was indeed a result of the failure of liberal democracy to accommodate ethnic and identity-based grievances. But Mansfield and Snyder (2007) also argue that such failed attempts at democratization leave a negative legacy for later attempts at democratization and leads to more violent transitions. The developments in 2007, when the Tarai region saw a violent uprising in the Madhesi movement, to some extent give support to this argument too¹. However, the conflict within short time calmed down, and although identity politics is still prominent in Nepal, the at times fragile peace has been sustained. Both theories are thus insufficient in explaining the empirical puzzle that haunts democratization in Nepal; that demands and policies of inclusion have resulted in exclusion. The third dominating perspective suggests that the problem of democratization is depoliticization, and that contextual factors and power relations impact the institutions. According to Törnquist, Webster, and Stokke (2009), democratization requests both popular participation and state institutions for policy-making. I find the position of the critics most convincing and will pay special attention to the role of citizenship. Citizenship is the institution through which people can claim their right to participate in public governance, access decision-making arenas and influence the control and use of public resources.

¹ During the Madhesi uprising in January-February 2007 there was a series of violent demonstrations, kidnappings and killings, claiming more than 100 lives (Dahal 2010).

Democratic institutions, on the other hand, requests popular legitimacy and representation (Grugel 2002). Citizenship and democratization are in other words inevitably interlinked. I will elaborate more on citizenship in chapter 2, which provides the theoretical framework for this study.

In line with the liberal notion of democracy, studies on democratization have tended to focus on the creation of institutions; the writing of constitutions and the establishment of electoral systems. Focus has been on the role of the state in the economy, models of political participation and the rule of law (Grugel 2002, Butenschon 2000).

Likewise, recent studies on democratization in Nepal have largely revolved around the same topics². The issue of political representation of marginalized groups has been widely discussed in studies on the constitution-writing process as well as in state institutions in general (see Lawoti 2007c, 2012; Slavu 2012). While these studies mainly concern the technical aspects of representation and electoral systems, they do not delve any further into the role of political actors' in fostering policies of inclusion or exclusion.

Several studies on popular participation and political inclusion in Nepal relate to the recent decades of 'ethnicization' of politics and identity movements. These include a wide range of studies on the Maoist insurgency (Hutt 2004a; Thapa 2002; Thapa and Sijapati 2004). There is also a vast literature of anthropological studies on other ethnic movements across Nepal (Hangen 2010; Gellner 2008; Gellner, Pfaff-Czarnecka, and Whelpton 1997) and on Madhesi activism and the uprising in 2007 (Hachhethu 2007a; Hatlebakk 2007). Popular participation and political inclusion and exclusion have thus been raised from different perspectives in the literature on Nepal, and the Maoists' and the Madhesis' claims for inclusion have been thoroughly discussed. Research so far has concluded that inclusion remains to be achieved in a context of rising identity politics. In my view, these findings need to be supplemented with contributions from yet another perspective, i.e. by investigating the role of political parties in fostering or hindering political and social inclusion from a citizenship perspective. Existing literature rarely provides in-depth analyses of why the efforts at creating inclusionary politics in Nepal have failed. This is where this paper aims to make a contribution.

² As a non-Nepali reader I am only able to take into account academic literature written in English.

Recent studies of the political parties concern their role in the peace process and in the constitution-making process, whereas previous works treat their role after democracy was restored in 1990 and during the Maoist insurgency. Hachhethu (2003), Hutt (1991, 1994) Dhungel (2007a) and Hoftun, Whelpton and Raeper (2007) have given detailed accounts on the structure, ideology and politics of the political parties in the 1990s and 2000s. While these studies on the political parties in Nepal treat their role in various phases of the democratization process, there are no comprehensive studies on how they may have changed over time, taking into consideration the altering political conditions in the aftermath of 2006. I draw on the existing literature to examine how the parties related to the issue of political and social inclusion when democracy was restored in the 1990, and then proceed with an analysis of whether and how there have been any changes in the second phase of the democratization process. Analyzing the positions of the political parties to the issue of political and social inclusion over time can provide explanations that may have a bearing on the empirical puzzle of why efforts toward inclusion have resulted in exclusion.

1.4 Approach to the study

I have a twofold approach to the research question about *what have been the positions of the political parties in Nepal to the issue of political and social inclusion over time and how may this be explained*. First, I will elaborate on the empirical puzzle through the study of the politics of citizenship. Applying a citizenship approach to Nepali politics allows the analysis of politics of inclusion and exclusion. Second, I seek to provide an explanation to the empirical puzzle by utilizing a framework of popular mobilization that sheds light on three important aspects in efforts at creating inclusionary politics. I shall return to the details.

The thesis is both descriptive and analytical. It first elaborates on the content of citizenship policies and conflicts around citizenship in order to describe the political parties' positions to the issue of political and social inclusion over time, before it turns to the analysis of what may explain this. The paper first and foremost aims at providing an explanation to the specific empirical puzzle present in Nepal. In the larger context, it also aims at contributing to the broader dialogue on challenges to social and political inclusion in democratization processes in developing countries.

1.5 Outline of the thesis

This thesis sets out to explain why attempts toward political and social inclusion have resulted in exclusion. On the basis of a citizenship approach and related research I seek to provide explanations to this puzzle.

Chapter 2 contains the presentation of theoretical concepts and the framework used to approach the empirical puzzle and the research question. This includes a brief account on the concept of citizenship, primarily based on Stokke (2013), a typology that enables the study of the politics of citizenship that is developed by Butenschon (2000), as well as the framework of popular mobilization developed by Törnquist et al. (forthcoming) that will be used for the analysis of the empirical observations.

In chapter 3 I discuss the methodological choices and challenges underpinning the research process. Central to this chapter is the discussion on validity while I simultaneously seek to strengthen the reliability of the research.

Chapter 4 provides a contextual backdrop to Nepal, before I present the empirical material in chapter 5. The presentation is structured by the concepts outlined in the theory chapter. This chapter aims at an elaboration of the empirical puzzle seen through the lens of Butenschon's typology presented in the theory chapter, to understand the political parties' roles in fostering inclusionary or exclusionary policies. Proceeding in chapter 6 is the analysis. I structure the analysis around three main factors, according to the theoretical framework: the building of political communities, types of rights the actors opt for as well as the channels of representation that are developed. Within each of these elements I discuss the changing agenda and position of the relevant actors. I conclude in chapter 7 with the main findings of the study.

2 Theory and approach

The objective of this paper is to discover and explain the positions over time of the political parties in Nepal to the issue of political and social inclusion. I seek to explain the lack of more inclusionary politics in Nepal after peace was restored in 2006 and the country embarked on a new phase in the process of democratization. I take a citizenship approach to the study of inclusion and exclusion in Nepal.

The purpose of this chapter is to outline how I will use the theoretical concepts and the framework to approach the research question. The theoretical concepts first and foremost serve the purpose of structuring the empirical material, to map out the content and conflicts surrounding citizenship in Nepal. I start with a conceptual overview of the concept of citizenship. Based on Stokke (2013) I briefly present the four dimensions of the concept of modern citizenship. Then follows a short discussion of citizenship as a principle of power distribution, and how the lack of citizenship provides a source of legitimation for the state. I then proceed by presenting a typology developed by Butenschon (2000) that in the empirical chapter serves as a tool for elaborating on the empirical puzzle, to describe the changing patterns in the politics of citizenship in Nepal. Finally, I introduce the theoretical framework that is used to identify changes in the actors' agendas, strategies and attempts at fostering (or hindering) inclusionary politics. For this purpose I use a tentative framework of popular mobilization developed by Törnquist et al. (forthcoming). This is a framework for asking questions which instructs us to direct focus toward three main areas: (i) the building of political communities, (ii) the character and type of rights, and (iii) the channels for political representation.

2.1 Citizenship

There is a vast scholarly literature on citizenship. The concept itself is rather ambiguous and vague, which is reflected in the broad range of academic work and the different approaches to the field of study. The common feature of most definitions of citizenship, however, is that it is about a "form of membership in a political and geographic community" (Bloemraad, Korteweg, Yurdakul, 2008, 154). In the literature it often relates to the substance and outreach of citizens' rights and duties. The following subchapters contain a presentation of

different aspects of the concept of citizenship, before I turn to elaborate on Butenschon's typology, which shifts emphasis to the actors and changes in citizenship policies.

2.1.1 Dimensions of modern citizenship

Modern citizenship is a concept containing four key dimensions: membership, legal status, rights and participation³ (Stokke 2013). The four components are interconnected. Citizen *membership* refers to the belonging to a community, and has over the last two centuries commonly been related to membership in the nation-state (Heater 1999, 95). There are different ways of constructing the nation, understood as the process of defining who are included, or considered legitimate members, in the political community that the state constitutes. A common distinction is made between the French and the German model. In the French tradition the national communities are defined in political terms, as “a body of associates living under *common* laws and represented by the same *legislative assembly* etc.” (Sieyes 1963, 58, cited in Heater 1999, 106, emphasis in original). In the German model, the legitimate members of the nation are defined in terms of the ethnic and cultural bonds among the people and their historical homeland (ibid., 106).

The *legal status* is the judicial dimension of citizenship, and it refers to the principles and policies for granting citizenship as a legal status (Stokke 2013, 5). Each state has the power to define who can and cannot become a citizen of that state (Heater 1999, 80). The legal status of citizenship is normally determined by one of two principles: being born within the territory of the state, *jus soli*, or through descent, *jus sanguinis*. France is a typical example of *jus soli*, whereas Germany is an example of citizenship laws based on the principle of *jus sanguinis*. A third category is citizenship that is achieved, *jus domicili*, either through marriage or after residence within the country for a certain period of time. In reality these principles are often not straightforward in the citizenship laws of a state, but rather mixed hybrid systems. Stokke (2013, 6) notes that in the context of increasing migration, citizenship through *jus sanguinis* has become more difficult. The denial of citizenship to certain groups of the population in a country can lead to marginalization, exclusion and sometimes conflict.

The third dimension of modern citizenship is *rights*, and concerns the extent and substance of citizens' rights and entitlements. Marshall's (2006) distinction between civil, political and

³ This brief account of the four dimensions of modern citizenship primarily builds on a more encompassing review article *Conceptualizing the Politics of Citizenship* by Stokke (2013).

social rights can be taken as point of departure for the conceptualization of rights. Civil rights protect the individual's freedom and include rights such as the freedom of speech, freedom of religion and the right to own property. Political rights concern the right to political participation, including the right to vote and to organize in political parties. Social rights refer to welfare rights, such as the right to education, health, labor rights, etc. (Stokke 2013, 7).

Since Marshall developed this categorization of rights, the relationship between the categories of rights is an issue that has been much debated (Stokke 2013). One underlying tension lies in the different aims of these categories of rights. Whereas equality is the principle underpinning the civil and political rights, social rights, on the other hand, are designed to address the inequalities between groups. Marshall presented a linear understanding of the development of rights, in the sense that he saw them as a successive extension of rights: first are civil rights developed, then political rights, and lastly the social rights. Today there is a broad agreement that this is not necessarily the case, as the three categories of rights may be developed in a different order than what Marshall prescribed (Stokke 2013, 9; Heater 1999, 22). Jayal (2013) argues that social rights often is a precondition for the effective exercise of civil and political rights.

The final dimension of citizenship is *participation*, which refers to the responsibilities of citizens and the spaces and strategies for exercising citizenship rights. This component is thus about participating in the governance of public affairs. Such involvement can take place either through direct participation or indirectly through representation (Stokke 2013, 10). There are several obstacles and challenges to democratic participation and representation, such as a lack of an inclusive definition of the demos, insufficient or ineffective channels for representation, lack of a common and broad definition of public affairs, in addition to the tendency to evade the control of public affairs from democratic governance (Stokke 2013, 11).

2.1.2 A principle of power distribution

Citizenship is the mechanism through which citizens can access the core institutions of the state where the decisions are made regarding the use of public resources (Butenschon 2000, 5). Butenschon consequently argues that citizenship should be understood as a principle of power distribution (2000, 12). How the principles of citizenship are shaped is of special

importance in the process of state- and nation-building when the political institutions are designed, both for the individual in terms of its rights and duties, and for the state with regard to its capacity to create a stable political base (ibid., 16). Citizenship is frequently a contentious issue around which political and legal struggles revolve, as it is a question of controlling how communities with a common identity are constructed, and deciding who are entitled to the status as a citizen (ibid., 5).

2.1.3 A source of legitimation

Having formal status as a citizen does not necessarily mean that one is able to exercise the rights that follows from the status. In a study of popular politics and democracy, Chatterjee (2004, 34-41) makes a distinction between civil society and political society, arguing that governmental practices create these two distinct arenas. While the ‘citizens’ in the civil society are perceived as rights-bearing individuals that can govern themselves, the ‘population’ in the political society is seen as the target of policies that must be governed. They are perceived not to be capable of governing themselves. Citizens in the civil society have the resources to solve their problems on their own, whereas the population in the political society, the subalterns, depend on clientelistic relations with more privileged groups, such as political parties or government officials, to meet their needs, often in return for their votes. The provision of welfare to these groups is a source of legitimation for the modern state (Chatterjee 2004, 40-41).

2.2 The politics of citizenship

The ‘politics of citizenship’ is a concept referring to “the structures and processes of membership in the state” (Maktabi 2000, 147). As a general framework for the study of the politics of citizenship, Butenschon (2000) presents a typology of normative principles for constituting political communities within state territories. The typology consists of two key dimensions: the constitutional principle and the territorial principle. Butenschon introduces this as an analytical tool to identify the mechanisms of inclusion and exclusion in the design of institutions in the process of state- and nation-building. In this study I am not using this typology as an analytical tool to approach the regime, but rather as a descriptive tool to map the positions of the political parties in Nepal in relation to the politics of citizenship.

The constitutional principle of the state refers to the relation between the state institutions and the citizens, and whether or not the status and rights of the individual citizen is dependent on group belonging. Distinctions are made between *singularism*, *pluralism* and *universalism*.

Singularism as a state building principle refers to states built on one single collective identity. The state itself is the manifestation of that identity. Group identities within the polity are subordinated to the titular community: “In states with a singularistic state-idea the state is often not neutral in the way it relates to group identities and intergroup conflict in the population, but is more or less partisan in its promotion of the status and interests of the titular community.” (Butenshon 2000, 18) Through citizenship regulations, laws, policies and distribution of rights, the state can easily control who gets access to political institutions and state territories. Another characteristic feature of the singularistic state is the harsh way it represses groups with the potential to challenge the authority of the state (ibid., 18-19).

States built on the principle of pluralism, on the other hand, recognize the various subgroups within the polity and relate neutrally to group identities. Power sharing is central to the organization of the state, and presupposes mutual respect both among the groups and toward the system. Power is devolved from the central government to the subnational level. The ideal is that all groups should have an equal say in the shaping of policies, and the government’s role is to facilitate compromise (Butenshon 2000, 22).

While group affiliation is central to both singularistic and plural states, it is rendered irrelevant in states built on the principle of universalism, in which all citizens under the jurisdiction of the state have equal status and rights (Butenshon 2000, 26).

The second dimension of the typology of political regimes concerns the organizing principle of the territorial unit(s) of the state. It concerns the relation between the political and geographical units on the one hand, and the sociocultural composition of the population on the other. Distinctions are made between the *unitary state*, the *fragmented state* and *separate states*, depending on whether and how the sociocultural demographic structure of the population is represented territorially (see table 1, below).

Table 1: Typology – Political organization of state territories

Constitutional Principle	Territorial Principles		
	The Unitary State	The Fragmented State	Separate Territories
Singularism	Hegemonic system	Imposed self-rule	Ethnic “Homelands”
Pluralism	Consociational systems	Cantonization	Separate states
Universalism	Majoritarian systems	Federation/Confederation	Separate states

Table from Butenschon (2000, 18)

In the empirical inquiry I will place the political parties in the typology according to their positions in regard to the two dimensions and show movements within the typology over time. I will further see whether any changes within the typology correspond to changes in the parties’ citizenship policies toward inclusion or exclusion. In the analysis I use this mapping as a point of departure for the analysis of what may explain the political parties’ positions to the issue of political and social inclusion over time. For this purpose I use the framework of popular mobilization presented below.

2.3 A framework of popular mobilization

In the introduction to this thesis I presented the observation that efforts toward political and social inclusion in Nepal have resulted in exclusion. In the analysis I seek to explain this puzzle. For this purpose I will use a tentative framework of popular mobilization developed by Törnquist et al. (forthcoming). It is a framework for asking questions that dig into the dynamics of the politics of citizenship. The framework is developed in order to analyze problems and options of transformative politics to enable the combination of equality and economic development. The framework consists of three elements: (i) the formation of political communities, (ii) the type and character of rights that actors opt for, and (iii) the channels of political representation that are developed. Within the overall framework of popular mobilization I develop sub-frameworks that enable the analysis of the options and strategies of popular mobilization. The elements of the framework are expanded upon in the following section.

2.3.1 Building political communities

The first element of the framework of popular mobilization concerns the building of political communities within the polity. This element asks us to direct attention toward how the actors form communities for political action. It is in other words the collective struggles of a group of people who perceive that they have something in common (Törnquist et al. forthcoming).

In the analysis of the construction of political communities there are two basic dimensions: content and form. The content refers to how the group is constituted, that is, what people have in common. It may be an ideology, an identity, a strategy, issues or interests. The form refers to the collective action: how they get together and how they organize. The framework thus asks us to consider why and how these groups are constituted: *what do they have in common, and how do they get together?* (Törnquist et al. forthcoming)

Content

To study the political communities parties have built up, requests a study of the character and the basis of representation between the political representative and the people represented. It is thus not about the method of representation (which will be treated below), but the content of what is represented. Pitkin's (1967) classical study of representation distinguishes between three forms of representation: substantive, descriptive and symbolic. Substantive representation is based on interests or issues, in which the represented acts on behalf of a community by virtue of them having common interests or issues. One example is a trade union leader fighting for the workers' rights. Descriptive representation refers to the representative standing for a community on the basis of common characteristics they share, such as an ethnic leader representing his ethnic community. Symbolic representation is also about the representative standing for a community, but in contrast to being rooted in common descriptive characteristics, the representative symbolizes his/her constituency by virtue of a common identity or culture. An example is a King or a Queen symbolizing the nation. While in Pitkin's (1967) understanding identities are seen as predefined constituencies, identities are today more often conceived of as socially constructed 'imagined communities'. This concept originally stems from Anderson (2006, 6-7) who argues that nations should be seen as socially constructed 'imagined political communities'. His argument is that in spite of the nation being so big that most members will never see or hear about each other, the perception of the commonality they share lives in the imagination of all, irrespective of any inequalities

and exploitation that may exist within the nation. This dimension of the framework is thus not about how leaders seek to construct the communities, but rather about what the community imagines to have in common.

Form

The second dimension in the building of political communities concerns the form and refers to the political mobilization and organization: do they get together as small or big groups, is it top-down relations or is it more bottom-up? Is the political community formed behind a leader, a patron or an organization? The form may thus be based on populist, patronage, interests or group-based politics (Törnquist et al. forthcoming).

Mouzelis (1998) distinguishes between three ideal types of modes of political inclusion of the popular masses. The *integrative mode* refers to the integration of people into politics on a relatively equal basis, such as autonomous horizontally organized interest groups. According to Mouzelis (1998, 65) it is due to the negative legacy of patrimonial features that the political integration of popular masses in developing countries tends to fail. The *incorporative-clientelistic mode* reflects the incorporation of people into the political arena through already existing clientelistic networks. There are bosses and patrons at different levels that are capable of providing goods or services to their clientelistic networks. Both the integrative mode and the incorporative-clientelistic mode thus presupposes strong organizational intermediaries that often have a strong degree of autonomy in relation to the national leadership. This stands in contrast to the *incorporative-populistic mode*, which refers to the incorporation of the lower classes through populist mechanisms (Mouzelis 1998, 67). People become active on the political arena “via the masses’ attachment to a leader whose charisma becomes the major source of legitimation, and whose plebiscitarian organization (if any) becomes the main link between civil society interests and the public sphere” (Mouzelis 1998, 64). The leaders thus have to express popular feelings, ideas and/or interests (Törnquist 2002, 40). The difference between clientelism and populism lies in that there in the former is an established asymmetry in the relation between the patron and the client(s). The patron does not seek to represent him/herself as one ‘of the people’, but his/her legitimacy rather rests on the ability to provide the goods and services as promised to the clients. A populist leader, on the other hand, seeks to represent him/herself as ‘one of the people’. That is the source from which the leader gains his/her legitimacy.

2.3.2 Rights

The second part of the framework concerns the type and the character of the rights the actors opt for. Given the political communities that are established and organized, what kind of rights do they prioritize? Previously in this chapter distinctions were made between civil, political and social rights (the latter including economic rights). Another relevant distinction is whether the actors advocate for universal rights or for group-specific rights.

In the academic literature there has been an increasing focus on the relationship between universal rights and group-specific rights. In liberal theory the principle of universality in citizenship is argued to be the key to integration and equality. However, as pointed out above, having the formal status of citizen does not necessarily translate into the effective exercise of citizenship rights. Grugel (2002) points to the experiences of developing countries, observing that extreme income inequalities may hinder the equal exercise of citizenship rights. The aim of group-specific rights is to correct this imbalance, as well as to secure the special needs of minorities within the polity (Jayal 2013). The potential of group rights to foster long-term inclusion is debated in regard to its potential to address the causes of structural inequality that is leading to social and political exclusion (Webster 2013, 4). Affirmative action may instead of fostering equality end up institutionalizing difference and entrenching exclusion (Jayal 2013, 16-17).

Young (2011, 16-17) argues that denying group-specific rights hide group oppression. When group commonality is emphasized at the expense of a particular group belonging, laws and rights will be constructed from the values and identity of the strongest groups, while the minorities' values and identities end up being undermined. Kymlicka (1995) also argues in favor of group-specific rights, claiming that in multicultural societies such are necessary for three reasons: to address problems of group inequality, to adhere with group rights that have been given at an earlier point in history and to preserve cultural diversity. In this respect he proposes three types of rights: self-government rights for minorities within the state, polyethnic rights to protect minorities' identities and culture, and special representation rights to secure minorities' representation in political institutions (*ibid.*, 27-33). While the objective of the two latter is political integration of the minority groups into the national political community, self-government rights may have a disintegrating effect in that it challenges the definition of the state as one political community (Stokke 2013, 17-18).

2.3.3 Political representation

The political representation concerns the channels of representation that are developed, that is, how the issues and interests of the political community are taken to the level of public governance. The question of representation concerns the actual linkages between people in society and the state or other subcontracted or self-appointed institutions of public governance. Thus the chain of representation also includes the political parties' and their strategies when trying to reach out to people and institutions. Given the content of the political community, how, and with what degree of accountability and responsiveness, are the representatives of the masses authorized and legitimized? What method do they choose, and what are the mediating links? The mediating links between the people and the institutions of governance (and their various arrangements for participation such as the parliament) may be through issue- or interest-based civil society organizations, rights-based campaigns, informal leaders, political parties or individual candidates (Törnquist 2013, 66). This element thus concerns the channels for representation and the character of the links between the representatives and the represented.

Groups are socially constructed, and a major tendency is that leaders claim the legitimacy of the groups on basis of interests and constructed identities, such as class, ethnicity, nation, interests, issues, strategy or religion (Stokke and Selboe 2009). The understanding of identities as being socially constructed implies the assumption that the specific construction serves a practical purpose, which is closely related to power relations:

Although there is an understandable desire to search for objective defining criteria of a certain social group, these are always symbolic representations that may be used strategically to further the interests of specific actors. Thus, the making of social units is not about some kind of realisation or awakening of a predefined group delimited by objective criteria, but rather about symbolic construction and contestation. Group making is about struggles over meaning [...], to *make and unmake groups*. (Stokke and Selboe 2009, 66 emphasis in original)

Stokke and Selboe (2009, 60) point to the special importance of symbolic representation in the context of identity politics, and that this should be understood as a political practice. The symbolic representation is constantly negotiated as the actors contest for promoting and gaining legitimacy of a world-view that is in their interest, and they seek to establish themselves as legitimate representatives of their political constituencies. The power of the

ideas of the political actors is thus not about how true their views and perceptions are, but to what extent they manage to mobilize a group of people (ibid., 66).

2.3.4 Motivation for choice of framework

While the three elements of the framework of popular mobilization are important in all types of transformative politics, any changes that can be traced in regard to each of the elements are contextual. The empirical puzzle that is the point of departure for this thesis suggests that in the case of Nepal, the changing context relating to new structural and institutional conditions in the process of democratization have led to changes in the actors' agendas and prioritizations. Törnquist et al. (forthcoming) have found that the three elements of the framework of popular mobilization may have an influence on the attempts at inclusionary politics. This suggests that we can find changes within these elements that can explain the lack of more inclusionary politics in Nepal. This may be related to political communities having become more fragmented. If they are built on the special interests within the communities rather than the general interests it may explain the lack of inclusionary politics. Likewise, the type of rights the actors opt for may be more specific than uniting, hence not fostering inclusionary politics. Furthermore, the channels of representation the actors use request specific forms of legitimation and authorization that may be a hinder to more inclusionary politics.

2.4 Summing up

In this chapter I have presented the theoretical approach to the empirical puzzle and the research question for this paper. It consists of three parts: (i) the conceptualization of citizenship which serves the purpose of structuring the empirical material, (ii) the typology of the political organization of state territories, which provides a tool for identifying the political parties' relations to the politics of citizenship, and (iii) the framework of popular mobilization that will be used to analyze changes in the actors' attempts at inclusionary politics in Nepal. Before I turn to the empirical inquiry and the analysis, I will in the following chapter discuss the methodological choices and challenges that have guided the work during the research process.

3 Methodological considerations

In this chapter I discuss the methodological choices and challenges faced during the research process. All social science research ought to aim at high validity and reliability. Validity refers to whether the researcher is actually measuring what she thinks she is, whereas reliability concerns the trustworthiness and degree of openness on how the research process has been conducted (King, Keohane, and Verba 1994, 23-25). I have taken a qualitative approach to the research question. The purpose of this chapter is to guide the reader through the procedures of the research process and elaborate on my methodological choices in order to strengthen the validity and reliability of the research project. I start with a presentation of the choice of research design and then proceed with the discussion on collection of data and related methodological challenges. This includes reflections on the fieldwork, selection of informants and interviews, as well as the access to and choice of document sources. Questions relating to validity and reliability will be discussed throughout the chapter.

3.1 Research design

The empirical interest of this study is to provide explanations to the empirical puzzle that is observed, namely that attempts at social and political inclusion in Nepal have resulted in exclusion. This requires an in-depth study of the phenomenon over time, that is, the mechanisms of social and political inclusion and exclusion in the process of democratization in Nepal. The choice of research design thus logically falls on the case study, which allows for a thick description and in-depth analysis of the actors and their intentions, as well as the context to understand the phenomenon as a whole. The analytical single case study allows to focus on a wide set of explanatory factors (George and Bennett 2005, 21).

The study is a single case study containing several units. The within-case units comprise the four political parties/movements, of which several observations are done over time. According to Gerring (2007, 20), the purpose of a single case study has to be “at least in part - to shed light on a larger class of cases”. This single case study of social and political inclusion and exclusion in the democratization process in Nepal has first and foremost the objective of providing explanations particularly in regard to the democratization process in Nepal, but also for possible generalization to processes in similar contexts. Such a

generalization would then be to explain challenges to fostering political and social inclusion in democratization processes in multicultural societies in developing countries.

The case is given by empirical facts: Nepal as a multicultural society in which there are challenges to the equal exercise of citizenship rights. I want to identify the apparent and underlying causes of the actors' positions to the issue of social and political inclusion in order to find out why attempts at inclusion have resulted in exclusion. This is done well aware of the difficulties of examining and establishing causal relationships. The nature of the empirical puzzle, however, requires me to move into this field. The strength of using case study as a research design lies in the possibilities to establish general relations that can form the basis for new knowledge that can be tested elsewhere. While the case study approach is commonly criticized for the low potential for generalization, the objective of this study is not to conclude with strong implications for generalization. Nevertheless, I believe that my observations and conclusions may be of value in further studies in similar contexts, however, with the need to be tested more systematically.

Whereas the spatial boundaries of the case are given as the state of Nepal, there is a need to define temporal boundaries as well. I have limited the time points to be studied to two main periods that I deem crucial to analyze the political parties/movements and positions in regard to political and social inclusion in the democratization process, as pointed to in the introduction. These two periods are (i) from the restoration of democracy in 1990 and until the Maoist insurgency had been launched in 1996, and (ii) from peace was restored in 2006 and until the Constituent Assembly was dissolved in 2012.

I have taken an inductive approach to the research process. Based on the procedure as described by Bryman (2004), the process has been as follows: the point of departure is the empirical observation that efforts toward political and social inclusion have resulted in exclusion in Nepal. This inevitably warrants a study of the major political parties involved in this process. I went to Nepal to conduct preliminary research, where I identified relevant informants that could help me to identify and throw light on the processes of political and social inclusion and exclusion. In the theory chapter I elaborated on my approach to the research question, and how I apply the theoretical tools and framework for descriptive and analytical purposes, using Butenschon's typology as a tool to describe the changes in the political parties' relation to the politics of citizenship, i.e. to elaborate on the empirical

puzzle. This further led me to the theoretical framework developed by Törnquist et al. (forthcoming), which identifies the factors that may provide a frame for discussing possible explanations to the empirical puzzle. Through the work with this combined theoretical framework I could further specify the research question and collect more data to conduct the analysis as demanded by the theoretical framework. It is from this analysis I present my findings and conclusions.

3.2 Collection of data and methodological challenges

I take a qualitative approach to the case study. Documents are the primary source of data material, while the interviews I have conducted have served the purpose of informing my research at an early stage of the research process in order to elaborate on the empirical puzzle. In the following section I discuss some methodological reflections around the selection and use of sources.

Field work and interviews

The fieldwork was conducted in Nepal during September and October of 2013. Prior to departure I approached the Center for Media Research - Nepal who have been working extensively on the political development in Nepal and employees at the Royal Norwegian Embassy in Kathmandu. These contacts were very helpful in identifying relevant informants.

I first and foremost sought to interview key informants with special knowledge on conflicts surrounding citizenship in Nepal, such as representatives from non-governmental organizations, a journalist, bureaucrats and politicians from the four political parties included in this study⁴. I conducted most of my interviews in Kathmandu, and some in the district of Makwanpur, south of the capital city. The reason for this was that I wanted to gain understanding of the empirical phenomenon both from urban and rural perspectives.

I conducted semi-structured interviews using open-ended questions. This was a natural choice as I had some specific issues I wanted to talk about, but at the same time leave open some space for my informants to raise the issues they deemed to be of importance. The interview guide was adapted in advance to each informant. Furthermore, depending on how the conversations evolved I had the possibility to add and remove questions during the

⁴ See list of informants in appendix A.

interviews⁵. In order to not loose out on any information I chose to use a tape recorder during all my interviews.

There is a potential bias in my selection of informants. As I do not speak Nepali I decided to focus my interviews on English-speaking respondents. Speaking to non-English-speaking informants may have increased the pool of potential informants and therefore broadened the scope of the interviews and provided me with different information then the one I have obtained. I had to use an interpreter during some of my interviews. This posed a challenge in that I felt I was not entirely in control of the situation, not fully understanding everything being said. To have everything transcribed was very useful in the aftermath of the interviews.

When choosing the research topic I was aware of the possible challenges related to the study of a sensitive issue such as social and political inclusion and exclusion, and challenges it could lead to in the process of collecting the data material. During the interviews it was challenging to get in-depth answers on the topics I asked about, and I several times experienced that informants were more focused on their own agenda than talking about political and social exclusion that was 'no longer a problem'. Berry (2002) notes that the researcher always has to "keep in mind that it is not the obligation of a subject to be objective and to tell us the truth (...) They're talking about their work and, as such, justifying what they do." (Berry 2002, 680) One technique I applied in order to compensate for the challenges related to the sensitive nature of the research topic was to ask about other actors' agendas and actions. Fully aware of possible tendencies to take the opportunity to 'throw mud' on their competitors, I nevertheless found this a valuable approach. I furthermore applied the 'snowball technique', asking my informants for suggestions to whom else I should talk to regarding specific topics. This can have led to a bias in the selection of informants, as people may tend to suggest people whom they know are of similar mind as themselves. In order to make up for this potential imbalance I have gathered information from multiple sources. During the interviews I also received very useful suggestions to relevant literature that my informants referred to.

In the interviews I asked about various conflicts relating to citizenship based on what I had read in the literature, including the challenges to the equal exercise of citizenship rights. The

⁵ This resulted in quite different interviews, I have thus chosen not to attach the interview guide in the appendix, as there is no 'representative' guide of the interviews in general.

topics of tension presented in the empirical inquiry are based on what my informants told me, in combination with relevant literature as a part of the triangulation approach.

Document analysis

Given the preliminary and exploring role of the fieldwork in the research process and the information gathered through the interviews, the qualitative analysis of relevant documents has provided the main source of data for the analysis. The data material includes both primary and secondary literature, and comprises journal articles, books, reports from UN agencies and other non-governmental organizations, official documents from the government, laws and regulations, as well as newspaper articles. The material covers the time-span from the restoration of democracy in 1990 and until 2012, with a focus on the two identified periods in which observations of the within-case units are done (from 1990 until the Maoist insurgency was launched in 1996, and from peace was restored in 2006 until the Constituent Assembly was dissolved in 2012).

One challenge I have faced in the collection of data material has been that many official documents are available only in Nepali. Since I do not read Nepali, my access to these resources has been limited. This has especially posed challenges for the study of governmental and political parties' documents. I have therefore to a large extent had to use secondary sources for this purpose, such as academic articles, books and reports from international organizations. This has been necessary in order to collect vital information, for instance information about the negotiation process in the Constituent Assembly. This poses a potential threat to the validity of the data material, both because I to some extent have to rely on other's analysis, as well as the possibility that I misinterpret the facts. To compensate for this I have therefore sought to crosscheck the information when possible with various sources. Through such triangulation the threat is somewhat mitigated. Crosschecking also strengthens the reliability, as it is easier for others to go directly to the sources I have used to check the information. Source triangulation is used as a method to strengthen the internal validity of the research and avoid internal errors and false conclusions. The degree to which my analysis builds on publicly available sources thus strengthens the reliability of the research project.

4 Contextual backdrop

Nepal is a landlocked, developing country, sandwiched between two giants: India in the south, east and west, and Tibet Autonomous Region of the People's Republic of China in the north. Nepal stretches over 147 181 km² and inhabits approximately 26.5 million people⁶. It is a rural country, with the agricultural sector employing about 75 percent of the population. Nepal is among the least developed countries in the world, with approximately 25 percent of the population living below the national poverty line⁷. The country has never been colonized.

The unification of Nepal started in the late 18th century when several kingdoms and principalities were gathered under king Pravit Narayan Shah of the kingdom of Gorkha, bringing together numerous ethnic and cultural groups. Nepal was ruled by the powerful Shah and Rana dynasties from 1768 until 1951. The society was strictly top-down ruled, with power and authority gathered in the hands of the dynasties (Einsiedel, Malone, and Pradhan 2012). Growing popular discontent led to the end of Rana rule in 1951 and democracy was introduced. The 1950s were marked by political instability, and the monarchy grew stronger. In 1960, King Mahendra ousted the democratically elected government, and two years later he introduced the Panchayat system. All political parties were now by constitution banned, and all power was gathered in the king's hands. The Panchayat system lasted for 28 years. Social discontent culminated in the People's Movement in 1990, a broad popular movement uniting political parties and civil society organizations, leading to the restoration of democracy.

Nepal is a multi-ethnic and multicultural country. The 2011 census recorded 126 caste and ethnic groups, 123 languages and 10 religious groups⁸ (CBS 2012, 4). 81 percent of the population is Hindu. In terms of ethnic groups there is no clear majority but numerous minorities (Thapa and Sijapati 2004, 77). The inequality between groups and between regions has been extreme. During the 1990s, Nepal was one of the most unequal countries in South Asia (Lawoti 2007a, 10). Although the countries' overall ranking in the Human Development Index has increased steadily, the progress has been centered around the Kathmandu valley and other urban areas (Einsiedel, Malone, and Pradhan 2012, 8-9). Historically there have not

⁶ Population as of June 2011 (CBS 2012, 1).

⁷ Percentage last updated in 2011 (The World Factbook 2014).

⁸ The categories of ethnic group and caste group are often overlapping and not easy distinguishable.

been any major inter-ethnic or inter-group conflicts in Nepal. Ethnic identities have only become politicized in the last decade (Sharma 1997, 472).

The rise of identity politics in Nepal is closely related to the Maoist insurgency. The Maoists launched an armed revolt against the government in 1996 that led the country into a decade-long armed conflict, due to what they saw as the lack of progress in the process of democratization. The Maoists mobilized heavily on the basis of ethnic grievances toward the state. The guerilla warfare strategy consisted in attacking state institutions in the rural districts and establishing bases here, in order to gradually encircle the cities (Hutt 2004b, 5-6). As the Maoists gained rural territories, they established their own people's governments in these areas. The government initially responded with harsh measures, but later tried to negotiate with the Maoists. A peace agreement was signed in 2006, providing for the election of a constituent assembly with the mandate to draft the country's new constitution, one of the longstanding demands of the Maoists. The election for the Constituent Assembly was held in 2008, in which the Maoists, whom by then had resumed parliamentary politics, won a landslide victory. The inclusion of historically marginalized groups has since 2006 been on the top of the political agenda. In the constitution-in-making, the marginalized groups are defined as:

(...) those communities who are subject to political, economical and social backwardness, are not able to use services and facilities due to discrimination and persecution or geographical remoteness or are deprived of such services and facilities and are in a status below the standard of the latest human development index as determined by law, and this term also includes the communities which are highly marginalized and on the verge of extinct. (Constituent Assembly Secretariat 2010, 13)

In Nepal, this comprises women, the indigenous nationalities, the Madhesi population in the southern Tarai and the Dalits (the low caste). The three latter groups make up more than 2/3 of the population in Nepal (Lawoti 2007a, 9).

The Constituent Assembly failed to reach agreement on contentious issues relating to the restructuring of the state. It was dissolved in May 2012 without having produced a draft constitution. A new constituent assembly was elected in November 2013.

5 Empirical inquiry

The purpose of this chapter is to elaborate on the positions of the political parties in Nepal to the issue of political and social inclusion since democracy was restored in 1990 and until 2012, with a focus on the time periods of 1990-1996 and 2006-2012. The first part of this chapter is a descriptive overview of the content of citizenship and conflicts surrounding citizenship in Nepal⁹. The second part comprises an account of recent changes in the politics of citizenship. I will place the political parties according to Butenschon's typology of the political organization of state territories that was presented in the theory chapter, and identify how the political parties have moved along within the typology since democracy was restored in 1990. I then describe whether and how the changing patterns within the typology correspond to any changes in the political parties' citizenship policies. The aim is to identify what have been the results of their demands and policies in terms of fostering inclusion or exclusion in Nepal.

5.1 Citizenship in Nepal

In the theory chapter I referred to four dimensions of modern citizenship: membership, legal status, rights and participation. I use these four dimensions as a starting point for discussing the content and main conflicts surrounding citizenship in Nepal. Due to the limited scope of this thesis I will not be able to provide an all-encompassing account of the content of citizenship. Based on what I have read from the relevant literature as well as the issues that were raised during my interviews in Nepal, I limit myself to the most central topics of the debate within each of these dimensions¹⁰.

5.1.1 Membership

Membership refers to the state as a political community. A distinction was made between the French and the German way of constructing nationhood, the former based on the territorial state, and the latter on ethno-cultural bonds between the people and their territories (Stokke 2013, 5). In the following I describe the construction of nationhood in Nepal and how recent

⁹ This study maps out conflict surrounding citizenship in relation to political parties. The role of civil society or other actors in contesting citizenship is outside the scope of this thesis.

¹⁰ The literature I have consulted comprise academic articles, books, reports, legal documents and online sources such as articles from newspapers and reports from non-governmental organizations.

years have seen a challenge to the idea of the ‘Nepali identity’. I will demonstrate the political parties’ role in sustaining and challenging this conception.

The unitary state and the ‘Nepali identity’

Politics in Nepal has been, and continues to be, highly dependent on ethnicity and caste. The high hill Hindu caste has since the state of Nepal was first established in 1769 been the dominating actor in the political, social and economic sphere (Lawoti 2007a, 9). This group is considered as one ethnic group, and accounts for approximately 31 percent of the Nepali population (ibid., 9).

The high caste hill people’s control over politics and society in Nepal has roots back to the Shah and Rana regimes (1768-1846 and 1846-1951). The caste based hierarchical system was institutionalized in Nepal in 1854 when Muluki Ain (‘law on the country’) was introduced, a national legal code that established different rules for each ethnic group and caste. This meant that each persons’ rights, for example property or trading rights, depended on what ethnic group or caste the person belonged to (de Sales 2007, 330). The system served the purpose of centralizing the state and concentrating power in the hands of the Hindu elite. The indigenous populations were subject to rule, and institutionalization of inequality was a fact (Lawoti 2007a, 8-9). Although the caste system officially was abolished in 1963 it is still today a highly vivid and rigid system, penetrating all spheres of society (Einsiedel, Malone, and Pradhan 2012, 13).

A second phase of asserting the dominance of Hindu culture in Nepal was during the party-less Panchayat system (1960-1990)¹¹. This period saw a centralized nation-state building process in which the King sought to eradicate all cultural differences and create ‘one Nepali identity’, based on the Hindu culture, Hindu religion and the Nepali language (Tamang 2011, 297). The slogan sounded: “one country, one dress, one language” (ICG 2007, 3). The discrimination of the non-Hindus and the low caste Hindus extended into the economic sphere, for example by the state’s distribution of land to the high caste while other groups had to take on heavier tax burdens (Tamang 2011, 299). This period saw an active creation of the Nepali political community. The ‘Nepali identity’ has thus been built on the life style and

¹¹ The word ‘Panchayat’ means village council, which was the central institution of the political system. All political parties were by constitution banned, but they operated underground during these years. The system served the purpose of institutionalizing all power in the hands of the King.

norms of the Hindu hill upper caste. This bias toward the population of the hills as the ‘real’ Nepalese has been an influencing thought since then, resulting in the continuous exclusion of different ethnic groups in Nepal (ibid., 299).

Politically, the high hill Hindu caste primarily is associated to the Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist Leninist) (UML), the two political parties that historically have dominated the political scene in Nepal. The NC was established in 1947 and is one of the oldest parties in Nepal. It is the country’s leading conservative party, with the support base drawn mainly from the upper and middle class (Einsiedel, Malone, and Pradhan 2012, 17). Historically, the NC has combined the struggle for democracy with the quest to preserve Nepali nationalism and the ‘Nepali identity’ (Dhungel 2007, 29).

UML is the traditional communist party in Nepal, with a history that goes back to 1949¹². With the restoration of democracy in 1990 the party made an ideological step away from a revolutionary agenda to recognizing multiparty democracy, believing “in the harmony and the unity among the people of all religions, castes, communities and ethnic groups living in different geographical regions of the country” (Dhungel 2007, 45). As the party has moved to the center politically, there are few signs of UML’s revolutionary past. Facing radical forces such as the Maoists and other ethnic-based parties UML seems to have moved even further to the right. Compared to the NC the party to some extent represents the less well off, with the support base drawn primarily from the representation of the interests of trade unions, college students and teachers (ibid.).

To some extent, the restoration of democracy in 1990 broke with the unitary past of the Nepali state. The new constitution of 1990 recognized multiculturalism, at least on paper, for the first time acknowledging multilingualism and multi-ethnicity, defining Nepal as: “a multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom” and “the Nepalese people irrespective of religion, race, caste or tribe, collectively constitute the nation” (Constitution of Nepal 1990). Nepal was still a Hindu Kingdom, and Nepalese language continued to be the only official language. All people were to be equal citizens, irrespective of ethnicity, caste, religion or

¹²A number of communist parties have existed in Nepal since the late 1940s. The UML of today was established in 1991 when the Communist Party of Nepal (Marxist-Leninist) (CPN-ML) merged with the Communist Party of Nepal (Marxist) and jointly formed the Communist Party of Nepal (Unified Marxist-Leninist) (UML).

community belonging. However, in practice, native languages and cultures were not equally recognized, resulting in continuing discrimination (Lawoti 2007a, 14-15). In sum, the 1990 constitution ensured the continuation of the main features of Nepali nationalism: the kingdom, Nepali language and Hinduism, seeking to further strengthening the idea of the unity of the various social, cultural and ethnic groups in Nepal (Hachhethu 2003, 231).

The rise of ethnic politics

Since the restoration of democracy in 1990, the ideas of the ‘Nepali identity’ and the unity of the nation have increasingly been challenged. Whereas it previously was caste belonging deciding group solidarity and political participation, it is becoming increasingly depending on ethnic identities (Bleie 2010, 50). The quick rise of identity politics in Nepal is first and foremost a cause effect of the Maoist insurgency and their mobilization strategy.

A number of organizations based on caste, class, community and professional groups appeared on the political arena in the aftermath of the restoration of democracy in 1990. These groups were addressing the inequity in Nepal, and raised their voices for their integration into the society as equal citizens. However, the Maoists were the first to seriously raise the issues of previously marginalized groups on the political arena. The Maoists launched their insurgency in 1996 due to what they saw as the failure of the ruling parties to bring about change in the society. There were no signs of improvement in decreasing the huge inequalities or addressing the poverty and corruption. They saw with dismay on the social, economic, cultural and linguistic dominance of the high hill Hindu caste (Hutt 2004a).

The origins of the Maoist party (UCPN(M)) goes back to the late 1960s¹³. The Maoist movement originated as a class movement with the aim of establishing a communist state, a ‘People’s Democracy’ (Lawoti 2007a, 23). A strategically successful mobilization on the basis of ethnic grievances toward the state built up a broad support in the population (Hutt 2004b; Thapa and Sijapati 2004). The Maoist party had joined the general elections in 1991 and won nine out of 205 seats, making the third largest party in parliament (after the NC and UML), but failed to win any seats in the 1994 election (Hutt 2004b, 4-5). The Maoists were criticizing the inefficient system of parliamentary democracy. Prior to the insurgency they

¹³ UCPN(M) is the current name of the main Maoist party in Nepal. Since the party was first established in the 1960s there has been a series of splitting, merging and renaming of the party. I will throughout this thesis refer to it as the ‘Maoist party/movement’ or ‘the Maoists’, when I refer to a period in which it was known under a different name.

submitted a 40 point demand to the government, demanding an “end to the intrusion into Nepal and domination of foreign elements; for a secular state free of all discrimination and oppression with the monarchy stripped of its privileges; and for a wider range of welfare provisions and social and economic reforms” (Hutt 2004b, 5). The government was given a time period of 13 days to address these claims. The government did not make any promises in this direction, and the Maoists subsequently launched their insurgency 13 February 1996¹⁴.

The Maoists first and foremost mobilized on the basis of ethnicity, but also on discrimination based on caste, gender and religion: “The Maoists skillfully presented their fight as being everything for everyone, encompassing aggrieved groups and cutting across class and ethnic boundaries.” (Thapa 2012, 51) They promised to end social and economic inequality and discrimination, and supported cultural autonomy, the right to self-determination for ethnic groups, the secularization of the state, equal rights and language rights. The Maoists gained support mainly from the peasants, laborers and people from marginalized groups like the Dalits and various ethnic groups. Their mobilization strategy was based on a combination of awareness-raising activities among marginalized groups along with an aspect of threat. The Maoist soldiers were often merciless toward anti-communist sympathizers (Hutt 2004a).

When the Maoists resumed parliamentary politics in 2006 they expanded their political base by appealing to new groups, including students, the working class, teachers, public servants, and intellectuals. This has made UCPN(M) a lot more representative of the Nepali population than any other political party in Nepal.

The Maoists claim their difference from mainstream political parties in that they are seeking to create a new system by including the historically marginalized populations and building a sovereign state that breaks with the feudal system (Adhikari 2012, 281). For this purpose they propose an ethnic-based federal system that gives the various ethnic and caste groups the right to self-determination in their historical homelands (ibid., 281).

The Maoists also mobilized heavily among the Madhesi population in the Tarai region. The Madhesi originally are of Indian descent, they speak Hindi, and their culture is similar to the north Indian. Under the Panchayat system, as part of the King’s assimilation and Nepalization

¹⁴ The insurgency was launched four days prior to the set deadline in the 40 point charter.

process a large share of hill-origin Nepalese migrated to the Tarai region, with the government's promises of access to resources. Land and forest were distributed in the hill populations' favor. Contrary to most ethnic groups across Nepal that were subject to this homogenization process, the Madhesi population responded by stronger holding on to their distinct Madhesi identity (Hachhethu 2007a, 8).

The Tarai population constitutes about half of the total population in Nepal, and among these, approximately 1/3 are hill origin people. The state has to a large extent ignored the marginalization the Madhesi community has been subject to (Tamang 2011). It was not until the uprising in 2007 that their demands and recognition seriously have been taken onto the political agenda. After the promulgation of the Interim Constitution in 2007 a coalition of civil society organizations moved out to the streets raising two demands: a proportionate number of seats in the upcoming Constituent Assembly according to the demography of the region, and the amendment of federalization into the Interim Constitution.

The uprising was threatening the recently established peace, and the political parties thus quickly decided to amend the Interim Constitution accordingly to Madhesi claims. MJF, who had been the leading actor in the uprising registered as a political party for the 2008 Constituent Assembly election. MJF has since then continued to advocate for the recognition and the rights of the Madhesi population, with a main focus on federalization and the right to autonomy¹⁵.

The NC and UML have since 1990 taken the position of formally acknowledging pluralism, although their commitment to pluralism remained somewhat dubious. They have been seeking to make ethnic identities less relevant by pushing for the unity of the Nepali people. The construction of nationhood thus follows the French line, of a people living under a common law and the same legislative assembly. The Maoists and MJF are leaning more toward the German tradition. The Maoists' spokesperson, Baburam Bhattarai, in 1998 expressed:

The oppressed regions within the country are primarily the regions inhabited by the indigenous people since time immemorable [sic]. These indigenous people dominated regions that were independent tribal states prior to the formation of the centralized state in the later half of the eighteen century, have

¹⁵ There have also been split-ups in MJF since 2007. In this thesis I refer to the main fraction of the party, under the name Madhesi Janadhikar Forum, Nepal (MJF).

been reduced to the present most backward and oppressed condition due to the internal feudal exploitation and the external semi-colonial oppression. They have been left behind [in] the historical development process because of [the] blockade of their path of independent development and imposition of socio-cultural along with economic oppression upon them with the backing of the state by those forces who had come from outside. (Brown 1996, 180, cited in Thapa and Sijapati 2004, 78-79)

The ethnic and regional autonomy they fight for is founded on the idea of the cultural bonds within each group and their historical ties to the regions they live in.

5.1.2 Legal status

The main principle for granting the legal status of citizenship in Nepal today is *jus sanguinis*, i.e. citizenship provided through descent. The Nepali Citizenship Act 2063 (2006 A.D.) states that citizenship can be acquired both through a Nepali mother and through a Nepali father. This was the first time the state recognized the provision of citizenship through mother's lineage¹⁶. The preceding citizenship act from 1964 provided citizenship only to children whose father was Nepali citizen (Nepal Citizenship Act 1964). The 2006 act also, for the first time, provided for citizenship on the basis of birthplace¹⁷ (Nepal Citizenship Act 2063). It is also possible to acquire citizenship through naturalization for foreign women marrying a Nepali citizen or for children whose one of the parents are Nepali¹⁸.

Political parties disagree on what the main principle for granting citizenship should be. Whereas the NC and UML support that citizenship is to be provided on the basis of descent, UCPN(M) and Madhesi parties want citizenship to be provided equally easily to individuals that are born in Nepal (for example by migrant parents) and/or individuals that have been living in the country for a given period of time. This is an issue that is especially important to the Madhesi population, for whom it has been difficult to acquire citizenship due to their Indian origins. The Citizenship Act of 2006 enabled approximately 2.2 million people to obtain citizenship certificates for the first time, about one million of these of the Madhesi population (Tamang 2011, 303). Madhesi have for a long time raised claims for citizenship

¹⁶ To claim citizenship through mother is possible only for children born after the passage of Nepal Citizenship Act 2063 (i.e. 2006).

¹⁷ This provision allows a person born in Nepal before 13 April 1990, and which has been a resident in Nepal since then, to acquire citizenship if he/she can present a certificate showing land/house ownership or a voter registration card.

¹⁸ To acquire citizenship through naturalization the applicant must fulfill some criteria such as knowledge of written and oral Nepali and relinquishing of the foreign citizenship. A foreign man marrying a Nepali woman cannot acquire citizenship through naturalization.

certificates. The Hindu elite has been reluctant to provide equal citizenship to the Madhesis due to the practices of cross-border marriages between Madhesis and Indians. They fear that “‘Nepal’ – *i.e.* Nepali land, property, *etc.* – will soon be owned by ‘Indians’” (Tamang 2011, 303). The open border with India is mentioned by my informants from the NC and UML as the reason for why citizenship should not be provided on the basis of birthplace, but rather through descent (Interview VI; Interview VII).

In spite of the 2006 Citizenship Act providing for the acquisition of citizenship through mother, there is a lack of implementation of the law (Interview II; Interview IV). During the negotiations in the Constituent Assembly there were also discussions regarding the provision of citizenship related to gender equality. As the law provides for today, the children of a Nepali man marrying a foreigner can acquire citizenship through descent, whereas the children of a Nepali women marrying a foreigner can only acquire citizenship through naturalization. While UML and UCPN(M) have fought for a non-discriminatory act in this regard, the NC and Madhesi parties have not been willing to recognize such a provision. My informant from the Committee on Fundamental Rights and Directive Principles in the Constituent Assembly explained:

We were fighting a lot to have a non-discriminatory provision in the constitution. It was very difficult, and in the end UML, UCPN(M) and the left parties were supportive to our proposal to have a non-discriminatory provision. But NC and Madhesi party made a dissident opinion and they don't want equality between men and female. (Interview 1)

5.1.3 Rights

According to Marshall's categorization of rights a distinction was made between civil, political and social rights. The main issue of contestation in relation to rights in Nepal has been related to whether (and to what extent) to recognize group-specific rights.

The 1990 Constitution

The 1st People's Movement that led to the restoration of democracy in 1990 was driven by demands for inclusion and popular participation. During the drafting of the 1990 constitution, one of the central issues was how to 'deal with' the multicultural features of Nepal that during the 28 year long Panchayat regime had been suppressed in order to create the national Nepali community, symbolized by the Hindu Kingdom, the Hindu culture and the Nepali

language. The 1990 Constitution was Nepal's fifth¹⁹. The King appointed the constitution drafting committee, which consisted of representatives of the NC, the United Left Front (ULF) and the monarchy²⁰. In the committee there was an overwhelming presence of Hindu men from the high caste, and very little representation of the marginalized groups (Lawoti 2007b, 50). The NC had a strong influence on the process. The members of the committee traveled around the country to gather suggestions from the people. The issues that were raised were mainly related to linguistic and religious equality, representation of all population groups as well as self-determination rights for ethnic groups (Thapa and Sijapati 2004, 76). These claims were to some extent supported by the left parties' representatives in the committee (Whelpton 1997, 60; Hutt 1991, 1029). However, in the end, these demands were ignored. The commission together with the Interim Government argued that such claims would be damaging to the national integration. The leader of the commission expressed "dismay over the fact that the vast majority of suggestions submitted to the commission concerned linguistic, religious, ethnic and regional issues (...) [and that] it was 'unfortunate' that most suggestions had been about 'peripheral' issues" (Hutt 1991, 1028). The 1990 Constitution primarily endorsed individual rights. The exception was a few social provisions for women and Dalits within health, education and employment. Apart from this, there was no recognition of inequality or caste- and ethnic-based discrimination (Hachhethu 2003, 232).

The NC and UML in the 1990s

The call for political rights was at the heart of the popular movement leading to the restoration of democracy in 1990. The NC had been a leading actor of the movement, and promoted itself as the only democratic party: "Vote for RPP: vote for partyless system; vote for communist: vote for one-party dictatorship, vote for NC: vote for democracy."²¹ (IIDS 1993, 36, cited in Hachhethu 2007b, 138) Political and civil rights were central to the NC, which had a "strong belief in ... parliamentary democracy... in which all individuals enjoy the freedom of speech, organization and other political and civil rights" (www.nepalicongress.org, cited in Dhungel 2007, 44).

¹⁹ The first constitution was promulgated in 1948, and then subsequent constitutions were promulgated in 1951, 1959 and 1962.

²⁰ ULF was a coalition of six communist parties, among them, CPN-ML and Communist Party of Nepal (Marxist), the two parties that later merged into UML.

²¹ Rastriya Prajatantra Party Nepal (RPP), in English: National Democratic Party Nepal, is a conservative royalist party in Nepal.

Social rights gained a broader focus in the run-up to the national elections in 1991, 1994 and 1999. The NC promising to alleviate poverty and ensure economic development for disadvantaged and poor groups, while the UML promised “bread for the hungry, jobs for the unemployed, land for the landless, and shelter for the homeless” (Hachhethu 2007b, 141). None of the parties delivered on these promises (ibid., 154).

UML raised the issues of representation rights for marginalized groups in state institutions, secularization of the state as well as cultural rights to protect ethnic, religious and cultural diversity such as mother tongue education (Hachhethu 2003, 241; 2007b, 145; ICG 2012b, 19). The ‘ethnic issue’ came to gain more attention in the years to come, also on the part of the NC. The election manifestos of 1994 and 1999 came to include some cultural rights, such as mother tongue in education and the establishment of cultural centers and educational reservation quotas, as well as representation of Dalits and backward communities in the party and parliament (Hachhethu 2003, 241-243).

The Interim Constitution of 2007 and the Constituent Assembly

After the peace agreement between the Maoists and the mainstream parties was signed in 2006 the issue of group-rights has come to the center of the political debate. The Maoists and MJF have strongly advocated for the marginalized groups’ social, cultural and political rights. The Interim Constitution that was promulgated in 2007 was the first constitution in Nepal to guarantee special rights and protection for minorities and marginalized communities (Constituent Assembly Secretariat 2010, 18-19). This was also a contested issue in the Constituent Assembly’s work on drafting the new constitution.

Both the Interim Constitution and the constitution in making had inclusive features aimed at addressing the inequality in Nepal, including the right to proportional representation of ethnic minorities, Dalits, women and marginalized groups in state institutions. Socio-economic rights, such as the right to free education, basic health, land reform and redistribution, right to work, proper wages and social security were also agreed to be included in the new constitution (Shrestha 2014, 14). While the Maoists were the prime driver for including these rights in the new constitution, they did not manage to translate any of these social rights into actual policies during their time in government. Neither did they start to reform the high caste-dominated state apparatus to make it more representative. The outcome of their policies

to foster inclusion was limited to political representation rights in the Constituent Assembly.

One of my informants from the NGO sector in Kathmandu noted:

Civil society and the parties have sufficient capacity to raise a lot of demands, but the capacity of the state is weak to fulfill all the demands. It has made our politics very aspiration-oriented, and that weakens the government, the political system and at the end the state. The politicians have the tendency to continuously expand on more rights. But when they come to government they simply cannot fulfill those rights. That has happened to all our parties. During the elections the politicians go to the masses, when they are elected they come to the classes. (Interview II)

5.1.4 Participation

Participation refers to the spaces and strategies for exercising citizenship rights, and can either be through direct participation or indirectly through representation. One of the currently most contested issues in Nepal relates to decentralization. The issue has been on the political agenda since the restoration of democracy in 1990, but the debate today revolves around the restructuring into a federal state. I will come back to the issue of federalization more in detail. First I will provide some of the background for the claims for political inclusion and how the political parties have related to these, before I discuss two central measures taken after 2006 to create more spaces for popular participation and representation; the election of the Constituent Assembly and a decentralization reform program.

Political exclusion of marginalized groups

The 1990 Constitution provided for the adoption of majoritarian institutions. Lawoti (2007b, 50; 2007c, 59) argues that this resulted in political exclusion in several ways: the unitary state structure hindered power sharing among different ethnic and cultural groups as well as autonomy to the different groups. The first-past-the-post (FPTP) electoral system favored the two dominating parties, the NC and UML, both of whom opposed the suggestion to introduce a proportional system. This made it easier for them to introduce policies based on their values and priorities. Furthermore, the constitution contained discriminatory provisions. Examples include the banning of ethnic or non-Hindu parties and the provision of citizenship only through father's lineage, as well as the lack of minorities' rights for the promotion and protection of cultural and ethnic groups²².

²² Discriminatory practices, in spite of neutral constitutional provisions, are also frequent. Due to the limited scope of this thesis this issue will not be included in this paper.

While the restoration of democracy in 1990 opened up some policy space that enabled new actors on the political arena, the state continued to be highly centralized and exclusive. The high caste dominated the state apparatus at all levels, academia and civil society. In 1999, the high castes together with the Newars (an ethnic group) whom constitute approximately 36 percent of the population were in more than 80 percent of the leadership positions in governance (Lawoti 2007b, 48). Minority representation (of women, ethnic and religious groups) was low in the general election in 1991, and further declined in the elections in 1994 and 1999.

Decentralization of governance was included in the 1990 Constitution, yet decision-making power was not devolved to the local level. Also the Parliament was weak, as almost all power was in the hands of the leaders of the ruling party, and there was little policy space for opposition parties (Lawoti 2007a, 16). Two decentralization acts were passed in the years that followed: the Village Development Committee, District Development Committee and Municipality Act in 1991 and the Local Self Governance Act in 1999. Local bodies were created with some revenue collection power and expenditure responsibilities, aiming to provide citizens with better public services. Three general elections and two local elections were held between 1990 and 1999. After this, elections were not conducted due to the Maoist insurgency.

In its public rhetoric, the NC focused on broad popular participation in the development planning, arguing that open public debate was necessary for a sound development (Seddon 1994, 140-141). The NC committed itself to establish “a new order’ in Nepal, in which democracy and development were to go hand in hand” (Seddon 1994, 140). Still, no programs were introduced to address the imbalance of political participation and the devolution of power remained at a minimum. The UML had a stronger focus on decentralization than the NC, but was most of the time in opposition, and thus had limited policy space²³. Factors related to the elections, such as the lack of education of the voters and registering of both voters and ethnic or non-Hindu political parties contributed to upholding the elite system (Slavu 2012, 236). In sum, although the government institutions underwent

²³ The NC was in a majority government from 1991 to 1994. After the general election of 1994, UML formed a minority government that collapsed within one year. Between 1995 and 1999 there was a number of coalition governments before the NC again returned to power in a majority government in 1999.

some restructuring, the state remained centralized and state policies underpinned by high caste values (Lawoti 2007a, 14-15).

The NC made some minor commitments to the agenda of disadvantaged groups, such as amending the party platform in 1995. The amended platform would include 10 percent representation of excluded groups in the party committees (women and Dalits), as well as distribution of citizenship to a large share of the Tarai population and to ensure their equal job opportunities in the state apparatus (Hachhethu 2003, 240-242). However, the agenda of exclusion was for both UML and the NC subordinated to other issues (ibid., 244). The parties were occupied with inter- and intraparty quarrels. Through the distribution of state resources and administrative positions the parties could extend their patrimonial networks (Thapa and Sijapati 2004, 80; Hoftun, Whelpton, and Raeper 1999). Politics in the 1990s largely represented a continuation of the policies of the Panchayat regime, with little difference between the policies of the NC and UML (Panday 2012, 91-92; Dhungel 2007, 46).

Expanding political participation

The Maoist mobilization and insurgency has led to an expansion of both political participation and a broadening of the political agenda: “The ethnicization of politics since the beginning of the 1990s may not have succeeded in making politics more inclusive, but it has succeeded in putting the issue of inclusion firmly and unavoidably on the agenda of everyday politics.” (Hachhethu and Gellner 2008, 20)

Contrary to urban-based NC and UML, the Maoists had a much broader presence across Nepal. Throughout the insurgency they established various ethnic and regional fronts, and after resuming parliamentary politics in 2006 they kept mobilizing in rural areas. This was a crucial factor that led to their electoral victory in 2008. Furthermore, indigenous people came to gain leading positions in the Maoist party at the mid-level leadership. This stands in contrast to the case of the NC and UML. Still, people of the high Hindu caste have occupied the top leadership also in UCPN(M) (Adhikari 2012, 282).

Post 2006 – an agenda for political inclusion?

The election of the Constituent Assembly in 2008 has been celebrated for being the most representative of all political institutions in Nepal. First and foremost because of the new electoral system that introduced proportional representation with inclusion quotas alongside

the traditional first-past-the-post system, for example ensuring 33 percent representation of women (Slavu 2012). The Madhesi movement was crucial for achieving the change of the system. Furthermore, the Maoists nominated minority group candidates, which made the assembly more representative (ibid., 232). Civil society organizations were invited to join the constitution-writing process in open meetings and hearings where they could raise their issues and express their views on the current debates. The number of open meetings has been very high in some of the committees. The actual impact of the civil society organizations is difficult to assess. One of my informants raised the problem of the weak political capacity of civil society in Nepal: “There are two types of civil society organizations: rights based and duty based. Our traditional civil society is duty-based. When something happens they go to the people to deliver services. It is a very poor link between the civil society and the political parties.” (Interview II).

Furthermore, critical evaluations state that the constitution-writing process has been elite-led, and that in spite of the formal presence of marginalized groups there is still a lack of substantial representation (Tamang 2011, 306-307). This issue was also raised by one of my informant from civil society:

The parties internally are not sufficient democratic so they will not promote a democratic culture. There was no room for the Constituent Assembly members, only 12-13 top leaders who dominated the scene. They controlled the parties, the parliament, the executive and subordinated the judiciary. They could do it partly because they were reunited. They built a syndicate system. There was no room for the people in the Constituent Assembly negotiations. (Interview II)

Furthermore, the Constituent Assembly has been designed to the advantage of the top leadership. Both speaking time and the number of seats in the main committee is allocated to the representatives with the most votes and those highest in their respective party hierarchies. In the end this favors the high caste male leaders. Furthermore, party pressure has been hindering the freedom of expression of the assembly members, forcing them to vote according to the party position (Tamang 2011, 306-307).

When the Maoists came into government in 2008 new efforts at decentralization were introduced. A decentralization reform program was launched, the Local Governance and Community Development Programme (LGCDP). Local elections have not been held since 2002 due to the political instability in the country, and there are thus no elected bodies at the

sub-national level. LGCDP was introduced to increase popular participation and accountability at the local level. Various committees and organs have been established at the village and district level in which ordinary citizens can have a say in the shaping of local development policies. Several of my informants in Nepal, both from the local political parties and civil society organizations pointed to the problems of patronage and corruption penetrating local politics, such as an NGO employee in the district of Makwanpur: “The common citizens are related to political parties only through their voting rights, and so the parties give them protection in return for their votes. The political parties say: we have to protect our supporters.” (Interview X).

5.2 The politics of citizenship

The analysis of the politics of citizenship enables insight into the construction of power relations and the political motives behind the promotion of certain models of state organization. Butenschon (2000) referred to two dimensions in the study of the politics of citizenship: the constitutional principle of state institutions and the territorial principle of the organization of the state. The first dimension concerned whether group affiliation is decisive for the status and the rights of each citizen. A distinction was made between singularism, pluralism and universalism. The second dimension concerned the territorial organization of the state, and the relation between the political/geographical state unit(s) and the demography of the population. In this regard we can distinguish between the unitary state, the fragmented state and separate states.

In the following section I will place the parties within Buentschon’s typology and show movements of the political parties within the framework from democracy was restored in 1990 and until the dissolution of the Constituent Assembly in 2012. Butenschon (2000) emphasizes that it is not necessarily that one regime fits perfectly into one category. The same goes for the political parties in Nepal. I nevertheless think it fruitful to place the parties according to their dominating views and positions, because in the process of building the state and the nation in the multicultural Nepal the dimensions of the typology throw light on the political parties’ positions to the issue of political inclusion. I start, therefore, with a brief account of the change of the political scene in 2006, which marked the start of a new phase of the democratization process in Nepal, encompassing the transition from war to peace, a

broadened competitive multiparty democracy as well as efforts at going from a unitary, centralized state structure to an inclusive, federal one.

Federalism on the political agenda

After several failed attempts the Comprehensive Peace Accord was signed in 2006 between the political parties, ending 10 years of armed conflict. When King Gyanendra in 2005 attempted to bypass the elected government and gather all state power in his own hands, the political parties finally found ground to gather in a joint struggle against the King. Even the NC, who since the restoration of democracy in 1990 had been supportive of the constitutional monarchy, turned against it. A mass mobilization in the streets of Kathmandu forced the King to step down, and Nepal was soon after declared a republic. The Comprehensive Peace Accord defined the following goal for Nepal:

To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis [ethnic groups], Madhesi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion and region. (2006, 4)

The popular movement of 2006 was a call for inclusion. The Interim Constitution defined Nepal as “an independent, indivisible, sovereign, secular, inclusive and fully democratic State” (2007, 1). The restructuring into an inclusive state was thus a set goal, though with no further details regarding the kind of restructuring (UNDP 2009, 89). The amendment of the Interim Constitution happened fast, without much consultation within or between the parties. It was first and foremost to hinder the escalation of the uprising of the Madhesi movement in 2007. The Madhesi blamed the Interim Government for ignoring previous commitments to inclusion of the Madhesi population in the peace agreement (ICG 2007, 18).

Federalism has been proposed by marginalized groups as a solution to ‘the ethnic question’, which has been on top of the political agenda since 2006 (Hangen 2010). During the Constituent Assembly’s negotiations, however, federalism has turned out to be a contentious issue, putting the power balance and influence of the political parties at stake. Mainstream actors like the NC and UML, which had not previously been in favor of a federal state structure, later tried to back away from federalism. Over the time, it has not been a feasible alternative for the NC and UML to draw back on their agreement to federalism. However, the form, degree of devolution of power, number of federal states and dividing lines between the

states are questions that have been under constant debate. For example, whereas the Maoists and MJF want federal states along lines of ethnicity, or identity²⁴, the NC and UML argue for federal states primarily based on economic viability (ICG 2012a, 6).

Changes in the politics of citizenship

As outlined above, after the restoration of democracy in 1990 Nepal was a unitary state. In spite of some minor efforts at decentralization, the state remained highly centralized with power concentrated in the executive. The majoritarian institutions enabled the domination of the high hill Hindu elite. Consequently, women were deprived of inheritance and property rights; citizenship was distributed on the basis of descent, thereby excluding large part of the population, especially the Madhesi population; laws and norms were underpinned by the culture and values of the high hill Hindu caste, such as keeping Nepali as the only official language and Hinduism the state religion. Ethnic- and caste-based discrimination was not recognized. Along Butenschon's dimensions this suggests that state- and nation-building was underpinned by a singularistic state idea; the state was not relating neutrally to the various subgroups within the polity, but rather giving predominance to the high hill Hindu elite. Based on the material presented above I would argue that UML to a less degree than the NC has pushed for a singularistic state idea. Although UML did not make any firm commitment to minorities' rights during the 1990s, the party did among other things advocate for the secularization of the country as well as linguistic equality and some representation rights for minorities. The NC, on the other side, was more reluctant to acknowledge group-specific identities, seeking to make the various ethnic identities less relevant by focusing on the individual equal rights of all the citizens. I would thus argue that while the position of the NC from 1990 onwards does not point toward a purely singularistic state idea, it suggests a combination of universalism and singularism. UML, on the other hand, promoted a state idea with features of both pluralism and singularism. In their policies, the NC and UML were therefore to some extent promoting universalism and pluralism respectively. Nevertheless, both parties were building a state with features consistent with a singularistic state idea, designing a system that built the hegemonic position of the high hill Hindu elite.

²⁴ The parties have gradually come to talk of identity-based federalism rather than ethnic-based federalism, to proceed beyond ethnicity and also take into consideration factors such as language and culture. However, the content of the proposed models remain the same.

After peace was restored in 2006, there has been a clearer divide in the paths taken by the NC and UML. In the meeting with contentious identity politics and ethnic claims, the NC has resorted more to the principle of universalism. This is first and foremost evident in the NC's reluctance to provide group-specific rights to marginalized and excluded groups in the society, arguing that individual rights is more efficient to ensure the equality of everyone, and that who should be counted as excluded should depend on poverty and not ethnicity (ICG 2012a). UML, on the other hand, suddenly embarked on special group rights for marginalized groups.

Moreover, with respect to the structure of the state both the NC and UML have agreed on the dissolution of the unitary state and the restructuring into a federal state, but in some aspect they differ from each other. Given the different approaches of the parties with regard to the constitutional principle, with the UML taking a pluralistic approach whereas the NC pursues a more universal approach, I will therefore suggest that the UML falls into the category of cantonization, whereas the NC falls into the category of federation/confederation.

The Maoists and MJF, on the other hand, have been the two actors advocating the strongest for federalization. They advocate for the rights of the various ethnic groups for a stronger decentralized level, while the role of the center is to facilitate compromise between all groups. This corresponds to pluralism as the state idea. With regard to the Maoists there has not been any change in their position within the typology. Since they launched the insurgency in 1996 they have been advocating for a fragmented state on the basis of pluralism; recognizing different ethnic identities, but not giving predominance to any of these. This suggests that both UCPN(M) and MJF fall into the category of cantonization.

To sum up the empirical observations, I suggest the following placement (and movements) of NC, UML, UCPN(M) and MJF in the typology:

Table 2: Dynamics in the political organization of state territories

Constitutional Principle	Territorial Principles		
	The Unitary State	The Fragmented State	Separate Territories
Singularism	Hegemonic system	Imposed self-rule	Ethnic “Homelands”
Pluralism	Consociational systems	Cantonization Unified Marxist-Leninist (UML) UCPN(Maoist) Madhesi Janadhikar Forum (MJF)	Separate states
Universalism	Majoritarian systems	Federation/Confederation Nepali Congress (NC)	Separate states

5.2.1 Citizenship policies of inclusion and exclusion

The identification of the political parties’ positions in the typology above shows that there have been changes in the politics of citizenship, and seemingly more agreement on how to go about to build a more inclusive state. Throughout the empirical inquiry I have discussed the political parties’ positions in regard to the four dimensions of citizenship: membership, legal status, rights and participation. The account shows that citizenship in Nepal after the restoration of democracy in 1990 has remained limited in regard to all four dimensions.

Membership in relation to the state as the political community has been founded on a construction of nationhood built on the values and lifestyle of one ethnic group in Nepal, the high hill Hindu caste, and is thus discriminating to other ethnic groups. This definition of Nepali, that has been protected by the NC and the UML, is challenged by the Maoists and Madhesi activism. These movements have been successful in raising the issue of ethnic inclusion. Citizenship as a legal status has been, and still is, a source of political exclusion. First, because the provision of citizenship until 2006 only went through fathers’ lineage; second, although there is now a gender neutral provision (citizenship certificates are given both through father and mother), the implementation of the act is still discriminating against

women; and third, the NC and UML stick to keeping *jus sanguinis* (citizenship through descent) as the main principle for granting citizenship, which makes it difficult for certain groups, especially the Madhesi population, to obtain citizenship certificates.

The substance and extension of citizenship rights have similarly to membership largely benefitted the high-hill Hindu caste. The embracement of individual rights in the 1990 Constitution served the purpose of keeping the state apparatus dominated by the high hill Hindu elite, and the NC and UML's approach to social and cultural rights has been little more than lip-service. The UML has in recent years reached out to the marginalized groups, but has again shown little commitment to this agenda. The Maoists and MJF, on the other hand, have advocated for special representation rights for ethnic groups and self-determination rights. The former was a central contribution to the election of a Constituent Assembly that was more representative than any other state institution in Nepal. To what extent special group rights actually fosters inclusion will be discussed more thoroughly in the analysis. Especially when it concerns the Madhesi claims, there is reason to question the inclusive potential of giving special rights to one group in the multicultural and multi-ethnic Tarai region. The issue of political self-determination rights is left unsolved. Social rights came to the center of the agenda when the Maoists came to government, but for some reason it did not translate into actual policies. The Maoists and MJF further claim official status and use of other languages than Nepali, but to this day this has not been agreed upon.

In terms of participation, the spaces for exercising citizenship rights after the restoration of democracy in 1990 were to a large extent limited to national elections. The state remained highly exclusive and centralized. In contrast to the top-down provided channels for participation and representation, the Maoist and Madhesi movements represented strong forces that utilized new strategies and demanded, from below, spaces for political participation. The Interim Constitution, which provided for the election of a constituent assembly with the mandate to draft the new constitution as well as the restructuring into a federal state, was therefore an important achievement for these movements. The results, however, in terms of inclusive policies, remain limited. The negotiations in the Constituent Assembly quickly turned an elite-led business, and the boundaries between the federal states remained a contested issue until the assembly was dissolved in May 2012. What at first sight were promising moves toward an inclusive process and radical transformation of the state did not translate into inclusionary policies. There is still social and political exclusion.

The political parties' positions and movements in Butenschon's typology seen in relation to the character of the demands and results of their citizenship policies are summarized in the following table. The table shows whether the demands and results in the parties' policies over time have fostered inclusion or exclusion.

Table 3: The politics of citizenship

Political organization of state territories	Policies: inclusion/exclusion (demands and results)			
	Membership	Legal status	Rights	Participation
NC From hegemonic/ majoritarian system to federation/ confederation	Continuing ethnic exclusion	Continuing ethnic and gender exclusion	Continuing ethnic exclusion	Continuing ethnic exclusion
UML From hegemonic/ consociational system to cantonization	Continuing ethnic exclusion	Continuing ethnic exclusion, but gender inclusion	Increasing inclusionary demands, but poor results: continuing ethnic exclusion	Continuing ethnic exclusion
UCPN(M) Cantonization (no change)	Continuing ethnic inclusion	Continuing ethnic and gender inclusion	Inclusionary demands but mixed results	Inclusionary demands but exclusionary results
MJF Cantonization (new actor, no change)	Continuing ethnic inclusion	Continuing ethnic inclusion, gender exclusion	Inclusionary demands but mixed results	Inclusionary demands but exclusionary result

To sum up, the table shows that the NC and UML have largely remained exclusionary with regard to all four dimensions. Their changing positions in regard to the organization of the state, that is when they agreed on federalization, have not corresponded with substantial changes in their citizenship policies. Although the UML has raised more inclusionary demands (and pursue gender inclusion in regard to citizenship as a legal status), as accounted for above, the results remain limited. When it comes to the Maoists and MJF, there is no change in their positions in the typology but there have been changes in the content of their policies, from the demands they raised to actual results. The Maoists and MJF have been successful in raising the issue of inclusion on the political agenda, challenging the high caste Hindu elite-dominated state. Their policies for fostering inclusion through rights and participation have contained demands for ethnic inclusion. However, the results have been poor – there has been little substantive change. At best, the results have been mixed: the

rights to political representation have been implemented, but social, economic and cultural rights remain absent. Participation has remained an elite-business.

5.3 Summing up

Throughout this chapter I have described basic elements of the content and conflicts surrounding citizenship in Nepal, with discussions on membership in relation to the state, legal status, rights and political participation. I have highlighted the issues within the four dimensions of citizenship that have been the most contested among the political parties in the period from the restoration of democracy in 1990 and until the Maoists had launched their insurgency in 1996, and from peace was restored in 2006 and until the dissolution of the Constituent Assembly in 2012.

The above account shows that after the restoration of democracy in 1990 citizenship has remained limited in regard to all four dimensions. Social and political exclusion prevails. The attempts at fostering inclusion have not produced substantial results. What explains the failure of the Maoists and MJF in producing inclusionary politics when they entered electoral politics and came into a position where they could build an alternative? And why have the traditional parties remained exclusionary? These questions will be addressed in the following chapter as I set out to investigate the parties' options and strategies in popular mobilization.

6 Analysis

The previous chapter concluded that the recent political developments in Nepal have not led to more inclusion. I have identified the period of 2006-2008 as a turning point when it comes to the political parties' relations to the politics of citizenship. These changes relate to new structural and institutional conditions in the process of democratization, from the need to demand democratization to more opportunity for practicing and further developing democracy. Having placed the political parties in Butenschon's typology of the political organization of the state and distinguishing its relation to the content of the policies, I made the following three points: in the case of the NC and UML's declarations there have been changes in position within the typology which correspond to the new chances of practicing and developing democracy, but few changes in terms of the parties' actual policies. In short, the NC and UML largely remain exclusionary. With regard to the Maoists, by contrast, the altered conditions have not produced substantive changes within the typology – they still focus on interests of subordinated groups. But as in the case of the NC and UML the policies have not really fostered more inclusion. Lastly, MJF entered the electoral arena because of dissatisfaction with the agenda and actions of the Maoists as well as the NC and UML. The question I want to address in the remaining part of the thesis is: *What explains the lack of more inclusionary policies?*

6.1 The framework of popular mobilization

In order to answer this question I use a framework developed by Törnquist et al. (forthcoming) that instructs us to consider three aspects to understand changes in attempts at inclusionary politics²⁵: The building of political communities (i.e. collectivities that have political ideas and interests in common), the type and character of rights that are given priority by these collectivities and the channels of political representation that they give priority to. With the changing political context in 2006, when the Maoists resumed parliamentary politics and peace was still fragile, the political parties then faced a wide range of demands from a politically mobilized electorate which produced more identity politics. Many people demanded their recognition and equality and were afraid of being ignored once

²⁵ The framework is developed in order to analyse problems and options of transformative politics to enable the combination of equality and economic development. The three dimensions seem to be crucial irrespective of context and type of transformative politics.

again. Did the changing circumstances lead to a change in the building of political communities, the type of rights and channels of representation the actors opted for? In the following, I will analyze the parties' agendas in regard to these three aspects and discuss if any changes in their prioritizations over time may explain the relative lack of more inclusive policies.

6.1.1 Building political communities

To study the building of political communities includes an analysis of the content and the form; that is what the groups have in common and how they mobilize and organize. The aim is to identify whether there have been any changes in these two dimensions over time. While political integration refers to the inclusion of people on a relatively equal basis, often via broad and autonomous popular organizations, political incorporation is based on inclusion of less organized masses into politics, either through clientelistic relations or populist mechanisms (Törnquist 2002, 39). Political incorporation may include aspects of both populism and clientelism. I therefore focus on the mode of integration versus incorporation the actors have given priority to over time.

Nepali Congress and Communist Party of Nepal (UML)

The empirical inquiry showed that the NC since the restoration of democracy in 1990 has been concerned with promoting the values and culture of the high hill Hindu caste. This was, among other things, seen in the process of drafting the 1990 Constitution. As described in chapter 5, the NC leadership had a strong influence on the process and managed to assert the domination of the 'Nepali identity' by introducing laws and institutions built on the values and culture of the high hill Hindu caste, such as keeping Nepali as the only official language and Hinduism as the state religion. What the political community has in common is first and foremost an identity. The representation of a constituency on the basis of a common identity or culture is what Pitkin (1967) classifies as symbolic representation. Although pluralism was recognized in the 1990 Constitution, the national discourse was centered on the unity of the Nepali people, calling to mind the previous Panchayat homogenization process, which sought to integrate the different ethnic and cultural groups rather than acknowledging their cultural specificities.

UML has been associated to the high caste alongside the NC. The party has expressed that it believes in the unity and harmony among all people of Nepal, irrespective of religion, ethnicity and caste. Seeking to raise the issues and interests of various groups, this, in Pitkin's (1967) terms, refers to substantive representation. The party's slogans in the 1990s typically sounded: "food, housing and clothing for all", "land to the tillers", "confiscation of land from landlords", "uplifting poor, women, and other disadvantaged groups" (Gellner 2008, 159). The empirical material presented above indicates that the party has been more concerned with securing the interests of the high caste rather than promoting the interests of the marginalized groups, though the party itself claims to represent the least well off. This was clearly seen in the aftermath of the restoration of democracy in 1990, when UML publicly made efforts to raise the issues of marginalized groups while the actual policies they pursued benefited the high caste.

As previously stated, patronage politics was a central element for both the NC and UML throughout the 1990s in order to enhance their electoral base. Devolution of power to the sub-national level remained limited, and local strongmen thrived in their patronage networks. Such top-down relations in the political mobilization and organization, that is, when the political community is formed behind a patron, is what Mouzelis (1998) refers to as the incorporative-clientelistic mode of political integration. The form of the political community of both the NC and UML were primarily patronage-based politics. This requests strong middlemen. The NC built alliances with the former elite of the Panchayat system, allowing the local elites to maintain their privileges, while they in return could assure the electorate's support for the NC (Brown 1996, 175). The patronage networks of UML were based on the party cadres, who each had their clientelistic networks to sustain. As both the NC and UML's popularity during the 1990s decreased among the electorate in line with their poor performance in government, they increasingly became reliant on the patronage networks to get votes (Gellner 2008, 154).

The election manifesto of the NC in 2008 stated that the Constituent Assembly was an opportunity to rebuild "we, the people of Nepal" (ICG 2008a, 3). Furthermore, in current debates on federalization, the main argument of the NC is that identity-based federalism poses a threat to the unity of Nepal and the national integration. The president of the NC, Sushil Koirala, has expressed: "Nepali Congress will never accept an ethnic-based federalism. This federalism will ruin Nepal's unity and stability." (New Spotlight Nepal

2012) The strong stand the NC takes against any form of identity-based federalism, in addition to their reluctance to acknowledge group rights, indicate that it is still the 'Nepali identity' that unites the political community.

In the case of UML, the content of the political community is still based on issues and interests also post 2006. The empirical material indicates that it to a large extent is the same story that has repeated itself: UML reaching out to the marginalized groups in an attempt to broaden the political base, to then withdraw on the commitments made and rather prioritize the interests of the high caste. This is most evident in the debate on federalism, and it has led to some divisions within the party, primarily between the ethnic leaders who opt for identity-based federalism, and the high caste Hindu top leadership who resist it (ICG 2012a, 7). Though there has not been any explicit change in the content of the political community over time, the somewhat fragmented content may explain the party's staggering position on the issue of identity-based federalism. UML tries to keep a foot in both camps. This may explain the UML's failure to foster more inclusionary policies. The political inclusion of the masses still primarily goes through clientelistic networks, both on the part of the NC and UML (ICG 2008b, 2010). Without the commitment from the top it is difficult to foster change. Given that the form of political mobilization is based in top-down incorporation, the likelihood of the marginalized groups' agenda winning prominence over that of the Hindu elite remains rather weak. To sum up the case of the NC, there have not been major changes in the building of the political community since 1990 until today. It is built on the high hill Hindu identity and is embedded within patronage politics. As outlined in the empirical chapter, this has previously resulted in sustained political and social exclusion in Nepal. The lack of change suggests that fostering more inclusive politics will not be on the agenda of the NC.

The Maoists

The Maoist strategy of mobilization is one of the main reasons behind the upsurge of identity and ethnic politics in Nepal. As was discussed in the empirical inquiry, the Maoists first and foremost came together on the basis of common interests of socio-economic and political inclusion among many subordinated groups. It was the claims for improved livelihood and a more equal and fair society that brought the subordinated groups together, due to their shared experience of socio-economic marginalization from the state and century-long domination by the Hindu elite, which had resulted in poverty and extreme levels of inequality. To abolish the feudal system required broad alliances and mobilization cutting across caste and ethnic

divides. More than that, they were also united by their common ideology and strategy: to overthrow the government and capture state-power. The content was thus, similar to UML, on the basis of substantive representation: issues and interests relating to socio-economic equality, as well as the strategy of capturing state power through an armed revolution.

Throughout the insurgency, the ethnic and regional fronts established across the country came to be more central to the organization of the Maoist movement. Most of the party's leadership was underground (Sharma 2004, 40). While the Maoist army, People's Liberation Army, was conducting underground guerilla warfare, the leaders of the front organizations had a crucial role in mobilizing support to the Maoist movement within their respective regions (ICG 2005, 11; 2007, 7). These leaders enjoyed a great deal of autonomy, and served as mediating links between the top leadership and the popular masses. As the Maoist movement grew larger and more complex in terms of the mobilization of various ethnic groups, the ethnic leaders became increasingly important to the organization of the movement. Along the lines of Mouzelis (1998), this shows that the organization and mobilization of the political community have taken the form of patronage politics. The local communist leaders in the districts functioned as party bosses, whom based on their organizational clout could provide protection for their specific groups and individuals in return for their support. Similar to the patron-clientelism of the NC and UML, the party-bossism is a method to incorporate people into politics, as opposite to the integrative mode, that is, when people become involved with politics by way of their own organizations.

Then what about the political community post 2006? In the case of the Maoists, have there been any changes? The Maoists at this point resumed parliamentary politics. Choosing to lay down their weapons and join electoral politics obviously had implications for the movement's strategy. When the King stepped down and the country became a democratic republic, the Maoists had won over their main enemy²⁶. Remaining were the political parties, the NC and the UML, with whom the Maoists then went into electoral competition. The demands for socio-economic equality thus no longer took the form of a struggle toward the state since the Maoists now formed part of the state apparatus. Moreover, the Comprehensive Peace Accord and the following Interim Constitution also provided for two of the

²⁶ After the royal massacre in 2001, the Maoists declared the monarchy to be the prime enemy. Previously it had not been a pronounced goal to abolish the monarchy per se, only to strip it of all special privileges (Dhungel 2007, 14-15).

longstanding claims of the Maoists: the election of a constituent assembly with the mandate to draft the country's new constitution and the restructuring of the state²⁷. The latter would turn out to be a contentious issue. As demonstrated in the previous chapter, for the Maoists, this is a question of how to secure inclusion and self-determination rights for the various ethnic groups. This indicates a change in the content of the political community. Whereas it was previously united on the basis of the people's common interests and claims for socio-economic equality directed *toward the state*, the priority came to be interests relating to political rights, more specifically, claims for identity-based federalism. The disagreement on what federal model to pursue was what finally led to the dissolution of the Constituent Assembly before it had agreed on a draft constitution, as neither of the parties seemed willing to compromise too much. The Maoists had been the prime force demanding for the election of a constituent assembly, and they were in the end standing left as the prime actor responsible for the failure to reach agreement. It was the Maoists who had everything to lose by not producing a draft constitution. Why would they let this happen?

One explanation relates to the changing content of the political community. When the movement was previously united around the claims for socio-economic equality and a common strategy of overthrowing the government and capturing state power, this allowed for building unity across ethnic and cultural divides. Then, once in state power, keeping the political community united would necessarily be more difficult. As the major party in the Constituent Assembly, expectations were high for what the Maoists would achieve. But, as was discussed in chapter 4, they have not been able to deliver on their promises and translate the socio-economic agenda into actual policies that empower the subordinated groups. Moreover, the specific groups within the broad Maoist base have become more concerned with securing their own interests. The case of the Madhesi activists breaking out from the Maoist movement demonstrates this challenge. While MJF, who was in the lead of the Madhesi movement, claimed one large Madhes state covering the whole Tarai region, the Maoists had recognized a separate state for the Tharus (indigenous people) (Gayer and Jaffrelot 2009, 59). This is one of the reasons for why the Madhesi movement took a stand away from the Maoist movement to focus on their own objectives.

²⁷ Both these claims had been included in the 40 points demand that was handed over to the government prior to the insurgency.

These challenges must be seen in relation to the form of mobilization and organization. When the Maoists resumed electoral politics, they were no longer dependent solely on popular support for their activities, but they needed votes. They expanded the political constituency by further recruiting to the fraternal organizations across the country. For this purpose they would naturally be more dependent on the local patrons whom provided the mediating links between the party and the electorate. Their mobilization was an important factor contributing to the Maoists winning the election in 2008, as other parties were mainly Kathmandu-based and lacked organizational presence in the districts. This type of mobilization again requests that they actually deliver on the issues and the interests of the various groups they have mobilized. Such a simplistic democracy can generate more claims, as was the case with the Madhesi movement that resulted in political uprising and increasing ethno-nationalism on the part of the Madhesi population.

In the end, identity politics has increased; each group is concerned with their own rights. This development partly gives support to Mansfield and Snyder's (2007) argument that the challenges and problems of the democratic transition in 1990 that first led to the Maoist insurgency has also left negative legacies for the later attempts at democratization in that it has produced more conflicts along ethnic and cultural lines. However, escalation of violence has been absent after the government met the Madhesi movement's demands in regard to the amendment of the Interim Constitution.

The political community that was built during the insurgency seems to have become more fragmented when the Maoists resumed parliamentary politics because they were expected to deliver on the specific interests of the various groups. The question then is what kind of democratic reforms and interests the Maoists have chosen to prioritize, whether it is the overall interests of the party or the specific interests of the group leaders and party bosses. I will come back to this issue in the sub-chapters concerning the prioritization of rights and channels of representation.

Madhesi Janadhikar Forum, Nepal

‘Pahadis out of Madhesh’ and ‘down with hill administration’²⁸. These were central slogans of the Madhesi uprising in Tarai in 2007 (Hachhethu 2007a, 3). This points directly to the content of the Madhesi movement: their Madhesi identity, as separate from other Nepalese in regard to their culture and language, and especially in opposition to the population of the middle hills. It is the Madhesi ethnic identity that lies at the core of their collective struggle. After the amendment of the Interim Constitution, Vijay Karna, a Madhesi activist, celebrated the achievement:

It gives Madhesh a separate identity; it produces federalism; it compels the state to increase representation of the Madhesh in the state apparatus; it helps Madheshis to get citizenship card without much pain; and above all it boosts up morale and confidence of the Madheshi people. (cited in Hachhethu 2007a, 3)

Madhesi activism prior to 2007 had mainly revolved around claims for inclusion in state institutions and control over national resources, and having its base in the regional identity of the Tarai population. As noted in the empirical inquiry, the Madhesi population was initially mobilized by the Maoists. In 2000 they established a Maoist front organization in the Madhes region, the Madhesh National Liberation Front. The slogan was: “say it with pride, we are Madhesi” (Hachhethu 2007a, 7). The Madhesi movement and the MJF later took on this agenda. Regional based ethno-nationalism thus came to the center of the Madhesi movement and the MJF (Hachhethu 2007a). Descriptive representation is at the core of the political community, the leaders representing the Madhesi community on the basis of their ethnic identity.

The political mobilization in MJF is heavily reliant on caste-based politics (ICG 2007, 2012b). As elaborated upon in the empirical inquiry, a large number of hill migrants settled in the Tarai region during the Panchayat era as part of the system’s assimilation strategy. The hill people were privileged by the state, and gained a leading position at the cost of the traditional Tarai landlords. However, due to the feudal relationships between the landowners and the landless, the local elites retained a great share of informal power. MJF has been led by one of the traditional landowner castes, the Yadavs, who could easily mobilize the

²⁸ ‘Pahadis’ is a term referring to the hill population. On a north-south transection there are three geographical zones in Nepal: The mountains, the hills and the plains. The Tarai region comprises the plains.

landless low castes (Hatlebakk 2007). The form of the political community of MJF is thus similar to the NC, UML and the Maoists', primarily based on patronage politics.

6.1.2 Rights

Given the political communities that are established and organized, the next question for analysis concerns the type of rights the actors opt for and the character of these rights. Similar to above, I look into which rights have dominated the agenda over time to see if I can identify any changes.

Nepali Congress

As was outlined in the empirical inquiry, since the restoration of democracy in 1990 the NC has focused on individual rights. This was clearly expressed in the 1990 Constitution, which almost exclusively came to recognize individual rights. The constitution drafting commission, under heavy influence by the NC, ignored popular demands for group-specific rights²⁹. These were rather seen as a threat to national unity (Hutt 1991, 1028). In line with the NC promoting itself as the only party genuinely fostering democracy, civil and political rights were high on the agenda. They protected private property rights, warning that the communist parties "would confiscate all private property" (Whelpton 1994, 64). Political equality was, rhetorically, high on the agenda, but, as seen, it did not translate into policies addressing the imbalance of political participation in Nepal.

The principle of universality that the NC has embraced and, consequently, the neglect of group-specific rights, can be seen as a logical step in the ruling elite's effort toward maintaining their dominant position in the political field; in the state apparatus specifically, and in the Nepali society in general. Given the limited participation of other ethnic and cultural groups on the political arena, the domination in state institutions enabled the NC to implement their own values and norms in the policies (Lawoti 2007b). According to Young (2011), ignoring group-specific identities is a form of oppression by the ruling group. Neglecting group rights and focusing on promoting the unity of Nepal, which is built on the culture, values and norms of the high hill Hindu caste, is a logical approach given the content of the political community, and as identified above, its built identity of the high hill Hindu caste.

²⁹ The exception was some educational and health rights for backward and marginalized groups.

After 2006 there have not been major changes in NC's position with regards to rights. They have been hesitant to acknowledge structural discrimination in society, arguing that inequality has economic basis, and that policy addressing ethnic discrimination harm individual rights (ICG 2012a). In a multicultural society with long traditions of exclusion and marginalization of various ethnic groups, this position has so far not generated political and social inclusion. Keeping the country's identity and unity is a central issue to the NC, explicitly seen in its reluctance to acknowledge identity-based federalism, but also in the question of distribution of citizenship. The empirical material pointing to the NC, along with UML, advocates for maintaining citizenship by descent as the main principle for distributing citizenship. Providing citizenship on the basis of descent, as seen, historically has been a major cause of exclusion, especially harming the Madhesi. The NC and UML's reluctance to provide citizenship to a larger share of the Madhesi population may be understood as a part of the strategy to maintain the 'Nepali identity', and, to limit the challenges to their dominating position. This was also pointed to by one of my informants from the Maoist party: "The groups from the hill region [the NC and UML] see every Madhesi as Indian. Because they speak the same languages on both sides of the border. That is why they discriminate against the Madhesi." (Interview VIII)

Communist Party of Nepal (UML)

The empirical inquiry showed that UML advocated for minorities' rights during the democratic movement in 1990 and in the years following the restoration of multiparty democracy by raising issues of linguistic and religious equality as well as political rights relating to minorities' representation in the state apparatus. It seems safe to conclude that this was primarily an effort to increase the electoral base. The empirical chapter showed the policies the party pursued during the 1990s suggest a rather weak commitment to these issues. Examples include the party's quick acceptance of Hinduism as the state religion, and their decision to introduce Sanskrit news broadcast on the state-owned national radio station when in government from 1994-1995 (ICG 2012b, 19). In the above I identified the political community of UML to be built primarily on the interests of the high hill Hindu elite. This can explain why the party is not delivering on the promises made to ethnic and other minorities, as they, along with the NC, benefitted from the universal approach to rights that was

embraced in the 1990 Constitution. It contributed to sustaining their dominance on the political arena.

UML's lack of commitment to ethnic and marginalized groups' rights led many of the concerned groups who had earlier supported UML to embrace the Maoist agenda of inclusion and socio-economic equality. During the peace process that started in 2006, UML again reached out to ethnic and marginalized groups by putting minority rights high on the agenda, advocating for representation rights for marginalized groups in state institutions and endorsing regional and ethnic autonomy. Prior to this, the NC and UML had to a large extent been unchallenged on the political arena. There is reason to assume that this renewed commitment came as a result of the rising identity politics and new political actors, first and foremost the Maoists, but later also MJF and other Madhesi-based parties, entering the electoral field. UML was left situated between a conservative NC and the radical force the Maoists represented.

After 2006 there has been internal division in UML in relation to the party's position in the question of ethnic and minority groups' rights. On the one hand, the party has advocated for group-specific rights to protect the minorities, for example by endorsing the ILO Convention 169 concerning the protection of indigenous and tribal rights and support of indigenous cultures, including the right to self-determination. On the other hand, when it concerns federalism, UML has proved rather indecisive; from fully endorsing identity-based federalism in 2006 and including it in their party manifesto for the election in 2008, to later drawing back on their stand. During the negotiations in the Constituent Assembly it became increasingly apparent that UML would not support identity-based federalism after all (2012a, b). The arguments more frequently sounded that this would create communal tensions and threaten the unity of Nepal (ICG 2012b, 18-19). This led to discontent among the ethnic leaders who had initially believed this had been a sincere commitment from UML, but came to learn that it was not. "Many leaders from Nepali Congress and UML joined our party as they felt their Madhesi community was disrespected in their party. They could not come up with any decision regarding federalism and giving rights to Madhesi, and that is why they came to our party." (Interview VIII)

One explanation to UML's staggering position in the question of group rights can be found by looking closer into the different types of group-specific rights. Kymlicka (1995, 27-33)

made a distinction between self-government rights to minorities within the state, polyethnic rights to protect minorities' rights and culture, and special representation rights to secure minorities' representation in state institutions. The purpose of the two latter types of rights is to integrate the minorities into the existing polity while securing the groups' cultural identity, whereas self-government rights are challenging the definition of the political community. Identity-based federalism belongs to the latter category. Granting such rights to the ethnic minorities would most probably challenge UML's position in the state apparatus. UML, along with NC, would clearly have an interest in maintaining the status quo. On the other hand, supporting special representation rights for minorities in state institutions, a promise UML never abandoned, is a much less 'dangerous' affaire. It may seem as though the fragmented content of the political community has translated into hesitancy in the politics of rights. As the interests of the elites have maintained prominence, so have the type of rights that are more likely to secure their dominant position. This may have contributed to the lack of inclusive politics, both in terms of UML as an actor of change, as well as a force hindering other actors' attempts at fostering inclusion.

The Maoists

A demand for socio-economic and political self-determination rights was at the core of the Maoist movement when they launched the insurgency in 1996. In the above, I established that the political community at the time of the insurgency was built on claims for socio-economic equality as well as the strategy of capturing state power through an armed revolution and establish a communist state. The Maoists saw the right to political self-determination as a necessary means to eradicate socio-economic inequality.

Although socio-economic rights have been high on the agenda in the rhetoric of UCPN(M) also after they came to power in 2008, the empirical inquiry showed that outcome in terms of actual policies remains to be seen. Looking into what the Maoists have achieved, there seems to have been a shift in the prioritization of rights. The Maoists succeeded in securing representation rights to Dalits, peasants, women, Madhesi, ethnic groups and Muslims, in addition to special protection rights to highly marginalized and endangered communities. This indicates that after UCPN(M) came to power, the socio-economic rights have come secondary to political rights. Moreover, the fact that disagreement on the issue of identity-based federalism led to the dissolution of the assembly before it had agreed on a draft constitution, points to the emphasis the Maoists have put on political rights. As elaborated

upon above, they had everything to lose by not producing a draft constitution. This indicates that the issue of identity-based federalism was too important to let go. Given the fragmented community, delivering on these rights would be important to maintain the electoral base. Although the Maoists see changes in political institutions as a means to an all-encompassing transformation of the socio-economic structures in the country, a shift in the priority of rights is nevertheless there. This needs to be seen in relation to the Maoist change of strategy. Whereas the goal previously had been to capture state power and build a communist state, entering into electoral politics and accepting parliamentary democracy as the rules of the game, their new strategy has been to secure access to political decision-making institutions for the marginalized groups, which constitute their main political base. Furthermore, the debate on the dividing lines between the federal states is after all a question of how to secure the interests and the electoral grip on power for the respective parties, not least so for the Maoists.

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A political community built on the Madhesi identity, a population group with a long history of marginalization and exclusion from the Nepali state, naturally has advocated for group-specific rights. When the Interim Constitution was amended accordingly to Madhesi claims for federalism and a number of electoral seats in the Constituent Assembly proportional to the population in the Tarai region, the Madhesi movement had won an important victory with regard to the recognition of their marginalization. The focus of MJF was then toward the federalization of the state, strongly advocating for an identity-based federal model. They originally demanded one Madhesh province to encompass the whole Tarai region, with the slogan ‘one state, one Madhesh’, arguing that one state would be stronger in relation to the center³⁰ (Dahal 2010, 2013; Hachhethu 2007a, 11). MJF claim political self-determination rights are necessary to counter the discrimination by the hill population and the extraction of rich resources from their region (Tamang 2011, 302).

Group rights versus universal rights - potential for inclusion?

Whether it is a model focusing on group-specific rights or a universal approach to rights that has most potential of fostering political and social inclusion in Nepal remains undetermined. What is certain is the universal approach that has previously been pursued has not fostered

³⁰ MJF later compromised on two states in the Tarai region.

inclusion. It supports the arguments of Kymlicka (1995) and Young (2011) that the universal approach and the denial of group rights enable group oppression and upholds group inequality. This has led to the renewed focus on group-rights in Nepal. As one of my informants from a civil society perspective observed: “Nowadays there is much concern about group rights, not so much about individual rights or human rights. Group rights are the most important in identity politics. It is not fostering the idea of equal citizenship or national identity.” (Interview II) The argument that group rights may institutionalize difference, and that it may hinder the equal exercise of citizenship rights, is a valid objection in the case of Nepal too. One illustration of this problem concerns a quota bill that was proposed by Madhesi parties in 2012, suggesting to increase the quota for marginalized communities in state institution from 45 to 48 percent. The high caste was unhappy because various groups had their own quotas, while they were merely in the category of ‘others’. Marginalized communities were dissatisfied on the other side because their quota would leave the ‘open category’ only for the upper-caste candidates (ICG 2012a, 7-8).

MJF was initially seen as a possible game-changer in the making of a more inclusive state. However, the party has remained focused on the rights of the Madhesi population only, with its single-issue agenda of identity-based federalism. As pointed to above, the composition of the population in the Tarai region is complex, consisting of various ethnic, religious and cultural groups. The potential of the claims of MJF actually fostering inclusion in this context is dubious. Furthermore, there is a question of heterogeneity in interests and needs also within the various groups. For example, the caste system of the Madhesi population implies a strict hierarchy in which the Dalits remain heavily subordinated. When the Madhesi population as a whole is defined as marginalized and given special representation rights, it is not given that the high caste Madhesi leaders (who are often the people with most capacities to participate in politics) would represent the interests of the Madhesi Dalits (Hatilebakk 2007). As pointed to by one of my informants, it is apparent the same is also true when roles are reversed: “Many organizations in the far west have programs for Dalits, but among the Dalits there was one upper caste Chettri, and all the Dalits were given toilets [but] in his house it was not constructed.” (Interview II).

The provision of group rights may be necessary for the disadvantaged groups who until now, have been excluded from the democratic system. However, if they are not oriented toward

rendering possible the equal exercise of citizenship rights, that is the universal civil, political and social rights, it may lead to the institutionalization of difference and competition among the various groups to secure their own rights.

6.1.3 Representation

The third element of the framework of popular mobilization requests investigation into two areas. Given the content of the political community; what channels of representation do the actors choose and what is the form of mediation? In other words, where do the actors go with the issues they want to raise and how do they go about doing so. How are they legitimized and authorized? Similar to the analysis above, I seek to identify whether there have been any changes in the channels and mediating links the parties used before and the channels they are using now.

Nepali Congress and Communist Party of Nepal (UML)

As outlined in chapter 5, the institutions that were developed after the restoration of democracy in 1990 benefitted the NC and UML in terms of securing their dominance on the political arena. Introducing the first-past-the-post electoral system and gathering all powers in the executive facilitated single-party control, and the parties were able to introduce policies in their favor. Banning ethnic- or non-Hindu parties hindered the electoral competition from potentially challenging forces.

As pointed to in the empirical inquiry, the democratic competition in post 1990 Nepal was largely based on the parties' abilities to feed their patronage networks. The access to state resources was an important source of power. The NC, who was in government during most of the 1990s, had control over public resources, appointments of government posts, state bureaucracy and policy planning and implementation, in addition to establishing clientelistic networks with the police (ICG 2010, 20; 2012a, 8). The government officials at the local level were loyal either to particular politicians or to a party (Adhikari 2012, 278). As elaborated upon above, the local elites of the previous Panchayat system built alliances with the NC to protect their interests. So did the more well-off in general (Whelpton 1994, 53). The NC thus largely came to be associated with a continuation of the Panchayat regime. The political legitimacy of the NC in relation to the local strongmen and economic elites was based on its ability to maintain the status quo.

The UML fostered similar clientelistic networks with the state bureaucracy when they came to power in 1994. Replacing the civil servants and government officials at the local level with people sympathetic to their own party has been the norm of all the parties in government, and has been so for the Maoists when they came to power in 2008. UML further pursued strong relations with the non-governmental sector, and through this, the party could influence the use of external development funds (ICG 2010, 20). My informant from the NC in Makwanpur pointed to this several times during the interview, for example stating: “Most funding for minority groups or other communities goes through the political parties’ affiliated. The money never goes directly to the minority people, it goes through the NGOs. The NGOs just have to give their support to in return. (Interview XII)

In sum, the NC and UML to a large degree shared the interest in maintaining the elite-based system. Their political legitimacy and authority largely derived from their ability to institutionalize and protect the values, norms and interests of the high hill Hindu elite. With regard to the poorer sections of the society the legitimacy rested on the promises of social benefits such as anti-poverty programs directed toward women, children and economically and socially disadvantaged groups. This supports Chatterjee’s (2004) argument of the population in ‘political society’ as a target of policy, emphasizing the source of legitimation it provides for the political actors to provide welfare to these groups. Whereas they by constitution are ‘citizens with rights’, they tend to be seen as ‘populations that need to be governed’. Another dimension to this is that the popular masses also expect such informal patronage (Gellner 2008, 161-166). As noted by Pfaff-Czarnecka (2004, 180):

When people can choose between a weak leader and a corrupt leader they often choose the last one who can provide the needed goods and services by mobilizing his own patrons. (...) The clients increasingly consider themselves to be the legitimate recipients of goods and services provided by ‘the state’.

After 2006, the sources of legitimation and authorization of the NC have rested with its ability to maintain the status quo. In the debates on federalism, the NC has gained broad legitimacy among upper castes and classes as well as the national media for representing the anti-federalist agenda. With their strong influence on the public debate these groups have become important allies for the NC in the debate on federalism (ICG 2012a, 1). This has largely come to be true for UML too, although, as stated above, the party has been more staggering on the issue of identity-based federalism. Although the NC has agreed on

federalization, as seen above, this was because it had little other choice, and it has suggested a federal model that would imply a limited alternation of power.

In line with Stokke and Selboe's (2009) argumentation, the symbolic representation should be understood as a political practice rather than a pre-existing given identity, i.e. something that is constantly negotiated because both the group and the leaders who claim the legitimacy of this group is based on constructed identities or interest which serve a practical purpose. In the pluralistic society of Nepal there is no clear majority in terms of ethnic groups, but rather a myriad of minorities. During the Panchayat system the King sought to assimilate the population through the promotion of one language (Nepali), one religion (Hinduism) and one culture (the culture of the high hill Hindu caste). The NC and UML have largely continued this approach after 1990. Although a few steps were made in the direction of acknowledging the multicultural society (such as formally recognizing multilingualism and multiculturalism), the strategy was still to downplay the importance of ethnic identities and strengthen the unity of Nepal. Pursuing policies that build on the previous Panchayat 'Nepalization' process has assured the dominating position of the NC and the UML.

The Maoists

When the Maoists launched their insurgency in 1996 this was a strategy to raise the issue of socio-economic equality through another channel than what they saw as the highly corrupt parliamentary system. The empirical inquiry elaborated on the successful strategy of 'ethnicization' of politics in the mobilization of the masses. Collective action was based on the local ethnic and regional organizations across the country. Decisions were often made in consultation with the local leaders of the front organizations, contributing to strengthening their legitimacy (ICG 2007, 8). The alliance was built across cultural and ethnic divides on the basis of their shared experiences of marginalization by the state. The construction of a broad social group, as the 'oppressed nationalities and groups', served the purpose of building unity across diversity. The legitimacy of the Maoist leaders was precisely in that they expressed popular feelings and interests relating to the marginalization and exclusion by the state. An ICG report notes: "They [the Maoists] are well organized; have trained and articulate party leaders who can communicate persuasively; retain support among very marginalized communities" (ICG 2007, 19). Furthermore, the party cadres out in the districts

lived under very simple conditions, perceived by the masses to be ‘one of the people’ (ICG 2010, 9). This also contributed to the legitimacy of what the Maoists represented.

The Maoist change of strategy, from working against the state to working within it, implied a shift from interest-based representation to politically based representation. This shift produced, as seen above, a shift in the prioritization of rights, from the focus on socio-economic rights to prioritizing political rights. The politically based representation was not only through parliament but also through local governmental bodies³¹. In contrast to the NC and UML, who mainly gained authority through patronage networks at the local level, the Maoists could do so from below. The establishment of various ethnic fronts during the insurgency had resulted in a wide presence of Maoists across the country. They could thus easily access the different local bodies, such as user groups and the various committees, and through this influence on local budgets and the use of state resources (ICG 2010). Once in government they filled civil servant positions with Maoist sympathizers, building important networks, similar to the NC and the UML (Adhikari 2012, 276). In addition to the parliamentary channel of representation, the Maoists also gain legitimacy through populist mechanisms, such as the Maoists trade unions that conduct campaigns with broad popular support like an increased minimum wage (ICG 2010, 9).

The Maoists have thus changed the main channel for raising the issues of the political community by going from interest-based struggle against the state toward a political party-based struggle within the democratic system, while the source of legitimization and authorization largely remains the same: the Maoists still seek to legitimize and authorize themselves as the representatives of the marginalized groups. The current backsliding of the Maoist party indicates that they no longer enjoy the same level of legitimacy and trust among the population as they did prior to the Constituent Assembly election in 2008. The failure to draft a new constitution, as well as the accusations of the ‘elitization’ of UCPN(M) during their period in government, is likely to have contributed significantly to UCPN(M)’s severe electoral defeat in the election for the 2nd Constituent Assembly in November 2013. The Maoists have been accused of not proving any better than the mainstream parties, having secret meetings among the top leadership in the Constituent Assembly and making top-down decisions, in addition to the general dismay with the increasingly extravagant lifestyles of the

³¹ Due to the Maoist insurgency, the local elected bodies were dissolved in 2002. Positions in the administrative apparatus at the sub-national level have since then been appointed from the central level.

leadership. This was even raised from critical voices within the party: “Suddenly [the party leadership’s] lifestyles, food habits and family haughtiness have begun to look like that of the upper class” while “the standard of living for the thousands of revolutionary warriors is generally poor and miserable.” (Adhikari 2012, 274) This indicates that the leaders have not been equally successful in representing themselves as ‘one of the people’, or as a party that genuinely wants to empower the marginalized groups. The outbreak of the Madhesi from the Maoist movement is a case in point. The Maoists gradually lost credibility in the eyes of the Madhesi activists, whom increasingly came to question the commitment of the Maoists to the Madhesi cause (ICG 2010, 18): First, the agenda of socio-economic change appealed more to the lower strata in the Madhesi society and not to the more well-off landowners (Hachhethu 2007a, 7). Second, the Maoists were seen as responsible for the lack of special quotas for the Madhesi population (as was provided for women, ethnic groups and Dalits) when the Interim Constitution was promulgated (ICG 2007, 18). Third, the fact that the Maoists’ top leadership came largely from the hill population contributed to Madhesi skepticism, for whom the hill population’s exploitation of resources and dominance in Tarai is the most fundamental issue: “For the Maoists, the Tarai violence was a wake up call: much of it was directed against their cadres, whose appearance of dominance was shattered.” (ICG 2007, 1)

It is therefore safe to conclude that the source of legitimacy and authority of the Maoists is severely weakened. As pointed to by Stokke and Selboe (2009, 66) the power of the ideas of the political actors is not about how true their views and perceptions are, but to what extent they manage to mobilize a group of people. In the case of the Maoists, the fragmented content and identities have become more salient as they are in a position where they have to deliver on their promises and build an alternative. This may explain why they have not been able to foster an actual change, and thus, inclusion remains an objective yet to be attained.

Madhesi Janadhikar Forum, Nepal

As previously outlined, the Maoists mobilized heavily among the Madhesi population during the insurgency. The Madhesi movement broke out as an immediate response to the promulgation of the Interim Constitution and what they saw as the NC, UML and Maoist’s lack of recognizing and addressing the marginalization of the Madhesi population. Furthermore, as pointed to above, the Madhesi movement partly came into existence in opposition to the Maoist influence in the region, suggesting that the Maoists did not enjoy

strong legitimacy or authority as representatives of the Madhesi population. The source of legitimation and authority of MJF leaders rests with their Madhesi identity. A contributing factor to the strong legitimacy of MJF is that the leadership of the movement comes from the intermediate and backward castes. As pointed to above, caste politics is a central feature of Madhesi politics. Contrary to previous Madhesi activism, which largely had been led by high caste people, the Madhesi movement was led by the intermediate castes, primarily the Yadavs (Hachhethu 2007a, 10). Given the issue that the Madhesi movement prioritized, that is, political self-determination rights, it was more effective to build a viable political party, and so, MJF registered as a political party prior to the election in 2008 (ICG 2007, 20).

As pointed to above, the patron-client relationships among the landowners and the landless in Terai made it easy for MJF activists to mobilize electoral support. To what extent MJF enjoys high levels of authority and legitimacy among the lower castes is uncertain. Hatlebakk (2007, 20) suggests that the Madhesi uprising should be seen as “a political struggle for formal political influence for the traditional Terai leaders, presumingly on behalf of the Madhesi population”. Seen in light of Stokke and Selboe’s (2009) argument regarding the actors’ contestation of symbolic representation, MJF seems to have been successful in constructing the ‘Madhesi identity’ and replacing the Maoists as the legitimate representative of the Madhesi population. All of the leaders of the Madhesi movement were former Maoists, but gained more legitimacy when appealing to the Madhesi identity than the Maoist agenda of socio-economic change (Hachhethu 2007a, 7).

6.2 Findings

My analysis reveals the most profound changes in the three dimensions of the framework are to be found, perhaps not surprisingly, in the case of the Maoists. After all, going from armed insurgency to parliamentary politics would necessarily invoke changes in the strategy of popular mobilization.

My analysis has showed in the case of the NC there have not been any major changes in the building of political communities, nor in the rights or the channels of representation that NC prioritizes. The party remains ‘status quoist’. The arguments of protecting the unity and integrity of Nepal correspond to the protection of the interests of the high hill Hindu elite, and what would secure their continuing domination in the state and in the society. This largely

applies to UML as well. My analysis shows the content of the political community of UML is more fragmented than what is the case of the NC, as the party seeks to represent the interests of a more diverse constituency. This has further translated into greater uncertainty in terms of which rights to embrace and which to promote. Going from being Unitarian to becoming more rights-based indicates the opportunistic approach of UML.

With regards to the Maoists, my analysis reveals changes in all three dimensions. These changes are closely related to one another. The movement began as a collective struggle against the state, based on the people's shared experience of marginalization and claims for socio-economic equality. As the Maoists resumed electoral politics, priorities were altered. Party-based struggle for political rights became more important while the issues of socio-economic change were left unaddressed.

MJF entered electoral politics in 2007, mainly due to satisfaction with the Maoists, as well as with the NC and UML. The Madhesi identity is at the core of the political community. The party has not moved beyond the single-issue agenda of identity-based federalism.

The analysis reveals that all parties rely on a top-down incorporative mode of inclusion of the popular masses. Patronage politics are central to the form and organization of all parties, but are also sources of legitimation and authority. While the patronage-based politics of the NC, UML and MJF is primarily based on richness, due to their access to resources as mentioned above, the party-bossism of the Maoists has taken the form of party patronage. The local party bosses can based on their organizational clout provide protection for their groups. Their source of authority thus primarily lies in the provision of protection.

The research question set out at the introduction of this paper was: *what have been the positions of the political parties in Nepal to the issue of political and social inclusion over time and how may this be explained?* The first part of the question was treated in the empirical inquiry, which concluded the citizenship policies of the political parties in Nepal have not fostered more inclusion even though the altering conditions in the aftermath of the restoration of peace in 2006 provided new opportunities for practicing and further developing democracy. The NC and UML have remained protectionists of the Nepali identity, based on the culture and identity of the high hill Hindu caste. The Maoists and MJF made attempts at raising inclusionary demands, but the results have remained limited to political representation

rights. This chapter has elaborated upon the second part of the research question. Analyzing the political parties' strategies in popular mobilization, and the changes over time in the building of political communities, type and character of rights and channels of representation they opt for, provides the following explanations to the lack of inclusionary policies:

For the NC and UML, the changing political context in 2006 posed a challenge to their previous dominance and privileged position on the political arena. Their source of political power is largely founded in their abilities to maintain and feed their patronage networks. This calls for the maintenance of status quo, hence, they resist attempts at substantial transformation of the state and the creation of more inclusionary politics.

The Maoist movement was first brought together on the basis of interests, strategy and ideology across ethnic and cultural divides, including the general and unifying idea that the struggle had to build on the interests on various specific groups before it could advance into more universal agendas. However, when the Maoists resumed the parliamentary system and took steps from opposing previous exclusionary regimes to deliver rights for various groups, the fragmented identities and interests within the movement became more important and salient. This lack of unity has led to the failure of establishing inclusionary politics. Furthermore, the Maoist strategy of mobilization has gained prominence over the overall aim of socio-economic equality. As the Maoist leadership has become increasingly dependent on the middlemen in the organization and mobilization, delivering on their promises to the party bosses in the districts seem to have taken priority over the overall ideology of the movement. Hence, they have not progressed on the agenda of socio-economic change.

MJF had a central role in putting inclusion on the political agenda when they entered the electoral scene in 2007. The failure to move beyond the single-issue agenda of identity-based federalism contributes to the lack of more inclusionary policies. On the basis of the interests of the intermediate castes, the Madhesi agenda is not wholly inclusive toward the Tarai population, nor is it necessarily inclusive for the Madhesi community.

I believe these findings together explain the lack of fostering social and political inclusion in Nepal. These findings are in line with what Stokke and Törnquist (2013) points to as the problem of attempts at transformative politics: the challenges of creating broad and strong

alliances. While the conservative actors resist a change, the potential game-changers have not proved able to move beyond the agenda of specific interests of various groups.

7 Concluding remarks

What triggered this research project was the empirical observation indicating that attempts at political and social inclusion in Nepal have resulted in exclusion. On the basis of this empirical puzzle, the research project had two objectives: first, to identify the position of the political parties in Nepal to the issue of social and political inclusion over time, and second, to explain their positions in this regard.

In the research project I have taken a citizenship approach to the study of political and social inclusion and exclusion in the democratization process in Nepal. The empirical findings concluded that citizenship policies in Nepal remain exclusionary. The altering structural and institutional conditions that opened up new spaces for further practicing and development of democracy in post 2006 Nepal did not result in more inclusionary policies. Demands for inclusion were primarily raised by the Maoists, and to some extent also by Madhesi activism, but they have largely fallen short of fostering political and social inclusion. The mainstream parties have remained exclusionary and elite-based.

My analysis concludes that the lack of more inclusionary policies is due to several reasons. First, the traditional parties resist a change that would threaten their dominating position both in the political arena and in the society in general. While the unitary state is no longer a feasible alternative for the NC and UML, limiting the consequences of the restructuring of the state is. Second, when the Maoists resumed parliamentary politics it proved more difficult to maintain the unity of the political community. More than just mobilizing and demanding change, the Maoists were expected to deliver and ‘be the change’. The Maoists on their side came to prioritize the specific rights of the various subgroups rather than the overall aim of socio-economic change. As a result, the political community has become fragmented. Third, MJF has not moved beyond the single-issue agenda of identity-based federalism, thus failing to create broad social and political inclusion, both on a regional and on a national scale.

This paper has pointed to challenges in the democratization process in Nepal. Citizenship policies largely remain exclusionary. In light of these findings – what are the prospects for political and social inclusion in Nepal?

At the point of writing this thesis, an election for a second Constituent Assembly has been held, in which the NC and UML came out as the two winning parties³². The NC and UML have until today not played the role as actors of change – paying little less than lip-service to the issue of inclusion of the marginalized groups suggests that they may not in the future either. The findings of this research, however, suggest that UML is more likely than the NC to play a role in fostering more inclusion, especially if challenged by more radical forces from the left. The Maoists, on their side, lost almost 2/3 of their seats in the second Constituent Assembly. Initially there was uncertainty whether the Maoists would recognize the loss. The fact that they did indicates that they sincerely want to play by the rules and work within the framework of democracy. However, this study points to important challenges the Maoist party would have to overcome if the party is to play a central role in transforming the Nepali state, primarily relating to its abilities to build stronger alliances in the political community. The potential for inclusion of the single-issue agenda of the MJF remains weak. The party also has lost much of its support, being challenged by other Madhesi-based parties.

While the dilemmas and conflicts that have been analyzed in this thesis are context-specific to Nepal, they are not necessarily unique as challenges to democratization processes in socially and ethnically stratified countries in the Global South. The analytical approach of this study has shed light on the challenges of actors of change to build an alternative. It points to the importance of building broad and strong alliances in the political community. The study further provides insights into the political motives behind the actors' strategies of popular mobilization. The findings may have a bearing on explanations to why exclusionary policies persist while inclusionary demands fail to translate into substantial policies also in other countries. One important factor in this regard seems to be the form of mobilization and organization. As Mouzelis (1998) points to: populations in developing countries tend to be incorporated into politics from the top rather than integrated from below. It may not come as a surprise that all the parties in Nepal rely on a top-down mode of incorporation of the popular masses. However, in the case of the Maoists, the form of mobilization came to gain prominence over the overall goal of the movement. Working within the framework of multiparty democracy demanded that they get votes to win elections, which again led to a

³² The election for the second Constituent Assembly was held 19 November 2013. The NC placed first with 196 seats, the UML second with 175 seats and UCPN(M) third with only 80 seats. Both the NC and UML increased their total number of seats in comparison with the election in 2008, while UCPN(M) lost almost 2/3 of their seats. MJF placed seventh with 10 seats, as compared to 54 in 2008.

focus on the specific interests of the various subgroups. Rather than transforming the state the Maoists adapted to the system.

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Appendix A: List of informants

Interview I	Member of Committee on Fundamental Rights and Directive Principles in the Constituent Assembly	Kathmandu
Interview II	NGO employee	Kathmandu
Interview III	NGO employee	Kathmandu
Interview IV	Journalist	Kathmandu
Interview V	Government bureaucrat	Kathmandu
Interview VI	Politician Nepali Congress	Kathmandu
Interview VII	Politician Unified Marxist-Leninist	Kathmandu
Interview VIII	Politician United Communist Party (Maoist)	Kathmandu
Interview IX	Politician Madhesi Janadhikar Forum, Nepal	Kathmandu
Interview X	NGO employee	Makwanpur
Interview XI	Local bureaucrat	Makwanpur
Interview XII	Politician Nepali Congress	Makwanpur
Interview XII	Politician Unified Marxist-Leninist	Makwanpur
Interview XIV	Politician United Communist Party (Maoist)	Makwanpur