

Neelan Tiruchelvam
Commemoration Conference Papers

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International Centre for Ethnic Studies
2, Kynsey Terrace, Colombo 8, Sri Lanka.

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ISBN 955-580-088-X

Printed by
Unie Arts (Pvt) Ltd
48B, Bloemendhal Road
Colombo 13

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Introduction

To one like me uninitiated in the arcane mysteries of the law the mere mention of the word 'law' conjures up the hackneyed quotation 'The law's an ass' and Empson's line 'the law makes long spokes of the short stakes of men'.

To people of my way of thinking, Constitutional law consists of bloodless abstractions remote from ordinary people's lives. These abstractions, or legal fictions, if you will, are immured in ponderous legal tomes to be wrangled over by legal panjandrum.

A perusal of the articles in this volume will show that, contrary to such notions, Constitutional law touches people's lives at every level.

The volume begins with the Inaugural Address by Navanethem Pillay, President of the International Criminal Tribunal for Rwanda. The topic of the Address – *Accountability for Human Rights Abuses of both State and non-State Actors in the Context of Peace and Reconciliation* – sets the tone (serious and probing) for the articles that follow.

Chandra Muzaffar, in his tribute, compares the ethnic question in Sri Lanka and Malaysia and brings out the few similarities and the far greater differences.

Alan Phillips of Minority Rights Group International writes on some practical responses by the MRG to *Diversity and Pluralism*. Incidentally, Neelan chaired MRG's International Council meeting held in Nepal in April 1999 and spoke on the link between minority rights and development. A summary of his presentation is included as Appendix 2 in the article.

Kamal Hossain writes on *Constitutionalism from a South Asian Perspective*.

Vasuki Nesiiah's *Antigone, Constitutionalism and Political Change* distinguishes between normative constitutionalism and democratic constitutionalism.

Nepal's Multicultural Society: Negotiating Rights in the National Space

Joanna Pfaff-Czarnecka

Until the 1990s, Nepal had been depicted as one of the very few examples where people of different cultures and different faiths were living peacefully together within the national polity.¹ Many observers, along with the Nepalese power-holders, have pointed to Nepal's being a model of peaceful ethnic accommodation in the sense of diverse people living in *communal harmony* under the Hindu aegis. However, this depiction was made possible by the Nepalese state's measures to silence dissident voices. The political movement of 1990, often named *struggle for democracy*, has enabled various groups of Nepalese society to demonstrate dissent and to publicly express grievances. The struggles of this period generally made the members of various minorities pursue their projects, geared especially at challenging the long-established hegemony of high-caste Hindus in every important domain of societal life. What we can observe in contemporary Nepal is a process of *ethnicization in the making*, challenging the narrow path of the Nepalese *nation-building* designed by the former power-holders. Along with numerous other observers in Nepal, Bhattachan (1998:92) paints a dangerous picture.

Indigenous ethnic groups are federating themselves to challenge the continuing monopoly of the ruling class in national, political, social, cultural and economic resources. Similarly, Madhesiyas are raising their voice against the hill people's domination, and the Dalits are fighting against

¹ Guneratne, 1999, speaks of frequent depictions of Nepal as an oasis of ethnic tranquillity.

continuing social discrimination by high caste groups (...). Also, the rise of Hindu fundamentalist groups, in India, such as Shiv Sena, has fuelled Hindu-Muslim conflicts in the Terai, and Hindu-Buddhist and Hindu-Christian conflicts are slowly brewing up. Given the continuing and rising social and economic inequality, the Nepalese people now fear that Nepal may be on the verge of witnessing ethnic conflict(s) in the near future as a part of the process of globalization.

The strong ethnic mobilization so strikingly visible throughout the 1990s was a significant departure from the nation-building endeavours carried out by the power-holders before the end of the 1980s. Until then, the rulers were eager to define and to enforce their vision of national unity and national identity, to endorse valued symbols in public representations, and hence to pursue their own objectives and strategies. While relegating the diverse ethnic populations to the lower ranks within the Hindu hierarchy, and when initiating far-reaching assimilationist efforts, the Nepalese power-holders have managed rather well to prevent minority ambitions from gaining momentum. It then came as no surprise that the ethnic projects immediately after 1990 have very strongly reacted² to the former ways of ordering and managing the multi-ethnic national society. Among the major ethnic reactions some were most prominent: cultural distinctions have been displayed (see e.g. Macfarlane 1997); projects to promote the well-being of one's own ethnic group have been formulated (Guneratne 1999); and the need for a re-definition of the national identity was widely expressed (Nepal 1995).

Aims of this inquiry

Inquiries into the nature of nationalism, of nation-building processes and into the factors underlying ethnicity formation are

² Pfaff-Czarnecka 1999. This concept derives from Hirschman's 'Politics of reaction'.

legion. There are also uncountable national examples recorded that show how these processes develop in the context of different national polities. This is why the example of Nepal needs to be seen in its specificities, while simultaneously seeking to put it into a broader conceptual and a comparative perspective. Each national situation is unique, but in view of the striking differences in institutional arrangements and in the central value systems comparison is required. It will occur here in four steps.

The first section of this essay examines the particular **national trajectory** through which the current negotiations between various population groups have emerged in Nepal. It seeks to sketch the historical process of shaping the institutional and procedural set-up (the legal-political framework and the socio-economic policies) and to understand how the ideologies endorsed by the state - including its rhetoric - as well as the discourses of resistance have developed over the last 250 years.

The second section seeking to describe the **manifold inequalities within Nepalese society** starts from the idea that cultural politics closely relate to the ways how strategic resources are distributed within a given society. More often than not, the minorities are left out from the mainstream development, or are bluntly marginalized in crucial matters. This chapter elaborates upon the two perspectives on the concept of nation: as an entity shaped by culture as well as an entity shaped by institutions and procedures. When analyzing the most striking dimensions of inequalities, both in the cultural sphere as well as within the political economy, the most obvious question emerges how the negotiations over minority issues affect the process of *democratization* in Nepal.

The third section seeks to place Nepal within the framework of **global re-arrangements**. In the context of Nepal, the economic aspects of globalisation will be less prominent than in many other countries strongly exposed to the expansion of global markets - with the exception of the growing debts Nepal owes to international banks and to bilateral donors. Still, through the increasing dependency upon international development agencies Nepal is

more accessible to new types of policies and new types of rhetoric, argumentative figures, and modes of political communication developing in the global space. At the same time, Nepal displays important forms of civil responses to the external interference as well as to global cultural flows.

The fourth section (**nation-building, civil debates, and minority formation**) seeks to understand the current ethnic dynamics given through the interplay between the on-going process of nation-building and the minorities' endeavours to strengthen their position within the polity. In the context of the current Maoist insurgency, ethnic dynamics acquire new dimensions - that need to be grasped. We shall see that the concept 'ethnic conflict' actually covers a wide range of attitudes and projects. The Nepalese versions of 'ethnic conflict' though striking after the prolonged silence under the former political regimes, lack the components of hate-speech, and rhetorics of violence.³ Whether confined to the local public sphere or whether capturing the public attention through media aiming at national and international audiences the conflictive nature of ethnicity in Nepal does not rule out the potential of seeking common solutions. Though threatened, national unity has certainly not been broken, so far.

The problem of describing ethnicity in Nepal begins, however, as soon as the question concerning the numerical proportions of the groups involved is addressed. Nepal lacks accurate statistics, which prompts the various political entrepreneurs to indulge in ethnic arithmetics, claiming far larger proportions of the society

³ Since the last three years, hundreds of people have been killed in the course of the Maoist movement, being killed either by the Maoist partisans or by the police. This movement has not been ethnicized, however, even though members of some ethnic groups have been more closely involved than others. In the context of this inquiry, this movement needs to be mentioned as an indicator of peoples' discontent with the current performance of the state and politics in the country.

than is actually the case (I shall return to this issue later). The figures given here⁴ are therefore tentative, but it is important to investigate them because they shall provide us with at least a minimum of information about the forces involved.

Population distribution in Nepal

1. Parbatiyas, i.e. groups considered caste Hindus (twice-born, ascetic castes as well as the so-called 'untouchables'), speaking Nepali as their mother tongue,
ca. 40%
2. Newars, an 'ethnic group' consisting of various castes, Hindu and Buddhist,
ca. 6%
3. Hill and mountain ethnic groups,
ca. 22%
4. People 'of the South', the 'Madheshi', among them, ca. 16% caste Hindu and 3.5% Muslims.
ca. 32%

Since the 1990s, the major conflict line in ethnic formation has run between the high-caste Parbatiya Hindus (Indo-Aryan-speakers who are considered as immigrants from India, and the various non-Hindu (or partly Hinduized)) ethnic groups,⁵ the majority of whom speak Tibeto-Burman languages and who most probably entered the present Nepalese territory from the North. Another conflict line, not discussed here, is based on regional disparities between

⁴ Following Gurung (1992) and Whelpton (1997).

⁵ Please, note a terminological difficulty. In the current usage. *Hindu castes* are opposed to *ethnic groups*. However, such a term as 'ethnic competition' relates, among other things, to competition between Hindus and members of ethnic groups.

the Nepalese hill and mountain areas on one hand, and the Terai, where the 'Madhesis' live, on the other.

As the above figures indicate, none of the population groups living in Nepal forms a majority. On the contrary, only the high-caste Parbatiya Hindus form as much as 40% of the population, while the majority of the various ethnic groups falls below 4%, the most numerous ethnics are the Magars (7.2%), Newars (5.6%) and Tamangs (5.5%). However, the multiplicity of the Nepalese ethnics can be reduced, if required for political purposes, when specific common traits are taken into consideration (especially the linguistic proximity among the Tibeto-Burman speakers). Through this criterion, several ethnics can be seen as belonging to one specific category (though bearing a striking cultural diversity when estimated closer). For instance in the year 1990, ethnic activists from various ethnic groups which live in the Nepalese hills and mountain areas created an umbrella organization of the 'Tibeto-Mongolic' peoples which reflects their perception of common features. When the then Nepalese rulers promulgated the first Civil Code of Nepal in 1954, they classified the same groups under the category of 'Alcohol Drinkers' (matwali - see below).

To some extent, ethnic categories correspond to the actual division of societal resources; the high-caste Parbatiya, along with the high-caste Newar population, share among themselves the bulk of governmental and political positions. However, as shall be shown below, the two major blocs are by no means solidified. The two highest castes, the Brahmins and the Chetris (Kshatriyas) have entered into political competition during the last years. Though forming one political bloc, the ethnic activists are also far from being united. Besides, many members of ethnic groups pursue their political goals as members of the major national political parties (Nepali Congress, various Communist fractions). They tend to refrain from ethnic politics, even though only a few of them have managed to climb the ladder within the higher caste dominated political parties. Furthermore, the Newars form a special case: while holding a percentage of governmental and political positions

that by far exceeds their actual share in the population distribution, many of them claim to belong to an oppressed minority (see Gellner 1999).

In the on-going political debates, besides the numerical considerations, important arguments put forward relate to the population distribution between the political centre in and around Kathmandu and the country's peripheries as well as to a 'national division of labour' among the different population groups. Even though the migration of the Nepalese population has never come to an end, many regions of the country are identified with specific population groups. It is noteworthy, however, that in most parts of the Nepalese territory several population groups live in the same vicinity - which makes the claims of those who advocate creating autonomous Federal Republics based upon hegemonic membership of particular ethnic groups all the more problematic.

The current pattern of Nepalese development efforts is strongly centralized so that there is a pronounced tendency for the areas adjacent to the Kathmandu Valley to benefit more from the distribution of resources. This does not mean, however, that in these privileged regions all sections of the population share the benefits equally, or that - in view of the fact that Hindu groups have settled all over the country - in the peripheries it is only members of the ethnic groups who are neglected. By and large, however, there is an overall tendency for the ethnic population to be confined to the strategic peripheries, a fact that is often stressed by ethnic leaders. Regional disparities are also partly reflected in the 'national division of labour'. The most striking example is the ethnic population's minimal participation in the upper-echelon governmental and political positions. With Nepal's urbanization rate presently at ca. 7% and industry's share in the GDP below 10%, and with high-caste elites mainly ruling the country, the majority of the ethnic population, though along with most of the Hindus, is confined to the traditional occupations in agriculture and constitutes the annually increasing number of seasonal migrants.

Outside the political-administrative domain, however, members of several ethnic groups - primarily the Thakalis, Sherpas, Gurungs, Newars and Tibetans - have emerged as successful entrepreneurs who presently play a decisive role in developing the national market economy. Along with some high-caste Hindu entrepreneurs, they run businesses especially in the fields of tourism, textile industries (carpet and garment factories), services and import-export. Even though the entrepreneurs are increasingly organized in associations, these bodies have so far had little impact on governmental policies. By and large, the ethnic entrepreneurs have been pursuing their political goals as individual clients of the political establishment (Zivetz 1992). Due to their individual access through powerful patrons, they are unlikely to become a driving force in ethnic formation. But many of the entrepreneurs with ethnic backgrounds have been active for decades in organizations seeking to serve their people (especially among the Buddhists) and to enhance the well-being of their communities. They, together with members of the intelligentsia are, then, the major personalities involved in the current ethnic politics in Nepal. They are also the key-agents in interpreting the historical trajectory of ethnic accommodations in the Kingdom of Nepal - in view of the common perception of the persisting inequalities within its domain.

Nepal's Road to Nation-Building

Unlike in many other Asian countries, in Nepal, ethnicity formation has not culminated in violent struggles, so far, and hopefully never will. Nevertheless, ethnic tensions have been growing, despite, or rather as an intrinsic element of, the democratization process (Pfaff-Czarnecka, in print). In the aftermath of the Movement, Nepal's society was vividly expressing its hopes and expectations. However, the initial euphoria rapidly subsided in view of the striking discrepancies between the far-reaching goals calling for political innovation and the persisting ossified structures

established under century-long autocracy. The juxtaposition of terms in Article 4 of the new Constitution of 1990⁶, which relates to conflicting political concepts - democracy versus monarchy; the stress on cultural pluralism versus the preeminence of the Hindu-religion - reflects the serious conflict potentially shaping the Nepalese transformation as captured in the above quotation. Still, the very fact that there were clauses included in the Constitution which acknowledge Nepal's cultural heterogeneity reveals a tremendous shift in position. Thus, besides the Maoist insurgency, ethnicity formation becomes one of the most striking features of the Nepalese polity and both phenomena are not unrelated (Pettigrew 2002).

Among the major difficulties the Nepalese polity is facing at the moment is the prominence of the identity politics pursued by many ethnic activists. Striking problems of the country struggling with the most severe effects of economic underdevelopment seem to be relegated to the background of the societal agenda. Particular objectives dictated by sectional interests rather than common concerns appear to structure much of the public debates and to inform action. The on-going process of nation-building, if it still can be called by this name, is currently rather characterized by displaying dissent than by attempting to forge a unity defined by a new set of values - a unity allowing for living distinct cultural forms, not confined to the private sphere. The question is then what prevents the emergence of a new round of re-orientation directed towards forging the common national entity. The strong resentment against the assimilationist policies linked to the official

⁶ As of November 1990 Article 4 of the new Nepalese Constitution defines the nation as a 'multiethnic, multilingual, democratic, independent, indivisible, sovereign, Hindu and Constitutional Monarchical Kingdom'. In departure from the former version, promulgated in 1962, the new constitution places sovereignty in the people, no longer in the King. It reinstates the system of multiparty democracy that disappeared after the brief democratic experiment of 1959-60, and it presents guarantees of new basic rights.

projects of modernization, the quest to restore or to revive local identities and the resentment regarding the structure of the Nepalese political economy relegating some of the ethnic groups to marginal positions explain the centrifugal orientations.

Forging a new notion of common belonging and of national identity in Nepal becomes all the more difficult as particularistic cultural concerns dominate the public debates, however. Most mobilization is geared towards the distinct minorities. Similarly, issues relating to the outlook of particular ethnic or religious groups, rather acknowledge that these are common concerns, shared also by the bulk of the high-caste Hindu citizens. Also, the *common* problem of lacking political participation is not sufficiently addressed. It is obvious that the on-going debates pertaining to national unity tend to concentrate on the widespread notion of nation as a cultural unit. Little attention is given, on the other hand, to the second dimension entailed in the 'republican' concept of 'nation' that stresses its contractual nature, where the central government and citizens who enjoy rights as individuals who are equal before law, co-exist (Bendix 1980:359). But both dimensions are two sides of the same coin. This is shown in the fact that pejorative depictions of particular ethnic groups usually go together with their marginalization in other domains of societal life. The lack of resources, be it the cultural capital, means of production or be it political power is always a regional matter, as against other sections of the society *as well as* in relation to the whole.

The Nepalese experience also confirms the tendency observed all over the world, that being relegated to low positions *within both dimensions* tends to reinforce minority resentments regarding the national order. That is, resentments of the ethnic population especially come about when their cultural identity is threatened and when it coincides with low socio-economic standing and lack of political voice. However, any endeavour at redefining one's own place within the national unit is necessarily an act of seeking to redefine the institutional and procedural set-up of the polity and society. Hence, the ethnicization of politics in Nepal relates

primarily to the on-going process of change and the relation between the State and society. The ethnic politicization cannot be perceived as confined to finding 'niches' within the existing social order. It aims at thoroughly reordering the nature of the Nepalese polity as reflected in the new constitutional provisions defining new types of civil rights (freedom of speech, freedom to organize, etc.) and proposing new types of political institutions and procedures.

Processes of ethnicity formation in Nepal are to a large degree influenced by the perceptions of the past and the ideas of how such perceptions shape the present conditions. That is what instigates collective introspectives. The sentiments of injustice prevailing today are directly related to wrongs experienced in the past, as interpreted by the various actors. As reflected in public debates, the past affects the present in the sense that the social inequalities of today are considered the result of the century-long struggles through which high-caste Hindu families established their rule at the societal apex. The ethnicization of politics in present-day Nepal is geared against the old-established dominance of high-caste Hindu groups within the State apparatus, against the unequal patterns of resource distribution and, last but not least, against the dominant cultural forms displayed by those in power. Furthermore, in reaction to the former largely pejorative depictions by the rulers, ethnic endeavours are currently geared towards promoting their own public self-images, seeking to challenge the former governmental classifications and categorizations. The public debate pertaining to cultural issues concentrates, to a large extent, on the politics of representation, in which ethnic elites play a crucial role. Here, the ethnic and national concerns acquire an additional component, because nowadays the Nepalese politics of representation - and generally political communication - is increasingly structured by global cultural flows.

The growing discontent among the members of minority groups within state societies - Nepal is no exception - pertains either to their *collective* standing within the overall cultural framework defining the national identity, or to the *individual*

chances (or their lack) within the political-economic set-up, and most usually to both simultaneously. The first case relates to the cultural basis of what constitutes a given nation at a given moment, and it is usually geared towards the collective characteristics expressed in terms of cultural distance from and difference to those in power. The second dimension relates to the individual chance of members of a given society, but very often it reveals a collective pattern - highlighting the connection between the collective membership within a minority group and the individual chances.

Defining a minority's place within the national framework is an explicit as well as an implicit endeavour trying to mould the historical continuities between the past, present and future. Defining one's place within the national unit is also a process usually determined through the interplay between internal and external factors. Hence, this integration into the Nepalese trajectory of nation-building takes into consideration the constraints prevailing outside the national borders - such as hostile neighbours, alien forms and concepts of polity, an immigrant threat. At the same time we need to understand what constitutes the unity provided from within, what kinds of forces are at work to maintain this unity and at what and whose expense, and how the achieved balance is being threatened. When aiming to define the internal unity the emphasis will usually shift depending upon which actors are undertaking such attempts and in which context. National identity is necessarily always ambiguous, but unambiguous is the quest to make sure that it exists.

In this section the historical trajectory to the present-day definitions and negotiations upto the Nepalese notions of nation will be discussed. Three subsequent epochs will be discerned in order to highlight their specific needs and objectives which have impinged upon the processes of nation-building. In the focus of this account stand the *struggles over the state* which have resulted in the *ethnicization* of the state apparatus. The battles over the state, the *leitmotifs*, will be of interest here regarding the control over the political decisions, the distribution of resources as well

as regarding the power to define what is the valid version of its cultural content. Therefore, this account takes the *struggle over the state* as the focal point where the conflicting projects of minority accommodation within the nation confront each other.

Creating a national caste hierarchy

In the middle of the 18th century, the principality of Gorkha had begun a military expansion which resulted in uniting some 60 political units within the present Nepalese borders. This expansion came to an end in 1816 when they were defeated by the British East India Company, whose victories in North India coincided with the "unification" of the Gorkhali kingdom. The Gorkhas lost the territory they had contested in Sikkim, Kumaon and Garhwal and, subsequently, the British presence on Nepal's western, southern and eastern borders (with Tibet to the north) seriously affected Nepalese politics. The British presence meant that irredentism was not a practical option for dissident groups in Nepal. With the boundaries fixed, the Gorkha elites did not have any other choice but to expand their economic resource base within the realm, with the large standing army playing an important role in the subsequent process of administrative consolidation.

The new geopolitical position has had manifold effects upon Nepalese nation-building. Firstly, the war movements in the South Asian subcontinent have generated the urge to expand the pre-existing power basis. This form of a pre-modern nationalism was given through the mutual readjustments of the regional power-holders. The second facet of the Nepalese process of formulating the identity within the Kingdom's limits was given through the growing presence of the British within the Hindu Realm. The Gorkha Kingdom came to understand itself as the last pure Hindu Kingdom on earth - a vision not shared in the Indian territory. Thirdly, the British presence and its on-going military threat has made the Gorkhali rulers guard jealously the borders of their territory. Nepal's encapsulation resulted, and came to a close only

in the middle of the 20th century. Internally, the definition of the unity and identity of the realm was given through the consolidation of the power base of the Hindu rulers. To be mentioned are especially their quest to present themselves as pure Hindus, their quest to define the nature of the emerging society in terms of Hindu hierarchy as well as their endeavours to control the political and economic power by the high-caste Hindu dominated centre.

During the 200 years of Nepalese history, known also as the Shah (1744-1846) and the Rana (1846-1951) era, manifold processes were initiated by the Shah Kings and continued in the course of the Rana rule. To the major examples belong the extension of the center's effective political control over remote areas, the centralization of the taxation system, and the rationalization of the land-tenure and taxation systems. Another important area of consolidation was the spreading around of Hindu values and norms. They were partly actively promoted by the rulers themselves (such as the celebrations of the Durga Puja festivities, see e.g. Pfaff-Czarnecka 1993, Leconte Krausskopff 1997). Furthermore, they were adopted through various and repeated exchanges between the Hindus and members of ethnic groups. From the 19th century onwards, on the other hand, some Western ideas have entered the Kingdom as well. Unlike the Shahs, the Rana rulers have maintained friendship with the British power-holders in India, even if it proved precarious sometimes. It was under British influence that the Prime Ministers were exposed to Western ideas and institutions. The promulgation of the first Nepalese Civil Code (Muluki Ain) in 1854 was at least partly inspired by the Western emphasis on codification, even though in terms of content the code was largely based upon the major Hindu/Indian texts and also upon the pre-existing Nepalese practice (Hofer 1979). The Muluki Ain was the first attempt to define the socio-cultural order within the realm's borders, capturing the - not uncontested - ordering of the diverse populations within the confines of the Nepalese borders.

Hierarchy of the Nepalese population groups according to the first Civil Code of 1854

1. Caste group of the "Wearers of the holy cord" (taagaadharri)
2. Caste group of the "Non-enslavable Alcohol Drinkers" (namaasinyaa matwaali)
3. Caste group of the "Enslavable Alcohol-Drinkers" (maasinyaa matwaali)
4. Impure, but "touchable" castes (paani nacalnyaa choi chito haalnumaparnyaa)
5. Untouchable castes (paani nacalnyaa choi chito hallnuparnyaa).

The "unification" and the subsequent factional struggles among the political elites (that is, high-caste landowning families, partly with marital ties to the royal family) reinforced legitimacy endeavours. When the Ranas came to power in the year 1846, they also were forced to elevate their own status, since initially they belonged to a minor Chetri (Kshatriya) family. The assistance of the Brahmins was indispensable in this process as a consequence of which Brahmin interests could never be ignored. Of course, political changes were not confined to the centre. With the on-going consolidation of the administrative system (including the stationing of military units throughout the country) local elites in remote parts of Nepal were increasingly drawn into the centralizing process. The centralization of Nepal was seriously hampered by the difficulties of the terrain with, for example, transport and communication from the capital to the Far Western regions of Nepal taking 40 days in relays for letters carried by runners. Still, despite such barriers, the 19th century was characterised by widespread migration in the course of which Hindus moved into tribal areas. Their movements were at least partly due to the centralization process: on the one hand escaping the increasingly tight grip of the central elites, and on the other, seeking to acquire land by clearing forests in areas inhabited by different ethnic groups. As a result, the State was able gradually to turn low-taxed tribal lands into state land, or clear new land, the revenue from which enriched the state treasury. While the centralization of the Nepalese state was causing people to migrate (Pfaff-Czarnecka

1991), the settlement of Hindus in tribal areas was certainly an important factor facilitating centralization. Economically, more land could be put under state taxation; politically, the high-caste Hindus were gradually attaining dominance over the tribal populations and even partly over their leaders, or at least threatening their dominance - an aspect which most probably was to the central elites' liking since divide-et-impera tactics appear not to have been alien to them.

From the point of view of the rulers, the plurality of the Nepalese society was conceived of within a uniform socio-political framework: diverse castes and ethnics were incorporated into a holistic framework of a 'national caste hierarchy' (Hofer 1979). The two major elements in the process of identity formation were the premodern form of patriotism expressed via loyalty to the King ("being true to the King") as well as the prominence of a religion. The subjects were not asked to participate in the processes of the national identity formation. The principle of *cuius regio eius religio* was realized not so much through proselytizing measures, but rather through establishing a societal order oriented to a ritual framework, the change was rather induced than enforced. By establishing themselves at the apex of the Hindu hierarchy, the rulers could accentuate their superiority over their political clients and opponents, and simultaneously ally themselves, for instance through marriages, with high-status families outside the Kingdom. As members of ethnic groups were increasingly relegated to the societal periphery and denied voice, the high-caste Hindu rulers could promote their own vision of the Gorkha Kingdom. By consolidating their political and economic power, the dominant Hindu elites in the centre were creating a specific ideological framework linking prestige to high-caste Hindu status. In the course of the 19th century, the Hindu rulers in Nepal enforced various changes upon the Nepalese population by further increasingly ascribing duties and privileges according to rank, and promoting the transfer of land rights to those ranking high.

During the time of political and administrative consolidation in Nepal, several ethnic groups appear to have undergone a process

of internal social differentiation, with some local families ranking high within clan hierarchies emerging as more affluent and more powerful than the rest of their society. In the course of this process, displaying elements of Hindu culture in order to create a social distance from "those below" seems to have been a successful measure. Ethnic elites' endeavours to elevate their status or to split into hierarchically ordered groups has been repeatedly reported (see especially Hofer 1979). These processes were furthermore aided by occupational changes accompanied by the necessity to adopt new cultural practices. By turning to irrigated agriculture on terraced lands, former pastoralists and swidden cultivators had to learn from the high-caste Hindus, adopting - among other things - the hierarchized exchanges with low-caste specialists, indispensable in the process of agricultural production.

In conclusion to this short overview of Nepal's unification and consolidation let us emphasize the interrelationship of the Nepalese ethnics' political and economic subjugation under the Hindu elites with the relegation of their cultural traits to inferiority. These processes result nowadays in the ethnic activists' claims to the right of compensation for the past wrongs discussed below. Another inference is the social differentiation within the ethnic groups, most ethnic activists seem to downplay, nowadays. Nevertheless, their emergence is a crucial factor in the processes of ethnicity formation. In order to understand the full scope of the ethnic leaders' reactions we have to turn to the subsequent Panchayat Era as well. It was during this period that the economic and political inequalities by and large persisted. Additionally, during this subsequent period, the Nepalese government adopted an assimilationist policy towards the ethnic population in quest, as they called it, to building a Nepalese nation. The ethnic leaders' insistence upon the importance of the cultural diversity defining the Nepalese nation is to be seen, among other things, as a reaction to the cultural oppression through assimilation, on top of former subjugation during the Panchayat days.

Nation-building, Modernization and Cultural Repression

In the following political period that lasted from 1951 until 1990 the definition of the general character of the polity was drastically changed. Formerly, by dividing their subjects into estates, the pre-1951 rulers united large sections of the Nepalese population under the aegis of the Hindu ritual framework, still allowing for a far-reaching diversity. After the overthrow of the Ranas in 1951, the Shah monarchs, now again in full power, by striving to establish a peculiar political form, the so-called Panchayat democracy, instigated divisive tendencies among the Nepalese precisely by claiming their unity as one nation sharing a common culture. We should not forget, however, that several developments which we can perceive as processes of forging a nation through common cultural characteristics so prominent during the Panchayat era had already been induced before, during the first half of this century (Burghart 1984). Beyond the process of establishing national identity in a changing geopolitical environment, the requirement of modernization as understood worldwide during the sixties and seventies - strongly emphasizing the core notions of the nation-building project -, called for national unity, among other things, in the sense of sharing one culture.

Within the process of creating a nation, the Panchayat government adopted in Nepal assimilation policies,⁷ insisting upon creating a homogeneous 'development' society. With the Nepalese kings dominating the legislative, judicial, and executive bodies as well as the army, Nepal entered into a specific democratization process. Its main elements were gradually presented

⁷ The term 'assimilation' refers in the first place to the process of making alike, based upon the conversion of one organism (the term was first used in biology). In this process conversion does not stand for a self-administered change, but for an action performed by a living organism on its passive environment. There is an implied asymmetry in this process, providing a base for the uni-directionality in the exchange. There are obviously manifold examples for reversal of the cultural flows: however, the orientation towards Hinduism was especially forceful.

- by stressing the equality of all citizens within the constitution,
- by endorsing the political process as constituted through popular elections (partly indirect),
- by the establishment of a uniform administrative system throughout the country,
- by opening up the Nepalese borders to external influences (especially to foreign aid), and last but not least,
- by forging a new idea of the Nepalese nation which is to evolve, with the former subjects now turned into citizens.

Cultural unity was perceived during this period as a means necessary in order to achieve a common value-framework and a means of communication thought to be indispensable within the development process. Any claim to ethnic identity was reduced to political subversion, Nepal's delicate geopolitical position may explain some of the fears. Since the monarch and the majority of top-officials were high-caste Hindus, the emerging distinctive national characteristics (Nepalese language, Nepalese dress, Hinduism as the state religion) were those of dominant groups. In the official rhetoric, the Nepalese nation was now presented as being equal in sharing a common culture, that is: "sharing" cultural elements of the reigning Parbatiya Hindus (Burghart 1984). Hence, although equality was claimed, it could apparently only be achieved by suppressing differences.

In striving to promote cultural unity as a means of political control, the government now had forceful tools at its disposal: road and air transport, telecommunications, mass media, especially the radio; and an education and administrative system in which only the Nepali language could be employed. During the Panchayat period, the cultural language of the dominant Hindu groups emerged as the language of modernization. Since the high-caste elites were able to establish themselves as brokers between international allies/donors and the Nepalese society, they could claim that 'their' cultural symbols and means of expression were a successful means of progress in the national context. The modernization rhetoric, especially the dualism thesis, was built

upon the idea that peripheral societies were divided into two sectors: a dynamic one, 'modern', seeking to and able to integrate within the global (economic) system, and a second one, devoid of links to developed poles, traditional and stagnating. By striving to establish development ideals, the elites have promoted an image of villages as backward (Pigg 1992), claiming that traditional forms lived by the non-Hindus were opposed to progress. Hence, imposing Nepalization has been understood, among other things, as a process of civilizing a backward population. The majority of the ethnic population remained confined to the societal periphery. With the King at the apex of the 'national' hierarchy, any attempt at decentralization of the administrative and the political system was doomed to fail.

The capital Kathmandu and its surroundings were increasingly becoming the economic centre of Nepal, containing developing industries (tourism, carpet manufacture, construction), infrastructure, real estate markets and, above all, labor markets. The centralizing tendencies were decisively reinforced by the booming international aid. Though heavy taxation was considerably reduced at the outset of the Panchayat era, the state clearly had "something" to "take" from its citizens. The most striking measure was the nationalization of the bulk of the Nepalese forests with some ethnic minority areas and communally held natural resources being turned into national parks - a drastic means to prevent people from continuing previous forms of livelihood and organization (see the next section). On the other hand, with substantial foreign funds pouring into Nepal (rendering the central elites stronger), those in charge of public expenditure also had "something to give" basically in the form of various development projects, promising improvement in production and consumption levels.

Despite the egalitarian rhetoric, cleavages persist and the caste system was never really abolished, and caste/ethnic distinctions were reinforced by the fact that ethnic groups largely lacked networks giving them access to high positions and displayed cultural modes differing strongly from those prevailing among the

elites in the centre. Economic disparities persisted; with Kathmandu and the surrounding areas developing economically at a much quicker pace than most of the other areas of Nepal, regional disparities became more apparent, and the majority of ethnic groups - along with numerous Parbatiyas, however - were living in the stagnating peripheries. The first indications of tension were regionalist sentiments in the Terai. In the 1960s, Terai activists claimed that state expenditure in the Terai was far below the amount of taxes and revenues flowing from this region to the state treasury (Gaige 1975). Within the particular political context of the Panchayat era, only the state, dominated by the high-caste Hindus, had the opportunity to publicly develop its definition of national culture.

With civil rights such as freedom to organize or freedom of expression seriously restricted, the members of Nepalese ethnic groups were prevented from displaying any diverging visions in public. Besides public displays of national symbols and modernizing ideologies, the State had various means at its disposal to undermine pre-existing 'parochial' identities, authority and 'traditional' ways of life. In the course of its centralizing efforts, the State has been increasingly able to interfere with private domains and

- to submit its citizens to bureaucratic regulation (e.g. by unifying the land-building system and by surveying and registering the land), and
- to control and to normalize the ways of living, and to shape experience "by categories which may cut across those in which one wants to live one's life" (Taylor 1990:99).

Some of the measures meant disempowerment of communal self-management and local or corporate mechanisms of self-perpetuation; it meant "sapping the social foundations of communal and corroborative traditions and forms of life" (Bauman 1990; 157). Though promoted all over the country, assimilation

was primarily an invitation extended to those individual members of stigmatized groups who were able to respond to it. By enabling individual members of local communities to enter successfully into a new mode of life, the right of those groups to set proper standards of behaviour was challenged. "It was an offer extended over the heads of, and as a direct challenge to, communal and corporate powers".

"Assimilation - one especially wide-spread option deployed by the nation-builders - was, therefore, an exercise in discrediting and disempowering the potentially competitive, communal or corporate, sources of social authority" (Bauman 1990:159). Inherent was the idea of the superiority of one form of life (and hence one cultural form) promising deliverance from 'underdevelopment'. The other sector that existed already in its very 'otherness' continued to be inferior. The discrimination against the 'inferior' sector within the existing power structure could be publicly attributed to its own flaws and imperfections, in short, to its backwardness and tradition-oriented attitudes. However the government's firm stand on cultural matters was to be increasingly challenged during the last decade of the Panchayat period. The spread of Parbatiya Hindu culture, which was a government objective, was an important trend during the Panchayat era. While the State still understood itself as a guardian of the Hindu religion (Sanskrit schools, donations to temples, cow protection, elaborate State rituals), secular features such as the Nepalese language were increasingly promoted (Gaborieau 1982). Elements of the 'Nepali' culture, displayed via schools, school-books and the mass media, have reached the bulk of the people within the Nepalese territory (women to a lesser degree).

The most exposed people were (male) aspirants for governmental employment and local politicians above all those who were successful. Especially within the government, public conformity in such aspects of the culture as language, dress and hierarchy-conscious behaviour was one of the proofs of loyalty. Not all members of ethnic groups, however, were confined to the peripheries - as indicated above. Members of several ethnic groups

emerged as private entrepreneurs and increasingly established themselves in Kathmandu during the Panchayat period (Zivetz 1992). Most of them were former Gorkha soldiers (Gurungs, Magars, Rai and Limbus), descendants from former tax collecting families ('subbas') in remoter border areas (Thakalis, Sherpas, Manangis), and members of the few ethnic families involved with the government or with the Nepalese army. Additionally, members of several ethnic groups who were able to establish durable contacts with foreign donors and foreign entrepreneurs have expanded into new economic sectors. Tibetan refugees have started the booming carpet industry, 'Bhoes', especially the Sherpas, run the major tourist enterprises, and Thakalis, Gurungs and Manangis, along with Parbatiyas and Newars became very successful in all sorts of "import-export" business. Among the main resources at the ethnic entrepreneurs' disposal have been capital, Indian and Western partners as well as (mainly high-caste) patrons among the political and administrative elites. By and large, business people have not so far organized themselves into pressure groups trying collectively to influence state policies, even though civic formations based upon economic interests have developed.

Rather individuals have sought access to powerful patrons as a risk-minimizing strategy - in view of inconsistent economic policies and loopholes in the law. While entrepreneurs from various ethnic groups provide employment to members of their communities and in this way tend to enforce cultural norms and social ties within their groups, they are not likely to adopt the role of ethnic mobilizers. The homogenizing efforts by the high-caste Hindu elites have been increasingly opposed throughout Nepal for a variety of reasons. It is precisely in systems claiming to be egalitarian that those dominant groups presenting themselves as guarantors of equality, but actually promoting inequality at the expense of the others, are increasingly taken to task.

Since the mid 1970s the State has been losing its legitimacy. The State claimed for itself a focal role in the societal development process, but was not able to deliver. After the modernizing euphoria of the early Panchayat days started to subside, large sections of

Nepalese society came to realize that they could hardly get ahead through the government. The highly centralized state apparatus, dominated by high caste officials and politicians, has proved unsuccessful in promoting economic growth and/or extending welfare measures beyond the capital and a few other economic centers (some parts of the Terai, major tourist areas). Opposition voices attributed the inefficiency of the state apparatus and internal corruption to the destabilizing effects of donor policies (Pandey 1989) as well as to the manipulative strategies and finalist orientations of the high-caste Hindus (Bista 1991). It was claimed that educated members of ethnic groups were not able to find employment within the central organs due to their lack of personal networks. Within the political and administrative bodies, ethnic 'elites' were not able to compete with high-caste Hindus. Ethnic activists have increasingly claimed that Nepalese society has undergone a process of differentiation, with the bulk of the ethnic population relegated to peripheries - be it in the sense of not having access to welfare or in the sense of lacking a political voice. This process brought old grievances into the open, such as resentment of the abolition of the kiptat-system (communally held land) among several Kiranti groups. The century-long migration of the Hindu population into ethnic areas has been increasingly branded as 'internal colonization'.

Towards the end of the Panchayat era, some ethnic activists started to adopt the internationally acknowledged label 'indigenous people' (see Pradhan 1994), initially just hinting at specific minority rights. Political symbols that have been propagated by the State as well as - increasingly - symbols that have been attached to the crown, have acquired a new dimension in the process of the opposition's political mobilization; they were increasingly understood and openly labelled as symbols of oppression. One such symbol was the annual Durga Puja or Dasain, a major State power ritual (Pfaff-Czarnecka 1993). Any homogenizing effort linking the idea of national unity with high-caste Hindu cultural elements was increasingly resented among ethnic activists. At the

same time, however, individual members of the ethnic group have continued to adopt and display high-caste manners and symbols as a means of social mobility. Towards the end of the Panchayat Era, members of ethnic/regional language communities were increasingly carrying their specific demands and objectives into the open. Besides creating a sphere of protest against the government and reacting to governmental cultural measures, ethnic mobilizers were responding to manifold factors. The changing international framework was especially influential in this process.

- the world-wide evolution of ethnicity as a partly successful form of political formation;
- the changing global development discourse, stressing such elements as people's participation, 'community involvement', solidarity and cooperation patterns at the local level;
- the fortifying ties between the ethnic elites and foreign business partners, foreign scholars, foreign members of global organizations as well as with foreign admirers of Asian religions;
- the growing interest in 'native' culture reinforced by national and international research institutions;
- and finally, the arrival in the public forum in Nepal of the growing critical debate over epistemological and ethnic issues raised by the Western representation of the 'other'.

These factors have gained a tremendous momentum in the course of the 1990 Movement. Powerful cultural cleavages were only brought into the public domain with the crucial political change which came about after the unrest in the Spring of 1990.

The Backlash? - Minority Projects After 1990

The democratic movement of 1990 was successful in inducing crucial political changes, especially by stripping the King of his dominant role and re-establishing a multi-party system. The

mobilization, which occurred all over the country, raised extremely high hopes and expectations, with many people feeling and demanding aloud that from this time on all kinds of expectations and demands were legitimate and ought to be met quickly! In view of the economic backwardness and institutional constraints obstructing the democratization process, social conflicts will certainly persist. It would not be correct simply to analyze the recent ethnic tensions (see Fisher 1993) as one of the outcomes of the 1990 Movement.

Activists from ethnic groups formed part of the Movement, which comes closest to a 'bourgeois revolution' either as party members - Congress; various Communist factions - or as members of ethnic regional organizations. It was a combined effort of wide sections of the population - ethnic groups along with the Parbatiyas - to overthrow the existing partyless Panchayat system, to proclaim a new constitution vesting sovereignty in the people and to create a new social order, about the nature of which manifold visions exist. One clear-cut tendency can however be discerned; in the aftermath of the 1990 'revolution', ethnic tensions have gained momentum.

Aside from political parties being formed and re-formed, various new ethnic organizations have emerged and several of those previously existing underground have entered the public domain (Fisher 1993). However, although the ethnic groups together form the majority of the population, they are scattered, with no single one of them exceeding 12%. Thus opposition on an ethnic basis has been difficult to orchestrate (Fisher 1993), though there are examples of ethnic organizations uniting, for instance, into the Nepal Janajati Mahasangh (the Nepal Federation of Nationalities). After 1990, the fierce public debate as to whether the constitution should continue to describe Nepal as a Hindu state or declare it a secular one was an important rallying point for many organizations. Suddenly a variety of groupings including ethnic organizations, Buddhist activists, the Muslims, the Christians and some Communist factions were united against forces which, backed by

various Indian Hindu associations, demanded that Nepal remain a Hindu state. Approximately 8000 petitions are reported to have reached the Constitution Recommendation Commission on this issue (see Gaenszle 1991b; 15). The debate over this crucial cultural issue reinforced sentiments and resentment on both sides. Pro-Hindu state forces won; with ethnic demands remaining unfulfilled.

"How to tend this garden?" - this question was asked by many observers,⁸ but there are only few attempts to answer it (e.g. Magar 1995; Bhattachan and Pyakuryal 1996). It seems that there is no agreement about the nature of the future polity. Presently, two modes of argumentation dominate the political debate on ethnicity in Nepal: the more moderate activist seeks to enhance the access of ethnic minorities to governmental institutions and state resources widely monopolized upto now by the high-caste Hindus through a quota system. The Nepalese polity, so they argue, is to undergo a process of devolution (itself an embattled concept), formulated in opposition to the pre-existing societal order under centralized rule. Among the most striking solutions proposed so far was the one promoted among others by the ethnic leader Suresh Ale Magar who suggested that Nepal be divided into 12 autonomous territories defined by ethnic membership of a particular group dominating in this region (Magar 1995). This demand is all the more striking as many regions of Nepal contain a great mixture of people of different ethnic backgrounds, several of them claiming ancientness in a particular territory. Furthermore the majority population group that is the Parbatiya Hindus, is in this vision not supposed to have its own territory.

The process of mobilization on ethnic grounds continues, hence, with various organizations either representing single ethnic groups or their conglomerations. Though there are large disparities in their demands - some opting for a quota system after the Indian model, some forcefully objecting to this - several political aims are often repeated: a higher representation of ethnic members in

⁸ For instance P.R. Sharma (1992).

political and administrative bodies; a higher degree of decentralization with a greater scope for self-government (a wish shared by many Parbatiyas); abolition of Nepali as the only national language; and correction of the national statistics which represent the Nepalese population as ca. 85% Hindus, with the rest generally classified as Buddhists and Muslims. The prolonged debates concerning the contents of the new Constitution (promulgated in November 1990) have been a clear indicator of the continuing relevance of cultural considerations and negotiations in the process of nation-building. The international scene, notably Eastern Europe, which is observed in Nepal with attention, has seemed to demonstrate that the complex relationship between 'nation' and 'state' has not lost its pertinence. The very fact that old states were falling apart and new ones were emerging at the same time called the concept into question, and, on the other hand, reinforced its validity. Until the end of the Panchayat era, the rulers and/or the government had focussed on the task of defining the essential characteristics of the 'nation', but in the present context, people insist on participating in this process. Ethnicity, so far understood as opposing the national idea, is being propagated by some ethnic activists as one intrinsic aspect of Nepalese society. This claim makes them call for a redefinition of what should be considered as national culture. Since 1990, various ethnic activists have insisted on taking part in the project of forging a new notion of Nepal's national culture. Their objectives have been severely impeded by the persisting cleavages within the national society.

The Persisting Manifold Inequalities in Nepal

Within the present political process in Nepal, minority formation on ethnic, linguistic and regional bases seems to contain a contradiction. On the one hand, the emergence of minority demands in public is concomitant with and an indicator of a take-off of the Nepalese democratization process. Beside the general franchise of the adult population, the far-reaching differentiation of the political system, the division of powers within the state, the very existence of ethnic interest groups operating freely within the public space is an indicator of the depths of the democratic reforms initiated in 1990 - granting the citizens crucial political rights. On the other hand, however, specific minority demands, and especially the ways how these are expressed, appear to threaten this very process. Such striking demands as Nepal's division into the 12 autonomous ethnic regions stands out in this respect. The problems the ethnic movements face right now are symptomatic of some other problems of Nepal's young democracy. It is easy to embark upon public debates here as the on-going ethnic manifestations and exchanges themselves demonstrate. The deliberation cannot be put into action, however. The ethnic voices are scattered and far from united on crucial issues - within the particular groups as well as between them. The political system oriented to the Status Quo has so far also successfully managed to prevent ethnic issues from approaching its procedural channels. Hence, ethnic goals are put on ice - but they are unlikely to disappear in the course of time.

In the view of many observers, pursuing collective goals such as quota systems or 'positive discrimination' is contrary to establishing institutions enabling the process of social integration at the national level. Whether the future political process will involve accepting the either/or dichotomy (individual vs. collective

integration) is questionable. The diverse visions put forward by ethnic activists on enhancing the political, economic, social and cultural prospects of their people continue to remain projects that by and large have not been discussed with the governmental bodies, as yet. A few concessions have been given so far allowing broadcasting in Nepalese languages other than Nepali, endorsing the project to establish an ethnographic museum displaying the diverse cultures of the Nepalese people. But the question of introducing other languages than Nepali in the education system - an issue of a major priority among many activists has not been solved to date. It remains to be seen whether (and if so, how) particular demands pertaining to collective identities in Nepal will be incorporated within a broader integration process based upon defining and protecting individual rights and duties. For a better understanding of the present institutional set up, let us now turn again to the relationship between Nepalese citizens and the State.

The "Nepalese unity", the above discussion should have made it clear, has meant a social order relegating the members of ethnic groups to lower ranks, from the beginning of its conception. When conceived as a Gorkhali Kingdom, or as a modernizing state, cultural depictions, symbolization and rhetorics went hand in hand with concentrating strategic resources in the hands of the power-holders. The Hindu language of ritual purity and the dualist notions of the modernization rhetorics have both used their particular notions of culture as a strategic tool when re-arranging the political and economic resources within Nepalese society. The fact that strong ethnic elites have emerged in this process as well does not contradict the direction of the general trend that Nepali unity has proved disadvantageous to the ethnic populations. It does not come as a surprise, therefore, that ethnic activists depict the inequality in the social order in Nepal largely in collective terms. Nor was it surprising that during the Panchayat era, the power-holders sought to deploy individualist notions, highlighting - among other things a putative neutrality inherent in the notion of nation as consisting of individual citizens. Both big attempts at expressing the common belonging within the Nepalese borders have proved detrimental to most members of the ethnic minorities.

The claim that minorities are relegated to the lower ranks within the Nepalese society, is an approximation, of course. Several of the ethnic minorities in Nepal have brought about elites which have an impact upon the societal process - especially in the economic domain. Nevertheless, the inequality in the distribution of chances is striking, especially when it comes to the question as to who has the control of the political and of the administrative process, and hence, who is able to shape state policies. This section seeks to analyze the distribution of strategic resources in order to indicate the scope of marginalization of ethnic minorities in Nepal affecting the current orientations. The emerging picture shows a fair degree of differentiation, especially in the economic domain. However, it shows at the same time that the Nepalese minorities are largely excluded in the administrative and political domain. This exclusion has far-reaching repercussions not only upto the ideological framework, but also directs state policies in such crucial areas as control over natural resources. The analysis in this section seeks to demonstrate the divisive character of the current policies towards the minorities, to indicate that the ongoing 'politics of reaction' are in view of these policies a viable option, and to show how collective identities are in fact enforced.

The nature of the political process is one case in point. During the Panchayat era, elections under universal franchise were held at the local level and, after 1980, at the national level also, and this right was confirmed in the new Constitution. We could expect that the events around the 1990-movement have to a large extent reversed the trend of marginalizing the minorities in the electoral process. But who were the representatives of the ethnic population in the 1991 (Parliament) and 1992 (local bodies) elections? Ethnicity has been only one factor to support base formation, the others being patterns of patronage and subordination, factionalism within local groups, party politics and the strength of local leaders. Interestingly, ethnic and high-caste leaders have generally attracted support from more than one community when they were standing in mixed constituencies. It remains to be seen whether in future

local and national elections, voting for ethnic parties will gain momentum. To date, parties defining their goals through particular ethnic objectives are prevented from taking part in the elections. At the same time, party politics, strongly centralized, prone to endorsing hierarchical principles and strongly oriented towards factionalized patron-client networks has reduced the chances of politicians belonging to minority groups from climbing onto higher ranks. Since 1990, the bulk of the population has voted for large parties, despite the fact that these have been dominated by high-caste politicians. Among the parliamentarians elected during the 1990s, only ca. 25% are of ethnic origin, a number far below the percentage share of the ethnic population within Nepalese society.⁹ On the other hand, this indicates that a substantial number of ethnic politicians are involved in party politics where they are subordinated to high-caste Parbatiya and Newar functionaries.

In view of the overall centralization, factionalism and strict authority patterns within the major parties, it remains to be seen how accountable the parliamentarians can be to their constituencies and whether minority issues will have a chance within the parliamentary process. At the end of the 1990s the political process mirrors the bias against minority objectives displayed within the state institutions. The governmental institutions, including those bodies in charge of development, planning and distribution are dominated by high-caste elites. Recruitment for governmental institutions occurs through the incorporation of well educated, upper class, high-caste Hindus from urban-based families with 'friendship' networks provided by senior (male) relatives. The bureaucracy is therefore understood as a 'closed society', opening itself only rarely to assimilated 'others' who are ready to accept subordinate positions.

The ethnicization of the State has immediate implications in two important fields:

- (a) High-caste Hindus are accused of favoring their own community/clients, while there are no civil institutions in

⁹ See Whelpton 1997.

which neglected citizens can challenge the distribution patterns;

(b) The State is also the major employer in the country.

Educated members of ethnic groups have to compete with privileged high-caste Hindus for governmental positions, capable of manipulating social networks in order to enhance their chances. Hence, during the last 50 years, the high-caste dominated government in Nepal remained in the hands of the culturally dominant groups who were, partly, overwhelmingly represented in the governmental bodies - with economic consequences as well. In countries with low economic growth such as Nepal, employment within state institutions is a wide-spread goal among the middle-classes. Where earning outside the government constitutes a feasible or even lucrative option for the middle classes, *struggles over the state* are less likely to occur (Wimmer 1994). In Nepal, however, access to governmental positions has remained a major asset in social, political and economic advancement.

When examining the governmental practices to privilege members of majority groups within the state apparatus, it is difficult to avoid asking why members of one's own group tend to be accorded preferential treatment. Various reasons have been given for such measures in the existing literature (see especially Wimmer 1994). Among the given cultural factors the idea prevails that those in power trust especially members of their own groups.¹⁰ Ethnic blocs representing themselves as familial groups are in fact usually strongly factionalized themselves, but they are nevertheless exclusive of the outsiders. This situation obtains for practical reasons: those who are appointed by governmental institutions are

¹⁰ This explanation does not hold entirely. It is known that in some empires, the rulers were especially keen in entrusting important positions to strangers, assuming that they - not belonging to clientelistic networks - would prove more loyal. Furthermore, political scientists and anthropologists have provided numerous examples of trans-ethnic clientelism.

usually members of informal associations and personal networks, based upon common interests, providing for easy communication, a common cultural background (making things "go without saying"), and the already existing networking capabilities. To use Pierre Bourdieu's concept, such informal groups and networks base upon a common social and cultural capital rendering the interactions self-evident, especially in societies - as in Nepal - where specific skills, such as legal competence may still be related to ascribed status (i.e. caste). "Parvenus" from other cultural groups can hardly be absorbed into the existing arrangements, with the exception of cases when they are accepted as useful and obedient clients. Those members of minority groups who share in such highly valued cultural capital as formal education, usually do not form part of powerful informal groups simply because they lack in other dimensions of social capital, that is, disposing of social relations and the proper habitus of one's own peers.

When looking at the political explanations for favouring members of one group at the expense of the others, two factors stand out. Firstly, the political process in Nepal has been significantly dominated by personal relations where the cultural background has been crucial. Even when propagating a nation-building model in which the state was presenting itself as a neutral agency, the actual politics have been shaped by cultural considerations - overtly or covertly. More often than not, clientelistic attitudes have characterised the political parties where those at the top of political hierarchies were under a certain pressure to promote one's own people to political positions, to nominate them for elections, and to give them appointments to political and administrative offices. Populist attitudes, the second factor to be considered, have put the parties' bosses under pressure to carefully consider the majorities grievances often successfully guided by the fundamentalist clergy.

In order to receive credit, to legalize a transaction, to secure the rights to utilise a resource or to pass the exams, it matters who is the applicant and who is in charge of the distributive practices. Manifold examples from all over the world indicate that the

members of bureaucracies are partial to their own people. From the point of view of the minorities, then, it matters when they lack access to strategic positions. The *ethnicization of the state* affects the distributional patterns of resources mainly in three areas:

- when the state is the major employer (as in Nepal);
- when the state or the federal state establish their supremacy over natural resources (such as forests); and
- when the state's policies alter the regional development, that is where there is a detectable tendency to privilege areas inhabited by the majority populations.

Especially where chances to find employment in the private market are seriously hampered due to economic stagnation (which holds for large parts of Nepal), the state is considered as an important institution providing employment. In several Asian countries as much as 75% of school leavers hope to find employment within the state bureaucracies. Nepal belongs to them. Employment within state institutions has become a scarce resource while educated middle classes have been steadily growing. Conflicts over employment have ever been increasing as well: wherever members of various ethnic groups are trying to enter the niche, ethnic conflicts are especially likely to occur (Horowitz 1985). Hence, vying with one another for state employment has become the major battlefield for ethnic difference.

As a rule, the economic chances through employment within the state institutions are not confined to the monthly salary and a pension. Employment within the bureaucratic system is rather considered a precondition for further gains, often at the expense of wider population sections. The resentment displayed among the minority groups relates, consequently, to the chances of their opponents within the formal as well as the informal bodies which form around strategic positions. Where chances to be employed within the state institutions reflect patterns of a cultural division of labor, members of minority groups increasingly protest against the dominance of those in charge of deciding and of (re)distributing

societal resources. Having members of one's own group employed within the state institutions does not necessarily result in enjoying benefits provided by these persons, though. Once appointed or elected, the minority elites may pursue their individual goals or engage in politics not directed towards goals specifically related to particular minority groups. Nevertheless, it is usually expected that members of one's own group will be more sensitive to minority issues. Furthermore, the mere fact that minority elites can climb the societal hierarchies may relate to peoples' quest for symbolic representations.

Towards the end of the Panchayat era, the rulers had to acknowledge that the State could not retain the desired control over society, neither in the cultural sphere nor in the political and economic domains. Despite the State's struggle to promote a centrally controlled, economy based five-year plan, an ever-growing number of private entrepreneurs emerged. Nepal's 'mixed' economy has been shifting towards a market economy, promoted among other things by the state elites who have been collaborating with various partners - among whom ethnic economic elites have been numerous - however lacking the potential to influence governmental policies geared towards the economy. The economic policies formulated by the government were dominated by the interests of the state elites. Nevertheless, economic agents with a minority background have been forming increasingly outside the state institutions and have been striving to influence government policies. Their access to the decision-making occurred, however, largely through informal clientelistic networks to high-caste elite families (see Zivetz 1992). Numerous examples indicate the necessity to informally accommodate particular economic interests with state elites rather than within state institutions. As long as members of minority groups can hardly get access to positions within the state institutions, those in charge of the state profit from their exclusive rights by granting private access to those willing and able to lavishly reward such services. It is then in the interest of the state elites to impede the formation of political parties articulating economic interests.

In the aftermath of the 1990 Movement, numerous organizations pursuing various economic interests (chambers of commerce, trade unions or particular organizations such as 'Women Entrepreneurs Association of Nepal') have been reorganizing themselves or were called into being. Their role in affecting state policies and as an integrative societal force through market mechanisms cannot be evaluated, yet. A new section of the private market has continued to open up in the last several years, in the form of Non-Governmental Organizations, sponsored to a substantial extent by international organizations. The weight of this new sector is probably best indicated by the fact that numerous individuals have been abandoning, low-paid governmental positions and engaged in this private market. In addition, an increasing number of governmental employees work on a part-time basis with NGOs or entertain close personal ties to them. This new sector of the Nepalese economy may provide an opening for minority experts, but it is still too early to assess its importance. It is also impossible to foresee the sustainability of this sector, given the fact that it is largely funded by external aid agencies.

The lack of influence over state policies has had substantial impact upon the loss of control of natural resources, formerly managed collectively by local societies of which the minorities formed a crucial part. Especially when the state is an important economic actor itself, providing jobs, investing and planning, it matters to local communities when natural resources are nationalized. When the legal rules are either ambiguous or locate the prerogatives within the central institution, those groups partaking within the state are bound to get hold of resources so far at the disposal of other societal groups. The case of forests is especially telling. In Nepal, most of the forest areas have been brought under the control of the central state under acts ensuring the governments a far-reaching control. Even when the local communities have been granted usufruct rights, centralist tendencies have curtailed the use and have severely undermined the pre-existing social practices of their use. The new beneficiaries have not been solely the central elites. Having acquired access to

new resources the state elites were able to respond to pressures related to their offices, especially by reciprocating loyalty and establishing new alliances with local elites.¹¹ Timber contractors, military units guarding forests, beneficiaries of development schemes in strategically important locations have been usually backed by central elites partial to particular cultural groups, at the same time being a sort of 'executors' of - usually - centralizing measures pursued by the central elites.

Putting natural resources even in the most remote areas under the control of the central elites and their local clients has seriously contributed to the reinforcement of regional disparities. Regional disparities existing in Nepal do not coincide necessarily with cultural cleavages, however. Wherever they do, ethnic tensions have become more likely. Over the last decades, the local societies have become sensitized to the ways in which the state acted as a re-distributor of the social produce through various economic policies relating to taxation, licensing and to infrastructural development as well as to the ways development resources have been allocated. Regionalist movements were mostly emerging when two conditions were given: either where the underdevelopment of one's region was perceived as structurally related to the enhanced chances in the centre, or, where the inputs of one's own region, especially in the form of taxes, have been not made even through investments in the regional production and consumption (health, education, cultural institutions etc). Regional tensions, of course, did not solely come about as the result of the

¹¹ Under the very general term "local elites" I understand lower state officials, local politicians as well as entrepreneurs. It goes without saying that the local elites can be either members of the majority or or minority populations. Usually, ethnic activists maintain that the natural resources which have been so far controlled by them, have been alienated through the action of elite members not belonging to their groups. However, such statements are oversimplified: *divide et impera* policies advocated from the centre cannot be overlooked, and neither can internal cleavages within minority groups be denied - a point we shall discuss further below.

central elites' measures to bring the national resources under their control. Allocating development resources and pursuing redistributive practices detrimental to particular regions and favoring the centre (e.g. the Terai question in Nepal) equally belong to the major strategies pursued by central elites.

On the other hand, despite numerous ethnic minorities living under extremely precarious conditions, any references to the existence of clear-cut cultural division of labor within the national societies have to be rejected. Neither can there be a general tendency discerned for minority groups occupying strategically superior positions, nor is the opposite situation the case. In Nepal, large sections of ethnic minorities are relegated to marginality, along with members of majority populations. On the other hand, much of the resentment among the majority populations was focussed upon the enhanced chances to occupy economic niches particular minorities enjoyed, be it within national institutions, be it in the economic sphere. Both, the majorities and the minorities have increasingly become sensitized to number politics, watching that the shares members of their groups were occupying within the various niches did not fall below their percentage within the population.¹²

To summarize: More often than not, the cultural politics directed towards the accommodation of the national minorities has reflected the societal struggles over the state that is strategically so important in negotiating the processes of distribution of societal resources. The majority groups dominating the state institutions and the processes of policy making have been careful to design policies elevating their own cultural traits over those of the minorities. Subsequently, cultural politics have been closely intertwined with the policies directed towards the control over resources. From the point of view of the minorities, the impact of state policies could affect ethnicity formation through both: detrimental economic policies alerting them to the concomitant

¹² It is not surprising that the ethnic arithmetics have been contributing decisively to the ethnic debates. Putting statistical census data into question ranks high among the national minorities' endeavours to substantiate their claims.

forms of cultural neglect, and, in opposition, through the state's threatening valued cultural traits sensitizing the minorities to other forms of oppression or marginalization.

In each country, ethnic conflicts acquire a "national" character. Peoples' grievances refer to the ways in which they were treated in the past, and the ways in which discontent is being expressed are shaped by the national context. The nationalist doctrine linking the idea of national unity with the cultural characteristics of the numerical majority groups has certainly promoted mobilizatory attempts. Consequently, cultural characteristics of those in power have become political symbols resented by minorities. The politics of reaction are still to be seen within national frameworks where minority groups refer to the past forms of ethnic accommodation. It is not possible to give an exhaustive account of the major lines of the public reactions; in this field more research is necessary. Presently, the politics of reaction endorsed by the Nepalese minorities are directed against:

- (•) The detrimental hierarchical ranking of the population groups affecting peoples' political and economic chances;
- (•) The encroaching upon living spaces of the minorities through measures of nationalization frequently resulting in a redistribution of resources to the advantage of the dominant groups;¹³

¹³ Most of the South and South East Asian governments have drastically reduced the rights of local populations to manage natural resources such as forests on their own, by centralizing the control and the command over the forests through measures usually depicted as 'nationalization' - at least until a few years ago. Struggles over forest resources have not been confined, of course, to the dealings between states dominated by majority ethnic groups and the minorities. Though wherever government officials, contractors and members of the local populations were involved, the members of minority groups tended to be those without any backing. It is to be expected that in the future to come struggles over natural resources will continue to provoke ethnic tensions - whenever those whose collective rights are being threatened will identify themselves along cultural division lines.

- (•) The practices of silencing peoples' cultures, when neglecting them while shaping symbols relating to national unity, when allowing only certain languages at schools and within the governmental institutions, or by forbidding or ridiculing the religious practices, by folklorization of the ethnic cultures, making them digestible to the urban elites and foreign audiences (see e.g. Ramble 1997);
- (•) The practices to silence minority peoples' histories; and, hence, against threatening peoples' identities by portraying them as inferior;
- (•) Assessing peoples' culture in reference and in opposition to the cultural elements displayed by the dominant groups.

Contrary to the pure instrumentalist explanations, the reactions listed here draw our attention to the fact that minority formation cannot be just perceived as a tool in order to attain material aims. The reactions teach us that people not only strive to retain their world-views shaping the ways how they can cope with on-going changes. Threatening peoples' identities by portraying them as inferior or insignificant within the national context appears as an option hardly feasible when maintaining the national boundaries is considered a goal. The widely spread resentment has certainly reinforced today's trend to attach a great importance to culture and to mobilize members of ethnic groups to pursue various cultural measures. During the last decade or so culture has emerged as a widely recognized means to perceive difference, and more and more people strive for recognition of what is crucial to them. Culture is then also understood as the major criterion deciding about peoples' identities. Where the silencing of cultural forms was denied or where cultures were consciously oppressed, dissent came about. It is one thing to initiate on one's own a reformist movement among one's own people, and another being forced to initiate cultural change. For the former option, Nepal's minorities provide numerous examples. In fact, members of ethnic groups are currently continuously engaged in examining what is at the core of their cultures, and increasingly, engaging - among other

things - in reformist and/or revitalization movements. Protecting one's own culture, yes, even fighting to preserve it, acquires legitimacy in the current ideological frameworks, which are increasingly shaped not only within the national context, but also beyond the national borders.

3

Minority Dynamics in Nepal, Global & Cultural Flows, and New Solidarities

Processes of ethnicity formation are currently a global phenomenon, not only in the sense that their occurrence has been recorded from most places on the globe. Defining ethnic boundaries has conformed to a widely spread narrative, legitimizing minority demands especially through discourses of identity and dignity, and presenting them as viable options to satisfy strategic goals. Such scripts become a common good that allows ethnic mobilizers to find models of orientation and suggestions how to shape actions. In fact, not only ethnic mobilizers are influenced through this kind of models of action. Governments seeking to destabilize the societal set-ups in the neighbouring countries tend to look across the national borders - as well. Hence modes of ethnic dynamics are open to those looking for support or inspiration among one's peers as well as to those looking for weaknesses of the political opponents. Such processes have been extensively examined during the past two decades.

Currently, we can observe in Nepal another form through which global discourses shape perceptions and the actual actions of minority formation. Three processes coincide here. The first is the increasing salience of the civil society movement, the values and forms of which have increasingly informed the social dynamics in Nepal. Secondly, the substantial shift within development theory and development practice regarding agency in development efforts

may not be overlooked. The strong emphasis on participatory forms in development practice is increasingly geared towards a "help to self-help". This politically correct term hides the decreasing capacities of many states, including Nepal, however, to deliver goods and services they have promised, when in the initial development euphoria the governments were accorded the major role in shaping the course of the development in their societies.

Collective issues have entered the development discourse, thirdly, for another set of reasons. Above all, after decades of deploying patronizing measures, the planners and implementers have taken to a new option that stresses the idea of human agency within the society, usually put forward in the development theory in the localized context. Members of local communities are presently approached as decision-makers and implementers, or as those who participate in the decision-making (along with the national and international agencies) and those who carry out the projects by providing time and energy. After decades of dealing with the local elites, the development agencies strive nowadays to cooperate with the people who are conceived of as collectivities. *Community-based organizations, community involvement and peoples' participation* belong to the terms used most frequently. (Which does not mean, however, that action mirrors the rhetoric. Notwithstanding, legitimacy can be gained through promoting such values).

Since development resources are scarce, various sections of the Nepalese society, more often those not represented by their self-appointed spokesmen, seek to highlight particular elements in their cultures considered especially well suited in order to carry out interventions within their local society. The current forms of self-representation of aspirants to development aid reveal the fact that it is not sufficient to demonstrate the need for intervention; choosing the proper language, oriented to the current discourses, ethnic minorities (re-) present themselves and are presented as groups still living the precious collective forms in every-day life. Since 1990, the democratization process in Nepal has been accompanied by a sort of *back-to-the-roots* movement, with some

sections of the ethnic population publicly displaying the distinctive aspects of their own culture, and maintaining that they will try to remove the Hindu influences they had to endure. The *back-to-the-roots* movement in Nepal is at present strongly reinforced by the changing attitudes among many development organizations which express themselves through such slogans evoking also the old theme of *small is beautiful*. As can be read in numerous project documents, *indigenous* ethnic institutions are increasingly being presented as the proper bodies to carry out development efforts. Hence, the ideals and networks across the national borders are increasingly carried into Nepal through the Non Governmental Organizations involved - though more or less successfully - in development efforts.

The renowned Nepalese social anthropologist Dor Dahadur Bista has argued that the strength of ethnic solidarity and ethnic cooperative spirit is the most powerful tool for social process in Nepal. He claims in his widely discussed and controversial *Fatalism and Development* that Brahminic values which dominate the Nepalese society are to be blamed for the overall fatalistic attitude of the bulk of the Nepalese population, preventing progress. He criticizes the Brahminic attitudes wide-spread among the Hindus such as hierarchical thinking, which values ascribed status above achievement and results in people striving primarily to please their superiors, whether ritual superiors, those in power, parents, or superiors within professional hierarchies. Ethnicity, with its implicit egalitarian ideal, has entered the discourse of the international aid experts as a value and as a resource. Bista's argument was in the first place an analysis of the current state of the Nepalese society, but it was clearly directed at the international audience in the field of development aid.

Development concerns coincide, hence, with cultural displays directed towards various audiences. That such movements are tolerated is in itself an indicator of a value shift within the Nepalese governmental institutions as well as within the public. It is intriguing in this connection that the audiences to which the movements can appeal are located within and outside the national

boundaries. That different audiences can be approached points to the emerging condition under which certain common values underlying legitimacy patterns are increasingly globally shared. That common themes and attempts at solutions make sense in the context of very differing societies has to be attributed to a process of growing together within a global *civil society*. This process is not confined to debating. Common values are instrumental in situations where global exchanges occur via organizations - as is for instance the case of development cooperation which has created a rather dense organizational framework between the powerful think-tanks in the West, down to tiny local societies at the peripheries.

Another important instance is the formation of concerned elites with the ability to organize and to mobilize within their own countries and across national borders in their regions, for instance in the South Asian region. The Nepalese organizational patterns and orientations within the emerging civil society are strongly influenced by the successful environmental movements which have equally captured the Western audiences. India provides an important example of how a forceful movement comprising a growing number of organizations such as Non-Governmental Organizations, interest groups and sympathetic onlookers emerged which increasingly affects the decisions of national and international decision-making and implementing bodies. The emerging *civil society* has grown here on the ground of uncountable opposition movements which have had an impact far beyond the Indian borders. In many countries of the world the names of *Chipko* or the *anti-Narmada-dam* mobilization are synonymous with peoples' courage, their organizational abilities, and, last but not least, the salience of the promoted values. More often than not, these movements were actively supported by outstanding intellectual leaders. They have successfully managed to support the mobilizers through promoting forms and ideologies considered 'indigenous'. At the same time, they were able to attract international audiences. In the case of India and the neighbouring countries, it was not only important to show that people react to

the state's tutelage, but also to acknowledge themselves as a growing community capable of supportive action. The Gandhian spirit often evoked during the mobilizational attempts has informed much of the world, including the Nepalese activists, of the salience of communal forms.

The struggles over the management of natural resources have brought the importance of the collective spirit to the public in yet another form. If until the mid-eighties the Nepalese government managed to bring large forest areas under its control, since a decade or so a tendency to reverse some tunes of the former politics can be observed. Presently, the negotiations on Nepalese policies of forest protection and management have become intimately interwoven with the endeavours of various ethnic minorities to claim back their collective rights to use the resources traditionally 'belonging' to them - now partly managed by the state. The mobilization of forces in the struggle to regain the precious resources has been simultaneously an awakening of a cultural consciousness among the minority people. It is noticeable that discourses on forests - again a global issue - become presently more and more interwoven with cultural displays. Since forests were providing the living space for uncountable ethnic groups for thousands of years, it doesn't come as a surprise that those groups have produced elaborate cultural and social forms derived from the intimate interactions between (wo)men and environment. To live according to such old-established values, norms and forms does not presuppose, however, that these are necessarily also useful as devices in the public discourse. Precisely this is nowadays the case, though. When minority and/or community discourse become internationally valid, then the representatives of such groups are somewhat urged to display characteristics which attract particular audiences.

These considerations enter the growing and diversifying field of Non-Governmental Organizations (NGOs), as well. Generally, the NGOs usually referring to the civil discourses legitimize themselves through the access to the hitherto neglected population segments such as local communities. Indeed, many of them are,

or claim to be, members of minority groups or claim for themselves to legitimately represent them. In this process an intimate relationship between the category of 'minority' and 'collectivity' comes about; minorities are nowadays seen as subjects who are in charge of pursuing their own projects but whose resources to approach the public spheres are usually weak. Members of organizations preferably non-governmental ones, have to support minority groups through solidarity measures, that is, offer cooperation. Hence, the relations between groups are seen as closely corresponding to the internal organizations of minorities which are supported by elaborated form of collective management of resources, and concomitantly, notions of (general) reciprocity and agreements on conflict management.

Summing up it becomes apparent that ethnic mobilization can no longer be analysed merely in the national contexts. Peoples' formation along lines stressing collective properties (ethnicity, language, religion) is increasingly shaped by global discourses which are presently influenced by a high value-stress on collectivity and the importance of cultural forms at the root of identity. Such discourses are shaped within the national societies, across national borders and exchanged on long distances through such channels as development cooperation and through the growing 'civil society' movement instrumental in enforcing legal norms. In these processes the relations between the states and societies are subject to negotiation. In view of the shifting nature of cultural solidarities, the difficulties in elaborating silent cultural formulas become apparent.¹⁴ However, the potentials given through cultural forms constitute an important resources base in these endeavours.

¹⁴ UNRISD points out to important problems in the area: "Cultural autonomy seems to be one of the most straightforward ways to accommodate culturally diverse groups, yet it is also one of the most contested types of policies. Cultural autonomy may not be compatible with individual rights, as when cultural practices compromise children's and women's rights as defined by the larger society or international human rights norms' (1995:14). See also Eide (1988) and Stavenhagen (1988 and 1990).

The dynamics described here have not yet generated a visible enhancement of the well-being among the Nepalese minorities. Many actions, within the aid community as well as among minority leaders, have remained confined to mere rhetoric. However, the chances to grasp the current orientations and use them to the full advantage of the minorities are certainly given through the coincidence of conditions sketched above. The state's losing its grip over the society, the newly accepted legitimacy of civil action, the growing strength of minority leaders, the up-coming of national and international role-models, (the very slight, though) decentralising tendencies in management of natural resources, as well as the crucial shifts in orientation of international development aid: all these factors constitute favorable conditions for minorities to undertake action of self-help, while - ideally - being aided by different types of organizations. The emerging networks of various types of organizations; interest groups and public forms are likely to constitute a potential for creating manifold links across minority border lines. Here lies a potential, therefore, to promote minority objectives while creating a dense civil framework capable of facilitating different types of societal exchanges. It does not come as a surprise that culture becomes a core issue within the minority debates. While reacting against the far-reaching neglect, until the 1990s, inquiries into the strengths of one's own minority cultures are likely to become a programmatic component in more general mobilizational endeavours. This debating culture in Nepal is a recent phenomenon. Its very novelty highlights dissent, rather than the fact that these novel debates are possible and that - with few exceptions (on the Padma Ratna Tuladhar beef scandal, see Gellner 1999) - opposing views did not go beyond verbal disagreements. The future outcome is difficult to assess, therefore. At present, it may be useful to capture the major dimensions of the on-going debates and the processes of their formation.

Nation-Building, Minority Formation, and Shaping of the Young Democratic Formation through civic negotiations

Public exchanges pertaining to ethnicity bring various actors together within the public fora, exchanging views aiming at different types of audiences and pursuing various objectives. The conflicts carried out here, cannot be confounded with armed conflicts related to minority issues elsewhere. The very term 'ethnic conflict' is misleading therefore, comprising such a broad range of issues like writing local histories anew, seeking to abandon cultural forms considered alien to one's "true" culture, debating such issues within public institutions, organizing demonstrations, taking to violent action, engaging in civil wars. The examples from Nepal, given here, lack the violent component, but in view of the Maoist mobilisation its potentials need to be mentioned at least.

Ethnicity formation in the course of the 1990-movement has significantly gained momentum through the success in taking active part in the drafting process of the 1990-Constitution. At that period it became obvious that a new type of political culture was emerging in Nepal, instrumental for minority objectives: displaying dissent or even civil disobedience,¹⁵ and stressing

¹⁵ Civil disobedience emerges as an important element of the national political culture. Being ostracized by those in power marks political dedication as, for instance, indicated by POLSAN (1992:65). If a yardstick for measuring political dedication and sacrifice can be developed by examining whether politicians had been imprisoned, then the parliamentarians would rank quite high. As opposed to the 40% of party members who said they had been detained (Y), 84% of the MPs claim to have been arrested at one time or the other during their political career.

distinction rather than compliance, have come to provide models for later forms of minority action.¹⁶ Since 1990, a differentiated public forum has been established, be it through conventions, meetings, assemblies, through communications in various mass media notably in the press (Burghart *et al.*, 1991). Minority root organizations came into being and managed to consolidate themselves despite the substantial internal differences among the diverse minority groups. Various interest groups were formed, for instance seeking to establish a national museum exhibiting minority cultures. Ethnic reform organizations (see Zivetz, 1992; Ramble 1997) continued to gain momentum; besides, Non-Governmental Organizations representing minority needs were formed.

In these processes minority leaders have entered the public forum. Their background is as diverse as the objectives represented by them. By no means is their membership confined to (young) men constituting a so-called frustrated middle class – who are largely acknowledged in ethnicity research as the major mobilizers. Many important minority leaders do not fall into such a category. However, ethnicity is not to be confounded with ethnic conflict. Should ethnic conflicts escalate in Nepal in the future, it is possible

¹⁶ K.P. Malla points to the (so far) peaceful character of public displays of 'ethnic sentiments', but envisages the potentiality of future escalations: The aggrieved sentiments of the Terai, the Janajati, the Matawalis of the Hills, and the Newars of the Valley may be fake political gimmicks, but the two millennia of Brahmin domination in the social and cultural life of Nepal's recorded history is not. So far these sentiments have been expressed in psychological metaphors, newspaper columns, or Sadbhavana public meetings, and rarely if ever in organized political activities of any damaging value. But if these sentiments, as expressed by Ganesh Man Singh, Gajendra Narayan Singh, Gopal Gurung, Sitaram Tamang, Suresh Ale, M.S. Thapa and Padma Ratna Tuladhar are translated into organized political movements, then into military action, Nepal will never remain the same. We will all be committing national *harakiri*, unwittingly converting Nepal into a Sri Lanka of the north (1992:23).

that new, more radical activists could emerge, who have less to lose. Presently among the promoters of *cultural politics* are many prominent politicians and parliamentarians, intellectuals employed in key positions, entrepreneurs, highly regarded priests and religious teachers, and governmental officials. Those coming closest to the category *frustrated middle class* may be found among the local teachers and local politicians who might have aspired for higher positions, but it is not possible to treat all of them under one simplifying label. We still know little about the scope of ethnic mobilization. There is a widely acknowledged disparity between the minority displays in public life in the capital with the form of living together in the *homelands* of various ethnic, regional or linguistic groups.

Among the objections raised by the leaders, the resentment against the statistical distortions under the Panchayat period is an important indicator of the present direction of the changing cultural orientations. Ethnic arithmetics become a crucial issue when redistributive practices of the state are envisaged as well as when ethnic leaders call for minority representation within Parliament. Another instance of reacting against the former ideologies can be found in the *back-to-the-roots* movement accompanying the democratization process. Some sections of the ethnic population publicly display the distinctive aspects of their own culture and maintain that they will try to remove the Hindu influences. Many ethnic activists currently claim that their cultures have been subject to Brahman oppression for centuries. Especially, Brahmans are accused of having faked ethnic groups' vamsavali (see e.g. Macfarlane 1997) while the contribution of the ethnic elites to adopting Hindu elements in previous times is usually played down. Another area of expressed resentment is the far-reaching neglect of minority cultures during the Panchayat days.

If ethnic culture was present in the public areas at all, it was folklorized, as for instance in the case of Tamang songs performed by Brahmans on Radio Nepal. However, even though the majority of the poor ethnic population continues to carry the "heavy loads of its identities" (Campbell 1997), an increasing number of people

now dare to show publicly that their cultures are not inferior, but different. Current minority reactions consist in displaying a sense of pride in a particular ethnic group's contribution to the national culture. "If Nepal is a nation, it requires additional national motifs", claims Saubhagya Shah, Gopal Singh Nepali suggests that "celebrating the memory of Yelambar, an ancient Kirat king would be a good start in tracing authentic Nepali roots" (quoted from Shah 1993:9). After several centuries of Hindu symbols and values overtly or covertly determining the culture of the public life, the legitimacy of displaying defiance reflects the substantial change in the political climate. Public challenges contesting the validity of the established Hindu hierarchy have already started to inform political action.

Another factor leading to an increased interest in cultural matters can be located among the entrepreneurial group. Here, primordial and instrumental considerations mingle most visibly. On the one-hand, the religious ethos of several entrepreneurial communities, notably that of the Tibetan Buddhists, induces successful individuals to serve their societies by donating to religious institutions, by helping the poor, by supporting relatives and friends, and by contributing in various ways to the well-being of their local ethnic communities. On the other hand, promoting social reforms by cutting costs of rituals or by banning excessive alcohol drinking and establishing *rotating credit association* aims clearly and consciously at promoting a community's chances in the economic sphere (Ramble 1997, von der Heide 1987). These related strategies not only pertain to establishing and enlarging entrepreneurial networks, but also to particular groups promoting images such as being 'modern' or 'progressive-oriented', which may impinge upon individual success (Ramble 1997).

Actions relating primarily to defining cultural "contents" can eventually evolve into mobilization, especially if dominance over state resources and state policies is at stake. When access to governmental and political positions is perceived to be restricted to particular cultural groups with access to the right networks, ethnic conflicts can swell (Wimmer, 1994). Especially where the

cultural dominance of a core group is no longer considered legitimate, public assertion of ethnic distinctiveness may be the answer. Hence the mobilizatory endeavours abound to stress the numerical strength of a group, to insist upon the importance of the impact of one's own culture upon the national culture (implying that members of one's group should be better represented in crucial bodies), to oppose privileged treatment for some sections of society, to highlight cultural characteristics such as dense solidarity patterns as especially well-suited devices to promote social developments, or to insist upon special rights to specific territories and to insist upon past-perpetrated wrongs.

Paradoxically however, as Rajendra Pradhan (1994) suggests, those who struggle for legal recognition of particular rights usually have to accept a lower status as well as new types of pejorative depictions as for instance inherent in the term *indigenous people*. Those who seek protection have to comply with the government's patronizing language calling people "backward", "incapable of taking care of themselves", and "needing protection".

To summarize: Nepal can be described as a landscape of minorities with one group of people continuing to occupy dominant positions within the Nepalese society. Far from the image of a harmonious society, Nepal is currently undergoing a process of increasing social tensions, minority mobilization – also by Maoist leaders - being among its major dimensions. Conflicts emerge within and among various sections of the Nepalese society. The nature of these conflicts may disrupt the social order, eventually. Currently, however, they are contained through civic negotiations seeking to understand the tensions, and envisaging and designing possible forms of civil action to counter-balance them.

At this early stage of Nepalese democratization it is doubtless risky to attempt any general statements about its saliency and direction, to assess how the Nepalese people, *the new sovereign*, will define the essential characteristics of their national culture, and how they will link up their national belonging to other forms of solidarity. Growing interest in one's own culture, the search for origins, new cultural projects, public debates on culture,

cultural comparison and cultural competition are reactions to earlier neglect and expressions of the importance attached to cultural elements considered 'own, proper'. While struggling for rights and resources some members of minorities have taken recourse to 'cultural' arguments; some members of the majority, notably the supporters of Hindu organizations, seek to preserve the status quo in a countermovement. And there is yet another tendency, lying in endeavours to de-ethnicise the political communication. The success of this movement remains to be seen.

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A Civil Society Approach to Peace Work

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There was a striking feature in the organization of the Neelan Tiruchelvam commemoration events. There was a very limited place given to politicians. While this may have been satisfying to many a participant at those events, it was not the norm in Sri Lanka society. Usually politicians are given pride of place, perhaps in recognition of the powers they wield over the citizenry. But there is also an opposite reaction especially among sections of civil society because of the perception that they have done such a bad job. It is as if the less we have to do with politicians, the better off we will be. Sensing this aversion to them politicians tried to respond in kind. As a result cooperation and sharing of ideas become more difficult.

The curious thing was that Dr. Neelan Tiruchelvam may not have felt in any of the ways described above. He saw perhaps that it would always be the politicians who made the final decisions on issues of war and peace and political reform. While civil society could analyse and agitate and help to create the proper climate for positive changes, it would be the politicians who would be the ultimate decision-makers. It is likely that Neelan would have liked to have built better relations between civil society activists and the politicians. In fact, on more than one occasion, Neelan suggested that certain civil society activists should try and enter Parliament.

There were many who opposed Neelan's entry into politics. One of them was Senator S. Nadesan, QC, perhaps the country's foremost practitioner of human rights and constitutional law at that time in the early 1980s. Politics, to those who have never been in it, is the domain of the horse deal and other trades and principles. But given the hierarchical nature of Sri Lankan society and the immense power that politicians wield in it, a time comes