

THE CONSTITUTION-MAKING PROCESS POST JAN ANDOLAN-II

INTERVIEWS TAKEN IN JUNE 2007

KATHMANDU

1- DAMAN NATH DHUNGANA

2- SHYAM SHRESHTHA

3- SUSHIL RAJ

4- AMRESH KUMAR SINGH

5- KHEMRAJ BHATTA MAYALU

6-SURESH ALE MAGAR

SOUTH ASIAN DIALOGUES ON ECOLOGICAL DEMOCRACY

<networkscommunication@gmail.com>

Interview with Daman Nath Dhungana

A veteran Nepali Congress leader and a constitutional lawyer

Interviewer: Sir you have been involved in the Constitution drafting process in 1990...

Daman Nath Dhungana: Yes, I was, but now that Constitution no more exists. Beginning from 1947 this is the sixth time that we are in a period of such interim Constitution in the history of the nation. It has been just sixty years, so this means we have had one Constitution in one decade. Thus, there is no constitutional stability in Nepal. The Constituent Assembly, as you know, was a national commitment starting from 1950. Monarchy has always been there but real power was with the Ranas and they managed to legalise it also, giving it a constitutional garb. They ruled the country for hundred and forty years, denying all rights to the people, all the money they collected as revenue, besides maintaining an army and administration, went into their private pocket, not in the national treasury. They only spent on minimal maintenance of the state, which meant spending on civil servants, the Army, foreign missions and legal extension of the state. Nepalese leaders of the time worked for the Indian Freedom Struggle and getting inspiration from there worked to get rid of the Ranas. But what happened that time was that Ranas, Shahs went to Delhi, the King also sided with them; India adopted what was called the Middle-path policy. This was not expected of India. So Rana was stripped of all powers, revolutionaries accommodated in the government and a Constituent Assembly was to be constituted. But this lasted only for nine months. After that, the Rana Prime Minister resigned. Rebellion in the Army precipitated this crisis and they tried to give the impression that the Army was not supporting the political leaders. So this ultimately forced the Rana to quit the government. The last Rana Prime Minister and the first post revolution Prime Minister was the same person. Then National Assembly elections took place. That time Congress had just started, B.P. Koirala was there, the Grandfather of the present King was there, the communist movement was not strong and their party had not even started. That being the case, Nepal could not hold General Elections even till 1959. All this time debate was going on in the country whether the Constitution should be drafted by elected representatives of the people or by those nominated by the King. Senior leaders like B.P. Koirala were very much for an elected Constituent Assembly.

But the Palace was not letting that happen as it feared that their powers and privileges would be curtailed to a great extent by an elected CA.

In 1959, our leaders relented, they gave up the demand of a Constituent Assembly and let the King grant a parliamentary form of government. King thus retained more power than would have been given by an elected Constituent Assembly. Then there were elections, NC emerged as the largest single party, with two-thirds majority. That was the best government Nepal ever had. It did long term planning, maintained good relations with India, everything. That was the golden democratic period in the history of Nepal. But the King did not tolerate this. The Army was still not loyal to the people or parliamentary forces. That being the case, the Army still owed allegiance to the King. So the government fell in one and a half years. B.P. Koirala, the NC and the King had some agreement and they kept postponing the Constituent Assembly. Perhaps, the political leaders thought that once we hold the elections, the Parliament will lay down its own rules and the democracy will be strong and the people will have more and more vested interest in democratic practices. In that case, it will be very difficult for the King to strike at democracy or make any kind of move against the democratic system. But that guess-work did not work. The King took over with the cooperation of the Army. When B.P. Koirala was addressing a conference, one senior officer of the Army came on the dais, showed him the warrant and took all the leaders who were on the dais. So the Constituent Assembly has been postponed 1950 onwards.

We again fought for democracy against the King's regime. In 1964 the movement was led by our great leader who is no more, late Ganesh Man Singh. At that time Chandra Shekhar ji and many other Indian leaders spoke very eloquently for democracy in Nepal, boosting the moral of Nepalese people. Ultimately we succeeded and the King conceded. Then there was an agreement that the King would be a Constitutional Monarch, the Constitution will be drafted by a committee jointly headed by the Interim Government and the King. In this way NC has fought for restoration of democracy 1960 onwards.

I was one of the few who fought for free speech and other human rights. At that time rights for political parties was a far cry. Then I was elected to the Constituent Assembly then after 1960. We worked continuously for democracy till 1990. So NC recommended my name as one of the members of the 1990 Constitution Drafting Committee. As a matter of fact, from the NC side, being a lawyer, I was one of the few active people deeply connected with NC and the democratic struggle. The points I put in during the making of the Constitution are reported in a book also. All the time, I advocated a Constitutional Monarchy, real Constitutional Monarchy. My eyes were all the time fixed on not leaving any scope for the King to again strike at our democracy like in 1960. In the 1959 Constitution, there was a provision, Art. 55, the King applied that. Actually if you go by the spirit of the Article, it did not give any power to the king over an elected Parliament or an elected Prime Minister. But he did that, twisting and diluting that provision. So I tried to eliminate any possibility of further misuse of the Constitution, but the Members were weak to the Palace. The Palace itself was divided, there were hard-liners and soft-liners. The hard liners were not committed to give power to the people, soft-liners saw a risk in denying rightful powers to the people and they were ready to share power with the people. But the hardliners believed that the King was an incarnation of Vishnu and a small number of elites, professionals and party men could not undo them. The hard-liners did not allow the exiled leaders to reconcile. B.P. Koirala was not even allowed to contest elections! He wanted to remove one of the constitutional provisions after the referendum in 1979 and the Palace administration responded. Thus the Palace hard-liners managed to win over the party leaders, and even the Members of the Parliament. Then divisions arose in the NC, even some of the senior leaders did not tolerate the Prime Minister. All these things again gave room to the King to work against the multi-party system which ultimately led to the dissolution of the Parliament. Sher Bahadur Deuba made the recommendation that the atmosphere was not congenial to hold elections. That was a conspiracy. Elections were never held thereafter. On the other hand the Maoist Movement was gaining strength. The Palace opened front not just against the Maoists but also against the political parties. India really extended cooperation to us to make the King's regime fall. That time I was also in jail for breaking the curfew in front of the present King's house. So leaders were committed to the Constituent Assembly only in name actually sabotaging it. Now the creation of the Constituent Assembly is further postponed by the Amendment made to the Constitution only yesterday (13/06/07).

For a student of law, of Constitution, understanding the political history is essential. Therefore I told you all this in detail, not that you do not know this. But, listening to my interpretation will help you and others. So the Constituent Assembly has been a national commitment from 1950. But we have not been able to hold it till today. Even now it is postponed for another six months. So my concern is that the Palace may again try to sabotage the process. There is a more apparent reason this time for it to do so because the IC says that in the first meeting of the Constituent Assembly, it will decide upon the fate of the Monarch. There is a lot of love lost in the people about the present King and his son. Some section of people may like continuity of the monarchy for historical reasons but not a monarchy that will be against the people, but a monarchy that will be totally obedient to the people under the Constitution, a reigning monarch like in Great Britain but not an interfering monarch. But largely people do not like monarchy. I have said in earlier interviews that I am against the Monarchy and for a Republic. I have objective reasons for this opposition. **The King has, time and again, acted against democracy, political leaders may also be involved sometimes but it is the King who is the real factor working against democracy in Nepal. So we are not biased. We have valid reason for this opposition. We have given the King enough chances but each time he has derailed our democracy, we again have to fight for it, struggle and restore it but he again punctures it. So we do not want to indulge in such futile exercises any more. If the King does not want democracy, we do not want the King.** This time I think, because of the pro-monarchy section in each political party and because of the over militancy of the Maoists even after entering into the Agreement, being in the Parliament, being in the Government. They wanted to go beyond the limitations decided by them, which they themselves, with the seven parties. For example, they decided that the very first meeting of the CA would decide upon the fate of the monarchy, that arrangement was made in the IC and the Maoists were committed to that. Once they are committed, they should have been true to their commitments, but the fact is that they are responsible for not holding CA elections and postponing them indefinitely, thus in my reading Maoists are equally responsible for prolonging the life of the monarchy. So the seven parties, Maoists, the Palace, all are responsible, I am speaking as the people, I do not bother over the factors, what I am concerned about as the people is that the CA elections should have been held in time. Once they are not held, who is responsible for it? I consider that the Palace is the number one factor in delaying the elections. The most disturbing thing is that the date for the elections is not officially

announced. All those in charge of holding the elections are uncertain themselves. So people are disenchanted. This way these political leaders will never be able to hold the Constituent Assembly elections.

Int: Do you think they will happen before December?

DND: (Thinks) Anything can happen you know. This government has no standing in terms of democracy. Holding elections is not necessarily democracy. People's consciousness is democracy; their level of consciousness is a measure of democracy. Now Nepalese people are more conscious than earlier. So the ordinary people in far flung villages know that government without conscience of the people is no government, it is not their government. People have not voted for this government, for this Parliament. The Maoists are getting as many as eighty three seats without elections. So this is just an interim arrangement to ensure that elections happen as early as possible. If they linger on, on one side their legitimacy will wither away, on the other, these eight parties will have a hard time facing the public. What they are doing all the time is blaming and accusing each other. If there is no further unity among all who are committed to a Constituent Assembly in the real sense of the term, then I think the Army and the Palace will again become active. Now, more or less, the Army is with the Prime Minister. But this may not continue. We should not limit ourselves to political events only, the lives of the people is becoming harder day by day; there is no supply of petroleum, there is no supply of materials, there is inflation, cost of living is increasing, there is no law and order, people cannot move from one part of the country to another safely, one group is killing another every day. So if the eight parties fail to improve this situation, people will be very disappointed. Anything can happen if they continue like this and do not include Indigenous people, Dalit, women and Madhesis.

The Madhes problem is at its height now and in my opinion it is a creation of the present government. In my reading, Madhes was the only geographical region, more committed to Constituent Assembly than any mountain party. They have contributed a lot to the democratic movement, although even after democracy, there was no power sharing with them. Despite that, due to their proximity with India, due to their involvement in the Indian Freedom Struggle, even

when we did not have elections during the King's Panchayat System, they saw how elections worked in India, how governments were formed etc. so they have got more education about democracy and they are committed to a Constituent Assembly. Knowing the fact that the vote of entire Madhes will go for the Constituent Assembly, the government, atleast some elements in the government, delayed the Constituent Assembly by irritating Madhes and bringing them to anger. During the time of the war also, the Maoist had a hold in Madhes but the Madhesis were not actually hard-line communists, they wanted to restore and increase their following but that did not happen, so the Maoist did not want to hold the elections before taking Madhes into their fold again. But, I think Madhesis can never become hardcore communist, they may support UML, but they have always been for democracy and for NC. Now the prospect of NC gaining seats in Madhes has also dimmed largely because they have their own regional parties now, not even Sadbhavna Party. Ultimately in the formation of the government they will side with the NC, NC has been the biggest democratic party even in the worst of times. But in my reading, the regional parties will win, then they will form the government with NC like it happened during former Prime Minister, Vajpayee's time in India; it was a grouping of various regional parties with BJP. So it will be a different picture than before, **earlier NC used to have its MPs elected from Madhes in the Parliament, but now this will not happen, they will only join the coalition government but the parliamentary seats will belong to other parties also. This will be the future scenario.**

We are in a national crisis now before holding elections and we will continue to be in a national crisis until we deal with law and order situation, the militancy of the Maoists, inefficiency of the government and too narrow an outlook. If we fail to solve our problems, we may need the help of our friends from India also, to rescue us. I will not call that intervention but humanitarian aid. I am saying this because our parties and leaders are not that committed to Constituent Assembly; they are only looking at their party interest in a time of national crisis when they should be working whole heartedly on the national agenda. But they are all the time looking for petty party interests. At every political move, they look at from the point of view of whether it will benefit my party, will it help it win more votes, more seats. So they have not been acting like visionaries

in these difficult times. So this being the case, anything can happen. Constituent Assembly elections may not happen in the next round also.

Int: As you said, you were one of the few progressive thinking members in the 1990 Constituent Drafting Committee, so all your suggestions would not have been accepted then. But now what are the areas or issues which you think are achievable which were not achievable that time?

DND: My main concern was Art. 35 of the now repealed Constitution, I was very adamant and wanted that let it be known that the King cannot exercise any executive power, let that power be the sole authority of the Parliament or the Prime Minister. But some members wanted to share it and others were very radical so there was a deadlock, some people wanted the deadlock. Art. 35 was discussed for many days. Though it is a compromised article, I think it is my sole contribution to that Constitution.

Int: The IC is more or less a replica of the 1990 Constitution, or atleast it is not as radically different as one would expect, so how do you expect the Constitution drafted by the Constituent Assembly to be after the elections?

DND: Yes, except the fact that Maoists have managed to insert all of their vocabulary...

Int: But that is all so normative...

DND: Yes, it is all **normative and they have put it in whether it fits in with the constitutional norms and principles or not, just to give an impression to the people that they are very progressive, the revolution has not failed.** They have put in so many 'progressive things'. But it is quite absurd. It is more or less the 1990 constitution only, the moral is of the 1990 Constitution only. I was the first one to advocate an Interim Constituent Assembly; not that I did not love the 1990 Constitution, I loved it more than anything, but to stop the violence and to bring the Maoist into the mainstream politics I thought this was necessary. It was my conviction that a Constituent Assembly would lead to peace. But because of the limitations

of the political parties and their short sightedness, the very purpose of the CA has been defeated. I am a little disappointed. You know, the purpose for which people like me advocated a CA, the very purpose, the spirit is shattered now. We loved the 1990 constitution and the IC is for the Maoists only, the seven parties wanted the 1990 Constitution. But they could not stick to it and could not convince the Maoists. Even to go for CA elections, the 1990 Constitution would have provided more stability. We would have been under the 1990 Constitution which is more democratic. The IC, as a matter of fact, is no Constitution; it is not a stable Constitution. If we fail to go for elections, what will be the fate of the country under the IC? This was the case in 1959 also. The 1950 Constitution was an Interim Constitution, it lasted till 1959, when the King gave the parliamentary Constitution in consultation with the political parties. So that story may be repeated. This very IC may go for amendment after amendment, amendment after amendment and then real Constitution will be lost again, and we will almost reach the point of 1990 Constitution.

Int: It may be premature to ask, but suppose there are Constitutional Assembly elections tomorrow, then what kind of Constitution do you expect may be drafted given the different circumstances.....

DND: We are not even sure right now how CA elections will be contested, will there be alliances or not. Those willing to save the monarchy will also be contesting, they may form an alliance to save the monarchy, then what will the eight parties do? Will they be able to form an alliance to contest elections or there will be division of votes. Even before forming an alliance, they are only looking at their party interests. This will give the pro-monarchy forces more opportunity to play. I think if these parties are really committed to CA, they should form an alliance, and contest together by declaring joint candidates. So the members will be very strong and effective in drafting the Constitution.

Int: But these alliances are not happening. Post elections, whenever they happen, do you see, certain parties forming an alliance after the elections? Or it is too early to predict anything??

DND: There will be alliances, depending on the fate of the Maoists. NC should go to the elections united. UML will get almost the same number of seats with other smaller left parties.

The Maoists are almost swept away from Terai. So we do not know how many seats Maoists will win. Supposing Maoist win a number of seats that will cut the strength of other parties. But one thing is sure, they may compromise on anything but on republic issue they will not compromise. For the remaining seven parties monarchy or no monarchy, that is not their concern, their concern is whether they are gaining votes by removing monarchy, if they will gain more votes by keeping the monarchy, they will go with the monarchy. But for the Maoists monarchy is the agenda. They will go to the people declaring that we are for a Republic Nepal, not monarchy in any form, of any kind. Then again there are some observers who think that the Maoists can also side with the Monarchy if it benefits them. But I think once you have fought a war and gone to the people, that is not possible. That is their only identity. If they compromise on this issue, they will be wiped off the country very soon. Another thing that is certain is that even if the seven parties favour a monarchy, it cannot be an old type of monarchy, it has to be only symbolic, the King may hold an office like that of the President of India.

Int: The IC proposes a mixed electoral system, what do you think is the rationale for it?

DND: That is the fundamental difference between NC, and the Left parties of the country. Although every party may have their point of view on PR, all of them, except NC are united on the point that they will win more seats in PR. All Left parties combined will win more seats in PR than NC. So PR is to their advantage and not in the interest of the NC. For NC, FPTP is more advantageous.

Int: Sir, Part IV of the IC is divided into three parts; Responsibilities, Directive Principles and State Policy. What is the rationale for this?

DND: That is all the wish of the Maoists. The IC is very much beyond constitutional norms of constitution drafting.

Int: Sir, when we talk about the marginalised majorities in Nepal, especially the Janjaatis, how do you see the changes in their struggle from the past to Jan Andolan-II and then post-Jan Andolan? How has their movement progressed, how have their demands changed?

DND: Their movement has progressed, but I do not see our capacity increasing, capacity of the State, of political parties, of the leaders. They are more ignorant than the indigenous people. The parties are being very diplomatic; they look at everything from the vote point of view. They think that is their *dharma*. It is true that political parties will not survive without that, but if we look at everything from the vote point of view, political parties will not be serving people's causes. **Had the parties been accommodative, making their bodies, the Parliament, the Executive, all political appointments, representative from the beginning, these tensions, social disharmony would not have arisen. Even in case of Madhes they did not do that. We are almost at a breaking point; last straw on a camel's back.** People after exposure to school, foreign countries, India, are very forthcoming about their rights. But the state and the political parties are not responsive. Now the political parties are forced to give them their due place in the Parliament and every political appointment.

Int: You think the political parties are serious about addressing their demands?

DND: They do not have a choice. When B.P. Koirala was heading NC and was the Prime Minister, he had said that we need inclusive democracy and our party reflected that. That was the ideal time in 1959. We had good leaders from Madhes.

Int: In the present context, how realisable do the demands of the Janjaatis look?

DND: Their demands are genuine, from their point of view. But you know all genuine demands cannot have place in the Constitution, in their terms. Whatever they have in mind they want to place in the Constitution. This is not possible. They also have to compromise, because the nation belongs not only to the Indigenous people, not only to Brahmin, not only to Chhetris but to all the people and the Parliament has limitations. For example, Army was sent to Madhes, which was wrong. Every people have their rightful place. We have to discuss and make certain

compromises to reach a settlement to attain that place. In the Indigenous people also there are different classes, in Madhes too there are different classes. So representation has to be of all the people, otherwise there will be tussle, tussle and tussle.

Int: Suppose a consensus is reached on paper, how do you think would we progress from that, what mechanism should be evolved to...

DND: See all this depends on the political leadership, otherwise they will be very adamant, because heart to heart relations of the leaders have broken. Moreover, sheer representation in the Parliament is not sufficient; they are fighting for their identity also. This question of identity is very crucial. Even after knowing their demands and agreeing to them, the question of identity does not get solved. Real statesmanship is required for this. Had our parties been speaking to their groups, conveying that whatever your demand, it will be sorted out in the Constituent Assembly, this would not have happened. But they wanted to bargain with the groups. Why did Madhes explode? The Maoists and the seven parties in the name of federalism, wanted to give them piece meal relief. The leaders should have told each group that your demand is genuine but your share will be decided in the Constituent Assembly. Had the leaders been following this line, there would have been no room for these movements, and this crisis. Every body would be in the Constituent Assembly and ultimately would have reached a consensus. There the whole House would not be deciding on an issue. There will be Committees for specific issues and they would decide. Now the masses came to the government, and it was not able to satisfy them.

Int: The earlier Constitutions have always been in favour of those higher up in the power hierarchy, given your vast experience and expertise, do you think there needs to be a change in the orientation as to how constitutions are framed, for marginalised majorities, a change in how constitutions have been historically made and drafted in Nepal? What will be the mechanism to ensure this and see that inclusiveness is also reflected in the Constitution?

DND: Like I said, **issues of identity cannot be reflected in the constitution. Only representation in the State can be ensured through the Constitution. But how the**

communities share the power within themselves cannot be in the Constitution. My suggestion was that, suppose, there are sixty six seats reserved for the indigenous people, now we will give it to divide amongst themselves. But how this will happen, Gurungs will come demanding maximum representation, then other groups will not be happy. So now it is a mess, the Pandora's box has been opened. If we would have let the CA decide all the issues, we would have reached a consensus.

Int: The government is dealing with each group individually. You think.....

DND: That is why I favour a round table conference. That way the CA elections will also need not be postponed. November is not far. If we go on like this, our dialogue with Madhes, with indigenous people will not concretise even in the next four-five months. Then again CA elections will be postponed. Moreover law and order situation will also not improve. That will become another excuse to postpone the elections. So this is the agenda of those who do not want to hold CA elections at the earliest.

Int: Do you think the patience of the people is running out?

DND: Definitely, they have faith in the political leaders, however they may be. People do not want to see parties to be all the time involved in petty disputes. They want politics for betterment of their daily lives.

Int: Sir just to sum it all up, in which direction do you think the movement is going?

DND: I think during the movement there were two major things in the minds of the people, the first issue was to retain the monarchy or not, if to retain, what kind of monarchy, and second was holding CA so that there is room for federalism, more autonomy for Madhes and the indigenous people, but the issue of indigenous people is more complex, because there are so many different groups and are not concentrated in one region. So now I think we can do it if all the political parties call everybody for a round table conference with their amicable proposals.

We need a government committed to the CA process. If CA is postponed for a long time to come, two or three rounds, and then situation is such that it is not possible to hold elections, then any time the country would become republican. With the monarchy CA elections will not be possible and without a CA, the door will not open for a legitimate democratic government. If the monarchy continues to act like this, the movement for a republic will be very high and the monarchy will go any time and in that the Maoists will be taking the lead. Willingly or unwillingly people will be forced to side with them because everybody wants a CA. So it is very likely that the government will go for a republic and the seven parties will be compelled, they cannot object to it then.

Interview with Shyam Shreshtha

Interviewer: As you do not have much time, why do not you briefly tell us what you think of the Jan Andolan-II, your perspective on the events that unfolded over the past year, the talks of restructuring of the state, and the electoral system and of the demands coming from various groups, of madhesi's, janjaati's etc.

Shyam Shreshtha: Jan Andolan was actually not only a political revolution in Nepal, it was one of the biggest revolutions in the world! We have a history of the glorious revolution of England and French Revolution of 1778. But these were not so big. More than five million people from all the districts of Nepal directly participated in this Jan Andolan. The mandate of Jan Andolan II was establishment of a democratic republic, holding of Constituent Assembly elections and restructuring of the state and ensuring peace. Jan Andolan II forced the King to reinstate the Parliament where all the parties declared that now the King has no political power, no role as the head of the state. The Nepalese peace process was fascinating for the whole world. The Constituent Assembly was a common agreement between the Maoist and the SPA in the 12-point agreement. Many things were agreed upon during the peace process. It was agreed that we will no longer have two systems and two governments but one government and one system, Maoist will come and participate in the multi-party system, the Maoist Party will be amalgamated into the national army and the state will be totally restructured. Dalit, Janjatis, Madhesi and women are very low in representation in the Parliament and other places. There was no single Dalit in the last Parliament, one in the 1991 Parliament. Representation of Dalits has increased manifold in this Parliament.

THE MADHES MOVEMENT

But there were three mistakes made when the peace treaty was signed. One, it was decided that the state shall not be absolved, two, the electoral system was to be a mixed system and not fully proportional, third, in the state structure there was no proper management that they will be represented. Therefore, janjaatis, madhesis and dalits were dissatisfied. Women were dissatisfied as thirty-three percent representation was promised in candidacy which did not ensure that there representation in the Parliament would be thirty three percent. Though the IC promised right to social justice to Madhesi, Janjati, Dalit and women as a Fundamental Right, no provision was made as to how this will be done. Thus there was a big Jan Andolan in Madhes. We, the civil society, supported it because it was a just movement based on social justice. Madhesi people are also Nepali people and should be well represented in the state, in the Parliament and in the Constituent Assembly. Political parties were despising the Madhesi movement and were hesitating to support it. But we said that Madhesi movement is a

continuation of Jan Andolan II. Something remained incomplete in Jan Andolan II and had to be completed by Jan Andolan III. We went to Tarai, we saw things with our own eyes. We called a Parliamentary meeting where we reported what we saw. We told them that you are saying that Madhesi Movement is the movement of the King, of infiltrators, this is not true. Yes there are some infiltrating elements too and there are Royal elements too. But the people who are coming to the street are for the genuine movement. Some people are there to catch the fish in the muddy water. But you have to separate them. The movement is very genuine and it is a democratic movement. After that their approach changed and Madhesi Movement was addressed and it was declared that Nepal would be a federal state.

Interviewer: How do you see the events as they have unfolded over the past year?

SS: I would like to see all these events from two perspectives, one the achievements as a positive perspective and second, the failures as the negative perspective. From the point of view of the positive perspective, it is for the first time in the history of Nepal that the King has no role and has been suspended. A vast majority of all the political parties, not only the civil society but the cadres of the Nepali Congress want a democratic republic. There was a conference of the District Presidents of the Nepali Congress where seventy three out of seventy five spoke in favour of a democratic republic. This shows the temperament and mentality of the cadre. **The positive thing is that people have arisen as never before. If you walk in any District of Nepal people are politically conscious and they are so aware of the democratic republic that no leader can go there and speak for the monarchy. The political awareness of Nepali people has arisen to a surprising extent and this is the second achievement. The third thing is that the Maoists have come to the mainstream politic.** If you see in South Asia nowhere rebels, like Maoists in Nepal, have such a strong nation wide network, have come to the negotiating table and have had a final settlement. In Sri Lanka you see it has been more than fifty years. In other parts of the world, in South Africa, in Mozambique it has taken many years to reach some sort of a settlement. But here, negotiations and settlement has taken place in just eleven years. All have agreed to a multi-party system, social justice, equity, equality and total restructuring of the state. Though there are disagreements on how the state should be restructured, there are no differences on the fact that it should be restructured. Most of the political parties have agreed that it shall be an inclusive state. Army was very much prevailing in our politics. But now with the linkages between the King and the Army have been broken. Informally they are still there because army people are in the Palace. The army is sent to the barracks and is criticized for violation of human rights. People have prevailed over the army. This is another achievement. It is very hard for outsiders to imagine that the eight political parties with their ideologies in east and west are together in the government. The Maoists and the Nepali Congress are two extremes in the same government. So these are the positive things we have achieved in this one year.

But there are many negative aspects also. People are still demanding the monarchy to be abolished. But it is the Nepali Congress that is not agreeing, in Nepali Congress also only G.P. Koirala and his coterie. Because of them the monarchy is hatching a conspiracy again. The Nepali Congress is trying to protect the monarchy in the name of ceremonial monarchy. But neither their cadres nor people will agree to this. If he goes into elections with the slogan of ceremonial monarchy, he will be hooted. His own Minister, Ram Chandra Paudeyal spoke on the **Democracy Day**¹ for a democratic republic here in Kathmandu. Still he was hooted because his President (G.P. Koirala) was for a ceremonial monarchy. But the negative thing is that the Nepali Congress has still not decided on the question of monarchy. This has given an opportunity to the King to hatch some conspiracy in the Terai Movement, Gaur movement, army people have been moving here and there, there have been incidents of looting here in Kathmandu and in some villages. These army men who are loyal to the King are trying to create an impression that when democracy comes there will be hooliganism and anarchy and there will be no peace. Another negative thing is that those people who are responsible for suppressing the movement have not been punished. The Rai Majhi Commission, headed by a former Judge of the Supreme Court, this Commission has said that the King is responsible for suppressing the movement and should be punished and other army people who were involved should also be punished. But the government has still not published the report and those people who should be punished are promoted. This has given a very very negative message. The third thing is that some armed groups are rising in Terai, some funded by the Indian government also, some are supported by BJP. People know this and ask why India is doing this. The King and the Indian government are indirectly supporting the armed groups. The Nepali people were very much obliged to the Indian government because it supported the people's movement but this feeling is waning for two things, one, repeated interference by the Indian ambassador in Nepali politics and second, helping those disturbing factors by the Indian government, not directly but indirectly. People have reports of this and the government is not controlling them. It is not having full fledged negotiations with them but a drama of negotiations which will not bring any fruit. The Nepali people are ready to incorporate and give proper place to the Madhesi people, there is no quarrel between the Pahari and Madhesi on this question because when Madhesi people rose Paharis supported them. Then why the Indian government, the Indian Ambassador try to interfere in the sovereign state here? This American Ambassador Moriarty also tries to interfere. People have a very bad impression of two people here, American Ambassador mostly and in the second place the Indian Ambassador. They dictate what to do here. Nepali people ask can our Ambassador in Delhi do the same thing that they do here? We raised this question to the Embassy people also, but they do not listen. Nepali people are very angry at this. So this foreign interference is a negative phenomenon. Nepali people have a feeling that post-Jan Andolan II all the parties should together run the government. But the Indian Government tried to split Maoist and other political parties. If the Maoist again return to the jungles, Nepal will not be in peace. This is the fear and anxiety of the Nepali people. But the Indian Government is trying to do that and the

1

American Government too. This is disturbing our peace process. The disturbances we are seeing here are disturbances created by outsiders. When political parties meet here they agree on something but after two-three days, when one of the Ambassadors meets the Prime Minister, the agreement dissipates. The fourth negative thing is that the activity of the Maoist cadre, they have a war time temperament. They are doing certain things that they were doing in war time. This is also creating some disturbances here. We sent a delegation to the Maoist leaders, Prachanda and Babu Ram, where we told them that you should control them and punish them. Whoever goes against the law, goes against the consciousness of the people should be condemned publicly. Another negative thing is that the date of the constituent assembly elections is not declared yet. It has been fourteen months since the April Movement but the Prime Minister is of the understanding that unless single handed majority is ensured to his party, he will not declare the elections. That is his calculation. But in Nepal, the Maoist and other left parties are very powerful and if he has to lead Nepal he has to walk with the leftist parties. In Nepal neither the Maoist nor the Nepali Congress will win single handedly.

If the King takes over once more with the help of the army, that is going to be the end of the King. Nepal will witness the French Revolution. Neither King Gyanendra nor his son Paras is acceptable here. Whole people and whole cadre are on one side but some leaders are on the other side. The Madhesis, Janjatis, Dalits and women all have the same demands. But the government headed by Girija Prasad Koirala is not for change but for status quo. That is the major contradiction here. The people will win. No one can win the people.

Int: Do you really think there is scope for the monarchy to come back?

SS: No. But my estimation is that he will try once again. Because monarchy is going to be abolished in the Constituent Assembly for sure. Therefore he will try once before that. He is not a very peaceful man. He is a very cunning man. He will try his best. But there is no way he will succeed. The army is divided now, the police is divided, and not even five percent of people are in his favour. People will again come to the streets and they will complete the revolution.

Int: A newspaper recently published a survey which indicated that thirty percent of the Nepalese people support the idea of a constitutional monarchy.....

SS: No no no! This is by some paper which is for the monarchy. Actually it may be 5-10%. Even RPP people have decided that they will be neutral on the question of monarchy; they can not go to people with the slogan of constitutional monarchy. In fact in the last month another development has taken place. The provision for constitutional monarchy would be taken out of the Interim Constitution. No party has the courage to go to the people with the slogan of

constitutional monarchy because they will get stone of the people. This is the scenario. I have gone to villages in thirty two Districts, the scenario is very clear there.

Int: I would like to seek a clarification on the vocabulary of the electoral system. When the media and the leaders use the phrase ‘proportional representation’, what do they mean by it; proportional electoral model say like the German model or actual proportional representation in the Parliament? Because the two are very different things and there are signs that this is a real confusion in the minds of the people too over this issue.

SS: See the demands of madhesis, janjaatis, dalit and women is actual proportional representation in the Parliament. But the government is doing a different thing as in Germany and in many other places where fifty percent will be elected by the first past the poll system and the other fifty percent will be elected by the proportional system. Now **DaMaJaMa**² will be included in the latter proportionally and in the former they will ‘try’ to include them. This is why the janjaatis are protesting. They are saying that if you want a mixed system you guarantee, through law, that FPTP will also be proportionate. Otherwise, we want a fully proportional system. The janjaatis will not keep quiet on this.

Int: The various interest groups like janjaatis and madhesis at one level, are asking for the same thing, but the challenge is to integrate these demands where they differ. The government is negotiating with each one individually.³ What is the rationale for this? Do you think this is the first stage and as a second step there should be a round table with everybody on board?

SS: The janjaatis, madhesis and dalits are demanding round table negotiations with the government. But the government is very cunning. It knows if they all come together, their position will be very strong and therefore they are talking with each of them separately. But this will not work. The civil society of Nepal has demanded that there should be round table conference including all. After returning from Tarai we have also demanded that.

Int: Even if there is a round table, how realisable do you find the demands to be in the present context?

SS: You know these are not groups. If you see in terms of percentage, madhesi, janjaatis and dalit constitute 69% of people in Nepal. They are not a minority! And see how the government is dealing with them. Sooner or later they will realise that they are dealing with seventy percent of

2

³ The various negotiations taking place at that time with madhesis, NEFIN etc.

Nepal. Right now they feel that if we give them what they want Nepal will go the republican way. That is their fear and this fear psychosis is preventing a round table. But the civil society in Nepal is very strong and united and is supporting them with one voice. If DaMaJaMa come together can the government resist them? They are talking to come together. If this common struggle begins, this government will be toppled. They may demand the resignation of G.P.Koirala. That is why they are having this negotiation. They can not ignore this possibility.

Int: Why I asked this question is also because, some people say that these groups are resorting to extremist positions; for example the janjaatis' demand of a very high level of autonomy even to the extent of secession, or the Madhesi demand of one madhes state probably overlooking certain janjaati voices within madhes. How do you think all these can come together?

SS: In my thinking these are negotiable demands. The janjaatis demand autonomy, fullest possible autonomy.

Int: But they are also talking of self determination based on ethnicity.....

SS: That is misrepresentation in my thinking. Self determination and self rule is the same thing you know. In Nepal some of them are demanding separate statehood but none of the janjaatis have demanded this. They are for semi-federalism, if there is any such thing. They are for autonomy, they are for self-rule. And these are negotiating positions. They will be satisfied if they get sixty-seventy percent of their demands. Very few people hold extremist positions. Vast majority of them will come to a rational standpoint. Some extremist positions are held by madhesis more than the janjaatis. They are demanding the whole Terai as one madhes state. This will not be accepted by anybody. This is very irrational; from the point of view of the rule that in federalism the state should be nearer to the people. This will not bring state nearer. It will not make it more governable also. If there is a conflict, madhes can block the whole of Tarai, this fear is there in the hill people. Tharu people have also clearly said that we are in Tarai but we are not madhesi, we do not want ourselves included in madhes. It may be added that there will be more and more autonomy, but Maithili people have one state, Bhojpuri another, Avadhi another and Tharu another. So there shall be four states according to language, as in India. This may be the agreed position. But one state is unacceptable to everybody; to the janjaatis, the civil society, and madhesi people will be isolated on this one. But other than this, their demands are genuine and everybody, including the hill people, will support them.

Int: Going a little further from this, the janjaatis claim to be developing a model of federalism. But what model of federalism would you support, given the high level of multi-ethnicity in Nepal?

SS: The situation is that any state will be multi-lingual and multi-ethnic because the bitter reality is that no tribe has single majority in many Districts of Nepal. Chhetris have majority in only nine Districts, Magadh in only one, Tamang in one, Mewad in one, Athavi in one, and many have majority in none. Therefore the federal units will be formed on three criteria, in my thinking, one is language and ethnicity, if majority of them are there they will have a state but they will have to take care of the minorities also. For minorities there will be autonomy within autonomy; if in a state Tharus are prevalent, Tamangs will get minority autonomy, if it is a Tamang area, and Mewad are in a minority they will get autonomy within autonomy. So there will be multi-lingual and multi-ethnic states but the majority will have more say there, they will have their own Parliament, three or four official languages will be there, in this way everybody's demands will be addressed. Everybody will be in the state and in the Parliament in the proportion of the population and those who are in very small numbers will have at least one representative.

Int: Another major cause of disagreement seems to be the names of the federal units. Some insist on the names reflecting ethnic identity while others prefer secular names.

SS: I think there should not be ethnic names. It can be name of a river also. But the name should not reflect one community only. It will be different for different areas. This discussion is going on and I think reason will prevail in Nepal.

Int: What size or number of units would you prefer?

SS: Nine to twelve if there are provinces, if districts are there nineteen to twenty five. The basis of division of federal units should be language and ethnicity, geography and administrative ease, and availability of natural resources. These are only my views.

Int: Given the geography of Nepal, a north-south division is necessary for equitable distribution of natural resources. But one, this is the pre-existing arrangement in any case and second, the Madhesis do not seem to be ready for it...

SS: You know ethnic groups concentrated in one area should not be divided, for example Tharus, Magars, Tamangs. But you cannot join Himal and Terai together. Language and culture should be kept in mind. This is being worked upon by prominent geographers, sociologists and civil society activists here. So home work is going on. But I think Nepal has never quarrelled on

the question of ethnicity or question of religion. There is a tradition of living together and working together in Nepal. Even if the King tried to divide the people, they were not divided. This is the culture of Nepal and I am hopeful that because of years of suppression agreement would be easier to reach.

INTERVIEW WITH SUSHIL RAJ

Sushil Raj: Let me tell you about the mandate of our office before we start. It was established in April 2005 during the time when there were actual conflicts, so we had a mandate for observing human rights and humanitarian laws. With this mandate it identified three main priorities; first, monitoring humanitarian laws and human right laws during the time of conflict and second, looking at democratic rights. The third priority related to the long standing issues of discrimination which have been very much in the historical context of the country before the conflict, during the conflict and now, in this new space of transition, they are very important and integral. So I came along in October last year. Before I arrived they did an internal mapping of the issues. Then I came and we developed an internal strategy. I basically look at the issue of discrimination. The way we are approaching it is of course based on the way our operations function. So, for example, we are monitoring, protecting, reporting operations. We also have a small capacity building component. In terms of cases that are reported to us or things that we hear of, we go in and investigate specific cases of discrimination whether that relates to untouchability, whether that relates to certain groups having problems practicing the law enforcement mechanism or the justice system. But we also do a lot of advocacy on issues that we can not necessarily really look into in detail. We do this in three different ways. We have a lot of public information material, we pull a lot of press releases, statements and we try to bring in new mechanisms from Geneva, the Human Rights machinery, other rapporteurs as well as other partners and experts from the sub-commission which will no longer be in existence soon. They have been of good help here, for example, the rapporteur for indigenous people has come and looked into the issues of self-determination, land rights and autonomy since he is much better situated to address these issues. Of course these visits were not official. They come as advisors to our office. We also have another smaller capacity building component where we try to work with different groups whether they are indigenous, dalits or others, mainly focused on human rights training and awareness raising. So in nutshell, that is how we are working on this issue of discrimination. It is a short term strategy because our office is only on a two year mandate here. We have to work within the mandate and within the way our operations are structured. We have taken on the issues of the Madhesi Movement when they come to us and say 'well this is

discrimination as we are not represented'. So we are taking on a lot of different issues. I took this initial time so that you have a broad sense of our work. May be I can just leave it up to your questions now.

Interviewer: What level of social exclusion do you see here? I ask you because we have got very contradictory pictures from the different people that we have met.

Sushil Raj: Statistics speak for themselves, at one level. If you look at a cross-section of the statistics, you see a lot of things. Although the way the recent census had been done is also questionable. The gaps are really glaring. **The fact that you do not have enough representation of dalit communities, for example is evident. Many of the Indigenous communities are represented in parliament. From the perspective of representation, especially of dalits and other marginalized communities say within the Tarai, within the Madhesis, there is definitely exclusion, be it in the parliament or the civil services. For example, statically you do not have many Madhesis in law enforcement or other civil services, for which one of the reason they cite is the language barrier. They did not grow up speaking Nepali, but they have to take the civil service examination only in Nepali. It is the same with many other groups and communities.** I think, the weakest representation, is from the dalit community. In India, for example, you even have political parties; you have representation in civil services. **Here, you can look at a cross section and not see a single chief district officer (CDO) in the 75 districts or even a third class gazzetted officer who is a dalit. The country only has three police inspectors who are dalit. That in itself says a lot. There is no affirmative action for them.** That is also an ongoing debate. **Looking from the human rights perspective of the principles of representation, participation, non-discrimination, none of them hold here.** There is a long way to go; political parties, legislature, civil services, district level representation, and BDC level representation, there is great absence in all.

Int: When you say Dalits, are most of them in Madhes? Is the position of Hill Dalits somewhat better?

Sushil Raj: Yes and no. If one were to look at the people employed by the civil society, or hired by the donor organizations, or international agencies, you will see, if they are Dalits, they happen to come from largely the hill areas. But it does not mean that the situation is necessarily better there. For instance, in the Tarai region, there are extreme forms of discrimination, but there are also extreme forms of discrimination in the far west. Last year, dalits were prevented from entering a temple. I mean the practices are quite severe there. But in terms of numbers, of who comes in, yes, perhaps there are few more from the hills who have been able to get that kind of education that gives them a certain amount of access. In the Tarai, it is very very difficult. I do not think there is much representation at all from the Tarai.

Int: With the Madhesi Movement now, how do you see the Dalits and the Janjatis within Madhesh?

Sushil Raj: Yes...Now that is a very good question. The jan jaatis-advocates in the Tarai do not identify themselves as madhesi. The Tharus, for example, have their own movement. As far as the question of identity is concerned, they have a very different take. Dalits were mobilized during the Madhesi Movement, I guess they felt that it was their platform for representation. But if you ask someone, how does this specifically work out? If the Madhesi populations were to get all these demands fulfilled, where do you fit within this, they are not very clear. The movement has been largely led by Yadavs, middle caste groups. In India, they have OBC status, but in Nepal they do not. Here they are actually viewed as a privileged caste group. In the Tarai, they are trying to define what OBC is, in terms of other caste groups, not Yadavas. But that has not really gathered movement. I think dalits have not thought through what it would mean within the Madhesi Movement. But they have supported the movement during its initial stages, the indigenous groups have not. And there are other groups, smaller groups within the Tarai who also have not come out to join the movement.

Int: The hill-migrants or others??

Sushil Raj: The indigenous people from the Tarai, like they have Rajbansis, Dhanuas, Bote, Santhals. None of them have been a part of the movement.

Int: On one hand, the Madhesi leaders are talking of one Madhes, on the other hand, the janjaati leadership talks of an absolute right of self determination, even coupled with secession. How do you think that takes care of the numerous smaller janjaatis, who are say less than 1% of the population, and the Dalits in Madhes?

Sushil Raj: Actually the janjaati leadership, at least the ones we have spoken to, do not talk about secession. What they talk about is autonomy but not secession from the state.

Int: They are not even discussing the right? Because then they say, ‘we are mature, we will not ask for it, but give us the right to self-determination’.

Sushil Raj: No, that is not what they are asking for. What they are asking for is regional autonomy based upon ethnicity, language, and geography. So that they can have their own state in a federal structure, like in India. They would have their own legislature like state legislatures; they would have their own languages as official languages, like in India. The issue of revenue has not been thought through, but they want the ability to self-govern, within the framework of the nation-state of Nepal. They do not want to secede because they think that practically it would not work. There are other elements, for example in Tarai who would talk about secession, the armed groups, like the Jan Tantrik Mukti Morcha (JTMM). They actually talk about proportional representation and self determination to secede. So what do the two things mean together, I do not think that is very clear. So far at least in the official talks, no one is asking for secession. Most states oppose this demand because they fear that that would mean secession. But the way it has now been drafted in the Declaration of Rights of the Indigenous People, is that it does not mean secession, it means autonomy in terms of governance within the nation-state structure. But states still tend to be a little wary of the term self-determination because they link it with secession.

Int: How realistic and realizable do the demands of the janjaati groups seem in the current atmosphere?

Sushil Raj: The demands are very legitimate. Looking at the historical context of this country, it has had a highly centralized state structure which basically had representation from a small Hindu group only. You leave Kathmandu and you can see it in the way people look at their lives and the way the infrastructure is, they are so disconnected, the local governance is very poor. Everything gets centered around Kathmandu. So people have felt very excluded, they feel they cannot exercise, for example, their language rights. I think the Interim Constitution talks about the fact that the mother tongue languages can be used at the district and local levels but not at the national level. In a country like India we have different official languages in each state. So I think the demands are very legitimate and their approach at the moment is very legitimate and realistic as well. According to the IC, Nepal will have a mixed representation system and 240 seats would be the first past the post system. The remaining seats would be based on, what the indigenous people feel, should be proportionate to the population of the indigenous community. In the talks this is what has been discussed. It is not something that is very unrealistic and they are not asking for this just for the indigenous groups, they are asking it for dalits; they are asking it for other caste groups as well, the Bhramin-Chhetris. Now the exact mechanics of how this will work is a little challenging and I do not think they have proceeded in talks. It is the principle that they are still not able to agree on. So the demands are very legitimate, it is not of secession. The other thing that they are talking about is that if we do have a federal state structure, how do we find a way to guarantee the rights of others within it. Let us say, the Limbus in the east form a state, there are other communities who live there; so how to ensure their rights. So they are having this dialogue. Again it is a very complex task and it is not going to happen right away. It cannot happen by (the time of) the CA elections but they want an agreement on principles. Most of them want amendments in the Interim Constitution because that is the only way they see their rights being guaranteed. They do not feel that it can be guaranteed otherwise, not through legislative acts. They want the IC to be amended to reflect these demands.

Int: Why is there so much stress on amendments to the IC rather than a speedy drafting of the new Constitution with desired provisions? Does an insertion in the IC now ensure that it would be carried out in the new constitution?

Sushil Raj: Yes, it may not be carried into the Constitution, but to a large extent it would be. It is sort of like, now is the time, the democratic space which has opened up, so everyone wants this included now because they fear that if the CA would not be as representative as it should, it would be lost again. And generally I think that most of the content of this Constitution would be carried forward in the next one, with minor adjustments somewhere along the line. On the whole, I think, at least on the part of the political parties think this is sufficient. Clearly it is not, because you have all these issues being raised. But that is another question. Most of the groups want guarantees in terms of amendments made to the IC. They want amendments done now. They want the federal system to be spelt out now, which is difficult because you just cannot do that right away. It takes time to study different systems and then to set it up.

Int: You do not see the Maoists pressurizing for more radical reforms? For example, land reforms are part of the directive principles only in the IC. There are so many things they wanted which are just so normative that they do not ensure anything in spite of being in the Constitution. Do you see that continuing in the new Constitution too?

Sushil Raj: I have not followed so much the Maoist perspective because we have other colleagues who have studied it more carefully. So I really can not form an opinion on that. But you are referring specifically to land reform or to other issues as well?

Int: Other issues as well which are in a normative form, even non-Maoists issues like the [Article 62⁴](#), which talks of the mixed electoral system and says that parties *should* try to give proportionate representation to dalits, and 33 per cent to women. So would it remain like that?

Sushil Raj: This is the problem, this is exactly the problem. I think it has intentionally been kept like this for political reasons. I think the approach on the part of the parties is probably to

4

legislate certain bills in the Parliament; recently they passed the Electoral Bill. So they are trying to give more details through these bills but these enactments are also lacking and there are problems with the bills. With proportionate representation or inclusiveness, they do not spell out what that means. What is the principle of inclusiveness? They do not necessarily categorize or give quotas. But this is all political. It is the groups that want it spelt out more in the IC, for example, the jan jaatis want specific, special guarantee in the constitution that if there is not adequate representation in the CA after the election, then there should be a nomination process where a minimum of one representative from each community would be brought into the CA based on consultation with the local leaders and not with the political parties only, while the present provision in the IC says the prime minister can nominate 17 persons based on consultation with political parties, because they think that again that would leave them out as the political parties will do their own engineering of the list for their own political interests. They want these types of provisions to be elaborated upon. I am not sure if that would happen in the IC or in other types of legislative acts, but clearly the groups are not happy with the way certain provisions in the IC have been structured.

Int: It could be that these demands get accepted in the IC or that there is an agreement or specific acceptance and understanding whatever way the negotiations may conclude. After that how do you see the new Constitution being drafted, what mechanisms do you feel are the best suited to, one the one hand address the aspirations and the disparities and on the other hand, be workable on the ground given the multi-ethnicity, the power hierarchy and the complex factors working in Nepal? What mechanisms do you feel can be effective in Nepal, like affirmative action policies, certain protective rights for tribal communities like in India...

Sushil Raj: That's a difficult question. At this stage, like I said earlier, most of the demands made are quite legitimate and a lot of the focus is on trying to make sure that these demands make their way in. Before other special mechanisms that can be introduced, the existing ones have to be strengthened, for example, the National Human Rights Commission which has no Commissioners or the Dalit Commission which really has no powers, it also does not have any Commissioners or the Women's Commission, they are not really operational. They are basically just in name at this point. I think those need to be empowered first and that requires political will.

At the same time, the Constituent Assembly is very critical; who you have in the Assembly to help draft the new Constitution, the committees that are formed, who is kept in those committees. If genuine people with broad consent and representation from groups make their way in, then I think it will be a different thing than may be a Magar from a political party, who will have to toe the party line and can not have an independent view. I think that participation is critical. Who is in the CA and how they go through the drafting process. For example, in drafting the IC, only towards the end they included one dalit and that was just a rubber stamp. There really was no participation. And also most of the dalit groups did not feel that that person was representative enough. So those things are very critical even to design special mechanisms, affirmative action, for example, if they decide on it. Again that is a decision for them to make. It is important to see how it has worked in other countries. Where have the problems been? Quotas just by themselves necessarily do not achieve substantive equality or substantive representation. That is one debate that has not happened here. We are still focused on do we want quotas or do we not want quotas. That I think is the next stage of this process, which should be happening now. Instead of thinking what should happen next, everyone is focused on this IC. Everything should be included in this one right now before we move ahead. I do not blame them, because they have been disillusioned with previous processes, like the 1990 democracy. People have very little faith in this system, in these parties representing their interest.

Int: Talking of the electoral system, the IC proposes a mixed system. One, what is the rationale for that? And second, I feel, a little confusion prevails over what is meant by 'mixed' and 'proportional representation'? Because the political parties tend to relate it to the proportion of votes they get while ethnic leaders and women, see themselves being represented in the proportion of their population share. So what is the actual meaning in the context of Nepal?

Sushil Raj: Yes, there is confusion regarding this. Infact, we were at a meeting trying to clarify what this means. I think you are right, from the perspective of the political parties, to them 'proportion' probably means the number of votes they win and accordingly the number of seats they get. For the groups, I do not know whether proportional is the right word to use, but I think what their definition is 'representative of their population', not through the political parties. That

is one area which terminology-wise is quite confusing. Rationale-wise, a mixed system seems somewhat more representative. How it works out we are not sure.

Int: Which of the two meanings (of the proportionate system) are more mainstream and acceptable right now? Because eventually it will be the parties who will be legislating...

Sushil Raj: That is hard to say. The parties I think still understand it the way they tend to. Now they are being forced to understand it differently. So I do not know what decision they will come up with. I mean, in principle they said yes, but they can re-engineer this in whichever way they want. And say "we did our best". They can place all sorts of dummy people in any category and that way they can still say that we did put people in. So it's now a political game.

Int: Considering the other meaning of 'proportional representation', that of representing communities, it will limit each community to their proportion in the population. How far do you think this is desirable?

Sushil Raj: I would say that in a country where there the system is absent, you have to find ways to start and bring in people. And also this process is the process for a CA, so it is not a final process. There will be elections eventually. But I think what this process is very critical. So if you do not have representation of dalits, how else will you bring them in? What other mechanisms are there, I do not know, if you do not find ways to ensure that they are represented proportionately. The other thing is if they are not represented proportionally, then what they are asking for is a special provision that at least one from each community is represented, in addition to the 480 which will form the CA. Again, that may not reflect on the whole population but this seems to be the only way to really talk about representation at this point.

Int: One can understand the indigenous movement globally divided into two parts; one to conserve their culture and identity, and the other demanding to be incorporated into the mainstream. So how do you see them integrating? And if you see the two converging, how is that in the context of Nepal?

Sushil Raj: I do not necessarily see them as mutually exclusive. It depends on the context and the community. For example, if you take a very extreme case where people are living in voluntary isolation say certain tribes in India in the Andamans, the jarawads, the onke, perhaps the best for them is to be left alone, otherwise they will probably face extinction. So on one hand you have that extreme and that context. Then you have others who are quite integrated in the mainstream and then there are others who are in between. I think from the perspective of human rights it is best that the decisions are left to the communities. They decide to what extent do they want to integrate. To what extent do they want to be a part of the mainstream; whether it is the development model or the economic model? To what extent do they want to adopt the mainstream education? In the context of Nepal, there is practically no one living in extreme voluntary isolation. Their issues are not that they do not want to be part of the mainstream. Their issues are that **they have been neglected and excluded from the mainstream. They want representation in the mainstream but for the sake of being able to preserve their language, culture and land issues.** Land again has mostly been raised by the Limbuwan in the east. It is not grazed by all the indigenous groups. But all groups have talked about language, culture and regional autonomy. They are asking for their language rights to be recognized. On the other hand, they are not saying that we want to discard Nepali altogether as the language of education. They want their language to be recognized so that atleast they can have education in their language up to a certain level. Those very basics are not here. **Although this country claims to be pluralistic, multi-ethnic, multi-lingual, it has never promoted anything other than one dominant culture and language.**

Int: Your office has also been working on issues of transitional justice, violence reconciliation.

Sushil Raj: Our legal advisor and our transitional justice advisor work on this. Recently we did a workshop out in the far west, where we had discussions on ‘non-discrimination’ and ‘transitional justice’, asking them what people actually want, after providing them with basic information, what people actually there thought. A lot of them had questions as to how an environment can be created for these types of mechanisms to be established? Because they did not know and they thought may be that is our responsibility and the discussions we had showed that may be this is not the time. May be people are not ready for it. There is an extreme feeling of insecurity for

many people who have been victims of the conflict, they is still a lot intimidation of harassment. So it is really not clear for many when such mechanisms can be put to work. I think some of our material might have helped in that sense. I think if there were a time when it has to come in place then the office would have a clear role in helping in an advisory way. A lot of work that we do is advisory only; we can not tell people what the solutions are. But we can give them technical advice if they are thinking of mechanisms how it works internationally, what are the related international standards and principles.

Int: Considering the recent violence, do you and the office, see it as a very short term phenomenon because of the impatience of some people or the culture of violence, so to say, is seeped in so deep in the society that it will have to dealt in long term and it will be there with Nepal for a long time to come?

Sushil Raj: I do not think it is a short term phenomenon. And I do not think that the office thinks any different. We investigate specific incidents of violence and look into it specially when did it occur and who were responsible for it? So we do approach these acts incident by incident, case by case. For example, disappearances, people who disappear during the height of the conflict. We are still working on those issues and we actually are making a report on it sometime this year. We have looked at the historical connections of as to how certain people have disappeared? And who are the people who disappeared? Where things are for them now. So we are looking at in a more long term way. And your question was?

Int: Whether short term or long term. And if long term then what strategy would be there to take it out of here considering that it has seeped in so deeply? At one level Nepal was not so violent pre the Maoist decade and now we see so much violence.

Sushil Raj: I do not know the answer to your question. I think one of the things that we are trying to do is to really to build a culture of human rights, respect for human rights, respect for rule of law, changing people's perception, raising their conception of their rights, and you will be surprised to know that when we go out, not in every community, but the local human rights

defenders and local communities, they are quite aware now. I think the conflict really accelerated that, people talk in that language, even if they can not explain, they would say "our human rights". In India, you will not hear that if go out somewhere where it is not an everyday common term. Here it is everywhere; in the papers, on the radio. So I think that is what we are trying to do in addition to monitoring the violations and protecting human rights , we are also trying to build a culture for people and what it means in practical terms. What does it mean in local terms? Apart from our investigations, we spend time in dialogues whether with political parties or with district authorities; we do a lot of that. Through these capacity building workshops, we have done 12 so far, we are going out to the districts to raise awareness in this peace process largely. And we basically decide the issues after consulting with communities and groups, whether they would like information on or whether they want to spend the day discussing the issues and we bring in stake-holders and political leaders, who would otherwise not be together. We bring in political parties, district authorities, civil societies, Madhesi groups, into the dialogues and then we divide them into working groups, have them map out their own goals and responsibilities regarding the local issues. Then we try to take it back to them through our regional offices and make a kind of report on it. So that they remember the one day that they spent. We have got a lot of positive feedback. People say that 'Oh! We never expected the CDO to sit with us and spend a whole day discussing these issues'. So in our own limited way we are trying to see how we can do this more and more, especially as the time for elections approaches. A lot of people do not know what a Constituent Assembly is. What are the provisions in the IC, many women do not know about it. We do not do civic education but we do human rights education. Other parts of the UN system, NGOs are doing the work of civic education with groups. We are also having discussions with the UN commission to see where we can possibly collaborate. We will put a lot of focus on this before elections. So we are trying different things which we are hoping will help in the long run.

Int: Do you see the state and the new government becoming a little more sensitive or will that take time?

Sushil Raj: I do not know, I do not know! I think when a state is weak such institutions are quite important to them. The very reason for our presence is the conflict because we they had

asked us to come. We have rapidly scaled up our presence to practically every district during the conflict. It had a preventive effect in many ways. It is hard to measure that. They have not strengthened the National Human Rights Commission, which has to be done. But as the state becomes stronger in time, they do not like international presence usually or some one to be critical, as in the case of India, who is very careful about human rights work, atleast internationally coming in and talking about what the government may or may not be doing. So far they have been good and very receptive. We do not know how it will go after the elections; where things will go in time. But as long as I think there is instability and insecurity and the level of threats, abduction, disappearances torture continue, I think our presence would be central here.

Interview with Amresh Kumar Singh, Member of the Interim Parliament representing Nepali Congress, also a student in JNU

Interviewer: How do you view the Jan Andolan and events over the past year, specially in the context of making the multi-party democracy in Nepal more inclusive?

Amresh Singh: Political inclusion is only present theoretically in our Constitution but practically it is not maintained due to the parties' internal structure. Not all parties are inclusive in nature, including Maoists. The Maoists claim that they come with a radical agenda, but their party structure is not inclusive; in terms of Madhesis, in terms of Dalits; for example, the Maoists have one Headquarter, their highest body, which includes two persons, Prachanda and Baburam (Bhattarai), both are Brahmin. Then the next body is the Secretariat, which includes eleven people, there is no single Madhesi in this. Madhesis constitute 33 % of the total population of Nepal. I think there is only one woman and not a single Dalit in the Secretariat. However, people have become very radical here in the last ten years due to the Maoist movement. That is why Maoists came into the mainstream. Some sort of *bandh* or strike is always on here because each and every group is trying to assert its stand. This gives opportunity to people of each and every sector, which were marginalized for centuries. But in a democratic system, the political parties are the tools for democratization and until and unless political parties are democratized themselves, the country will never be democratized, because if means are not democratized how can the country be democratized? Even if you look at the CPN (UML), their General Secretary is a Brahmin, NC President is a Brahmin, NC(D) President is a Chhetri, even in the UML highest body, the fifteen-member Standing Committee, thirteen are Brahmin, one is Newar, another one is from Janjati, no Madhesi, no dalit at all, only one woman, Sahana Pradhan, she is a Standing Committee Member, who at the same time represents the Newar community and women. The present leadership is not willing to accept this kind of radical change because their mindset is not broad and this kind of change needs a statesman. Actually, there are three categories of leaders. First, is politician, above politicians are leaders and above leaders are statesmen. Politicians always look after their own interests, how to maintain their position, how to make money, and how to win elections. Leaders are broader than politicians, in the sense that they always look

after their own interest along with their party's interest, how our party would come to power, how will we have a majority, these kind of things. But a statesman is above the party and individual interest, he always takes care of people's interest and the nation's interest. For a statesman, the concern is how their people and the country will survive and flourish. We feel that Nepal has politicians and leaders, but no statesman. And this is the right time that there should be a statesman, who looks at the interest of all the people in Nepal. But I think that because of the assertiveness of people like Madhesis, Janjaatis, Dalits and women, there is no way for a politician or a leader of a political party but to accommodate them. They have no choice. It is a compulsion, because if they are not going to adjust and accommodate them, another civil war will start, either from Janjaati perspective or from the Madhesi perspective. It is again questionable how much will they be able to accommodate them. In proportional terms or just in a representational term. Proportional participation is a different thing, and means accurately how much ever their percentage in the nations' population, that percentage has to be represented in the bodies of the government and other areas. But representation is just a ceremonial cosmetic thing. If out of hundred, one person is represented, that is also representation. Any community has 50 % population, but if they are represented by any one individual, that's also representation, but that is not participation.

I think Nepal's Peace process is going on very well, when compared to other countries like Sri Lanka, Cambodia, East Timor etc. The beauty of the peace process is that, there is no third party. There is no mediator. Direct government and Maoists are negotiating. I think, approximately, five months before the Nepalese leaders and people swore to have Constituent Assembly, because a Constituent Assembly is an opportunity for the people of any country. If they make a constitution, they make their own state, by their own representatives. All countries do not get a chance to make their own constitution like this. Some might get it once, some never get it at all. Fortunately, we have this opportunity. But how well people utilize this opportunity will depend on our awareness and assertiveness. If any community becomes docile then it is very difficult that Nepal's situation will improve. But what is the reality? My research topic is related to the Madhesis as well as to 'conflict'. My exact topic is "The Rise of an Ethnic and Regional Conflict in Nepal: A Case Study of Madhesi Movement". Right now, that is my M.Phil topic, but later in

PhD, there will be topics like 'Rise of Madhesi Identity as an Implication of Nation State Building'.

Int: So it is moving with the movement....

AS: Yes, because the Maoists movement is a communist movement, but the communist movement always talks about class struggle. Communists, Marx, and others always talk about 'class'. The Maoists here initially talked about 'Class' but later they turned over to the ethnic groups. So they formed nine national liberated zones, Magrath, Tirath, Newar, Madhesh etc. This they did just to catch the sentiment of the people who are marginalized, in terms of culture, language, and political participation.

Int: There are such wide talks of federalism that have been going around and you too have your own model...

AS: No, that model of mine was totally for research purposes, right now I am a politician also, and a Member of Parliament.

Int: So, what is your model now?

AS: Right now, my model has changed completely. Because I have two different perspectives, one is a totally academic work, which has nothing to do with politics. Moreover, I am an activist and then, I turned into a politician as I became an MP.

Int: But I am surprised to see that your Madhesh had four divisions.....

AS: But right now, as a politician we only need one Madhes. I think my proposal was three years back. But if we talk about it now, we need one Madhes. Why? Because If we divide Madhesh in different sections then few areas will again be dominated by the Hill people, but if we talk about

only one Madhes, then average Madhesi will get majority and a Madhesi government can be formed. But if we maintain four sections as I have already proposed, among Madhesis, two would again be dominated by the Hill people and only two would come under Madhesi people. What is the difference between Madhes and Terai? Terai is a geographical concept, but Madhesi is a socio-cultural construct, because of their language, food habit, culture, clothing etc. Traditionally, there is nothing common between the Hill People and the Madhesi people. Hill people marry in daytime but Madhesis never marry in daytime because they think they will be cursed by the day. They differ in their food habits also, Madhesis are mostly vegetarians, they like to eat *poori*, *jalebi*, *samosa*, while hilly people are mostly non-vegetarians and alcoholic. Madhesis are mostly non-alcoholic, save for exceptional cases. In Madhesi tradition the daughter and son in-law respect their father-in-law. They will do *pranam* and other things. But in hilly people, the father-in-law does *pranam* to the son-in-law. They call their children '*nani*' whereas we call our mother's mother '*nani*'. We offer sweets to Lord Ganesha, but they offer eggs! So there are such differences. My opinion is that if Madhesis are not included in the Government soon, then this movement will go in the direction of a secessionist movement because we are not only an ethnic community we are also regional. There is no binding force between the Hill people and the Madhesi people. They are not bound either culturally, or linguistically, or through dressing, but they are exploited. Same thing happens with the North-Eastners and Kashmiris in India, Tamils in Sri Lanka, Baluch and Pakhtun in Pakistan. Being a student of international relations, I am comparing all the South-Asian countries. Same is the situation with the Madhesis. They constitute 33% of the population, according to the government. They (Madhesis) claim 45% of the population. But in my perception, they are more than 40%. But of course, government research is always less since they want to show less exploitation. And how are Hill people calculated? Once in hills, then in terai, and finally in Kathmandu. So one person is counted thrice. But the Madhesi people always settle only in terai. Rarely will you find them in Kathmandu. They came for jobs but they have no building. And rarely do they go to hills. So they are counted only in one place.

Int: So this one Madhes includes 'Tharus' as well?

AS: Tharus are also Madhesis. They are a Madhesi tribe. It is a fake policy to divide the communities. Because the state is right now trying to divide Madhes into four different communities, including Janjaatis. But in the real sense, there are two major communities in Nepal, one Madhesis and the other hill people. Within the Madhesis, there are dalits also, there are women also, and there are Janjaatis. Among the hill tribal people also there are Dalits, women, and Janjaatis. In the Madhesis, also there are Bahun-Chettris also. Broadly, there are two divisions but for the state ruling elite, they say no, no the state is divided in Dalits, Bahun-Chettri groups, Janjaatis, women. So that kind of a thing gives legitimacy and weakens different communities. For example, there is no relation between Tharus and Gurungs, Limbus and Magars, although all are Janjaatis. There is no similarity between them. Only similarity is exploitation, they are all marginalized. But level of marginalization is also different. The Tharus are more marginalized, displaced from their own places; they became *Kamiyyas*, bonded labour and slaves. Their land is snatched by the Hill people. But this does not happen in the case of Rais, Limbus, and Gurungs. Then Tharus' nationality is always questioned. They are not called Nepalese. Another thing is that they are never recruited in the Army, not on higher posts. But for tactical purposes, Tharus are separate; they make up 4% of the population, they came within Madhesis but they said that no they are different. Madhesi Dalits, like in your country, there are chamaar, ghusaal, dome, dhobi etc. they are Madhesi Dalits. But Hill Dalit are different, Parihar, Vishvkarma, those types. There is no similarity, there are no marriage tie-ups. There are no cultural relations. When they start talking about Dalits, in the name of Dalits the Hill Dalits are benefited. Because for Madhesis their major problem is the nationality problem. They are not identified as Nepalese.

Int: Including the Janjaatis within Madhes?

AS: Yes. But they try to fragment and tell them that you are Dalit, you are not Madhesi. If you are Janjati, Tharus, Rajwanshis, you are a Janjati, not Madhesi. This is Mahendra's tactics and is also followed by Birendra and leaders from all political parties, as leaders are always from the Brahmin-Chhetri sections of the society.

Int: But in the Janjati movement and organizations like NEFIN, they talk of self- representation, including the Tharus.....

AS: You go for NEFIN's structure, where are Tharus? Their Chairman, their General Secretary, all are Rai, Limbu, Gurung. If you go to the Dalit Commission, they are all Vishvakarmas, Parihars, and not some Madhesis like Ram, Paswan kind of people. There is no similarity, their exploitation is different. They are Madhesis, but within the Madhesi community, they have a different status. There are landlords, power classes and such divisions. Right now, the gap is already being filled by people, that we are Madhesis and within Madhesis, we are Janjaatis, tribal people.

Int: So you are saying that the identity is building? There is an increasing sense of self-identification?

AS: Yes.

Int: You think Tharus were part of the recent Madhesi Movement?

AS: Yes. Recently, in the Parliamentary Gherao Program, they were there; there were Tharus who came for the Madhesi movement and not for a Janjaati or Tharu Movement. Ram Janam Chaudhary, Uma Kant Chaudhary, and Sunil Chaudhary are all Tharus. But they associated themselves with the Madhesi Movement.

Int: Chaudharys are Tharus?

AS: Yes. Chaudharys are Tharus. And if you go by the reports and documents, they are not associated with the Janajati Movement; they have been a part of the Madhesi Movement only. They are not asserting for the Janjaatis Movement. Some people associated with NGO work put their personal gains in the name of Janajatis. For Janajatis, donors send Dollars and that is why they say Tharus are Janjaatis, but actually, Tharus are not really happy with this. They even say

that Muslims are not Madhesis. Because for a ruler, any ruler, it is easier to rule the people in a divided way. But if the exploited people are united, it is difficult to rule them.

Int: So you think, historically and now also, there has been a constant strategy of "divide and rule" by Kathmandu?

AS: By the ruling elite. Over the decades, Governments have changed but not their mode of governance, from Rana regime, king's regime, multi-party regime to this all-party government. The attitude of the ruling elite has not changed. If you have time to survey the Secretaries, the top bureaucrat in any ministry, out of the 27 Secretaries, I think 24 are Brahmins. Either 24 or 22 are Brahmin. Rarely will you find any Janjaati or Madhesi or for that matter any Dalit or any women. So you see in Nepal the political change is complete, but social change, social-economic reform is not yet complete. It is an ongoing process, a kind of state building process. I think it will take time. There are different groups emerging, and some small groups have started keeping arms also, like in Madhesh there are like JTMM, two groups- Goit and Jwala, Madhesi Tigers, Cobra. JTMM is a splinter group of Maoists. They split because they feel that Madhesis are not recognized. They are not given due place in the Party hierarchy. They talk very radically, but their delivery is not so. When the agenda and delivery do not match, and there is huge gap, then conflicts arise. They say that place should be given to Dalits, Madhesis, Janjaatis, for example, in the Interim Constitution at the time of nomination. In NC, that is the party I belong to, there are 48% Madhesis at village level, active cadre. At the District level, their representation becomes 24%. And at the central level, their representation is only 11-12%. See how the graph declines. As the policy making level goes higher, their representation goes down. In the economic sphere as well, Terai contributes more than 65% of the GDP. Because Terai is the agricultural heartland, industrial heartland, economic heartland, most of the industry and agricultural land lies in Terai. Most of the revenue is due to customs on the Nepal border. There is revenue from land also. Their contribution is more than 65%, but they get only 18% of the development budget. This kind of a disparity is there. In army, I think, not even 1% are Madhesis. Out of 75 BM, that is the Nepali VDO, there is no single VDO who is a Madhesi. Out of 80, there is no AIG or DIG and only one or two SPs in the Police.

Int: Coming back to re-structuring, beyond Madhesh, what is your model or what do you advocate?

AS: What I want to say is that, on one hand, I am an activist, who believes that Madhes should get its due place and recognition. But in the mean time, that is not possible, because after Madhesh, no hill community is economically viable. In a state there are three basic components; territory, population and economy. All the hill states have two components, territory and population, but they do not have a viable economy. There is no industry there, there is no agriculture either. What will they do, what will they eat? Tourism may come in but that will not be adequate for everything. But Madhesh has all three components. So such exclusion is not viable in the Nepali context. If there had been devolution of power, power sharing with all groups, there would be no need for this movement, there would be no attempts at local governance. But the question is that this unitary system itself is an exploitative tool. So people feel that it is due to this unitary structure that we are exploited. That is why all people are against this unitary system.

Int: So you think that a north-south division is inevitable?

AS: Practically, it would be viable. But I am a Madhesi and from that perspective, I cannot accept any kind of north-south division. North-South pattern is already there in the existing five Development Regions. And Nepal's development pattern is North-South. Every thing is developed in the North, nothing in the South. So why should we accept this kind of North-South division. North-South development pattern is already available. Similarly, if any budget is proposed for a District, they should specifically allocate budget within the District, because within the District there are Madhesi people and Hill people. The Hill people mainly reside in the north, south side and the bordering areas are only Madhesi. So they should allocate budget in the district in the name of the both but during implementing the budget, it is only the north side that is developed, budget is spent for electrification, roads, tele-communications etc., all for the north. Therefore we say that the development pattern in Nepal within a District is also North-South, the North is developed at the cost of South. Even when we talk of the whole of Nepal, the centre-

periphery theory applies; Kathmandu is developed at the cost of Madhesh and Hill area. You go around; you will find cars, bungalows, etc.in Kathmandu. But you go 10kms outside; you do not find any such thing. Why is Kathmandu developed at the cost of entire Nepal! Why at the cost of two crore people, thirty lack people are given preference?

Int: So on what model do you think there would be consensus and which would be workable as well?

AS: In all frankness, I think that, having seen the constitution building, there is going to be no peace in the coming times. Because present leaders, are not accommodative, their mindset is not broad, they may again try to dominate Madhesis, they may again try to dominate Janjaatis, and Dalits. The real majority is these people. If you include these three groups, they are more than 70%.

Int: If proportional representation comes into existence then how will they be able to dominate?

AS: Who is in favour of it? There are two different meanings of 'proportional representation'. Each one adopts the definition from their perspective. There is one definition from people's perspective, and another from party's perspective. What people think "Proportional Representation" means is that they will give our participation and representation in any field on the basis of our population. This is their illusion. What the party thinks is that it has authority over the percentage they will give in elections because whole Nepal will be a single constituency and party will only fight the elections and what percentage vote the party will get in the elections, that percentage they will nominate, and that depends on their leaders and how many individuals they have from different groups. Those leaders who are till date not accommodated in the party structure for Dalits, Janjaatis and Madhesis. How do you feel, how do you think that they will be accommodated in the constituent assembly. For example, I am from Nepali Congress; suppose there is proportional system and no individual system. If there is only one seat, will I be nominated or Girija Prasad will be nominated? Any person would say that since Girija Prasad is the Party President, he would be nominated. And there will be no Amresh. So

this is totally politics. What politics? That in each election, there is only 3-4 % difference between NC's votes and UML/Left vote. But the seat margin is more than 20%. In the last elections, NC got 37% votes and UML 32-33% votes. The total number of seats is 205. So how much is the difference? Only 4-5%. But real difference in seats was exactly 30. So they thought that if we go for the individual representation the common man will be benefited, for which Left parties are asking for proportional representation. But this is for the party's benefit and not for the people's benefit. NC says that no, no, we will go for a mixed system, with both, FPTP and proportional systems. This is for the benefit of the parties and has nothing to do with the people. Congress is saying that if we opt for proportional representation then only the party can fight elections. There is curtailment of individual rights. Suppose I am not in any party, how will I fight in the election, because the whole country is a single constituency? If there is no constituency, how individuals will fight in the elections. In any election, individual rights must be respected. This is the NC point of view for defending their own politics. The left point of view is that they are talking of proportional representational system as the accurate method of ensuring representation of Dalits, Madhesis, women, and Janjaatis. But the perception of "proportional" from different angles is quite different. From people's angle and party's angle, it is very different. This is the reality.

Int: Can a mechanism be evolved where the whole nation is one constituency and the percentage of votes in favour of each party can be divided in terms of the people who voted, for example, 30% Janjaatis' votes, 30% Madhesi's votes, and representation be given accordingly?

AS: No, no, that is impossible. How will you identify that it is Janjaati vote? There are Madhesis, Dalits, and Janajatis. There are no separate polling booths. Proportion would depend on what is the composition of the population. That is practical. Somebody who is at number one position would not go to campaign since he already knows that if he gets even 5% votes, he would win. On the other hand, somebody who knows that even if s/he gets 50% votes, s/he will not win would not go to even ask for votes. There will be listing and they would say that see we have given Madhesis 33% out of 400. But they will put them at the bottom of the list, so they won't be selected at all. You cannot argue over politicians on this. They always find a way to manipulate things as per their own agenda. So the parties who want to adopt the proportional

system, why do not they begin from their own party structure. What is the problem with that? When you yourself are not doing so, then why are you going after other parties? This is the reality.

Int: Correct me if I am wrong, I understand that there is a confusion about what ‘proportional representation’ is; ‘proportional electoral system’ or ‘proportional representation system’ as people have different readings of the Interim Constitution. Then again in ‘proportional electoral’, there may be a close list or open list, etc. On the other hand, ‘proportional representation’ would mean that after you are elected you would be represented according to your percentage in the population, 33% or 50%, whatever the case may be. This would be like reservations...

AS: **I am one the members of the Drafting Committee.** Some things are in the constitution only in writing, not for practical purposes. They are only for attraction, not for implementation. It is the same in your country also. Many years after the reservations, the position of the dalits in the villages is still the same. You will find that it is written in the IC that "The representation would be in a proportional manner, in each and every part of the state". But that is only a theoretical thing. It has been five-six months since the Interim Constitution has been drafted, but has this policy of proportional representation been implemented anywhere? No. So there are many such things in a Constitution. In the earlier Constitution of 1990, or in the Rana system, was it anywhere laid down that Madhesis should not get space in the Government, he should not be made Secretary, he should not be made DM or given higher posts in Departments? However, practically they do not find place anywhere. Because people in power tend to deliver power to people close to them; if Sonia is powerful Rahul is automatically powerful, if Ram Bilas is in power, his son would automatically become powerful, his wife would become powerful. Power is arrogant in itself. It is never given, it is always taken. Today Maoists are powerful, but they have not been made powerful, they snatched power. It has taken around twelve years for these six-seven seats. Twelve thousand people have died for this. They say that even now Madhesi, Janjatis, Dalits would not find much of space in the government. It is just an attractive slogan to get votes. That is why; it cannot be said with certainty that there will be complete peace in Nepal even when the process of re-structuring of the state would be over. Firstly creation of the Constituent Assembly is already questionable, because another force is here, that is monarchy.

The real confrontation with the King will begin once the Constituent Assembly is in place. Right now, there is no real confrontation with the King. There are so many forces that are trying to sabotage the Constituent Assembly, are trying to delay this process. The demand of the Constituent Assembly is not new, it has been there right from 1960. That time also the King had promised in the Delhi Agreement, the Tri-Party Agreement, between the Rana King and Congress that there will be a Constituent Assembly. But that has not materialized till date. Whether it will materialize this time is also questionable.

Int: Do you think there is a possibility of a Constitutional Monarchy?

AS: No. I do not think so. Nobody can afford to go before the people with the agenda of a constitutional monarchy. Whoever will, will be defeated since the people are radicalized. But leaders still want the monarchy, since they have benefited from the monarchy, they get money, they get protection. The difference between monarchy and political party is that monarchy is a bad fellow, king and council are bad fellows. But, they have very good network and good resources. Political parties, leaders, on the other hand, are good people but with bad networks and poor resources. Individuals may be rich but they do not share their wealth with the party. This applies to all the leaders. Now for Raja, he can do anything to protect his status.

Int: What about these talks between Madhesi movement and the Interim Government?

AS: Oh! Those are just talks only in the name of talks, nothing for delivery.

Int: Yeah, even the demands which have been agreed to by the government, seem to be more of a symbolic nature since they do not even touch upon the core demands. So where does this take us?

AS: They have not given much rights and which they have given are such tactically given that they cannot be specifically implementd. No single Madhesi thinks that he should be thankful to this Government or the political parties. Although I am from a political party, I voice the

demands of the Madhesis even against my party lines, because I am a Madhesi activist too and because I want each and every Madhesi to be heard. I mostly crossover to the Madhesi side on certain issues. Because it is these Madhesis who are going to vote. My constituency is in Madhes. They are still more open in sharing power with Janjaatis because they basically come from the hills. These people just do not want to share power with Madhesis.

Int: In which direction do you see the Madhesi Movement moving?

AS: I see it going in the direction of an armed movement, semi-militant not completely militant. If a genuine demand is not fulfilled by the State and by the political parties in due time, the movement goes into a secessionist direction. There is no way out, because finally, they will get support from Bihar and U.P. just like Tamil Nadu supports the Tamil Tigers in Sri Lanka, inspite of the fact that the Government has always been against the Tamilians after Rajiv Gandhi's killing. With Tamilnadu, they have cultural tie-ups, they have marriage tie-ups, they share the same language, therefore they back the Tamil cause in Sri Lanka. Madhesi people not only have cultural relations but also blood relations with Bihari people and UP people. In the context of Indo-Nepal relations, we always say that Nepal had cultural relations with India. But this is true only for Indian and Madhesi people, not for the Hill people. So if there is any danger to the Madhesi people, ultimately Bihari people will come to their support. So sooner or later, this is bound to happen in Madhes. When does a political idea emerge in the mind of a politician which when implemented can make him a leader. Why do you think that the Maoists did not lead their movement from Kathmandu? Because they knew that they will get support from Rolpa, whereas neither Baburam nor Prachanda is from that area, one is a Gorkha the other is from Chitwan. Madhesi leaders know that if they raise Madhesi issues, they will have support of the entire community. What happens in an ethnic movement is that, when a community feels that some party is taking up their cause, they would support it. It is the same in America, U.K. or any other country. This is how ethnic conflicts get moral support. People feel that they have been fighting for our cause. Therefore these ethnic conflicts are long lasting and violent. Even if the Maoist Movement had gone on for ages, it would not have broken up the country. But if the Madhesi Movement goes on like this for even two more years it will break up the country.

Int: Why?

AS: Because Madhes has the power to paralyze the country without picking up arms. The whole supply route can be blocked. If one lac people come and lie down on the highway, what can be done? You cannot kill one lac people. This is where awareness becomes important. Our leaders do not realise this kind of a situation.

Int: If Madhesis have the kind of strategic power you are claiming then why are some people taking up arms?

AS: That is because they still lack unity. A divided community is always a weak community. In a weak community whenever anyone gets even a little opportunity, he leaves the community interest and goes behind individual interests. There have also not been any charismatic leaders. You will see Upendra Yadav has no credentials. It is yet to be seen if he can win even a single constituency. But when he gave the call for the Madhes Movement, whole of Madhesh was blocked for nineteen days. He is getting support from each and every political party, I mean from the Madhesis in them, not the top leaders of the parties. So the experiment has already been conducted. It has been proved that Madhesh can shut everything down. There used to be long queues for petrol. How much can be stocked within the city? You do not manufacture anything in Kathmandu. Except water, one does not get anything here, most of the things come from India. They cannot rely on imports for everything. You cannot import rice to feed people. So we are very much dependant on the supply lines. The route to bring in the supplies is also through the Terai Plains. It cannot be through anywhere else. Plains are the main regions for production as well. But Madhesi do not have the awareness regarding this, but it is increasing. Ten years ago, I would feel bad if somebody would call me Madhesi, but today I am proud of it. Today when they call me Teraian or Nepali, I feel angered. I am a Madhesi first because I become a Madhesi by birth I am made Nepali by documents and passports. People look at my face and say, I am either an Indian or a Madhesi, not Nepali.

Int: Now that we are talking about ethnic identity, and as you just said that you are first a Madhesi and then a Nepali, so this feeling.....

AS: Yes, this feeling is growing. It has grown immensely in the last five years. This is the rise of Madhesi identity. Before that there was no self-identification as Madhesi. Earlier people would be scared to talk in Hindi; if you want to talk especially in offices one would talk in Nepali. Madhesis were forced to wear their dress with their Topi, one couldn't dress up as a Madhesi. But I openly wore *dhoti-kurta* when I took oath. I was the first person from my party who went to the Parliament wearing *dhoti-kurta*. Earlier one could not do such things. One had to follow the 'code of conduct'. But this is breaking now. So this kind of identity assertion is happening.

Int: Has this assertiveness come more so because of the environment created by the Jan Andolan?

AS: Let me tell you, there have been three movements in Nepal; 1950, 1990 and 2006. Their demands were different. In 1950, the only demand was abolition of the Rana Regime. In 1990, again there was only one demand; abolition of the Panchayat System and establishment of a multi-party system. But in 2006, there were demands for inclusive democracy and a federal republic. That is why each and every community is asserting itself. The nature of demands is changing. This movement is not just for democracy but for inclusive democracy. It is not just for a republic but a federal republic. If you go through the slogans used during the Andolan period, you will know for yourself. So, their expectations are high and their agenda is high. If the major eight parties which are in power, why is a *bandh* declared in Nepal all the time? If it is true that these eight parties represent all the people of Nepal, if all the people are accommodated, then why is there this kind of discontent among people? Why are they challenging law and order, why are they challenging the state? Because that assertiveness is for their inclusive demands. We must be accommodated. We must participate in each and every policy decision. And this is going to increase.

Int: So does the State exist for the people, for their aspirations? Is the attitude of the political parties restricting the new State that people want?

AS: Yes, they are restricting. The people created the state for themselves but they were not allowed to be there. Because there are the same old leaders. These ministers are almost the same old faces, save for the Maoists. There are the same old faces. Even among the MPs, there are hardly any new faces. Congress has ten Ministers and out of these, only two are Madhesi. How much percentage does it make? Only 20%. As per Government data, Madhesi have 40 % population.

Int: So what do you see the role of the Maoists in the multi-party democracy and in this Interim Government?

AS: Maoists are compelled to dialogue. The Government and Maoists have no other option. Maoists must accept the multi-party system. Because they feel, it is difficult to deal militarily in Nepal. Their tactic is of taking over, but it is very difficult to sustain. That is why, my opinion is that it will take time, but things will progress, though gradually. Pressures are such that democratization has to take place. There can be two results of the Madhesi movement, either it democratizes the state or itself becomes secessionist. On the map of the world, many countries are formed and deformed. The political map of the world is not static. So many countries have split. Did anybody know that USSR would split? Before 1971, did anyone predict the carving out of Bangladesh? There is the same problem here as of East and West Pakistan. Is there anything written in my language here? I do not speak Nepali. Is our culture shown anywhere? TV shows Nepal as a land of hills and mountains. Does anybody know that Nepal has *dhoti-kurta*?

Interview with Khemraj Bhatta Mayalu

Interviewer:

Khemraj: We are living in the times of transition. This is the phase of transition. The new constitution is being formed and the older constitution is not functional any more. Yesterday evening only the interim constitution was amended. So we see that we are in the transitional phase. What would be the Directive Principles of the future Constitution are later issues? At this moment everyone wants that the country should take a progressive road to development. A Federal system is being developed. Atleast all the political parties of the Nation have reached a common consensus on this. The upcoming constitution will have a federal structure. Now this federal structure would be based on division on the grounds of cultural, social, economical, geographical, regional or caste related factors. And that only will define the Centre- State relationship as well, i.e. the division of powers and resources. In this way, the country is moving towards the re-construction of the State system.

Interviewer: There are many groups and you're talking of an ethnic division? There are many Jaatis here.

Khemraj: Nepal is a small country but it is all the same a multi-racial, multi-linguistic and multi-cultural nation. It's a small country but has about 100 different languages, over 100 Jaatis. So there is integrity within its diversity.

Interviewer: We are talking of federalism on one hand and Jaatiya Vyavastha. So how is that feasible?

Khemraj: No. We don't want division of the country on the basis of Jaati, since that won't be possible, specially in this new age, in the 21st century, it would not be viable. Our party is not in favor of achieving a federal set-up dividing the country on the basis of Jaati. We want the federal structure to be built on the grounds of division on the basis of region, natural resources, and if possible, culture.

Interviewer: Do you think that different inter-groups e.g. Madhesis, Janjaatis, Dalits, etc. will have more participation in the political main-stream than what they had earlier? How such variant groups will be able to come together?

Khemraj: They will come together. There must be proper representation of what they feel. Everyone will be treated at par. Also, we want that there should be a provision for some kind compensation, reservation for the extremely backward sections for a short duration. But this must be for a long time. It would be for their upliftment. Such an arrangement should be there only for the period that these groups don't come to the forefront.

Interviewer: Apart from reservation, what other mechanisms do you see? And do the political parties have any movement to ensure space for these provisions in the constitution?

Khemraj: We want that the backward sections, for a short span, should be given reservation in employment and other spheres.

Interviewer: What is the rationale behind the 'Mixed Electoral System' mentioned in the interim constitution? How do you see it working in the long run?

Khemraj: In the long run, we want things to be professional. But for the time being, the concept of mixed electoral can be adopted. We support it as of now. It can be adopted as far as the elections for the constituent assembly is concerned. At the time when the new constitution is made, there will be a re-construction of the nation state and a new picture of federal system would also emerge, based on which the methods regarding elections will be designed accordingly. The ultimate goal to be achieved is the 'Proportionate System'.

Interviewer: What are the implications of this proportional system? What will be the effect of that?

Khemraj: In a small country like us the proportional system would be more appropriate for the First Term Elections because it will give a chance to the minorities as well and they will also be represented. So that all sections of the society can have a feeling of presence of "self" within the system.

Interviewer: Sir, the Jan Andolan has concluded and the peace process has started a year back, but some people feel that the pace of the peace process is very slow and there are various obstacles in our way. What do you think of that?

Khemraj: It is unfortunate that the party which has come to power after the Andolan says that there is change only for them; however there is change for everyone. The monarchy and the tyranny that has ended should not result in another monarchy. We don't want such a thing. We are against one party gaining monarchial status over others. We can't support all the workings and undertakings of any party wholly, because they are trying to take advantage of the transitional state of the Nation for their own good. We strongly oppose that.

Interviewer: The parliament that we have right now is and interim parliament and there is one party.....

Khemraj: The interim parliament has not yet been established publicly. There are these Maoists _____ who have not been given an access to the election. Whether people want them or not is not at all clear. The present interim parliament is a nominated parliament. _____

The party is not respecting the public opinion. That's we oppose the high command of one party, they are doing it in the veil of popular public representation.

Interviewer: So in this context, we see that the eight party government is not a nominated government, they have not been elected by people.

Khemraj: Yes, they are the nominated government.

Interviewer: So, in such a system how much scope do you see for a party in opposition?

Khemraj: Yes. Of course, there is very less space but still we would represent the view because parliament is place to give voice to different ideas. I think we have enough opportunity to create a public consensus. Our word would go well with the public. We only oppose the wrong deeds of the party. We don't mind our being less in number because so far the public consensus is being created, being a minority in terms of number in the parliament does not matter.

Interviewer: Do you face too many obstacles in your way?

Khemraj: Yes, there are obstacles but still oppose what we have to.

Interviewer: With the integration of the Maoists now. How do you think they will adjust with the democratic political parties?

Khemraj: Maoist first raised weapons against the multi-party system. In the democracy crisis they raised their weapons. After being hurt, they stepped into the mainstream politics. But they are trying to dress up their defeat and come as winners. This is a contradiction. Whatever Maoists are saying about their coming into the mainstream but practically how commitment they are is yet to be seen. Their vichar aur chintan supports a single party and tyrannical system and point of view. So they are trying to transform into a democratic form but are not able to do so, and this is what we are against.

Interviewer: Do you think that elections will take place by the coming December?

Khemraj: We want the elections to take place as soon as possible. But by the look of the party activities, it seems that they are playing the role of both the party in power and in opposition. They rule over the state as well as carry out processions on road as well.

They are part of the government and roaming house to house with a loaded gun as well. They have some weapons in the cantonment, some in their hands. Then how will the public believe in their transition. So till the time there is a clean decisive environment among the public, how will the _____ be completed. There is apprehension among the public against the single party system about which other political parties should also think. The sooner an order can be maintained in the society and rule of law is established, the sooner the foundation would be laid down for the elections. Election should be clean. Whatever the public wants would be done and the public opinion only will rule. The public should be given the feel that there is going to be rule of people, since the people are now sovereign. Such an environment is not being constructed at present, so our focus is on to bring in such an environment and the desirable environment should be created and this Gun-point system should be done away with. As per one own thoughts and intelligence, people should be able to express their ideas. That's what we want.

Interviewer: Even after the elections have taken place, what do you think would be its implications?

Khemraj: As you would later that the people's support is not with the Maoists. Public is supporting them for the time being under the fear of their weapons, and not because they are influenced by their ideas and thoughts. When the elections happen, the Maoists would be in bad shape. There is no doubt about this.

Interviewer: There are a lot of incidents of violence happening these days. Do you see them as a short term occurring or a long term phenomenon?

Khemraj: There is a process of cultural development happening right now. There is so much unruliness in the country, a movement is occurring against it. They at times even attack on the political programmes in broad day light. So far, we have not even able to carry out our political activities in all villages, and districts of Nepal, because these violent persons are coming after us village to village carrying sticks and gun. They are terrorizing people. How can political activities be carried on this way? This is a major problem. We are opposing this again and again that this should not happen. It is very unfrotunaute.

Interviewer: Last week we saw that the government is trying to democratize the janjaatis. Also, we see that the Madhesis and other groups of the Nepali society have put up almost similar demands. But the main challenge for the government would be to deal with the differences in the demands of different groups.

Khemraj: See, since the Government is of a single party, the common minimum programme is also of one party. Programmes have been drafted on paper but have not been executed. Even when in they are in power, people don't get that feeling. It's like as if the minister himself is revolting. This can't go on like this. The person who has been made a minister, is also a part of the revolt. All this is very unfortunate, that the minister himself is not able to be in the league.

Interviewer: Where different people have common demands, the Government is talking with each one of them differently to resolve the issues separately with each one of them. Do you think that this is the right way to do so?

Khemraj: We have been saying this right from the beginning that this method will not help. We want to address common demands and not the individual groups who have put up the demands, so far as the demands are effectively the same. The party in power should be ready to address all those groups, which have put up common demands, together. They can do this if they want to. But they are not doing so.

Interviewer: But why can't this be done? Why are they not doing so? We have spoken with a lot of people and every body holds similar views, but the ways adopted by the Government is quite different. Why is it so?

Khemraj: There's been so much violence in this country..... wherein thousands and thousands of people have died. There's been so much blood-shed. That's why the ruling party should have been more mature, which is not so. We are condemning this. We want the Government to come back on the right track and address the people and their problems in a more consolidated form. All this Madhesis, Dalits, and Janjaatis.....their issues are no all-so-big demands. They want that there should be a method by which their views and voices are also heard and appreciated. They should get fair representation in the constitutional assembly and should be made to play an active part in the development of the country. If the Government wants, this can be done. Our question is that

Interviewer: The victims of violence of past 10-12 years, will they be given some kind of a say in the re-conciliation.....

Khemraj: Yes. The victims and their kin, there are no programmes for their reconciliation. People who died, their properties are still confiscated. The property is in Government custody but they are not disbursing it to the rightful owners.

Interviewer: Even in the Interim Constitution, they have talked of compensating the victims of violence in the country.....

Khemraj: They are talking about it, alright. But there is no practical execution of the idea. No programme has been designed for the victims of the upsurge. We want that there should be arrangements made for their compensation and re-establishment. Food commissions should be formed. All the people who are dead, their details must be found. A commission should be formed for investigation in each district. Everybody should be brought within the fold of Law. The wrong-doers should be punished. These are yet not taking place.

Interviewer: Do you think that the Constituent Assembly will be able to take over the Constitutional Monarchy?

Khemraj: Here's the English version of the Draft of the Constitution for you, so that you can understand it better. Now, we have changed the Preamble of the Constitution in this. We have changed "Constitutional Monarchy" to "A Multi- Party Parliamentary System". At the time when our party was established 18-20 years ago, it was written in the constitution that Constitutional Monarchy and our Multi- Party system will co-exist. Right now there are serious discussions within the party as to the Constitutional Monarchy. We want to re-write this. To re-write this a Session of Party member will be called. We will decide whether it would be constitutional monarchy or republic Nepal. We will discuss and decide on this formally in the Party Adhiveshan. We haven't yet decided on this. The main point to be taken care of is that each and every Nepali citizen's point of view should be considered. Here, Maoists don't want to listen to the view of the opposition. We want that in Nepal

each and every view must get voice. If the Nepal population would want the King will stay, if they wouldn't want, there will be no King. The public opinion would be decisive in this matter.

Interviewer: Would you like to do it through a referendum?

Khemraj: No, no. Why should a referendum.....it's not needed. The elections for the Constituent Assembly are going to take place now. A whole new Constitution is going to be formed. When we'll sit to make the new Constitution, we'll then only decide whether to keep the Monarchy or not. This would solely depend on the public opinion. We are staunch followers of the principle that the public should be the one to decide on this.

Interviewer: At the time of making of the interim Constitution, each party had forwarded their demands.

Khemraj: Yes. We had proposed a 13 point amendment in the constitution. We tried to address the problem of Madhesis, dalits, janjaatis, everyone. We had raised this demand 1 year back. We had also approached the parliament for an amendment before this interim constitution and at the time of its making as well. But they defeated our proposal in the veil of extreme majority. They didn't listen to us. But now you see that they are implementing another amendment within 15-20 days.....earlier they were not listening to us. Now gradually they are listening and doing the same things. We were telling them right from the beginning that if they wouldn't do so, people won't be happy. Even now we are pressing on this single party to listen to the demands of the public. For if they won't listen then the public would revolt.

Interviewer: Can we have a draft or copy of what you had proposed?

Khemraj: We don't have it right now, but it broadly covers the same issues of Madhesis, Janjaatis, etc. We have been advocating for the federal system since long time now. This didn't need to be there in the amendment, we had already proposed this long back. We had given 13 point of amendment to make necessary corrections. They didn't give heed to our suggestions earlier. But now gradually they are following it.

Interviewer: Have you raised any recent issues in this amendment?

Khemraj: No. There is nothing specific like that. You need to understand that in the Nepali Political Parties.....although they have 50-60 members only, with the major ones that of Maoists, Congress Himalaya, but ideologically they can be divided into three groups. One, that of communist, including all types of communist. In Nepal we have 12 types of communists. There are Maoists, Marxist Communist, Jan Morcha, Rashtriya Jan Morcha, Nepal Communist Party, Nepal Communist Party (M) and many others. Among the communist Himalaya and Maoists are the biggest parties. Other section includes democratic parties like the Nepal Congress, which believes in finding democratic solutions to problems and issues. Our party was established in 1946, when the multi-party system had just emerged. During the riots we had said that our party would emerge as an Alternate Democratic Force. Our party believes in Liberal Democracy. In the 21st century, Liberal Democracy is the best suited democratic policy. People call that our party is an old-fashioned one. But it has, now, new changed form. If you look at the constitution, you will that we have laid down clear- cut demands. Our party supports the Liberal Democratic trend. This is Samajwadi Jantantrik Nepali Congress. You can call it Democratic Congress or Congress, since the two are anyway going to be merged in one in some time in near future. A Liberal Democratic Party, a Socialist democratic Party and a Communist Party, there are three different Democratic parties in Nepal. Ideologically the parties will polarize under these three heads. This is what we think. One party wants to be Left to the Centre, another wants to be Right to the Centre. But we are centralists. We are neither Left nor Right. This is how it is. Our party was formed under this ideology. And as far the position of Monarchy is concerned , we'll decide it in the Party Session will take place some time by the coming August, and then we'll decide on this. It has not yet been decided.

29 min 58 sec.

INTERVIEW WITH SURESH ALE MAGAR

Interviewer: After one year how do judge the pace of the peace process?

Suresh Ale Magar: Well I would say it would depend on the tendency of the people and the main political leadership which is there, I mean to say if they are satisfied and the regressive tendency prevails it will go back and if they transform themselves and if they listen to the voice of the people as I suppose from the days of the historic peoples movement we can be optimistic and that we can look forward.

Interviewer: Do you see a change in the attitude of the state from what it was before Jan Andolan II and now in how it is progressing in the demands of the historically oppressed minorities in Nepal.

Suresh Ale Magar: In this particular context I regret to say that nothing has been done because these indigenous people, the Adiwasi Janjatis are voicing their demands and you might have known that there is a disorganization of the indigenous people, Nepal is progressing in to a nationality which has been the motive of the movement and some days ago they had called for the Nepal Bandh which is a kind of nation wide or country wide general strike and again the same for tomorrow and the day after tomorrow, for a two day Nepal Bandh, particularly demanding for a region of autonomy on the basis of ethnicity, the nationality as said and also demanding for the end of the monarchy and formation of the republic system in Nepal and equal rights and opportunities in all sectors. But nothing has been done by the state, in which our party the CPN (Maoist) also is at power, so from this point of view the indigenous people, the minorities work towards it. in regard to the minorities, well it's a fact that when you look at Nepal, nobody here is in the majority, everybody is in the minority, even Brahmin-Kshetriyas they are in the minority, Muslims are in the minority, even the Dalits are in the minorities, the Madhesis are in the minorities, so Nepal can be regarded as the country of the minorities. So if you mean to say by minorities the oppressed communities, the oppressed sections, yes,

nothing has happened, everybody is, you know on this point of view is pessimist. It can be said that 'let the quoism prevail.'

Interviewer: But why is it, even after Jan Andolan II which is such a remarkable thing, it is still continuing like this whereas one would have expected things?

Suresh Ale Magar: This is suggestably for two reasons from my perspective. One is that the quo-ist tendencies prevail, that is quoist monarchist tendencies prevail. Second is they, I mean to say, the main leading forces in general and Nepali Congress in particular is afraid, that if some transformation is to start here and if some changes are to be brought, in these changes the communist forces, the revolutionary forces would prevail.

Interviewer: When we talk of federal restructuring and based on ethnicity, even if coupled with geographic factors

Suresh Ale Magar: Apart from the status-quoist and regressive tendencies there is also feudal and bhraminist tendencies in Nepal that has been the root cause for not doing anything for the oppressed communities and oppressed people for example the Madhesis and also for the people of the oppressed territories.

Interviewer: When we talk of federal restructuring on ethnic line even if coupled with geographic factors and socio-cultural background each unit will have multicultural ethnicity in the context of Nepal right unless we totally go for self determination and they are such small communities so wouldn't a federal unit especially when the names would be like jharuwal and ---- based on ethnicity so how can their ethnicity within the state be ensured and why will they not have similar aspirations then??

Suresh Ale Magar: In this particular context what has to be noticed is that the demand for the provision of autonomous region on the basis of ethnicity is because of the problem of recognition. The Brahminic society or Brahminical states not only have neglected these issues for the formation of the specific

community but also they applied bureaucracy on them. Their language their culture their religion they are all dominated only one culture of Brahmins, their own language of the Brahmins has been the Nepali language...and also the religion of the Brahmins that is the Hindus that has been dominant. So people were forced to demand for the oppressed region on the basis of ethnicity. Of course even in the oppressed region based on the ethnicity, it would be right to say that there are problems of other communities, one whole is there. But even if it is so, its not that the people of other communities would not have any right, they will have equal rights, equal opportunity. The region is not to dominate them or discriminate them or oppress them. Well we have been demanding, the people of Nepal have been demanding the autonomy on the basis of ethnicity to make the people, particularly the oppressed people, people of the oppressed communities, to make them self rulers. They had been ruled all the time, they have been ruled for 250 years or about 150 years they have been ruled, now they want to be rulers. And they want to be at the centre of sphere themselves. When you form this perspective the demand for the autonomy on the basis of ethnicity and its not that some people expect that Nepal will be divided into parts or Nepal would be state, that's not there. May be there are some fundamentalist die hard Brahmins, they want that, the majority of the people would not do that and they are in favor of autonomy oppressed regions of the country. So from the perspective of the history and well demonstrations this is in the context of Nepal we think not only important but also welcome this side.

Interviewer:

You know in the context of Nepal there are resource constraints of Nepal and within the region, you know like Tarai and Himal, currently inherently its independent but natural resources are rather limited, so inter federational unit how would it be tackled, because you know like with respect to Madhesis there were talks earlier that 85% revenue has to be used inside Madhesis and would not go out, so these kinds of tendencies does not reconcile the pre-national suite.

Suresh Ale Magar:

Well the provisions for the oppressed region is not and does not mean that the natural resources being used by one particular community, cannot be used by the other communities its not that. For example, we say that the crops are grown in the Tarai, it does not mean and it should not mean that it should be limited to the people of Tarai and all. It can be taken to the

region where people need them. What is grown in Tarai may be more than sufficient for the people of Tarai and that should be supplied to the people of in and around that very region and if for example there is no fruits for example which are grown in the Himalayan region they can also be sent to the people of Tarai. So the main region though under the demand of the autonomous region on the basis of this ethnicity is to make the people of the region concerned rule themselves. Not to create some rival factions and also not to confine whatever is going on to their territory and also not to be a kind of central confine. A kind of cooperation or a system of cooperation will be there and even if it is not so then definitely everybody would be in problem. So to make the life of the administration easier and more convenient and also to address the history of their demands for the provisions of autonomous region on the basis of ethnicity, so we hope that even if it is made or created there will be no problem

Interviewer: What level of autonomy you advocate for the federal unit?

Suresh Ale Magar: It would be within the region, or province or state, at that level, for some particular communities, but for others who have very small numbers, for them the level of the autonomy may not be up to that of left region and central province. But it may be district level may be also at divisional level or unit level or grid level they can have autonomy at the level of that region but there is a point that the kharus, the magars, tamangs will have autonomy at the level of that region. But the other groups likemay not have autonomy upto that level.

Interviewer: One of the functions of the constitution is one hand to regulate a state and on the other hand to guarantee rights. In the Nepali context it is seen that even the constitution is tilted in the favor of persons who are higher in the power hierarchy. So do u think there is need of a change in the way one is to approach how constitutions are framed changing the entire approach as to how we frame the constitution, now that these prelim operations are void and have come to the forefront.

Suresh Ale Magar: If you see everywhere the constitution and all the laws are created in favor of the high level people or high class people and we would like to change it in favor of the oppressed people or lets say the lower level people. You are right in saying that even the federal constitution of Nepal is in favor of the higher class people, the ruling class of the hierarchy and our struggle is to change this kind of tendency.

Interviewer: And how do you propose the government to make the coming constitution more inclusive. How will it become more inclusive??

What mechanism will be employed to ensure that the inclusiveness is one of the major issues towards framing any Constitution?

Suresh Ale Magar: Well that matter of autonomous region would be created on the basis of publicity, complaints etc. and the federalism which should be applied and our kind of federalism is the dual kind of federalism the kind of federalism, the kind of federalism which is employed in your country. Infact, India is a kind of semi-federalism. Infact you know in the federal system the centre doesn't have that much power, the lower levels, the local levels they do have lot more power. In Nepal also one formula would be u know to apply real kind of federalism, this is how we think people of all sections all communities, including the oppressed communities can have more rights and opportunity.

Interviewer: Would the interim constitution make provisions for the mixed electoral system wouldn't you lack space for that?

Suresh Ale Magar: On that the Nepali people have been very obstinate. In fact we all, seven party were in favor of a proportional electoral system.

Interviewer: What benefits or implication of a fully proportionate electoral system would have? What implication or benefits will it have or Nepal can have from a fully proportionate electoral system?

Suresh Ale Magar: It will allow all the communities, sectors, background to have an opportunity of representing themselves but you know now because of the government tendency of the Nepalese congress we have to compromise with the mixed electoral system. It will not benefit, it will prevent many communities who are not in large terms of numbers in terms economic structure will again be deprived of the opportunity to represent in the higher part of the state particularly and again from the of the so called.

Interviewer: Then what justification or what benefits does a party like the nepali congress see in having their views also ---integrated what justifications. Is it merely to, in terms of trying to integrate both these or are they actually suggesting certain benefits over a fully proportional electorate.

Suresh Ale Magar: Infact the Nepali procedure was for a fully feudal party but then it was particularly it was a brahminist party it was a party of the Brahmins. So they would have thought that if the proportion was fully applied in Nepal many governments would be deprived of the opportunity of being the ruler as you know they have been doing in the past and this is why I think except this there is no other reason that we see, that the Nepali Congress is refusing the demands for the mixed electoral system.

Interviewer: Before the constituent assembly elections are held do you see it becoming a fully proportional electoral system?

Suresh Ale Magar: We didn't hope so because it is already speculated in Indian constitution and now the Nepali Constitution is not in favor of fully proportional electoral system but this would be wonderful to see that they go for it, I think they have to go for it.

Interviewer: Within proportional system there are various mechanism which can be employed like the open and closed candidature etc. what mechanism would you move for or that's still to be decided?

Suresh Ale Magar: Well we haven't agreed on anything, through the meeting of the 8 parties.

Interviewer: And would there be proportional representation within those close list or proportional representation on the basis of ethnicities or gender?

Suresh Ale Magar: Proportional representation is going to be in the close list.

Interviewer: So that will be at the time of candidature ensured or at the final selection stage also like in the parliament is it a kind of reservation to ensure that when you reach the parliament these are the percentages that would be ensured to your population who will be represented in the parliament or would it be like a normative statement that they make in the party which just says that the parties should also take care of Dalits and stuff like that while selecting the candidates?

Suresh Ale Magar: Until now we have had three electoral systems a lot is still left to be done u know the distinctions are under way.

Interviewer: What have you done? What is your party doing?

Suresh Ale Magar: Our party would move for a policy which can make Nepal more inclusive, that way more and more people from the oppressed communities can be a part of the policy making body and who can represent them well who can represent them and how can they can be represented.

Interviewer: Like we discussed the Indian federalism model do u also think that the Indian constitution has been framed keeping in view the demands of or the rights the indigenous people? On the one hand we see the Indian constitution has the schedules which contain the rights of the Adivasi and we they have been recognized as certain tribe there, on the other hand there is also a criticism that these have been only on paper and the Indian state is actually using those very constitutional mechanisms to exploit the

Adivasis, so what lessons can the Nepal learn from the Indian experience of dealing with the indigenous people within the constitutional mechanism?

Suresh Ale Magar: Well from the Indian experience we can learn and we are learning from other things as well yes there is importance that there is difference between theory and practice. In theory one thing is good and purposeful but when it comes to application or the implementation it's a separate thing so some of us will be accountable for what is there in writing is applied sincerely.

Interviewer: When we are talking about the Bandh that has been called recently by the nationalist leaders we saw that the level of bandhs by an organization of the indigenous people where there has been a nation wide Bandh and kathmandu is almost paralyzed this is something we would never have imagined happening in India at all ..

Suresh Ale Magar: You don't have a national the organizations of the adivasis.

Interviewer: They are not that strong, only the mainstream political parties can call a Bandh which can paralyze the country and the capital

Interviewer: That happens even for the mainstream political parties very rarely. When we see that from the context of Nepal...an indigenous party in India would not be able to call a Bandh of this scale so we see that in a way that the movement is going at such a break neck speed and its almost like it has reached a crescendo then on the other hand there is also the parallel that some of these demands and some of these issues are not being addressed in the way that they were promised earlier, the way they were meant to be. drawing parallel where would you place the movement now what stage is it or in which direction is it moving now? And at what pace?

Suresh Ale Magar: This people movement is moving towards the right direction though the impression is pretty strong that it has not indeed been fruitful in compelling the rulers to agree with what have been demanded. At state level they are strong, they have an organization at the local level, may be because Nepal is a very small country, its u know smaller than many states in India. Well let me at the foremost tell you that when I was the founder of that very committee I was one of those who favored the Adivasi Janjati. In India the Adivasi Janajatis have not made any organization at the national level and also India being a very large country it would be very difficult to take them to that level. But in Nepal it is so well organized with these people coming up with organizational building but if u know this is because the adivasis janjati movement has been growing very strongly but we still have to see how the ruling classes in particular the brahminist society brahminists ruling our country respond to it.

Interviewer: Do u see a right to Profession? You see a trend that like hundred nationalities ethnicities?

Suresh Ale Magar: Right of self-determination?

Interviewer: Specially coupled with Right to Profession

Interviewer: We also see a conflict...while talking to a few people, we heard views that if the need be right to self determination has to actually realized...we would like to have a right to profession for every nationality ...every ethnic community we have come across people who have said that to us....how practical would that be in the nepali context? Where there are over a hundred nationalities and ethnicities?

Interviewer: Also there is an argument that Right to Profession more than self-determination would make the centre sensitive and help the federal unity if it is there to have the right on paper is good but it doesn't mean that it will be there.

Interviewer: And also there is another section of people who say that the Right to Profession is being portrayed as merely a bargaining trick and people will not really...not effectively realize it. That's another view that we have found?

Suresh Ale Magar: Well regarding the right of self determination for the right to come into being there are lot of things to be taken into account. The first is the definition of self-determination, what this right means, secondly is the issue of membership. As far as the first part is concerned, our party u know takes this right as a right to politically decide how the president can treat the ethnicities but there are, we think of the country and the state aswell. But there are many people who feel that it is not, so even if it is that self determination is not a right to profess, it is a right you know to chose and use the language of ones community or something like that and we take this right as that, that is apolitical supremacy. As far as the self determination is concerned our party is not in favor of splitting the country not of dividing the country into several into parts but we have demanded and we are in favor of this right which if applied can divide Nepal into several parts just because it can help in strengthening the unity amongst various communities in other words we take this right as a right to be born free. We accept this right in principle because people of the ethnic communities have been in uprise for up to half centaury and if you want to create a separate state of your own politically this will be the time. I mean to say right of self determination is a conditional right, if needed it can be applied to it eventually so we take this right as a kind of highest over the democratic rights. If the oppressed people would need to live together you know an opposing community of people they should have every right to make their own country, to make their own state, but in the particular context of Nepal we think, it is not really necessary to implement this very right in practice. With or without it...another way it can be said that right of self determination must not be effective but agreed to in principle. Its not a compulsory program, it is just a policy, it is conditional, if the need be it can be applied, if there is no need, it should not be applied, it is not applied. But as far as autonomy is concerned it is a compulsory program, it will be implemented, it will be applied

Interviewer: As to the demands of Madhesis like census and restructuring of constituencies before election takes place for the constituent assembly how do u see that?

Suresh Ale Magar: These are right demands, just demands we agree with them during the whole Madhesis movement let me tell you our party is the one which had raised this kind of demand for the Madhesis, because in Nepal we think that Madhesis are the most oppressed community, more than even the Dalits of the hills, even Dalits dominate them, so Madhesis are the most dominated and most humiliated most oppressed communityso they need autonomy and if they want to create separate state of their ownthey should be give that right. So in this context we would say that the Madhesis movement is a just movement and that it must be resolved. Once the ruling parties of Nepal form the government, the hill sovereign should sincerely address this issue

Interviewer: Sir but conflict that we saw in the region recently, they address the symbolic more than the core issues which still needs to be resolved, so why is this happening? You are a part of the government and consider its a big movement but still there is no consensus on their demand?

Suresh Ale Magar: But then you should not forget that though we are a part of the government and part of the legislative but still the main leadership of the province is ostensibly in the hands of the Nepali Congress which is a kind of a feudal party who are a brahminist party who are a hill brahminist party and also well a male dominated party and this is why they have not been listening to their demands of the Madhesis of the Dalits of the regional people, the main reason is that.

Interviewer: What do u see are the reasons for these continuing parts of violence that is still happening?

Suresh Ale Magar: Well as far as the violence is concerned it must be stopped and Madhesis movement is a just movement because Madhesis people are oppressed but

the leadership of the Madhesis movement is not a correct leadership, its not an objective leadership, this leadership has been tool of aggressive forces and also the Madhesis who are Indian Hindu fundamentalists. So this leadership should be overthrown and some genuine kind of Madhesis should come forward and take the lead of the Madhesis movement.

Interviewer: Do you see the elections happening in November?

Suresh Ale Magar: It depends again on the tendencies of the Nepali government if they allow the feudal tendencies and the monarchic tendencies prevail not only in November...elections if u see would never be held, if this is changed and they transform themselves ...if they really listen to the voices of the people then the elections can be held in November

Interviewer: Do you see a possibility it never being held in the near future?

Suresh Ale Magar: Oh yes, but that I think does not mean that elections will never come about because if it is so there will be again one powerful movement by the people who want to move forward or want to bring a change in Nepal against the monarchial status quo and feudal tendencies which will be definitely overthrown and that Nepal and Nepalese people will be in power. But if this tendency prevails only then the possibility will prevails that the elections are never held.

Interviewer: And all these external forces that are acting in Nepal how do you see those forces pull it down?

Suresh Ale Magar: Behind all these negative tendencies external intervention particularly that from the which in our opinion is the number one terrorist in the world, number one enemy of the world's people is the principal factor ...because you know it has been going just opposite to what the Nepalese people

aspired for ...because u know the people have demanded for this political system, end of the monarchy, it was in favor of retaining monarchy. But we are pretty sure that even all these external forces will be overthrown by the Nepalese people because people want independence, they want sovereignty they don't want any form of external intervention.

Interviewer: When we see the indigenous women and Janjaati women globally they are two strange ways they are looked at. One is to they retain the cultural identity. the religiosity, and the communal heritage, on the hand there is also demand for them to be integrated into the main stream so how do u see both these demands and do you see them combining in anyways?

Suresh Ale Magar: Infact you know everybody would like a way to develop in the modern time, I feel the indigenous people are more than willing to modernize their social thread, but the problem is that very often their identity is compromised and one day will come when everybody will be voluntarily forgetting his identity and applying I mean to say accepting what is more common what is more productive what is more fruitful for all

Interviewer: Besides the Brahminical and feudalistic mindset what are the other core issues that you feel will today democratize the country for the overgrown population?

Suresh Ale Magar: One of the core issues I would say is, you know the ruling classes depending on the external forces. Though our country is independent but the rulers here are not so.

Interviewer: That is now going to go away?

Suresh Ale Magar: That must go, and if it doesn't go it will be problem for the people of Nepal, and not only in Nepal but even in your country.

Interviewer: It was good to talk to you. Thanks a lot!

46 min 58 sec