

FIELD BULLETIN

An overview of the history of Tharu mobilization

Overview

The political upheavals in the months preceding the expiration of the Constituent Assembly in May 2012, as well as the heated protests and counter protests regarding federalism and the nature of the Nepali State, demonstrated a remarkable expression of Tharu solidarity that took many actors by surprise. In Kailali district in the Far Western Region, large sustained demonstrations demanding a Tharuhat State were carried out by a range of Tharu organizations (including actors from a wide range of political parties and organisations) coinciding with the so-called 'United Far West' protests. Interestingly, several members of political parties were seen to disregard their respective parties' public stance on this issue. At the same time, in Chitwan and Nawalparasi districts Tharu protests resulted in clashes with the Nepal Police and other identity based groups (particularly anti-Federalist activist groups).

This Field Bulletin¹ examines the motivations and history of Tharu activism in Nepal. It aims to demonstrate that their recent protests and demands for federalism are simply the latest phase of what has been a constant struggle for recognition of their distinct identity since the beginning of the Nepali State. The Field Bulletin describes the Tharus' continued efforts to culturally and politically organize themselves in response to what they perceive as a history of exclusion. As a trend, the broader Tharu movement has become steadily more political and sporadically yet consistently more confrontational since its beginnings in the 1950s.

In the context of Nepal's current peace process, this Field Bulletin sets out some of the structural issues that have driven the struggle by Tharu communities, which will need to be addressed if peace in Nepal is to become sustainable. In many senses the Tharu movement has been emblematic of the experiences and challenges of many so-called 'excluded groups' in Nepal. Lastly, this Field Bulletin will also examine some of the divisions and differing aims within the broader Tharu movement to underscore that it represents a wide range of issues and occasionally competing aims.

Who are the Tharus?

The term 'Tharu' applies to a very wide range of people across Nepal's *Tarai* region with diverse cultures, languages, social organizations and political aims. Some Tharus themselves state that 'Tharu' is as much a community as a single ethnic group or caste. At least 26 distinct groups calling themselves Tharu have been identified², many with distinct languages and customs, though some Tharu activists have estimated that there are at least 60 distinct groups that call themselves 'Tharu'.³ Many observers argued that the Nepali State did not readily make a distinction between the various 'Tharu' groups and treated them as one group, which has contributed to creating a common identity for a very disparate group of people.⁴ At present, almost all Tharu groups consider themselves to be indigenous to the *Tarai*, a view accepted by the Nepali State.⁵ This indigenosity is also a core part of the Tharu identity, as neither the Madheshi community nor Pahadi migrants to the *Tarai* claim to be indigenous to the areas where the Tharus live, in the *Tarai* and Inner *Tarai*. Another emerging part of the Tharu identity is the idea that their name derives from 'Theravada' and that, while Tharus have been influenced by Hinduism and historically treated as Hindus by

¹ This field bulletin is based on extensive field research amongst the Tharu community, with interviews conducted in 12 *Tarai* districts as well as in Kathmandu. As well as an extensive review of the available literature on the Tharu movement, interviews were conducted with Tharu activists, journalists, traditional leaders, politicians and ordinary members of the community.

² Brianna Bellamy 'Tradition in Transition: Tharu Traditional Governing System in Post-Conflict Nepal', Bryn Mawr College, 2009.

³ Rukmini Chaudhary, former CA Member, FDNF, private interview.

⁴ Bhanu Ram Tharu, Chairman of Tharuhat *Tarai* Party Nepal, private interview.

⁵ The Rana Tharu consider themselves to be descended from Rajputs fleeing the Muslim invasion of India.

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the Nepali State, they share a pre-Hindu Buddhist identity which many Tharu groups are working now to re-establish.⁶ This Field Bulletin acknowledges the internal differences of these groups and aims to explain what has caused these diverse people sharing the name 'Tharu' to come together and achieve substantive levels of social and political mobilization.

According to the Nepal Census of 2011, 1.7 million people in Nepal identified themselves as Tharu, roughly 6.7% of the total population, making them the second biggest *Adibasi Janajati* group after the Magars. The greatest concentrations of Tharus are from Dang to Kanchanpur districts, although there are significant Tharu populations in all of the *Tarai* districts and inner *Tarai* districts such as Surkhet and Udaypur. Although there are no official statistics available, one source estimated that there may be as many as 40,000 Tharus living in Kathmandu, albeit on a temporary basis.⁷ It should be noted that most Tharu organizations contest the recent census figures, claiming that the Tharu population has been under-counted by as much as a third.⁸

All Tharu organizations advocate for the greater inclusion of Tharus in State organs as they consider their community to be under-represented and this could be taken as a core issue of the broader Tharu movement. For example, the Nepal Army comprises 4.76 percent Tharus⁹, below their 6.7 percent proportion of the national population.¹⁰ While the Ministry of General Administration has not disaggregated statistics of government employees by caste or ethnicity, the Government of Nepal has committed itself to reserving 27 percent of all government jobs for *Adibasi Janajatis*¹¹, of which the Tharus are the second largest group. The Tharu Indigenous NGO Federation claimed that in 2008 there were 'less than 30 Tharu officers in the Nepal Police and army¹², only two Tharus in officer level posts in the civil service¹³, less than 10 percent Tharu VDC Chairpersons and 5 percent Tharus in the District Development Committees in the six districts, with a significant Tharu population, where research was carried out.¹⁴ Many Tharus, though, take pride in the great extent of Tharu representation in Nepal's national sports teams.

The beginnings of Tharu activism in the 1950s: Central and Eastern *Tarai*

Until the 1950s, malaria was a serious issue in the Nepal *Tarai* (particularly in the West) and effectively prevented large scale settlement by other communities into the *Tarai*.¹⁵ As the Tharus were the only community that could live in the *Tarai* in large numbers¹⁶, their labour was invaluable to the State for extracting resources from the forests and jungles of the *Tarai*. For that reason, Nepal's monarchy, followed by the Rana regime, recognized the local authority of the Tharu elite, appointing them as 'administrators' and making them responsible for tax collection, dispute resolution and other tasks—that is, making them part of the architecture of State governance.

As large portions of the *Tarai* were mainly jungle in the early 19th century, there was limited settlement by other communities. However, during the course of the 19th Century, the Nepali State allowed many Bhojपुरi and Maithili speaking people to move into the Central and Eastern *Tarai* from India in an effort to increase the population and make the area more economically productive. As this progressed, influential Tharu elites were gradually superseded by these incoming 'Madheshis', some of whom were able to establish themselves as large landlords. As the importance of the Tharu elite diminished, they gradually developed a 'client-patron' relationship with these Madheshis and became their subordinates or functionaries. The importance of the Tharu community reduced further as they were no longer needed to work the forests. In addition, following the fall of the Rana regime, the traditional systems of governance that had benefited elite Tharus were replaced by more centralized State structures. These did not recognize the Tharu ruling class, which was subsequently left in a precarious situation.

⁶ SK Singh 'The Great Sons of the Tharus: Sakyamuni Buddha and Emperor Asoka the Great'.

⁷ Surendra Chaudhary, United Tharu Democratic Front, private interview

⁸ Sarita Chaudhary, Deputy Chairperson, Tharu Welfare Society, Rupandehi

⁹ <http://www.nepalarmy.mil.np/inclusiveness.php>

¹⁰ Nepal Census, 2011.

¹¹ Nepal Civil service Act (second amendment) 2064.

¹² Dahit, G. 'Social Inclusion/Exclusion in relation to Tharu Indigenous Knowledge and Practices'. Social Inclusion Research Fund, Kathmandu, 2008.

¹³ Dahit, G. 'Social Inclusion/Exclusion in relation to Tharu Indigenous Knowledge and Practices'. Social Inclusion Research Fund, Kathmandu, 2008.

¹⁴ Dang, Banke, Bardiya, Kailali, Kanchanpur and Surkhet districts.

¹⁵ Although there have been some Madheshi communities in parts of the Central and Eastern *Tarai* since the period of the Mahabharat, mainly along the Southern Border.

¹⁶ Tharus are generally believed to be at least partially immune from malaria.

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It was in this context of diminishing importance and increasing distance from the State, increased competition for resources with other groups and a rising level of landlessness that mobilization around Tharu identity began, mostly notably through the Tharu Welfare Society (TWS), which held its first conventions in the Central and Eastern *Tarai* in 1951.¹⁷ For a long period, the TWS was very much dominated by the wealthier and more educated Tharus of the Central and Eastern *Tarai* and was, until the 1980s, the only significant organization advocating on Tharu issues. It effectively came to function as a government recognized regulatory body for the Tharu community with the authority to impose fines for breach of caste rules and limited punishments for misdemeanors well into the 1970s.¹⁸ Moreover, in comparison to Tharus in the Mid and Far West, Tharus in the Central and Eastern *Tarai* had greater access to education in India and were therefore more familiar with the new forms of political organization developing there. Although the TWS has representation across the whole of the *Tarai* and is the Tharu constituent of NEFIN, even today its heartland remains the Central and Eastern *Tarai*. The organization was intended to be a non-political society advocating for Tharu issues encompassing all Tharu groups and working to address problems both within the Tharu community and between the community and the State.

The aims of the TWS were not particularly revolutionary and although the TWS did briefly discuss the idea of a 'Tharu State' at the time of its inception, it was swiftly abandoned. At its first conference, the TWS made it part of its mandate to 'oppose blind superstition'¹⁹, reform marriage rules²⁰ and reduce the unnecessary costs of celebrations—all of which were seen as obstacles for Tharus from achieving a respectable position in a predominantly Hindu Nepali society. Critics within and outside the organization claim that the elite nature of the organization placed it too close to Nepal's establishment for it to reduce the exclusion of the ordinary members of the community from the State.²¹ This, though, was at a time when the State did not tolerate open ethno-political activism or discussions on federalism and any activity had to be restricted to social and cultural activities.²²

The 1980s and new movements emerging in the Mid and Far Western regions

In marked contrast to the TWS, a new and different Tharu movement emerged in the Mid and Far Western Regions in the early 1980s. The strong presence of malaria in the Dang Valley and the *Tarai* districts to its west meant there was a lack of migration from the Hills of Nepal into the Mid and Far West *Tarai*²³ and the Tharu communities there were in comparative isolation until the anti-malarial campaign of the 1950s.

As land opened up following the eradication of malaria, large numbers of so-called High Caste Pahadi migrants moved into these districts. Some sources estimate that nearly two million people moved from the hills into *Tarai* districts between 1951 and 1965, mostly those of the Mid and Far West.²⁴

Many Tharus did not fully understand the implications of borrowing money, and either

Tharu activism in the 1980s and participation in political parties

Tharus (both within and outside political parties) have expressed the view that Tharu association with political parties may not have been in the long term best interest of the Tharu community. Many believe that the tendency of political parties to form Tharu 'sister organisations' has undermined the overall Tharu cause by dividing Tharus on party lines and even caused occasional violence between Tharu groups related to different political parties even though they have been advocating on the same agenda. Various Tharus have also criticised the historical lack of Tharu participation in the main executive bodies of various political parties. Many Tharu activists since 2007 have criticized that the mainstream political parties do not attach real significance to their issues. In 2006, a prominent Tharu split from the UCPN-M, claiming that the party was not 'interested' in Tharu issues. This trend resurfaced in late 2012 and early 2013, when a number of Tharu leaders walked out of major political parties, claiming that the parties were 'not concerned with our issues'. However, some Tharu members of major political parties claim that Tharu inclusion and representation in decision making has increased since May 2012. Important to note, there were 34 Tharu CA members, the highest ever level of Tharu representation, even if well below the Tharu proportion of the population.

¹⁷ Founded in 1949, the TWS is the oldest still functioning Tharu organization and also Nepal's oldest registered NGO. The founder of the TWS, Keval Chaudhary, was from Rautahat District in the Central *Tarai*.

¹⁸ Gunaratne, Arjuna Tharu-State Relations in India and Nepal, MacAlester College, 2013

¹⁹ Many Tharu groups have religious practices which are not recognized as 'orthodox' by so-called high caste Hindus, which proved an obstacle to upward social mobility.

²⁰ Some Tharu groups also practiced cross cousin marriage, which is not acceptable in so-called high caste Hindu culture.

²¹ Raj Kumar Lekhi, former Chairman of the TWS and current Chairman of NEFIN, private interview.

²² Many other ethnic organizations were following a similar path, such as the Thakkali Samaj Suddhar Sangh (Thakkali Society Improvement Association), formed amongst Thakkalis in Pokhara in 1954.

²³ The districts of Banke, Bardiya, Kanchanpur and Kailali were under British control 1816-1860. The British strongly discouraged the immigration of non-Tharus into the area during this period, so as to not cause the Tharus to be displaced, potentially disrupting their role in the extraction of forest resources.

²⁴ Sherchan, Moktan and Tharu, 'The Way Forward', in Kathmandu Post, Feb 22, 2010.

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having poor (or no) Nepali language skills and thus being unable to understand contracts, often took loans mortgaged against their land that they could not repay. Many of the creditors were so-called 'Upper Caste' migrants from the Hills and tensions between the communities grew as more Tharus lost their lands. At that time, the local administration was dominated by Pahadis and entirely Nepali speaking, while many Tharus spoke very little Nepali.²⁵ This linguistic divide, coupled with a lack of written land-titles²⁶ and low Tharu literacy, meant that dealing with local administration was a hostile and unrewarding experience for many Tharus.²⁷ Many new migrants also shared caste or even family relations with the local administration²⁸, giving the impression to Tharus that the State was biased against them and would not assist them with these challenges.

In many instances, the newcomers altered loan contracts, falsified land deeds or simply threatened them and many Tharus in the Mid and Far West ended up losing their land.²⁹ Many were impoverished and some found themselves transformed into bonded labourers known as *Kamaiya*. Rather than challenge the migrants with violence and seeing no possibility of assistance from the State, many Tharus from Dang simply migrated to Banke and Bardiya. Although there are no accurate statistics, there are reports³⁰ of whole villages moving, while others sources estimated ten thousand people left Dang for Banke or Bardiya in the 1970s and 1980s.³¹

Many sources argue that this history of bonded labour and loss of land has been central to Tharu mobilization in the Mid and Far West. It has shaped the relationship between ethnic groups (as the creditors were largely so-called Upper Caste Pahadi landlords, although there were also Tharu landlords) laying the foundations for the confrontations between so-called Upper Caste Pahadis and Tharus of May 2012. Some sources contrast the 'client-patron' relationship of Tharus and Madheshis in the East to the 'Colonised-Coloniser' relationship of Tharus and Pahadis in the Mid and Far West.³² Being reduced by migrants to bonded labour and impoverishment on their own ancestral land has been a cause of great resentment for many Tharus in the Mid and Far West. The perception that the Nepal State condoned and did nothing to prevent this process of profound dislocation and exclusion provides the basis for Tharu mobilization alongside other *Adibasi Janajati* groups, according to many Tharus sources.³³

In this context, a new form of Tharu mobilization emerged in the early 1980s in the Mid and Far Western *Tarai*. It was driven by small, local NGOs run by young people from a more lower-middle class background (and later supported by heavy international donor funding) with the initial aim of spreading education amongst Tharus as a means to combat exploitation. Although this movement was largely driven by one NGO, BASE³⁴, by the early 2000's over 150 Tharu organizations came together to form the Tharu Indigenous NGO Federation (TINGOF). This NGO driven movement³⁵, eventually came to also mobilize large numbers of people for protests against the legality of bonded labour, which resulted in the outlawing of the *Kamaiya* institution in 2000, although traces of the institution and its parallel, the *Kamalhari* system, persist.³⁶

However, the protests organised by BASE and others leading to this important landmark were sometimes confrontational and there was occasional violence between Tharus and so-called Upper Caste landlords, as well as between Tharus and the security forces.

²⁵ In the Central and Eastern *Tarai*, Tharus speak languages very similar to Maithili and Bhojpuri. However, the Tharus from Chitwan westward speak languages of which are very much distinct from Nepali.

²⁶ Until the mid-1950s, Tharus in this area had a largely non-monetary economy and very limited practices of documenting landownership (Gunaratne, Arjuna Tharu-State Relations in India and Nepal, MacAlester College, 2013).

²⁷ Rukmini Chaudhary, former CA member FDNF, private interview.

²⁸ Bal Bahadur Dangaura, Tharu intellectual and civil society activist, private interview.

²⁹ Gunaratne, Arjuna Tharu-State Relations in India and Nepal, MacAlester College, 2013.

³⁰ Ibid, Krauskopff, Gisèle (2007). "[An 'indigenous minority' in a border area: Tharu ethnic associations, NGOs, and the Nepalese state](#)". In Gellner, D.N. *Resistance and the state: Nepalese experiences*.

³¹ Gunaratne, Arjuna Tharu-State Relations in India and Nepal, MacAlester College, 2013

³² Raj Kumar Lekhi, Chairman of NEFIN, private interview, Birgunj

³³ *Ibid*.

³⁴ BASE was originally called the Charpate Club and founded in 1985 in Dang. It converted itself into BASE in 1990.

³⁵ As well as BASE, INSEC and SWAN also played prominent roles in establishing this movement.

³⁶ "[Kamaiya: Slavery and Freedom in Nepal](#)". MS Nepal. <http://www.ms.dk/sw14583.asp>.

The Tharu movement during the internal armed conflict

The internal armed conflict had lasting influence on the Tharu movement, exposing Tharu activists to new forms of organization, and by encouraging militancy and politically empowering them.³⁷ The UCPN-M successfully mobilised Tharu participation during the internal armed conflict based on key grievances (for example landlessness, indebtedness, and cultural dislocation) which predated the conflict. Importantly, with the exception of the abolishment of the *Kamaiya* institution, almost all of the reasons for Tharu participation in the internal armed conflict persist. This is important to note because many Tharu actors interviewed for this Bulletin considered the Tharu involvement in the conflict and their mass mobilization in 2009 and May 2012 to be continuations of this previous Tharu conflict with so-called Upper Caste landlords in the Far and Mid West and clearly, as many of these issues remain, so does the potential for conflict.

Although the TWS briefly raised the issue of a Tharuhat State in the 1950s, the idea had largely been abandoned until the UCPN-M created various 'ethnic' regions, including a 'Tharuwan' province (although this was an administrative unit for the party, rather than full fledged 'ethnicity based federalism'). The idea of a Tharuhat state was further developed by Tharus of whom many had been involved in the UCPN-M and eventually left to found their own organizations, in particular the Tharuhat Autonomous State Council, the Tharuhat Sena (Tharuhat Army) and, later, the Tharuhat *Tarai* Party Nepal. At times, however, the relationship between the UCPN-M and the broader Tharu movement has been uneasy. Both members of the TINGOF and the Badghar Mahasangh have complained that the UCPN-M harassed them during the internal armed conflict as strong Tharu structures at the local level were seen as an obstacle to establishing the UCPN-M's 'People's Government' in rural areas.

In addition, the conflict inflicted a disproportionately large loss on the Tharu community as more Tharus died or disappeared than any other community (around ten percent of the roughly 16,000 in the whole conflict³⁸). For example, over 85% of the cases of enforced disappearance documented by OHCHR Nepal in Bardiya district were from the Tharu community.³⁹ Many Tharu commentators (as well as external observers) felt that the conflict between Tharus and so-called Upper Caste migrants into the *Tarai* was continued in a different form through the internal armed conflict; that individuals within the then Royal Nepal Army deliberately targeted prominent Tharus who had challenged the authority of local landlords and, likewise, a number of landlords, particularly in the Dang Valley (but also in Banke, Bardiya, Kanchanpur and Kailali) were displaced by UCPN-M, often with support of the Tharu tenants⁴⁰, and lost control of their property.

Post-conflict Tharu organizations and the re-emergence of traditional structures

The Tharuhat Autonomous State Council (TASC)⁴¹: In 2006, in the period around the signing of the Comprehensive Peace Agreement, the TASC was formed to advocate for the establishment of a 'Tharuhat state', greater inclusion of Tharus in the Nepali State and the realization of the rights of indigenous people in accordance with international legislation.⁴² Maycock⁴³ states that the TASC, in many ways, incorporates 'pre-existing Tharu organisations' working towards a common agenda (the realization of a Tharuhat State). The TASC, alongside the Tharuhat Joint Struggle Committee (see below), played a key role in the Tharu movements of 2009 and 2012. Maycock says that TASC represents an 'evolution from a Tharu ethnic movement to a more adversarial Tharu political movement'.

The Tharuhat Sena (TS): In November 2008, the TS was founded in Kailali District (as a wing of the TASC), with the aim of 'making the revolt of the indigenous people successful'.⁴⁴ Although the TS has remained largely inactive, it did illustrate the level of frustration many Tharus felt and indicates that there is, at times,

³⁷ Matthew Maycock 'The Influence of the TASC', University of East Anglia, 2011.

³⁸ Bhanu Ram Tharu, Chairman of the Tharuhat *Tarai* Party Nepal, private interview.

³⁹ UNOHCHR 'Conflict Related Disappearances in Bardiya District' 2008.

http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2008_12_19_Bardiya_Report_Final_E.pdf

⁴⁰ Rukmini Chaudhary, former CA Member, FDNF, private interview.

⁴¹ The TASC now functions as a sister wing of the TTPN. Bhanu Ram Tharu, Chairman, TTPN.

⁴² TASC was originally an affiliate member of the Federal Democratic National Front (along with Limbu, Tamang and Khambhu groups), a national political party which gained 4 seats in the CA, including a Tharu elected from Dang.

⁴³ Matthew Maycock 'The Influence of the TASC', University of East Anglia, 2011.

⁴⁴ Laxman Tharu, then Chairman of TASC, cited in Maycock, 2011.

a militant strand in Tharu activism. Since mid 2012, the Tharuhat Sena has also been known as the Tharu Youth Force.

The Tharuhat Joint Struggle Committee (TJSC): first appeared in July 2008, comprising several Tharu groups, including TWS, Tharu Student Society, Tharu Youth Front and TASC, protesting against Madheshi demands for 'One Madhesh, one Pradesh' (which contradicts with Tharu demands for a Tharuhat state). The TJSC generally only functions at times when the Tharu community wants to collectively mobilise, remaining inactive otherwise. It has played significant roles in the Tharu Movements of 2009 and 2012.

Badghar system: Another more recent form of mobilization amongst Tharus in the Mid and Far West has been around the revitalization of the Badghar system and traditional forms of governance. Since 2010, the Mid and Far West has also seen efforts to revitalize, organize and gain recognition from the Government for the Tharus' traditional form of annually elected governance, the Badghar system.⁴⁵ Although Tharus claim that this system has been their system of governance throughout their known history and some sources refer to the institution as early as the 12th Century, the system was badly disrupted by the influx of immigrants into the *Tarai* and the internal armed conflict. The Local Self Governance Act (1999), which effectively excluded Badghars from the local decision making process, was a further blow. The Badghar Mahasangh was established in 2010, focusing on a wide range of issues such as reservations for Tharus in government employment, recognition of Tharu customary law, budget allocations for Tharus, the establishment of a 'Tharu state' and demands relating to Tharus disappeared during the internal armed conflict.

It has long been a complaint of Tharus and other *Adibasi Janajatis* that the State has done a great deal of damage to traditional structures by excluding them from local decision making processes and structures such as the Village Development Committees (VDCs) and District Development Committees (DDC), which have been largely taken over by political parties. Likewise, the various resource management committees and dispute resolution or paralegal committees set up by the State or supported by donors have also served to displace Badghars from their previous functions. There is significant potential for tension between mainstream political parties and Tharu communities over the role of traditional structures as the two institutions seek to play the same role and occupy the same space.

The events of May 2012 demonstrated that some Barghars can mobilize large numbers of community members around political issues and this played a key role in the Tharu Movement achieving the size and strength that it did. Yet, it is also not immediately clear that all members of the Tharu community would accept customary law. Many Tharu sources have noted that the younger generation of Tharus has grown up during the conflict with limited exposure to or understanding of traditional structures, being more accustomed to State structures, working through NGOs or going to political parties for patronage or dispute resolution, although one source from Dang believes that communities are increasingly electing younger Barghars.⁴⁶

Tharu movement 2009 and after

In February 2009, the Government of Nepal decided that all *Tarai Adibasi Janajatis* would be considered as Madheshis for the purposes of government quotas, reservations and budgets. Although the rationale was that Tharus would benefit and there were Tharus in influential positions in various Madheshi parties, the decision prompted a forceful response and mass demonstrations from some sections of the Tharu community⁴⁷, coordinated by the TJSC and TASC. The TJSC objected that Tharus are not Madheshis, but also that Tharus would not be able to compete with Madheshi elites⁴⁸ if they had to compete for the same quotas. The Chairman of the TWS called the move a 'direct attack on our ethnic identity'.⁴⁹ This response, mainly in the form of a hugely effective 13-day *bandha* across the *Tarai*, resulted in an agreement between the TJSC and the Government to reverse the decision on the quota issue and 'inclusion' of various excluded communities in accordance with Article 33 of the Interim Constitution. This mass movement was followed in

⁴⁵ Tharu Badghars have traditionally had a semi-judicial role, as well as some role in resource and manpower mobilization (for example, organizing irrigation in a village or mobilization of the community to maximize efficiency during rice planting or harvests).

⁴⁶ Surendra Chaudhary, UDTF, Private interview.

⁴⁷ Including the TWS, the Tharu Rastriy Mukti Morcha, the TJSC, NEFIN and Nepal Loktantik Tharu Sangh.

⁴⁸ The TJSC also objected to the *Tarai* being officially called 'Madeshi' and demanded that it be termed '*Tarai Tharuhat*'.

⁴⁹ <http://www.unhcr.org/refworld/docid/49c370931e.html>

April and May 2009 by a further 12-day *bandh* prompted by frustration that the Government had not moved to implement its previous agreement.⁵⁰

Tharu demands for a federal ‘Tharuhat’ state began to grow in earnest from this point onwards and for Tharus in the Mid and Far West, the demands for federalism seem to be of a more immediate and vital nature than the Central and Eastern *Tarai*. As one (non-Tharu) politician in Kailali District said of the protests in May 2012, ‘I don’t know what it is like in the East. I think that the Tharu movement there is about pride and about their identity. Here it is not like that. Here it is about emancipation, about freedom from exploitation, about regaining their dignity’. Although the relationship between Madheshi and Tharu leadership soured after this Tharu agitation, by July 2011 the relationship had been repaired to the extent that the TJSC, the TWS and the Madheshi Morcha came together to sign the ‘Dhulikhel Declaration’. This agreement outlined a common understanding on the geographical boundaries of a future Tharuhat/Madhesh/*Tarai* province (without specifying its internal boundaries) and a shared vision of the rights of the inhabitants of this province. “It was our common understanding that neither Tharu nor Madheshi community can achieve their rights without an alliance between them,” stated Laxman Tharu, Coordinator of the United Tharuhat Struggle Committee.

This was followed on 20 April 2012 by a meeting in Chitwan between the broader Tharu political community, at which there was a general agreement that Tharus should support a three state division in the *Tarai*, rejecting the ‘One Madhesh, one State’ demand of the Madheshi parties. Since the dissolution of the CA, different actors have expressed differing opinions as to whether this position still stands.

Principal Tharu Demands

The ambitions of the various Tharu organizations vary greatly and it would be inaccurate to speak of ‘Tharu demands’ as though all Tharu organizations had a unified agenda to present to other actors. Some organizations focus purely on cultural issues, while others advocate on the revival of traditional structures and the recognition of customary law, on bonded labour and landlessness (particularly prevalent in the Mid and Far Western *Tarai*) or on national politics and the federalism debate.

There are, however, some issues which are central to Tharu political mobilization, even if they are not all of the same relevance to all Tharu groups – these include:

- **Recognition that Tharus are not Madheshis** is one of the main concerns for all Tharu groups interviewed for this bulletin. This is based both on the point of principle that they constitute a separate people, as well as on the more pragmatic point that being included in the ‘Madheshi’ category by the State would have a negative impact on the access of Tharus to quotas and reservations in State employment. Likewise, if Tharus are not recognized as being a distinct people then their claims for a ‘Tharuhat State’ would be seriously undermined.
- **‘Tharu reservations based on population’** in government institutions was emphasized by all Tharu actors and organizations interviewed. They argue that Tharus should not be in the same quota as Madheshis, with whom they do not believe that they can compete. Some Tharu groups¹ also doubted whether they should be in the same category as ‘Hill Janajatis’, as they felt that Tharus cannot compete with them given what they believe to be Tharus’ comparatively lower levels of education.¹ The ITNGOF has gone as far as to demand that all senior Government positions in the ‘Tharuhat’ be filled by Tharus.
- **Implementation of ILO Convention 169 and the UN Declaration on the Rights of Indigenous People (UNDRIP)**¹ is also central to Tharu mobilization. Even within this, various aspects of this legislation have become important for different groups of Tharus. For example, the recognition of traditional structures and customary law is of great importance in the Mid and Far West where the Badghar system remains strong. In the East, where these traditional structures do not exist, the main appeal is in increased influence over the use of natural resources (which is also true in the Mid and Far West). However, as Tharu groups interpret both customary law and the relationship between Indigenous Peoples and natural resources to be a part of ILO 169, all Tharu groups have advocated for implementation of the Convention (which Nepal ratified in 2007 but is yet to implement). As part of this, **free, prior and informed consent** (FPIC) in relation to development work is also an issue raised across the *Tarai* by Tharu communities. There have been numerous incidents throughout 2012 of Tharu communities challenging development activities by both Donors and the Nepal Government, occasionally forcefully, due to a perceived lack of consultation. This is certainly an issue which Donors and Development Partners should be aware of, lest they provoke conflict through their activities.
- **‘Federalism with identity, constitution with federalism’** is an issue raised by Tharu groups from across the entirety of the *Tarai* and which seems to provide a common basis for mobilisation. This has been explained to mean a federalism in which Tharus are recognized as a group distinct from the Madheshis, giving recognition of Tharu’s historical association with certain territory and access to certain rights and reservations. However, there is disagreement between various Tharu actors about what the boundaries of a Tharu state would be or how the *Tarai* should be divided. Although Tharus and Madheshis have reached an agreement on the geographical boundaries of a ‘Tharuhat-Madhesh’¹ province, the internal borders of such a province are not clear; Tharu groups variously advocate for anything from one to four provinces in the *Tarai*

⁵⁰ Agreement between the Government of Nepal and the Tharu Indigenous Community agitating in the *Tarai* and Nepal Adibasi Janajati Mahasangh (March 14th, 2009).

Possible tension over Tharu demands relating to federalism

In some senses, demands for federalism from Tharu actors can be understood, particularly in the Mid and Far West, as a means to an end, when other forms of protest and mobilization have not yielded the desired results and it should be understood that widespread demands for a 'Tharuhat' are comparatively recent.

Tharu federal state restructuring demands could result in conflict in a number of ways:

- **Tharus and political actors opposed to 'ethnic federalism' could come into conflict**, as they did in May 2012⁵¹. The protests of May 2012 in Kailali and Kanchanpur were well documented and it is not necessary to elaborate here on the potential conflict between supporters of a 'United Far West' (regarded largely as a so called 'Pahadi' movement) and a 'Tharuhat province'. The underlying reasons for these protests and the communal tensions which they revealed remain unaddressed and many local actors believe that they will resurface when the central level political process provides a stimulus (e.g. fresh elections or constitution making). Localized tensions between Tharus and 'United Mid-West', 'United Lumbini' and 'United Western Region' movements in May 2012 could also re-emerge.
- **Tharu political activism focused on federalism could also possibly lead them into confrontation with other groups which have competing claims over territory**. For example, there is an obvious contradiction between the Madheshi claim for 'One Madhesh, One Pradesh' and the Tharu claim for the whole of the *Tarai* to become a 'Tharuhat'. There are several districts in the Central and Western *Tarai* where large Tharu and Madheshi populations co-exist and where some compromise will have to be reached. Likewise, in the Eastern Region, some Tharus have agitated for a Koch Tharu State⁵² that overlaps with claims by various Limbu and Rai actors, many Madheshi groups as well as the 'Greater Morang' movement⁵³.
- **There is the possibility of tension between Tharu groups with differing agendas and concerns**. For example, in May 2012, the Rana Tharu Samaj carried out demonstrations in Kanchanpur and Kailali, advocating for a 'Rana' Tharuhat comprising those two districts, at the same time that other Tharu groups were agitating for a Tharuhat province encompassing the entire *Tarai*. There were tensions between the leadership of the Rana Tharus and the TJSC over whether the Rana Tharus should agitate to be recognized as a separate group with distinct federalism ambitions. Some Tharus in the Mid and Far West have no wish to see the whole *Tarai* as one Tharu State; they believe that they would not be able to compete with Tharus from the East whom they regard as more educated and politically sophisticated.

Conclusion

Looking at the historical trend, Tharu mobilisation has steadily increased over time, as have the numbers of Tharu actors and the 'grievances' around which Tharu mobilisations have centred. It is clear that Tharu mobilisation needs to be better understood by development partners working in Nepal's complex context, particularly as Tharu issues are, to a degree, emblematic of the challenges facing other excluded groups. In this regard, it is important to understand the prospects for further disruption and protest regarding the peace process (linked to the formulating the new constitution and state restructuring).

As the outcomes of the current political arrangements to hold elections and put constitution making back on track remain uncertain, development partners need to also remain observant of events outside of Kathmandu political processes. As occurred with the Tharu movements in 2009 and in May 2012, the potential for Tharu protests (as well as those of other Identity based or marginalized activist groups)) to impact on the national context should not be unanticipated. Moreover, development partners engaged in local level projects are advised to re-enforce their efforts to ensure accountability, transparency, impartiality and inclusiveness, as well as understanding their obligations under Nepali law in relation to the rights of Indigenous Peoples in their programming both as good development practice and to avoid unknowingly provoking further conflict.

Disclaimer: This field bulletin is prepared following a brief field study and also uses secondary data. The information presented in this field bulletin does not imply official endorsement or acceptance by the United Nations. Although the RCHCO aims to confirm all information independently, occasional factual inaccuracies can occur.

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⁵¹ RCHCO Field Bulletin, "Confrontation over federalism: emerging dynamics of identity-based conflict and violence, Issue #41" – available at: <http://un.org.np/node/21019>.

⁵² Comprising Jhapa, Sunsari, Morang and parts of Saptari, Siraha and Udayapur.

⁵³ Advocating for Jhapa, Morang and Sunsari to be one administrative unit.